

Environmental issues

Cities and villages must grapple with a wide range of environmental protection and natural resource management issues. Municipalities deal daily with issues related to the delivery of safe supplies of public drinking water; the collection and treatment of wastewater from homes and businesses; the collection and proper disposal of solid wastes; the identification and cleanup of contaminated parcels of property; the protection and proper management of inland lakes and streams and wetlands; and by March, 2003 the proper management of runoff from rain storms and melting snow.

All of these municipal activities are governed by a dizzying array of federal and state statutes and thousands of pages of administrative rules that regulate how municipalities deliver these public services.

In Michigan, the principle regulatory agency for environmental matters is the Michigan Department of Environmental Quality (DEQ). This Lansing-based agency of 3,000 employees is responsible for protecting drinking water supplies, ensuring that communities properly treat their waste waters, governing the management of solid and hazardous wastes, protecting air quality and ensuring the quality of surface and ground waters.

Overseeing the efforts of the state DEQ is the U.S. Environmental Protection Agency (EPA), a Washington, DC-based, sub-cabinet federal agency with thousands of employees and sweeping authority to enforce federal environmental statutes and rules.

Perhaps the most critical of all environmental issues – in terms of protecting public health and ensuring public confidence in the local government – is the ability of the city or village to operate a public drinking water system in a safe and efficient manner. Nothing destroys public and voter confidence in its government faster than a problem with the water system that forces homeowners

and businesses to either purchase bottled water or boil their tap water. Avoiding these problems – through proper design, construction, operation and maintenance of the municipal water system – should be a top management and budgetary priority for city and village government.

Laws governing public water supplies are both complex and voluminous. The principle statutes regulating drinking water are the Federal Safe Drinking Water Act (SDWA) and the Michigan companion statute, Chapter 325 of 1994 PA 451. In addition, there are literally hundreds of pages of federal and state regulations that implement the safe drinking water laws.

Sources of Information on public water supply issues

Information on the latest federal drinking water laws and rules can be obtained from the U.S. EPA Office of Water in Washington, D.C. The best way to access this helpful information is over the internet at www.epa.gov/safewater/.

The Michigan DEQ's Water Division in Lansing also has extensive information available online at www.michigan.gov/deq/0,1607,7-135-3313---,00.html.

Outside of the federal and state regulatory agencies, volumes of information on drinking water issues can be obtained from the American Water Works Association at www.awwa.org/.

For information and direct, one-on-one assistance on drinking water issues affecting small communities, contact the Michigan Rural Water Association in Harrison at 989-539-4111. They are on the Internet at www.mrwa.net/

Environmental management challenges

Depending on the level of public services the municipality provides to its residents, the city or village can face a wide variety of environmental management challenges.

Wastewater

More and more municipalities across Michigan are abandoning the use of individual home septic systems in favor of public sewers and municipal-owned wastewater treatment facilities. While this step can yield positive results in terms of protecting public health and the local environment, it is a costly and complex process, with significant long-term management responsibilities.

The process of treating domestic sewage and disposing of treated waste waters (either to surface waters like rivers and lakes, or to groundwater) is governed by a very strict federal law known as the Clean Water Act (CWA) and its corresponding Michigan statute, parts 31, 44 and 88 of the Natural Resources and Environmental Protection Act, 1994 PA 451. Like other federal and state laws, there are literally thousands of pages of administrative rules that apply to local units of government that operate publicly-owned treatment works (POTWs).

Cities and villages that discharge treated waste waters to lakes and streams or to groundwater do so under a complicated federal permitting system known as the National Pollution Discharge Elimination System (NPDES). The community applies to the DEQ for a NPDES permit which spells out in exact detail the volume of wastewater the community can discharge and the concentrations of pollutants the wastewater discharge may contain.

Minor violations of the terms and conditions of the NPDES permit bring fines up to several thousand dollars. Major violations or deliberate attempts by the municipality to circumvent federal or state regulations are a criminal violation of the Clean Water Act punishable by stiff fines and even prison terms.

