

HOUSE BILL No. 5752

March 22, 2018, Introduced by Reps. Lower and Hammoud and referred to the Committee on Natural Resources.

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding part 128.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 128 ONSITE WASTEWATER TREATMENT SYSTEMS

SEC. 12801. AS USED IN THIS PART:

(A) "ALTERNATIVE SYSTEM" MEANS AN ONSITE WASTEWATER TREATMENT SYSTEM THAT IS NOT A CONVENTIONAL SYSTEM AND THAT PROVIDES FOR AN EQUIVALENT OR BETTER DEGREE OF PROTECTION FOR PUBLIC HEALTH AND THE ENVIRONMENT THAN A CONVENTIONAL SYSTEM.

(B) "APPROVED ONSITE WASTEWATER TREATMENT SYSTEM" MEANS AN ALTERNATIVE SYSTEM OR CONVENTIONAL SYSTEM FOR WHICH CONSTRUCTION AND ANY REQUIRED OPERATING PERMITS HAVE BEEN ISSUED BY THE DEPARTMENT OR BY THE LOCAL HEALTH DEPARTMENT HAVING JURISDICTION

1 AND AN INSPECTION HAS FOUND THE SYSTEM TO BE IN COMPLIANCE WITH ALL
2 REQUIRED PERMITS.

3 (C) "AUTHORIZED LOCAL HEALTH DEPARTMENT" MEANS A LOCAL HEALTH
4 DEPARTMENT AUTHORIZED BY THE DEPARTMENT TO ADMINISTER THIS PART
5 PURSUANT TO SECTION 12802 FOR CONVENTIONAL SYSTEMS OR SECTION 12803
6 FOR ALTERNATIVE SYSTEMS, AS APPLICABLE.

7 (D) "CONSTRUCTION PERMIT" MEANS A PERMIT TO INSTALL,
8 CONSTRUCT, ALTER, OR REPAIR AN ONSITE WASTEWATER TREATMENT SYSTEM.

9 (E) "CONVENTIONAL SYSTEM" MEANS AN ONSITE WASTEWATER TREATMENT
10 SYSTEM THAT CONTAINS A WATERTIGHT SEPTIC TANK WITH NONUNIFORM
11 DISTRIBUTION OF EFFLUENT TO A SOIL DISPERSAL SYSTEM THAT DOES NOT
12 INCLUDE ANY COMPONENTS OF AN APPROVED ALTERNATIVE TECHNOLOGY.

13 (F) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL
14 QUALITY.

15 (G) "DOMESTIC EQUIVALENT WASTEWATER" MEANS WASTEWATER THAT IS
16 NOT SANITARY SEWAGE BUT HAS BEEN DEMONSTRATED TO HAVE SIMILAR
17 WASTEWATER CHARACTERISTICS AND FLOW AND IS AMENABLE TO ONSITE
18 WASTEWATER TREATMENT AND SOIL DISPERSAL THROUGH A CONVENTIONAL OR
19 ALTERNATIVE SYSTEM.

20 (H) "EXPERIMENTAL ONSITE WASTEWATER TREATMENT SYSTEM" MEANS AN
21 ONSITE WASTEWATER TREATMENT SYSTEM THAT IS IN EXPERIMENTAL USE AND
22 REQUIRES FURTHER TESTING IN ORDER TO PROVIDE SUFFICIENT INFORMATION
23 TO DETERMINE ITS ACCEPTABILITY.

24 (I) "FAILURE" MEANS A MALFUNCTION OR FAILURE OF AN ONSITE
25 WASTEWATER TREATMENT SYSTEM CONSISTING OF ANY OF THE FOLLOWING:

26 (i) A DISCHARGE OF SANITARY SEWAGE TO THE SURFACE OF THE
27 GROUND.

1 (ii) A DISCHARGE OF SANITARY SEWAGE OR EFFLUENT INTO SURFACE
2 WATER OR DIRECTLY INTO GROUNDWATER.

3 (iii) THE INABILITY OF THE ONSITE WASTEWATER TREATMENT SYSTEM
4 TO ACCEPT SANITARY SEWAGE AT THE RATE BEING DISCHARGED, WHICH MAY
5 RESULT IN THE BACKUP OF SANITARY SEWAGE INTO THE STRUCTURE OR
6 IMPEDE THE FLOW OF WASTEWATER WITHIN THE STRUCTURE.

7 (iv) A STRUCTURAL FAILURE OF THE SEPTIC TANK OR OTHER
8 ASSOCIATED COMPONENTS AND APPURTENANCES.

