



To: House Natural Resources and Outdoor Recreation Committee
From: Megan Tinsley, Water Policy Director, Michigan Environmental Council
Date: September 28, 2022
Re: Testimony in Support of HB6101 (pending changes)

Dear Chair Howell, Vice Chairs Markkanen and Sowerby, and members of the Committee:

The Michigan Environmental Council (MEC), together with its members and partners, has long advocated for a statewide septic code to address ongoing water quality challenges and end our unfortunate distinction as the only state in the nation without such a code. Failing septic systems have been recognized as a threat to public health and water quality since at least the 1970s when Section 12752 of the Public Health Code stated the failure of septic systems had the potential to transmit disease and economic blight.

Thus, we appreciate the efforts of Representative Yaroch for introducing HB6101—the only bill addressing septic systems this legislative session—and to the Committee for considering it today. **We support the bill in concept** and have worked with environmental partners to put forward needed amendments. As a state we've been discussing potential solutions to this problem for decades, longer than the average lifespan of a septic system, which is 20 years. With no statewide requirements for pumping, maintenance, or inspections—after installation, most on-site septic systems in Michigan are never inspected again.

We need a statewide septic code and a program to identify failing systems because only 11 of Michigan's 83 Counties have enacted programs designed to detect failing systems and initiate repairs. An evaluation of the Barry-Eaton District Health Department Time of Sale or Transfer program showed a total of 9443 evaluations from 2007-2017 that identified a 27% septic system failure rate requiring some sort of corrective action. Violations were classified under categories such as: Illicit Discharge, No Sewage System Identified or Sewage Observed on the Ground Surface. Unfortunately, this effective program was repealed at the local level which shows we must act as a state. Not only were the number of failing systems detected during the program staggering—the case studies document untreated sewage flowing to a

county drain, untreated sewage flowing to a nearby creek, and sewage discharged into a yard of a house with a young child suffering from an illness indicative of contact with sewage. As a state we are failing to adequately treat human waste from septic systems, which provide the only source of waste treatment for approximately half of the state's residents.

This does not lend itself to the "Pure Michigan" motto. In fact, widespread *E. coli* in Michigan's waters—from failing septics and additional sources—exceed water quality standards and required the development of a Total Maximum Daily Load (TMDL). This sets statewide standards for Total and Partial Body Contact. Currently, EGLE estimates almost 9000 miles of Michigan streams are classified as impaired by *E. coli* for Total Body Contact and as more monitoring is conducted, that number is expected to grow to about 37,000 miles or half of Michigan's streams. The scale and severity of this problem requires action on many fronts. The prevention of *E. coli* entering our waters from untreated human sewage is a critical component of addressing this widespread problem.

As Dr. Joan Rose's research clearly shows, failure to act has significant human health implications. Excess nutrients in our waters also cause algae blooms that degrade the natural environment, limit recreational use, close beaches and affect property values. HB6101 represents a step toward addressing this critical environmental and public health issue and we look forward to continuing efforts following today's hearing to make it more comprehensive. Again, we appreciate the consideration of this issue, which we must address, to ensure our waters will be safe to drink, swim, fish, and boat in the future.

Sincerely,

Megan Tinsley
Water Policy Director
Michigan Environmental Council