There are many types of POTWs, ranging from a small, multi-stage lagoon system

to a complex mechanical treatment plant. The vast majority of communities with wastewater collection and treatment systems own and operate their treatment systems, but a growing number of municipalities are privatizing their wastewater operations by contracting with private firms to manage their publicly-owned facilities.

Sources of information on wastewater treatment issues

The internet offers extensive sources of helpful information to municipal officials seeking assistance on wastewater treatment issues. These sources include:

- U.S. EPA Office of Water
www.epa.gov/owm/
- Michigan Department of Environmental Quality Water Division
Phone: 517-335-4176
www.michigan.gov/deq
- Michigan Rural Water Association
Phone: 989-539-4111
www.mrwa.net/
- The Water Environment Federation
Phone: 800-666-0206
(WEF) www.wef.org/

Storm water

The Storm Water Phase II Program rules were published by the U.S. EPA in the *Federal Register* on December 8, 1999. By March 10, 2003, hundreds of Michigan cities and villages and an equal number of townships MUST have in place, as outlined in the rules, a valid permit to discharge storm water runoff to control pollutants from runoff to rivers, lakes and streams. For communities targeted by EPA as candidates for storm water permits, the new storm water pollution control rules and permitting requirements are not optional – they are mandatory.

Specific information on the storm water permit requirements for Michigan cities and villages can be obtained from the MML Environmental Affairs Service at 517-485-1314. Web-based information on storm water mandates can be obtained at the links listed in the Wastewater section above.

Solid waste

Assuring the collection and proper disposal of household waste and yard wastes is another service that a growing number of villages choose to provide their residents. There is no statutory requirement that local units of government provide solid waste collection and disposal services. But, many cities and villages have chosen one of three options to manage household waste within their communities:

1. **Municipal-operated service:** The city or village owns a fleet of trucks, operated by municipal employees, to collect and dispose of household waste. This service requires a separate contract with a permitted solid waste landfill or trash incinerator. In addition, many municipalities operate a separate service to collect and compost grass clippings, leaves and other yard waste.
2. **Contracted service:** The municipality contracts with a private waste hauler to collect and properly dispose of household wastes. In many instances, the contract includes yard waste collection and composting services.

Ordinances: The city or village, by ordinance, requires property owners to properly dispose of their household wastes on their own either by contracting with a private hauler or by taking their waste to a nearby landfill. The municipality simply enforces the provisions of the ordinance.

In addition, some communities own and operate their own landfills. Those that do must comply with a host of federal and state laws and regulations governing the siting, design, construction, operation, closure and post-closure monitoring of their landfill facilities.

As with other environmental matters, the collection and disposal of municipal solid waste is governed by a host of federal and state laws and regulations. Information on both state and federal regulatory requirements for solid waste disposal can be obtained from the DEQ's Waste and Hazardous Materials Division at www.michigan.gov/deq/0,1607,7-135-3312---,00.html. 517-373-2730

For general information on solid waste management systems and municipal solid waste management practices, the best source of information is the Kansas City, Missouri-based American Public Works Association at www.pubworks.org/. 816-472-6100

Environmental Affairs Service from the League

Since the late 1980s, the Michigan Municipal League has provided a full-time service to municipal officials with questions on environmental protection issues and to communities facing environmental compliance challenges. The MML Environmental Affairs Service offers a wealth of information on environmental issues affecting municipalities. It also provides limited, direct, one-on-one assistance to communities that are challenged by environmental compliance mandates or difficult interactions with state and federal regulators.

Staff from the MML Environmental Affairs Service also represents the viewpoint of municipal officials before the U.S. Congress and the State Legislature, as well as federal and state regulatory agencies.

Contact the MML Environmental Affairs Service at 517-485-1314 or 800-995-2674 or by email at jfivas@mml.org.

About the author . . .**Environmental Affairs Service**

Based at the League's office in Lansing, the Environmental Affairs Manager advocates the municipal viewpoint on the myriad environmental and natural resources issues at the state capitol in Lansing and at the U.S. Capitol in Washington, D.C. In addition, one-on-one assistance is available to MML member communities to help them comply with environmental regulations.