9 (v) A DISCHARGE OF TREATED WASTEWATER THAT DOES NOT COMPLY
10 WITH APPLICABLE STANDARDS.

11 (vi) AN ILLICIT CONNECTION OR ILLICIT DISCHARGE.

12 (vii) EVIDENCE OF EFFLUENT WITHIN THE SEPTIC TANK ABOVE OR
13 BELOW THE INVERT OF THE SEPTIC TANK OUTLET.

14 (J) "FUND" MEANS THE ONSITE WASTEWATER TREATMENT SYSTEM
15 ADMINISTRATION FUND CREATED IN SECTION 12815.

16 (K) "ILLICIT CONNECTION" MEANS A PHYSICAL CONNECTION TO AN
17 ONSITE WASTEWATER TREATMENT SYSTEM OR OTHER SEPARATE DRAINAGE
18 SYSTEM IN VIOLATION OF LAW.

19 (l) "ILLICIT DISCHARGE" MEANS ANY DISCHARGE FROM AN ONSITE
20 WASTEWATER TREATMENT SYSTEM OR OTHER SEPARATE DRAINAGE SYSTEM IN
21 VIOLATION OF LAW.

22 (M) "IMMINENT DANGER" MEANS A CONDITION OR PRACTICE THAT COULD
23 REASONABLY BE EXPECTED TO CAUSE DEATH, DISEASE, OR SERIOUS PHYSICAL
24 HARM IMMEDIATELY OR BEFORE THE IMMINENCE OF THE DANGER CAN BE
25 ELIMINATED THROUGH ENFORCEMENT PROCEDURES OTHERWISE PROVIDED IN
26 THIS ACT.

27 (N) "LOCAL HEALTH DEPARTMENT" MEANS A LOCAL HEALTH DEPARTMENT

1 AS DEFINED IN SECTION 1105.

2 (O) "MANAGEMENT" MEANS THE SITING, DESIGN, INSTALLATION,
3 OPERATION, INSPECTION, AND MAINTENANCE OF ONSITE WASTEWATER SYSTEMS
4 TO ENSURE THAT ONSITE WASTEWATER TREATMENT SYSTEMS MEET REQUIRED
5 PERFORMANCE STANDARDS AND ARE PROTECTIVE OF PUBLIC HEALTH AND THE
6 ENVIRONMENT.

7 (P) "NONPROPRIETARY TECHNOLOGY" MEANS A WASTEWATER TREATMENT
8 OR DISTRIBUTION TECHNOLOGY, METHOD, OR PRODUCT NOT SUBJECT TO A
9 PATENT OR TRADEMARK THAT SIGNIFICANTLY CONTRIBUTES TO THE
10 ATTAINMENT OF THE TREATMENT OR DISPERSAL OBJECTIVES.

11 (Q) "ONSITE WASTEWATER TREATMENT SYSTEM" OR "SYSTEM" MEANS A
12 SYSTEM OF COMPONENTS AND APPURTENANCES USED TO COLLECT AND TREAT
13 SANITARY SEWAGE OR DOMESTIC EQUIVALENT WASTEWATER FROM 1 OR MORE
14 DWELLINGS, BUILDINGS, OR STRUCTURES AND DISCHARGE NOT MORE THAN
15 10,000 GALLONS PER DAY OF THE RESULTING EFFLUENT TO A SOIL
16 DISPERSAL SYSTEM ON PROPERTY OWNED BY OR UNDER THE CONTROL OF THE
17 OWNER OF THE ONSITE WASTEWATER TREATMENT SYSTEM.

18 (R) "ONSITE WASTEWATER TREATMENT SYSTEM EVALUATION" OR
19 "EVALUATION" MEANS AN EVALUATION OF AN ONSITE WASTEWATER TREATMENT
20 SYSTEM CONDUCTED UNDER SECTION 12811.

21 (S) "OPERATING PERMIT" MEANS A RENEWABLE AND REVOCABLE PERMIT,
22 IF REQUIRED, TO OPERATE AND MAINTAIN AN ALTERNATIVE SYSTEM IN
23 COMPLIANCE WITH SPECIFIC OPERATIONAL OR PERFORMANCE REQUIREMENTS.

24 (T) "PROPRIETARY PRODUCT" MEANS A TREATMENT OR DISTRIBUTION
25 PRODUCT HELD UNDER PATENT OR TRADEMARK THAT SIGNIFICANTLY
26 CONTRIBUTES TO THE TREATMENT PERFORMANCE AND ATTAINMENT OF EFFLUENT
27 QUALITY OR DISPERSAL OBJECTIVES.

