

APPENDIX F

CONSTRUCTION, OPERATION AND MAINTENANCE OF CLUSTER WASTEWATER TREATMENT SYSTEMS, COMMUNITY DRAIN FIELDS AND OTHER SANITARY TREATMENT FACILITIES UNDER THE MICHIGAN DRAIN CODE

Sections 280.433 of the Michigan Drain Code authorizes the establishment of County drainage districts for the purpose of construction, operation and maintenance of sanitary wastewater treatment facilities. Special assessment districts can be set up through procedures similar to those utilized for storm water management (drainage) districts under the Code. The facilities may be constructed privately with jurisdiction subsequently assumed by the County Drain Commissioner for operation, maintenance and replacement, or may be constructed by the Drain Commissioner. Once a drainage district is established and operating, all future costs and responsibilities rest with the special assessment district.

To date, the Washtenaw County Drain Commissioner has not been involved with the operation of sanitary treatment facilities. Because, however, inquiry has been made regarding policies relative to such systems, the following preliminary guidance has been drafted to describe the terms and conditions under which establishment of drainage districts to manage operations of sanitary facilities may be considered. (It is assumed that facilities will be constructed by the private developer, and jurisdiction subsequently assumed by the Drain Commissioner.)

- In order to be considered by the Washtenaw County Drain Commissioner, the system must be proposed to alleviate an existing health problem, or to allow clustering of development so as to preserve natural features and open space in a proposed new development. A minimum of 50% preserved open space will be required.
- The proposed density of the development to be served must be consistent with both the County's and the local government's master plans.
- Formal written request from the local government in which the district would be located is a prerequisite to consideration of establishment of a county drainage district for cluster systems, community drain fields or other waste treatment facilities. Private developers' proposals will not be considered unless accompanied by request of the affected community(ies).
- Approval must be obtained for system design and installation by the Office of the County Drain Commissioner, County Environment and Infrastructure Services Division, as well as MDEQ where required.

- The private developer of the system will pay all administrative, technical review and inspection costs. The developer must fund the cost of review of plans, and supervision of installation, by an independent professional engineer under contract to the Office of the Washtenaw County Drain Commissioner.
- The system must be warranted, at the developer's expense, through 2 freeze-thaw periods.
- A maintenance program and a contract for ongoing maintenance with a private or public entity acceptable to the Office of Drain Commissioner must be in place. Costs should be borne by the Condominium or Subdivision Association of the area served, though the Drain Commissioner will have necessary work performed and levy special assessments to cover the cost incurred should the homeowners' association fail to fulfill this obligation. A schedule for reporting to the Drain Commissioner, as well as a timeframe for response by the homeowners' group upon notification of needed maintenance must be specified in the Rules or Agreement governing its operation.
- A clear definition must be set forth in the Subdivision Agreement or Condominium Master Deed as to those facilities that remain the responsibility of individual property owners for operation, maintenance and replacement, verses those that fall under jurisdiction of the County Drainage District. All property owners will bear equally in paying costs of any service, repair or replacement of the County portions of the system.
- Provision must be made for annual inspection of system by the Washtenaw County Environment and Infrastructure Services Division, or its designee, at property owners' expense.
- An escrow fund sufficient to cover replacement of the system shall be established in the name of the Drainage District at the time the County assumes responsibility.

Other terms and conditions may be developed to serve site specific needs on a case-by-case basis.