

# State Sanitary Code Local Health Department Perspective

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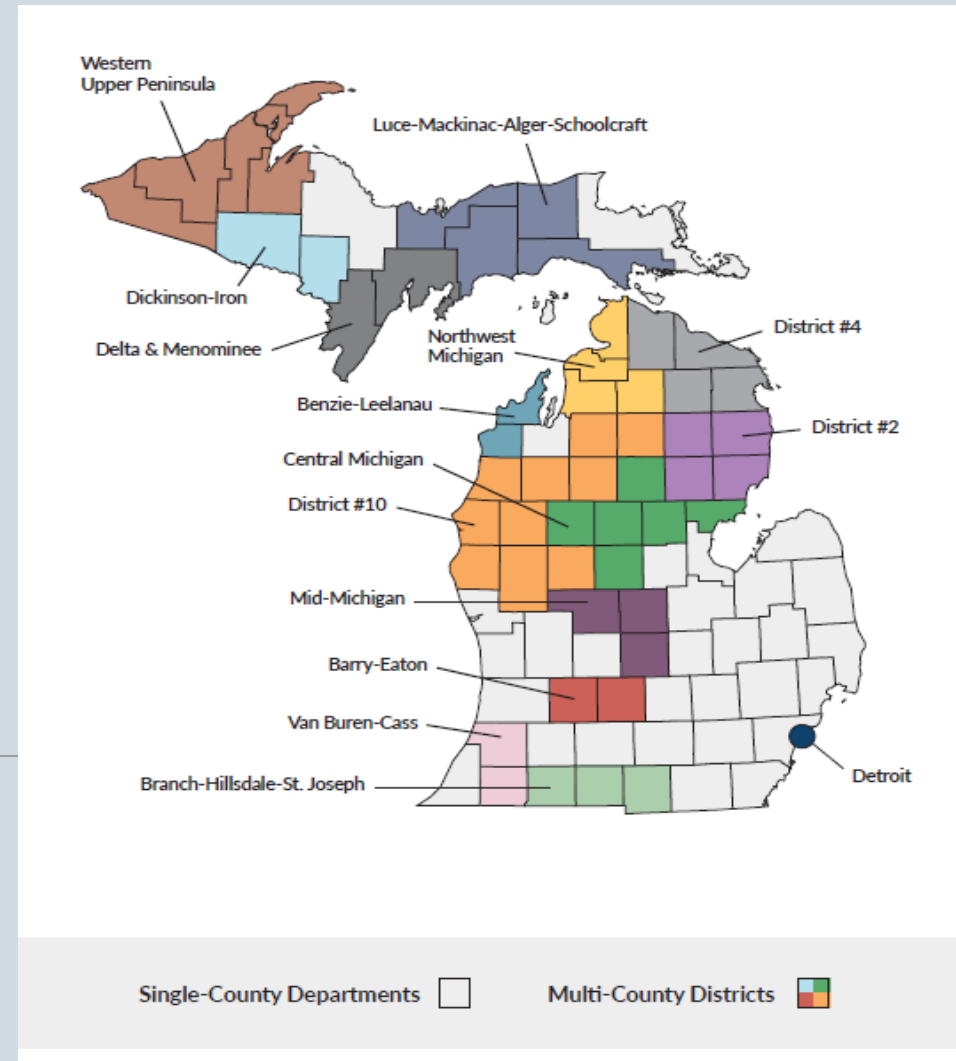
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# Local Health Departments (LHD) in Michigan

83 Counties in Michigan  
45 Local Health Departments

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Single County/City  
Multi –County Districts



# Regulatory Authority for Onsite Wastewater

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Section 2435 of the Public Health Code, 1978 PA 368, as amended, allows LHDs to “adopt regulations to properly safeguard the public’s health and to prevent the spread of diseases and sources of contamination.”

Section 3103 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, delegates authority to the DEQ to “protect and conserve the water resources of the state,” and to control “pollution of surface or underground waters...which are or may be affected by waste disposal of any person.” EGLE oversees administration of Part 22 Rules for groundwater discharge.

The State of Michigan has recognized that all LHDs through their sanitary codes would be responsible for the issuance of per its pertaining to wastewater discharges at private, single and two-family residences for decades. (Water Resources Commission)

Approval of local codes by local governing bodies is confirmed through LHD program accreditation for over quarter of a century. LHD onsite wastewater programs have been fully accredited received funding as a result.

# Onsite Sewage Disposal and Treatment is Regulated in Michigan

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Of the 45 LHD jurisdictions, 39 utilize a local code for on-site wastewater systems. There are 5 jurisdictions in the Upper Peninsula that utilize a common code.