1 (U) "REGISTERED INSPECTOR" MEANS AN INDIVIDUAL WHO IS
2 QUALIFIED TO CONDUCT ONSITE WASTEWATER TREATMENT SYSTEM EVALUATIONS
3 AND WHO IS REGISTERED UNDER SECTION 12812.

4 (V) "SANITARY SEWAGE" MEANS WATER AND CONTAMINANTS DISCHARGED
5 FROM SANITARY CONVENIENCES, INCLUDING BATHROOM, KITCHEN, AND
6 HOUSEHOLD LAUNDRY FIXTURES OF DWELLINGS, OFFICE BUILDINGS,
7 INDUSTRIAL PLANTS, COMMERCIAL BUILDINGS, AND INSTITUTIONS. SANITARY
8 SEWAGE DOES NOT INCLUDE COMMERCIAL LAUNDRY WASTES AND WASTES FROM
9 INDUSTRIAL AND COMMERCIAL PROCESSES.

10 (W) "SEPTIC TANK ASSESSMENT" MEANS AN ASSESSMENT OF AN ONSITE
11 WASTEWATER TREATMENT SYSTEM CONDUCTED UNDER SECTION 12810.

12 (X) "STATEWIDE CODE" MEANS THE RULES PROMULGATED UNDER SECTION
13 12809 PROVIDING FOR THE MANAGEMENT OF ONSITE WASTEWATER TREATMENT
14 SYSTEMS.

15 (Y) "TECHNICAL ADVISORY COMMITTEE" MEANS THE TECHNICAL
16 ADVISORY COMMITTEE ESTABLISHED BY THE DEPARTMENT UNDER SECTION
17 12808.

18 SEC. 12803. (1) THE DEPARTMENT MAY AUTHORIZE A LOCAL HEALTH
19 DEPARTMENT TO ADMINISTER THIS PART FOR ALTERNATIVE SYSTEMS IF THE
20 LOCAL HEALTH DEPARTMENT DOES BOTH OF THE FOLLOWING:

21 (A) DEMONSTRATES THAT IT MEETS THE REQUIREMENTS OF SECTION
22 12802.

23 (B) ADOPTS REGULATIONS CONSISTENT WITH THIS PART FOR THE
24 PURPOSE OF CARRYING OUT THE RESPONSIBILITIES OF THIS PART,
25 INCLUDING AUTHORITY TO DO ALL OF THE FOLLOWING:

26 (i) REVIEW, EVALUATE, APPROVE, OR REJECT APPLICATIONS, PLANS,
27 AND SPECIFICATIONS TO ALTER, INSTALL, REPAIR, OR REPLACE

1 ALTERNATIVE SYSTEMS.

2 (ii) ISSUE CONSTRUCTION PERMITS AUTHORIZING THE INSTALLATION
3 OF ALTERNATIVE SYSTEMS IN ACCORDANCE WITH SECTION 12805.

4 (iii) ENSURE LONG-TERM MAINTENANCE OF ALTERNATIVE SYSTEMS
5 THROUGH THE ISSUANCE OF OPERATING PERMITS.

6 (2) EXISTING LOCAL HEALTH DEPARTMENT REGULATIONS OR GUIDANCE
7 FOR A PARTICULAR TYPE OF ALTERNATIVE ONSITE WASTEWATER TREATMENT
8 SYSTEM SHALL REMAIN IN EFFECT UNTIL RECOMMENDED STANDARDS AND
9 GUIDANCE FOR THAT TYPE OF SYSTEM ARE DEVELOPED BY THE DEPARTMENT IN
10 ACCORDANCE WITH SECTION 12807.

11 SEC. 12804. (1) A PERSON SHALL NOT INSTALL, CONSTRUCT, ALTER,
12 OR REPAIR A CONVENTIONAL OR ALTERNATIVE SYSTEM UNLESS HE OR SHE HAS
13 RECEIVED A CONSTRUCTION PERMIT FROM AN AUTHORIZED LOCAL HEALTH
14 DEPARTMENT OR THE DEPARTMENT, SUBJECT TO ANY PERMIT REQUIRED UNDER
15 PART 31 OR 41 OF THE NATIONAL RESOURCES AND ENVIRONMENTAL
16 PROTECTION ACT, 1994 PA 451, MCL 324.3101 TO 324.3134 AND 324.4101
17 TO 324.4113.

