



Legislative and Regulatory Update

Stormwater Summit: October 4, 2019

Kelsey Cooke, WRC Legal Counsel

Chuck Hersey, Policy Advisor, OHM-Advisors



Topics



How you can help



Lead and Copper: Lawsuit

- Court dismisses most of the complaint
- Accepts addition of Headlee unfunded mandate challenge
- Court telegraphs its opinion
- ACOs on partial replacement and extension of time for system-wide replacement



Lead and Copper: Actions

- 3rd Community Forum was October 1st
- Meetings with the state
- Approach to Asset Management Plans
- Probing of sampling results for lessons learned





Legislation:

As Yogi Berra declared,
“It’s deja vu all over again.”

Strategies on Dead Horses

- Change riders
- Use a stronger whip
- Appoint a committee to study
- Revisit the performance requirements
- Dismount



What are we dismounting?

Not
the
policy

The
strategy



Stormwater Utility Legislation

- House Bill 4691
 - Creates a *Bolt v. Lansing* compliant method to create and administer a fee for stormwater infrastructure and service
- Sponsors
 - **Webber**, Garza, Manoogian, Howell, Eisen, Jones
- Committee on Regulatory Reform

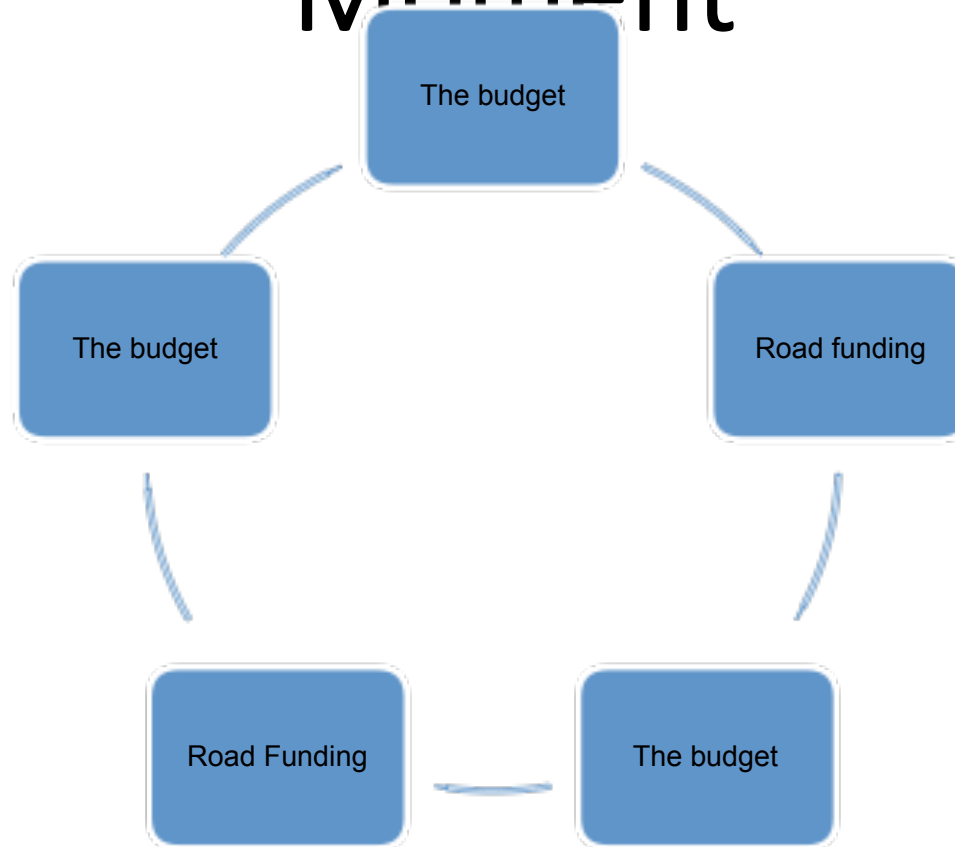


Basement Flooding Legislation

- House Bill 4692
 - Amends PA 222 to add a “bright line test” to specify rainfall levels and sewage system defect
- Sponsors
 - **Garza**, Webber, Manoogian, Cambensy, Howell, Eisen, Jones
- Committee on Regulatory Reform
- Court Decision-Rainfall & Proximate Cause
 - *Ray v. Lansing*



Legislative Climate as of this Moment



Are we clear yet?



The Preferred New Approach

- Concurrent Bills in House and Senate
- Strategic sponsorship
- Regulatory reform
- Not totally feasible



Common Thread

The Horse that Lives



Common Thread

The Horse that Lives

- It's flood protection
- The lawsuits keep on coming
- The structure of funding sewer infrastructure is broken
- Inaction is complicity



How to Help

- Ask for formal support from your community
- See SEMCOG action
- Contact your legislator when legislature engages



Questions?