Residential (single and two-family homes) local Sanitary Codes

Nonresidential up to 10,000 gallons per day (gpd)

Up to 1000 gpd covered under local Sanitary Codes

Up to 10,000 GPD covered by Michigan Criteria for Subsurface Sewage Disposal

Existing system evaluations driven by failures, complaints, change of use and in some jurisdictions, point of sale.

Other 49 states have very different codes related to on-site wastewater.

# Current Inventory and Database Creation

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Estimated 1.4 million systems was taken from 2010 census data and residential housing units. This does not include nonresidential systems. This total may be underestimated.

Estimated 4% of the total number of systems under 10,000 GPD are nonresidential.

Data collection on existing systems will be a challenge.

Structures built before codes would not have records. Other records have been purged or destroyed in the past (record retention requirements, fire, flooding, etc.) Older records are not in an electronic format to easily share.

Comprehensive database creation been a challenge in other states that have adopted codes.

Consider funding for state IT and LHDs to develop this inventory, create record reporting requirements with reasonable timelines.

# Workforce Challenges

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Estimated the public health workforce will be reduced by 30-50% over the next ten years.

Difficult to recruit and retain the public health workforce (pandemic fatigue, burnout, negative image of public health).

Increase and demand for Environmental Health workforce due to ongoing emerging issues (e.g, Flint response, lead response, well and septic mandates, public water supply oversight, PFAS, Legionella, vapor intrusion, etc. etc.)

The bills as written would require the addition of numerous of LHD staff to handle increased workload for replacement system evaluations, permitting and inspections

Lack of degreed, credentialed, experienced candidates to fill Registered Inspectors and authorized local health department staff.

Estimated 1,400,000 onsite systems to be evaluated every five years.

Estimated 280,000 per year/52 weeks = 5385 systems/week

If each inspector three (3) per week would need 1799 Registered Inspectors

LHD staff increase estimates are not known at this time.

Training, registration, conflicts of interest are concerns.

# Funding Estimates Registered Inspectors

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Estimates 280,000 per year/52 weeks = 5385 systems/week to be evaluated.

If each inspector three (3) per week would need 1799 Registered Inspectors

The State would require an application fee of \$180.00 for registered inspectors.

Estimated number of registered inspectors 1799 X \$180 application fee = \$323,820.00.

This revenue goes to state and not authorized local health department that would train and register these individuals.

# Funding Estimates System Evaluations

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Estimated 1,400,000 onsite systems to be evaluated every five years.

Estimated 280,000 per year. Estimated cost of typical onsite wastewater system evaluations from point of sale estimates is \$600.00 per evaluation. Septic tank pumping average estimate is \$400.00. State Administrative fee is \$25.00. Estimated costs for evaluation is \$1025.00

Total cost to complete evaluations per year,  $280,000 \times \$1025.00 = \$287,000,000.00$ .



# Funding Estimates System Replacements

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Estimated 1,400,000 onsite systems to be evaluated every five years.

Estimated 280,000 evaluations per year. Point of sale estimates a 25% failure rate or 70,000 failing systems per year.

Conservative estimated cost of conventional system is \$10,000.00. It is estimated that 80% of replacement system permits are for conventional systems. Therefore, 56,000 systems (80% of 70,000) X \$10,000 = \$560,000,000.00

Conservative estimated cost of alternative/nonresidential/engineered system is \$50,000.00. It is estimated that 20% of replacement system permits are for alternative/nonresidential/engineered systems. Therefore, 14,000 systems (20% of 70,000) X \$50,000 = \$700,000,000.00

Total replacement system cost per year 1.25 billion dollars (\$1,250,000,000.00)

Total cost for first five years 6.25 billion dollars. (\$6,250,000,000.00)

State appropriation for \$35 million for Failing Septic System Loan Program. Program has a tentative completion date of September 30, 2026. This would be well underfunded.

# Additional Concerns

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## Enforcement

Cooperation with County Prosecutor's and law enforcement (serve warrants) for potentially 1000's of new cases statewide.

Addition of more LHD staff to confirm failure, gather evidence to move forward with prosecutions.

FOIA increases

## Capacity

Wastewater Treatment Plants, Septage receiving stations statewide

Inspectors, engineers, septage haulers

Preemption of existing local codes

Increase in SSO/CSO releases statewide that continue to pollute waters of the state.

# Moving Forward

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Take advantage of this opportunity to address same issues that has been discussed for three decades

MALPH/MALEHA Core Principals as a guideline.

Create database. Upon reevaluate and phase in evaluation of all systems with sustainable funding.

In interim, consider statewide inspection program for onsite systems. Trigger to include point of sale, change of use, complaint driven.