18 (2) A CONSTRUCTION PERMIT FOR A CONVENTIONAL OR ALTERNATIVE
19 SYSTEM SHALL BE OBTAINED FROM AN AUTHORIZED LOCAL HEALTH DEPARTMENT
20 IN COMPLIANCE WITH THIS PART. IF THE LOCAL HEALTH DEPARTMENT WITH
21 JURISDICTION OVER THE PROPERTY IS NOT AUTHORIZED TO ADMINISTER THIS
22 PART WITH RESPECT TO THAT PERMIT, THE DEPARTMENT IS RESPONSIBLE FOR
23 THE ISSUANCE OF THE PERMIT.

24 (3) A LOCAL UNIT OF GOVERNMENT SHALL NOT ISSUE A BUILDING
25 PERMIT FOR A RESIDENCE OR FACILITY THAT WILL BE SERVED BY AN ONSITE
26 WASTEWATER TREATMENT SYSTEM UNLESS A CONSTRUCTION PERMIT FOR THE
27 ONSITE WASTEWATER SYSTEM HAS BEEN OBTAINED UNDER THIS PART.

1 SEC. 12805. (1) THE DEPARTMENT OR AN AUTHORIZED LOCAL HEALTH
2 DEPARTMENT THAT ADMINISTERS AN ALTERNATIVE SYSTEM CONSTRUCTION AND
3 OPERATING PERMITTING PROGRAM WITHIN ITS JURISDICTION SHALL ISSUE A
4 CONSTRUCTION PERMIT FOR THE INSTALLATION OF AN ALTERNATIVE SYSTEM
5 IF BOTH OF THE FOLLOWING CONDITIONS ARE MET:

6 (A) THE ALTERNATIVE SYSTEM DOES EITHER OF THE FOLLOWING:

7 (i) UTILIZES A PROPRIETARY PRODUCT THAT HAS BEEN REGISTERED
8 FOR USE BY THE DEPARTMENT.

9 (ii) UTILIZES A NONPROPRIETARY TECHNOLOGY IN ACCORDANCE WITH
10 THE RECOMMENDED STANDARDS AND GUIDANCE PROVIDED BY THE DEPARTMENT
11 IN ACCORDANCE WITH THE STATEWIDE CODE.

12 (B) THE SOILS, SITE CONDITIONS, AND OPERATING CONDITIONS AT
13 THE LOCATION ARE APPROPRIATE FOR THE USE OF THE ALTERNATIVE SYSTEM
14 IN COMPLIANCE WITH THE STATEWIDE CODE.

15 (2) BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
16 ADDED THIS PART, AN ALTERNATIVE SYSTEM SHALL BE INSPECTED BY THE
17 DEPARTMENT, AN AUTHORIZED LOCAL HEALTH DEPARTMENT, OR A REGISTERED
18 INSPECTOR AT LEAST ONCE EVERY 5 YEARS UNLESS OTHERWISE PROVIDED IN
19 THE STATEWIDE CODE.

20 SEC. 12806. (1) BEGINNING JANUARY 1, 2020, A PERSON SHALL NOT
21 INSTALL, CONSTRUCT, ALTER, OR REPAIR A PROPRIETARY PRODUCT UNLESS
22 THAT PRODUCT HAS BEEN REGISTERED FOR USE IN THIS STATE BY THE
23 DEPARTMENT AND A CONSTRUCTION PERMIT IS OBTAINED UNDER SECTION
24 12804.

25 (2) A PERSON MAY APPLY FOR REGISTRATION OF A PROPRIETARY
26 PRODUCT UNDER SUBSECTION (1) BY SUBMITTING AN APPLICATION WITH THE
27 REQUIRED INFORMATION TO THE DEPARTMENT. THE DEPARTMENT MAY CHARGE A

