I am sorry that previous commitments prevent my attending the Tuesday hearing in person.

As the author of the bill that added Storm Drains to the Miss Dig Act in 1975, I am very concerned that the conflating of the flagging standard for Sanitary Sewers and Storm Drains be undone, and that these infrastructure systems continue to use separate color flagging in the field. A couple of billion dollars has been invested in separating "combined systems" under the requirements of the Clean Water Act, and very few combined systems still exist. Sanitary Sewers and Storm Drains are managed by different agencies; for the most part, Sanitary Sewers generally have continuous wastewater flow, Storm Drains generally have flow only during precipitation events, when it rains. Breaching of a Sanitary Sewer creates an immediate public health danger, and in many communities a required HazMat callout, and an expensive clean-up effort. Breach of a Storm Drain can go unnoticed, and, being dry most of the time, provides a temptation to "bury our mistake," resulting in a flood event later threatening lives and property. The "recommendation" adopted a little prematurely by the Miss Dig Association was "never intended to preempt any state requirement specifying other colors." **Section 7(2)(h) should be amended to read, "Brown--Sanitary Sewers," and a new Section 7(2)(i) should be added to read, "Green--Storm Sewers and Stormwater Management Facilities."**

I also have a concern with the elimination of Sections 4 and 7 of 53 PA 1974. Section 4 provided that ANY owner of an underground utility file a list of the sections, villages, townships, and cities within each County with the County Clerk, showing where they had facilities, and providing the contact information for the person responsible for locating the facilities. Section 7 provided that the Miss Dig Association could file a list of their members similarly with the County Clerk. Virtually all of the County Clerks maintain a "Public Act 53" file in their offices, available for reference by the public. In the late 1980's, we were asked to evaluate the "implementation and coverage" of the Miss Dig System. What we found was that the Miss Dig Association included probably the largest amount of "plant in place," and the largest of the Public Utilities in the State, but that there were many more by number, with perhaps an equal amount of "plant in place," that were not members of the Association, and that were pretty lax in complying with Section 4 of the Act. The issue at the time was whether "universal coverage" was possible and feasible. Though the Miss Dig System is--particularly with today's technology--easily scalable, and spreading the cost over many more stakeholders would achieve some economies of scale, it was concluded that, at that time, twenty-five years ago, Michigan was not ready. That study needs to be repeated. As you know, in many states, the "Miss Dig," "One Call," "811" system participation is mandatory for all underground--and aerial--utilities. **Sections 4 and 7 of 53 PA 74 should be carried forward to any revision of the Miss Dig Statute in their present form.**

I see some good things in SB 540, the "design ticket," for example, but some other concerns that I hope will be open to discussion before the Committee concludes its work. I would appreciate this communication being made available to the members of the Committee, that it be attached to the minutes of the meeting on 22 October, and that though not present physically, noted that I **"Support, with reservations, SB540."**

Thank you for your attention.

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