

# Health Department drafts septic rule for point-of-sale inspections

By JOHN MATUSZAK - HP Staff Writer | Posted: Friday, November 7, 2014 5:00 am

BENTON HARBOR - After a nearly three-year wait, the Berrien County Health Department has drafted an ordinance to stop a property sale unless the sewage system was shown to be functioning.

Ken Priest, manager of the department's environmental health division, on Wednesday presented the Board of Health with a draft written after several meetings with real estate agents, well diggers, inspectors and sewage haulers.

The goal of the ordinance is to prevent untreated sewage from leaking into wells, nearby streams, rivers and eventually Lake Michigan.

Discussions began in 2011 on a possible point-of-sale ordinance, opposed by area real estate agents who preferred a uniform, statewide standard. Only a handful of Michigan counties have such laws.

The Michigan Association of Realtors opposes a "point of sale" provision. The Berrien County Board of Health decided in January 2012 to hold off on pushing for an ordinance to see if lawmakers would act on proposals dating back to 2004.

That has not happened.

Bridge magazine reported last year that Michigan has the country's weakest regulations for septic systems and "is the only state in the nation without uniform standards governing how on-site sewage treatment systems are designed, built, installed and maintained."

There are 130,000 failed septic systems underground across much of the state, the report estimated.

Contamination from E.coli, found in human waste, has closed area beaches and is often traced to sewage leaks.

The Berrien County ordinance as written would mandate that there would be no sale or transfer of a property with an "on-site water and/or sewage disposal system" unless the seller files a report from a county-certified inspector that the system is functioning.

Priest said that one thing the draft does is provide a definition of failure of a system, a sticking point



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in previous discussions.

That definition of failure would include the structural failure of a septic tank; backup of sewage into a structure; the discharge of sewage onto the ground or into a stream or other body of water; or the connection of the system to a storm drain, among other factors.

The draft states that all inspectors must be certified by the county's environmental health division. It allows for fees to be paid when the inspection report is filed.

Property owners with failing septic systems would have 30 days to file a plan to correct the problem, and six months to fix it. Owners would have the right to a hearing and appeal. The ordinance spells out civil penalties for violations, from up to \$200 for a first violation to \$1,000 for third and subsequent violations.

A survey conducted in 2009 among residents of the Galien River watershed found that a majority agreed that it is important to protect water quality, and that a local government agency should handle septic inspections.

The survey also found that half of respondents didn't know how often they maintained their own septic systems.

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