1 FEE OF \$3,000.00 TO COVER ITS COSTS IN REVIEWING APPLICATIONS FOR
2 REGISTRATION UNDER THIS SECTION. MONEY RECEIVED BY THE DEPARTMENT
3 SHALL BE FORWARDED TO THE STATE TREASURER FOR DEPOSIT INTO THE
4 FUND. WITHIN 30 DAYS AFTER RECEIPT OF AN APPLICATION AND FEE, THE
5 DEPARTMENT SHALL REVIEW THE APPLICATION AND DETERMINE WHETHER IT IS
6 ADMINISTRATIVELY COMPLETE. WITHIN 60 DAYS AFTER RECEIPT OF AN
7 ADMINISTRATIVELY COMPLETE APPLICATION, THE DEPARTMENT SHALL APPROVE
8 OR DENY THE REGISTRATION AND NOTIFY THE APPLICANT IN WRITING. IN
9 APPROVING AND REGISTERING FOR USE A PROPRIETARY PRODUCT IN THIS
10 STATE, THE DEPARTMENT SHALL CONSIDER THE RECOMMENDED STANDARDS AND
11 GUIDANCE PROVIDED TO THE DEPARTMENT BY THE TECHNICAL ADVISORY
12 COMMITTEE. A REGISTRATION UNDER THIS SECTION IS VALID FOR 5 YEARS.
13 A REGISTRATION MAY BE RENEWED, HOWEVER, THERE IS NO FEE FOR A
14 RENEWAL.

15 (3) THE DEPARTMENT MAY DENY, SUSPEND, OR REVOKE A REGISTRATION
16 UNDER THIS SECTION FOLLOWING A CONTESTED CASE HEARING PURSUANT TO
17 THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201
18 TO 24.328, IF THE DEPARTMENT FINDS ANY OF THE FOLLOWING:

19 (A) THE REGISTRATION WAS OBTAINED OR ATTEMPTED TO BE OBTAINED
20 THROUGH MISREPRESENTATION OR FRAUD.

21 (B) THE REGISTRANT TRANSACTED BUSINESS UNDER ITS REGISTRATION
22 USING FRAUDULENT, COERCIVE, OR DISHONEST PRACTICES.

23 (C) THE APPLICANT OR REGISTRANT FAILED TO PAY REQUIRED
24 REGISTRATION APPLICATION REVIEW FEES.

25 (D) FIELD REVIEWS DETERMINE THAT THE PROPRIETARY PRODUCT DOES
26 NOT FUNCTION OR PERFORM AS DESIGNED.

27 SEC. 12807. THE DEPARTMENT SHALL DEVELOP RECOMMENDED STANDARDS

1 AND GUIDANCE TO ASSIST LOCAL HEALTH DEPARTMENTS IN PERMITTING
2 DIFFERENT TYPES OF ONSITE WASTEWATER TREATMENT SYSTEMS, INCLUDING
3 THE FOLLOWING 3 CATEGORIES:

4 (A) NONPROPRIETARY TECHNOLOGIES SUCH AS SAND FILTERS.

5 (B) PROPRIETARY PRODUCTS SUCH AS AEROBIC TREATMENT SYSTEMS AND
6 PACKED BED FILTERS.

7 (C) PROPRIETARY PRODUCTS SUCH AS SUBSURFACE DRIPLINE PRODUCTS
8 OR GRAVELLESS DISTRIBUTION PRODUCTS.

9 SEC. 12810. (1) EXCEPT AS PROVIDED IN SUBSECTION (6), A PERSON
10 THAT OWNS A CONVENTIONAL SYSTEM SHALL HAVE A SEPTIC TANK ASSESSMENT
11 CONDUCTED ON THAT CONVENTIONAL SYSTEM AT LEAST ONCE EVERY 10 YEARS.

12 (2) A SEPTIC TANK ASSESSMENT REQUIRED UNDER SUBSECTION (1)
13 SHALL BE CONDUCTED BY A LOCAL HEALTH DEPARTMENT, A REGISTERED
14 INSPECTOR, OR A SEPTIC WASTE SERVICER LICENSED UNDER PART 117, OR
15 HIS OR HER AGENT. THE INDIVIDUAL CONDUCTING THE SEPTIC TANK
16 ASSESSMENT SHALL DO ALL OF THE FOLLOWING:

17 (A) IDENTIFY THE SIZE AND CONDITION OF THE SEPTIC TANK OR
18 TANKS.

19 (B) PRIOR TO CONDUCTING ANY PUMPING, DETERMINE THE LEVEL OF
20 EFFLUENT IN THE SEPTIC TANK OR TANKS.

21 (C) PUMP OUT THE SEPTIC TANK OR TANKS IF THE TOTAL DEPTH OF
22 SCUM PLUS SLUDGE LAYERS EQUALS OR EXCEEDS 1/3 OF THE DEPTH OF THE
23 TANK.

24 (D) IDENTIFY EVIDENCE OF FAILURE OF THE ONSITE WASTEWATER
25 TREATMENT SYSTEM AND WHETHER THE FAILURE IS CAUSING AN IMMINENT
26 DANGER.

