



Michigan Association of Local Environmental Health Administrators MALEHA

Representing Local Environmental Health in Michigan

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Statewide Onsite Wastewater Legislation Environmental Health Core Principles

Approved January 2013

Revised February 14, 2019

MALEHA, is the Association of Local Environmental Health Administrators in Michigan. The purpose of this organization is to promote and strengthen all facets of environmental health delivery systems. This is accomplished through the promulgation of effective and efficient administrative policies and procedures and the coordination of administrative effort at the local level through close cooperation with other health agencies, associations and individuals having similar objectives.

Preventing disease, prolonging life and promoting public health is the basic mission of local health departments (LHD). As such, MALEHA recognizes the benefits of a Statewide approach to the management of onsite wastewater. However, support of any such endeavor would require open communication, coordination and collaboration between local health departments (LHDs), Michigan Department of Environmental Quality (MDEQ), and sponsoring legislators or governing bodies. Additionally, MALEHA supports the following attached core principles that should be included in any proposed legislation and/or resulting code.

Funding

- There shall be sustained funding established in the law that will reimburse LHDs, no less than 50% of the cost to administer delegated provisions in a Statewide onsite wastewater law and/or resulting code (as required under Section 2475 of the Public Health Code). In addition, under Section 2444 of the Public Health Code, LHDs have the authority to establish fees to administer programs. This authority is intended to supplement the 50% cost of services to be provided by the State in the essential local public health services comprehensive agreement. This authority shall remain in effect in any legislation that requires LHDs to provide services.
- A law shall include proper funding for the State agency tasked with oversight of any onsite wastewater legislation. Examples of some of the possible functions to be funded include the review and approval of alternative onsite wastewater treatment technologies and the creation and maintenance of a statewide web-based data collection system for recording of onsite wastewater systems.
- A law should create a relief fund to assist system owners in financial hardship for the completion of required repairs or replacement.

Alternative Technology

- MALEHA supports State oversight of alternative onsite wastewater treatment systems. If a law includes alternative technology for onsite wastewater it shall include a State department process that would review and approve alternative technology but will not preempt the local health department authority to permit alternative technology within its jurisdiction.

Septic System Design

- MALEHA supports the establishment of minimum performance-based treatment standards for the design of onsite septic systems taking into account statewide variability in Michigan's geologic landscape.

Advisory Boards/Committees

- Any advisory boards, committees or other groups created by an onsite wastewater law shall be made up of a majority of science and regulatory personnel that are not politically appointed. Further, at least 25% of the members shall be comprised of LHD personnel that have expertise in onsite wastewater.

Preemption

- There must be no preemption of LHD authorities in the law or resulting code. Sections 2435(d) and 2441 of the Public Health Code both provide the authority for LHDs to adopt local regulations to protect public health.

Evaluations

- MALEHA supports the evaluation of existing septic systems in an effort to identify failures and cause the correction of those systems in a state of failure. Any evaluation that is performed shall be reported to the designated agency(s) using a Statewide web-based database.
- A comprehensive definition of failure for an onsite sewage system shall be included in any law.
- A comprehensive definition of an evaluation shall be included in any legislation and/or resulting code.
- A law and/or resulting code that requires a standardized operation and maintenance inspection and/or system evaluation shall determine frequency based on the best available science and data.
- The law and/or resulting code shall allow both local health departments and qualified persons, with proper experience and training, to conduct evaluations; however, only the LHDs can review and approve evaluations. LHDs must retain authority to make the decision of conformance or nonconformance, and make the determination of whether or not an imminent public health danger exists.
- The law must prescribe the process and authority for revocation of certification of fraudulent evaluations or for incompetency.
- The law shall include effective defined enforcement mechanisms including civil and criminal penalties.

Training and Education

- The law shall include minimum training and educational requirements for professional LHD staff working in the onsite wastewater program.
- The law shall include minimum training and experience requirements for septic system evaluators/inspectors. A list of those persons that are qualified shall be maintained in a Statewide web-based database.