



# House Natural Resources Committee

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Presentation:  
February 2023



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# About the Michigan Environmental Council

The Environmental Council champions lasting protections for Michiganders and the places we love by driving powerful policy solutions.

- Formed in 1980, the Environmental Council is the leading non-partisan environmental policy organization in the Great Lakes State
- We have over 80 member groups across the state and region



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# Priority Overview

- Addressing the existential threat of **climate change**
- Protecting the **health** of Michiganders and combating **environmental injustice**
- Creating **thriving, sustainable communities** through mobility, land use, and housing solutions
- Ensuring **clean water** for all
- Protecting our beautiful **natural spaces** and critical **wildlife**
- Enacting reforms that create **good governance** structures



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# ***“Michigan has nation’s weakest regulations on septic systems”***

- Michigan is the only state in the nation without a uniform, statewide septic code
- 30% of residents use on-site wastewater disposal systems
- With no requirements for pumping, maintenance, or inspections—after installation, most on-site septic systems in the state are never inspected again
  - Patchwork system of county and local ordinances



# Failing Septics Fail Public Health

- EGLE estimates Michigan has more than 130,000 failing septic systems
  - Discharge 9.4 billion gallons of untreated wastewater
- Study showed 64 river systems—84% of the Lower Peninsula drainage area—contain human fecal markers
  - Sewage contains over 100 viruses
- 9,000 miles of Michigan streams impaired by *E. coli* for Total Body Contact
  - Expected to grow to 37,000 miles, or half of Michigan's streams

# Septics Solutions: What We Need

- Statewide code
- Regular and predictable system inspection from licensed professional
- Statewide, consistent definition for 'failure'
- Clear timeline and enforceable action for remediation of failing systems
- Funding for program administration
- Ability for locals to go beyond state minimums
- More funding for indigent homeowners and renters with failing systems



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# Wetlands

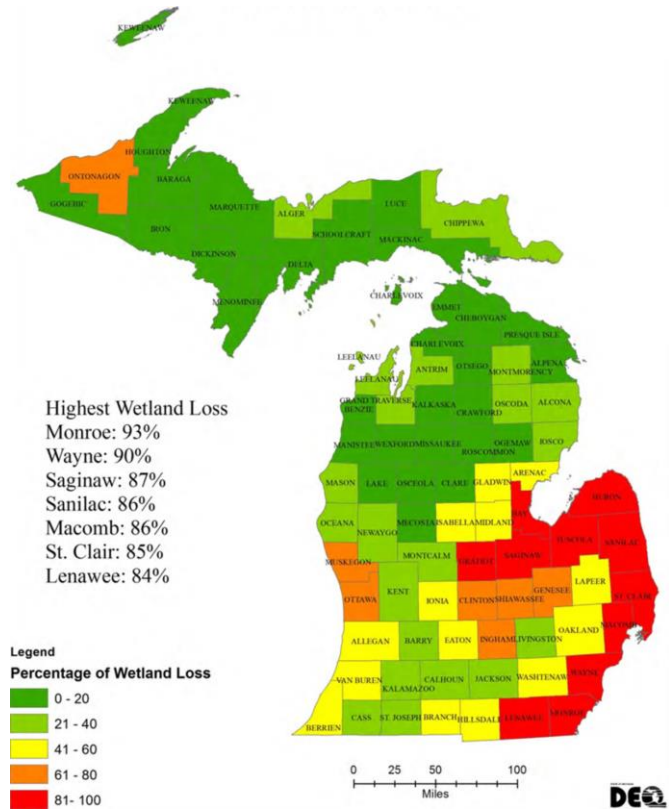
- Play a critical role in water resource and wildlife protection
- Provide:
  - Flood control
  - Water quality protection
  - Shoreline stabilization
  - Wildlife/fisheries habitat



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# Wetland Loss

- We have lost over 40% of our wetlands
- Before European settlement, we had 10.7 million acres of wetlands in Michigan, but since the early 1800s, we've lost more than 4.2 million acres
- Those wetlands were drained primarily for farming and development
- New threats to wetlands have emerged
- Remaining wetlands are stressed



Source: Michigan Radio, Sept. 10th, 2015 <https://www.michiganradio.org/environment-science/2015-09-10/mapping-michigan-wetland-loss>



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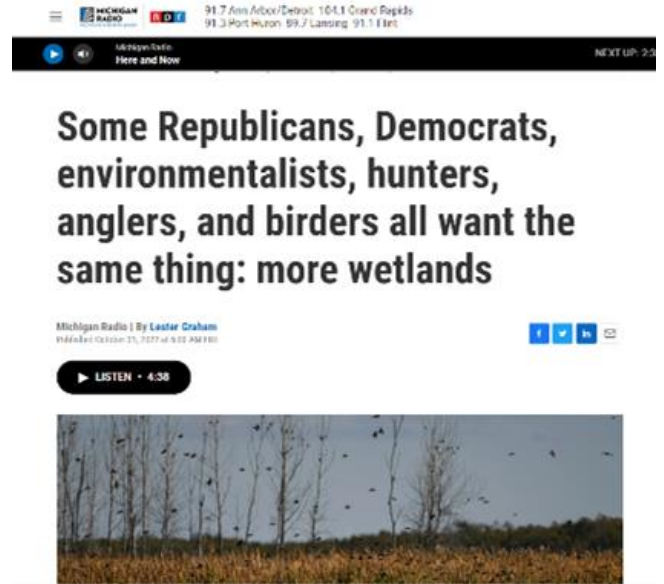