27 (E) DOCUMENT THE INFORMATION GATHERED UNDER SUBDIVISIONS (A)

1 THROUGH (D) IN AN INSPECTION REPORT.

2 (3) WITHIN 10 DAYS AFTER COMPLETION OF A SEPTIC TANK
3 ASSESSMENT UNDER THIS SECTION, THE INDIVIDUAL CONDUCTING THE SEPTIC
4 TANK ASSESSMENT SHALL PROVIDE THE INSPECTION REPORT TO THE OWNER OF
5 THE ONSITE WASTEWATER TREATMENT SYSTEM AND TO THE AUTHORIZED LOCAL
6 HEALTH DEPARTMENT OR THE DEPARTMENT.

7 (4) IF AN INSPECTION REPORT PREPARED UNDER THIS SECTION
8 IDENTIFIES EVIDENCE OF FAILURE, THE OWNER OF THE ONSITE WASTEWATER
9 TREATMENT SYSTEM SHALL REMEDY THE FAILURE AS DIRECTED BY THE
10 AUTHORIZED LOCAL HEALTH DEPARTMENT OR THE DEPARTMENT.

11 (5) IN ADDITION TO THE FEE CHARGED FOR CONDUCTING A SEPTIC
12 TANK ASSESSMENT, THE LOCAL HEALTH DEPARTMENT, REGISTERED INSPECTOR,
13 OR SEPTAGE WASTE SERVICER CONDUCTING THE ASSESSMENT SHALL CHARGE AN
14 ADDITIONAL \$25.00 STATE ADMINISTRATIVE FEE. BY OCTOBER 1 OF EACH
15 YEAR, ALL STATE ADMINISTRATIVE FEES COLLECTED DURING THE PREVIOUS
16 STATE FISCAL YEAR SHALL BE FORWARDED TO THE DEPARTMENT. THE
17 DEPARTMENT SHALL FORWARD ALL FEES IT RECEIVES UNDER THIS SECTION TO
18 THE STATE TREASURER FOR DEPOSIT INTO THE FUND.

19 (6) IF AN ONSITE WASTEWATER TREATMENT SYSTEM EVALUATION IS
20 CONDUCTED ON AN ONSITE WASTEWATER TREATMENT SYSTEM, A SEPTIC TANK
21 ASSESSMENT DOES NOT NEED TO BE CONDUCTED ON THAT SYSTEM FOR A
22 PERIOD OF 10 YEARS AFTER THE DATE OF THE EVALUATION.

23 SEC. 12811. (1) BEGINNING ON THE EFFECTIVE DATE OF THE
24 AMENDATORY ACT THAT ADDED THIS PART, THE OWNER OF A CONVENTIONAL
25 ONSITE WASTEWATER TREATMENT SYSTEM SHALL ARRANGE FOR AN ONSITE
26 WASTEWATER TREATMENT SYSTEM EVALUATION TO BE CONDUCTED ON THE
27 CONVENTIONAL SYSTEM IN ACCORDANCE WITH SUBSECTION (2) IF ANY OF THE

1 FOLLOWING OCCUR:

2 (A) ANY FORM OF INSPECTION OTHER THAN A SEPTIC TANK ASSESSMENT
3 IS REQUESTED OR PERMITTED BY THE PROPERTY OWNER.

4 (B) A COMPLAINT IS FILED WITH THE LOCAL HEALTH DEPARTMENT OR
5 THE DEPARTMENT BASED ON A SUSPECTED FAILURE OF THE SYSTEM AND THE
6 LOCAL HEALTH DEPARTMENT OR THE DEPARTMENT DETERMINES THAT THERE IS
7 REASONABLE CAUSE TO REQUIRE AN EVALUATION TO BE CONDUCTED.

8 (C) A CHANGE IN USE IS PROPOSED THAT INCREASES USE OF AN
9 EXISTING ONSITE WASTEWATER TREATMENT SYSTEM.

10 (D) THE OWNER OF THE PROPERTY ON WHICH A SYSTEM IS LOCATED
11 APPLIES FOR A BUILDING PERMIT FOR CONSTRUCTION OF A STRUCTURE OR AN
12 ADDITION TO A STRUCTURE.

