

Lenawee County Environmental Health Code to Restrict Use of Groundwater

Sybil Kolon, EQA

Michigan Department of
Environmental Quality

Remediation and Redevelopment Division

(517) 780-7937 kolons@michigan.gov





Land Use and Resource Use Restrictions

Under Part 201, Section 20121

- Prevent exposure (or potential exposure) to contaminated groundwater or soil
 - Restrictive Covenants (RC)
 - Institutional Controls
 - Alternative Instruments



Alternative Instruments Under Part 201

- Section 20121(9) addresses alternative instruments to impose land or resource use restrictions instead of restrictive covenants
- A health code is one potential alternative instrument
 - Restrictive covenants no longer have to be shown impractical under 2015 amendments to Part 201 to propose alternative instruments



Alternative Mechanism Under Part 213

- Nomenclature different than Part 201
- Provisions generally similar
- Demonstration of impracticality of RCs language has not changed
- Section 21310a(4) specifically allows for alternative mechanisms



Health Codes to Restrict Groundwater Use

- Local health codes based on Michigan Public Health Code
- Local health codes are enacted by a county or group of counties
- Implemented by the local health department (well permitting)
- Wells and well construction requirements must meet state health code at a minimum

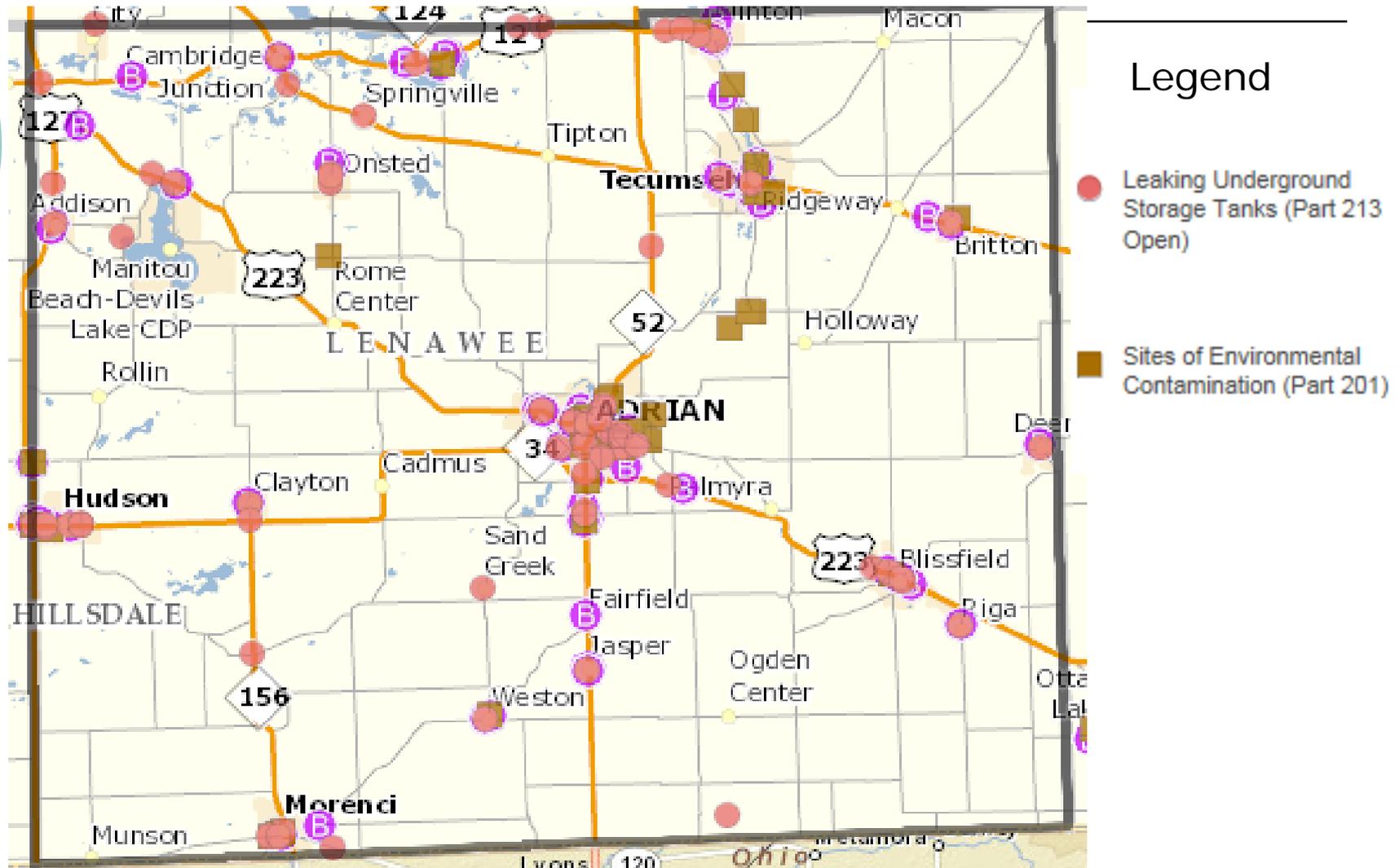
Use of Health Codes in Michigan to Restrict Groundwater Use

Two county “health codes” approved for use by DEQ to date to restrict use of groundwater

- Kalamazoo County Sanitary Code
- Lenawee County Environmental Health Code



Open Part 213 and 201 Sites in Lenawee County





Lenawee County Background

- Large area of groundwater contamination in City of Adrian
- Small lots on well and septic
- Municipal water extended
- Consent Decree in 2004 required submittal of Remedial Action Plan
- Consent Decree contemplated Institutional Controls in RAP