# Stopping Wetland Loss

- Fix Michigan's Clean Water Act Sec. 404 program
  - Section 404 of the Clean Water Act establishes a program to regulate the discharge of dredged or fill material into waters of the United States, including wetlands
  - MI and NJ are the only two states that have delegated authority to administer the program
  - EPA reviewed our program and found it was weaker than federal minimum standards
  - PA 98 enacted in July of 2013, was supposed to fix the deficiencies, but the law failed to correct all of the deficiencies and introduced new inconsistencies with federal law
- US Supreme Court complicating this work

# Stopping Wetland Loss

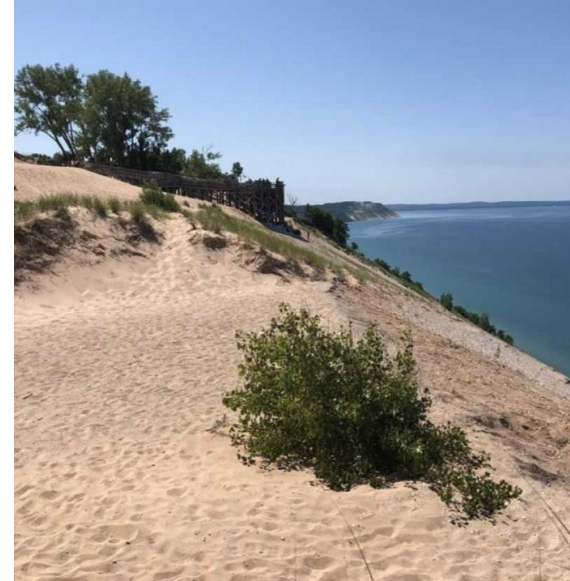
- Appropriations to protect and restore wetlands
  - \$30 million request to preserve and restore wetlands
  - Appropriate \$250 million for stormwater management, including green stormwater infrastructure
    - Include boilerplate that requires using climate change models that reflect precipitation changes in order to access funding



The image is a screenshot of a news article from Michigan Radio. At the top, there is a navigation bar with the Michigan Radio logo and a menu icon. Below the navigation bar, the article title is displayed in large, bold, black text: "Some Republicans, Democrats, environmentalists, hunters, anglers, and birders all want the same thing: more wetlands". Underneath the title, the author's name "Michigan Radio | By Lester Graham" and the publication date "Published October 25, 2022 at 9:02 AM EDT" are visible. To the right of the author information are social media sharing icons for Facebook, Twitter, LinkedIn, and Email. Below the text is a dark blue button with a play icon and the text "LISTEN - 4:38". At the bottom of the screenshot is a photograph of a wetland area with tall grasses in the foreground and bare trees in the background under a clear sky.

# Coastal Dunes and Resiliency

- Freshwater dunes along Lake Michigan and southern shore of the U.P. are globally rare
- Coastal dunes are dynamic ecosystems that shift and change over time
- Lake levels are expected to rise as climate changes



# Coastal Armoring

What we see:

- Coastal armoring to fend off high water levels that only exacerbates erosion

What we need:

- Softer protective solutions: “bioengineering”
- Work with the dunes instead of against
- Statewide setbacks for construction along the Great Lakes



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# Restore Protections For Critical Dunes

- Permitting process to carefully review development in dunes rolled back
- Removal of references to public interest and development of roads, driveways and houses made easier
- No sand dune mining permit for the excavation of 250,000 tons of sand within the Critical Dunes Area that is clearly for a commercial purpose



Need- strengthen and enforce Part 637 (Sand Dune Mining) and strengthen Part 353 (Sand Dunes Protection)



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# Chemical Pollution Prevention and Accountability

- Michigan has more than 24,000 known contaminated sites
- Around 14,000 sites have no responsible party— so it falls to taxpayers
- Reviews consistently show up to 10% of backlogged sites pose immediate public health risks
- Don't have the money or the staffing to address orphaned contaminated sites

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**Most of Michigan's 24,000 contaminated sites await cleanup that might never come**



**Keith Matheny**  
Detroit Free Press



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# Chemical Pollution Prevention and Accountability

We gutted our 'Polluter Pays' law:

- Eliminated strict liability—relying on taxpayers to offset corporate pollution
- Allowed new owners of land to escape liability by filing a Baseline Environmental Assessment
- Moved away from 'clean up' to 'limiting exposure'

Didn't give EGLE funding and staffing necessary to assess, monitor, and clean up orphaned sites



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# Hold Polluters Accountable

- Bring back strict liability- If a person owns contaminated property, they should be responsible for the contamination on it, whether they caused it themselves or not
- Require companies to undertake full and robust clean up of chemical contamination
- Require financial assurance for companies that handle or use toxic chemicals
- Increase fines for environmental violations; ensure fines go back to impacted communities to pay for mitigation projects, and not into the general fund
- Eliminate the statute of limitations for environmental violations



# Prevent Pollution and Increase Transparency

- Reduce harmful chemical use
- Stop bad actors and prevent further chemical use
- Increase transparency through reporting and testing
- Inspect and enforce



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# Questions?



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