13 (2) AN ONSITE WASTEWATER SYSTEM EVALUATION REQUIRED UNDER
14 SUBSECTION (1) SHALL BE CONDUCTED BY THE DEPARTMENT, AN AUTHORIZED
15 LOCAL HEALTH DEPARTMENT, OR A REGISTERED INSPECTOR. THE INDIVIDUAL
16 CONDUCTING THE ONSITE WASTEWATER TREATMENT SYSTEM EVALUATION SHALL
17 DO ALL OF THE FOLLOWING:

18 (A) IDENTIFY THE SIZE AND CONDITION OF THE SEPTIC TANK OR
19 TANKS.

20 (B) VERIFY THAT ALL SANITARY SEWAGE-RELATED PLUMBING FIXTURES
21 ARE CONNECTED TO THE SEPTIC TANK OR TANKS.

22 (C) DETERMINE THE LEVEL OF EFFLUENT IN THE SEPTIC TANK OR
23 TANKS.

24 (D) EVALUATE THE TREATMENT AND DISPERSAL SYSTEM FOLLOWING THE
25 SEPTIC TANK OR TANKS.

26 (E) DOCUMENT EVIDENCE OF A FAILURE OF THE ONSITE WASTEWATER
27 TREATMENT SYSTEM AND WHETHER THE FAILURE IS CAUSING AN IMMINENT

1 DANGER.

2 (F) DETERMINE IF THE TOTAL DEPTH OF SCUM PLUS SLUDGE LAYERS
3 EQUALS OR EXCEEDS 1/3 OF THE DEPTH OF THE SEPTIC TANK.

4 (G) PREPARE AN INSPECTION REPORT OF THE INFORMATION GATHERED
5 UNDER THIS SUBSECTION.

6 (3) IF AN ONSITE WASTEWATER TREATMENT SYSTEM EVALUATION UNDER
7 SUBSECTION (2) (F) IDENTIFIES THE NEED FOR THE TANK OR TANKS TO BE
8 PUMPED, THE OWNER OF THE ONSITE WASTEWATER TREATMENT SYSTEM SHALL
9 HAVE THE SYSTEM PUMPED BY A SEPTAGE WASTE HAULER LICENSED UNDER
10 PART 117 WITHIN 30 DAYS OF THE INSPECTION REPORT.

11 (4) WITHIN 15 DAYS AFTER COMPLETION OF AN EVALUATION, THE
12 PERSON CONDUCTING THE EVALUATION SHALL DO BOTH OF THE FOLLOWING:

13 (A) PREPARE AN INSPECTION REPORT THAT DETAILS THE FINDINGS OF
14 THE EVALUATION.

15 (B) PROVIDE A WRITTEN OR ELECTRONIC COPY OF THE INSPECTION
16 REPORT TO THE OWNER OF THE ONSITE WASTEWATER TREATMENT SYSTEM AND
17 TO THE AUTHORIZED LOCAL HEALTH DEPARTMENT OR THE DEPARTMENT.

18 (5) IF AN INSPECTION REPORT UNDER SUBSECTION (4) IDENTIFIES
19 EVIDENCE OF FAILURE CAUSING AN IMMINENT PUBLIC HEALTH HAZARD, THE
20 OWNER OF THE ONSITE WASTEWATER TREATMENT SYSTEM SHALL REMEDY THE
21 FAILURE AS DIRECTED BY THE AUTHORIZED LOCAL HEALTH DEPARTMENT OR
22 THE DEPARTMENT.

23 (6) AN ONSITE WASTEWATER SYSTEM EVALUATION THAT IS CONDUCTED
24 UNDER THIS SECTION IS VALID FOR A 5-YEAR PERIOD AS LONG AS THERE IS
25 NO CHANGE TO THE USE OF THE SYSTEM OR A FAILURE OF THE SYSTEM
26 DURING THAT PERIOD.

27 (7) THE DEPARTMENT OR AN AUTHORIZED LOCAL HEALTH DEPARTMENT

1 SHALL CHARGE A REASONABLE FEE NOT TO EXCEED THE COSTS OF CONDUCTING
2 ONSITE WASTEWATER TREATMENT SYSTEM EVALUATIONS.

3 (8) IN ADDITION TO THE FEE CHARGED FOR CONDUCTING AN ONSITE
4 TREATMENT SYSTEM EVALUATION, THE REGISTERED INSPECTOR, AUTHORIZED
5 LOCAL HEALTH DEPARTMENT, OR DEPARTMENT, AS APPLICABLE, SHALL CHARGE
6 AN ADDITIONAL \$25.00 STATE ADMINISTRATIVE FEE. STATE ADMINISTRATIVE
7 FEES SHALL BE FORWARDED TO THE DEPARTMENT ON AN ANNUAL BASIS BY
8 OCTOBER 1 OF EVERY YEAR. THE DEPARTMENT SHALL FORWARD ALL FEES IT
9 RECEIVES UNDER THIS SECTION TO THE STATE TREASURER FOR DEPOSIT INTO
10 THE FUND.

