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Local News

Septic system standby

Health department to watch, wait for state inspection law

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BENTON HARBOR - The Berrien County Board of Health will wait to see if Michigan legislators pass a law this year regulating septic system inspections, and will have their own ordinance ready if a statewide initiative goes down the drain.

The Board of Health on Wednesday discussed options for finding failing septic systems, which has been debated with real estate agents and environmental advocates for several months.

Health officials are looking for a way to locate septic systems that could be sending waste into streams and Lake Michigan, posing a health hazard and prompting beach closings.

One means would be to require inspections at the time of the sale or transfer of a property with a septic system or well.

That option is opposed by real estate agents led by Dan Coffey, a New Buffalo agent and past president of the Michigan Realtors Association, who had previously addressed the Board of Health.

The real estate agents advocate a standardized, statewide system of inspections and are against allowing local health departments to hold up sales closings.

Ken Priest, a Berrien County environmental health specialist, reported that Coffey said he had met with the Michigan speaker of the House and the Senate majority leader, and Coffey believes that a state law on inspections will be passed by June.

One strategy for the health department is to wait for the results of this legislative effort, Priest said.

Another option is to do nothing, and to allow private companies to continue to conduct the majority of inspections, he said. The Berrien County Health Department is performing fewer than two dozen inspections a year.

The health department does not always get reports from these private inspections, Priest said.

A third option is to push for a county inspection ordinance, similar to the one in force in the Barry-Eaton Health Department district. It requires systems to be checked at the point of sale or transfer. That ordinance allows the department to delay a sale if a septic system doesn't pass inspection.

That option could require hiring an additional staff member in Berrien County to provide reports quickly to real estate agents, Priest said.

An additional option is to take a role in guiding legislators in drafting a bill that would include the needs of Berrien County, Priest said.

Board members and department administrators expressed a preference for waiting for a state law while attempting to shape that bill.

"Maybe we shouldn't go full bore ahead" with creating a county ordinance, health department Director Mike Mortimore said, recommending that the department monitor the progress of the legislative effort and communicate with lawmakers.

Efforts to pass a state inspection law have failed in the past, said Gary Witkowski, environmental health services manager for Berrien County.

That's one of the reasons they should have the draft of a county inspection ordinance ready, board member Peg Kohring said.

Tourism is a big part of the local economy, making it important to protect the beaches, which have been occasionally closed due to E.coli contamination, Kohring pointed out.

A 2009 survey conducted among residents of the Galien River watershed by the Southwest Michigan Planning Commission showed strong support for protecting water quality.

Ninety percent of respondents agreed that it is their personal responsibility to protect water quality, and 60 percent said it was important even if it cost them money. Sixty-five percent thought that a local government agency should handle inspection and maintenance of septic systems.

More than half of those surveyed didn't know how often they maintained their own septic system.

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