Background continued

- Remedial investigation completed
- Nature and extent defined
- Remedial Action Plan proposed use of Lenawee County Environmental Health Code (EHC)
- RAP included letter indicating county willing to amend its health code to restrict groundwater use

Background continued

In 2012:

- DEQ and Brazeway met with Health Department and Lenawee County decision-makers several times
- Revisions to Environmental Health Code (EHC) drafted by Brazeway
- Board of Health recommended revising EHC to County Board of Commissioners
- County Board of Commissioners agreed to consider revisions to EHC

Background continued

In 2013:

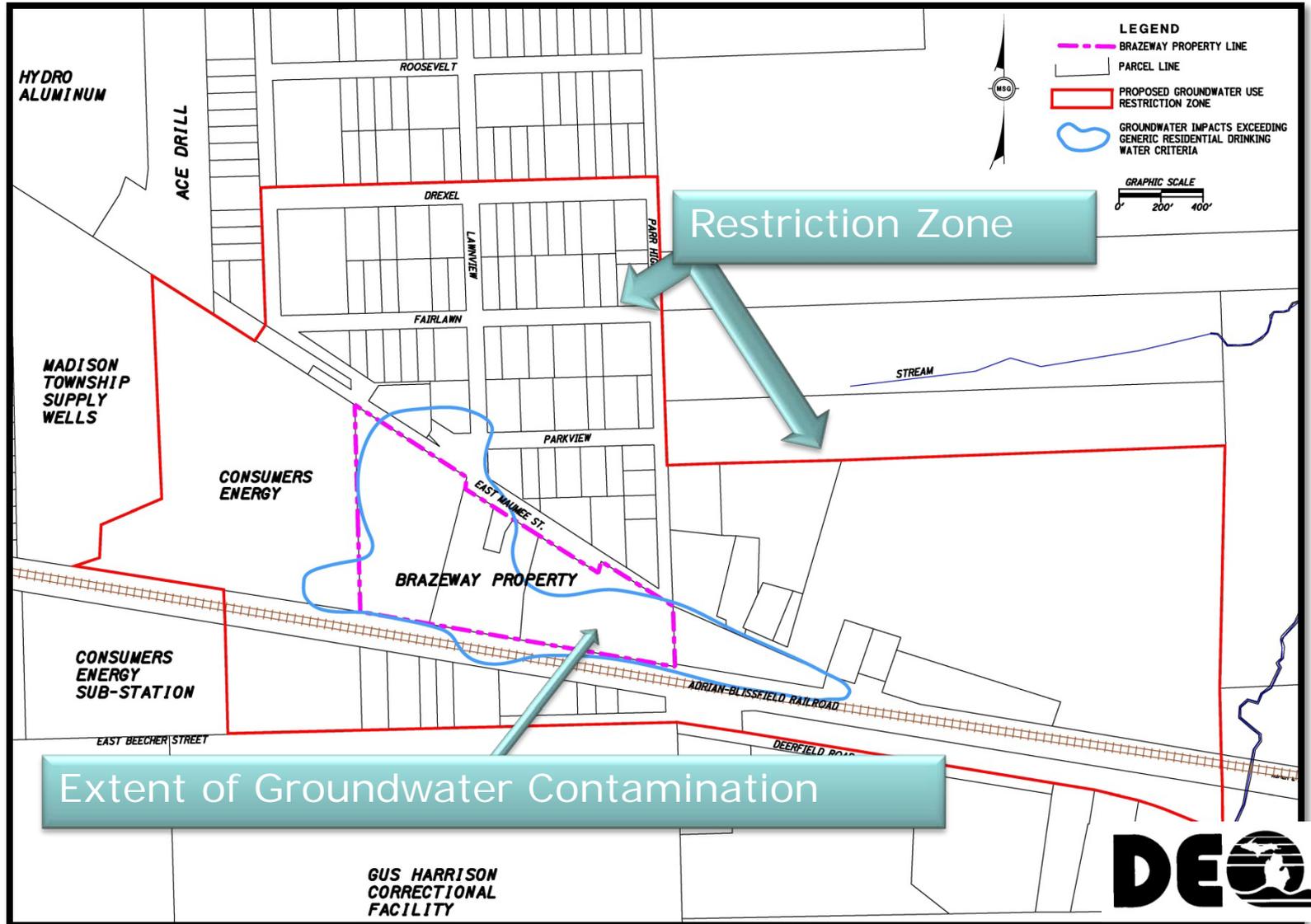
- DEQ continued meeting with Health Department to revise EHC language
- Public Hearing by County Board of Commissioners (BOC) on revised EHC
- County BOC approved revisions
- Revised EHC went into effect

Background continued

In 2014:

- Brazeway applied to Lenawee County for a Groundwater Use Restricted Zone (GRZ)
- Board of Health recommended approval of the GRZ to BOC
- County Board of Commissioners approved the GRZ for Brazeway

Groundwater Restriction Zone



Application Process for Groundwater Restricted Zone

- Conduct a survey of all parcels within Restricted Zone to identify and locate all water supply wells
- Connect all dwellings and/or inhabited buildings within Restricted Zone to municipal water
- Prepare application and submit to Health Department and Local Units of Government
- Application approved by county
- Letter sent to all property owners within the Restricted Zone about establishment of the RZ



Michigan Department of Environmental Quality

800-662-9278

www.michigan.gov/deq



Sign up for email updates



Follow us on Twitter @MichiganDEQ