11 SEC. 12812. (1) BEGINNING JANUARY 1, 2020, AN ONSITE
12 WASTEWATER TREATMENT SYSTEM EVALUATION UNDER THIS PART SHALL BE
13 CONDUCTED ONLY BY THE DEPARTMENT, A REGISTERED INSPECTOR, OR
14 QUALIFIED LOCAL HEALTH DEPARTMENT STAFF. TO QUALIFY FOR
15 REGISTRATION AS A REGISTERED INSPECTOR OR TO CONDUCT EVALUATIONS,
16 AN INDIVIDUAL SHALL MEET THE EDUCATIONAL AND TRAINING REQUIREMENTS
17 ESTABLISHED IN THE STATEWIDE CODE.

18 (2) SUBJECT TO SUBSECTION (3), TO APPLY TO BECOME A REGISTERED
19 INSPECTOR, AN INDIVIDUAL SHALL SUBMIT AN APPLICATION TO THE
20 DEPARTMENT CONTAINING THE INFORMATION REQUIRED BY THE DEPARTMENT
21 DOCUMENTING HIS OR HER QUALIFICATIONS. THE DEPARTMENT MAY CHARGE A
22 \$180.00 APPLICATION FEE TO COVER THE DEPARTMENT'S COST UNDER THIS
23 SECTION. APPLICATION FEES COLLECTED UNDER THIS SECTION SHALL BE
24 FORWARDED TO THE STATE TREASURER FOR DEPOSIT INTO THE FUND.

25 (3) IF AN ORGANIZATION OR AUTHORIZED LOCAL HEALTH DEPARTMENT
26 HAS A PROGRAM TO QUALIFY INSPECTORS OF ONSITE WASTEWATER TREATMENT
27 SYSTEMS, THE DEPARTMENT MAY, UPON REVIEW OF THE PROGRAM, APPROVE

1 THE PROGRAM AND ACCEPT THOSE INSPECTORS AS MEETING THE REQUIREMENTS
2 OF THIS SECTION FOR REGISTRATION. AN INDIVIDUAL REGISTERED UNDER
3 THIS SUBSECTION SHALL THEREAFTER MEET DEPARTMENT REQUIREMENTS AS
4 SPECIFIED IN THE STATEWIDE CODE AND SHALL PAY THE APPLICATION FEE.

5 (4) REGISTRATIONS OF REGISTERED INSPECTORS SHALL BE REVIEWED
6 EVERY 3 YEARS BY THE DEPARTMENT AND RENEWED FOR INDIVIDUALS WHO
7 CONTINUE TO MEET THE REQUIREMENTS.

8 (5) AN INSPECTOR REGISTRATION MAY BE DENIED, SUSPENDED, OR
9 REVOKED FOLLOWING A CONTESTED CASE HEARING AS PROVIDED IN THE
10 ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO
11 24.328, FOR ANY OF THE FOLLOWING REASONS:

12 (A) THE USE OF FRAUD OR DECEIT IN OBTAINING OR RENEWING
13 REGISTRATION.

14 (B) ANY ACT OF GROSS NEGLIGENCE, INCOMPETENCE, OR MISCONDUCT
15 IN CONDUCTING OR REPORTING AN INSPECTION.

16 (C) FAILURE TO SATISFACTORILY COMPLETE CONTINUING EDUCATION
17 REQUIREMENTS.

18 (D) SUBMISSION OF A RECORD OF INSPECTION THAT KNOWINGLY IS
19 BASED UPON FALSE, INCORRECT, MISLEADING, OR FABRICATED INFORMATION.

20 (E) FAILURE TO PAY REQUIRED FEES.

21 (6) THE DEPARTMENT SHALL MAINTAIN A LIST OF INDIVIDUALS
22 REGISTERED UNDER THIS SECTION AND MAKE THAT INFORMATION AVAILABLE
23 ELECTRONICALLY TO THE PUBLIC.

24 SEC. 12813. (1) THE DEPARTMENT SHALL DEVELOP AND MAKE
25 AVAILABLE ASSESSMENT AND EVALUATION INSPECTION REPORT FORMS FOR USE
26 IN DOCUMENTING THE RESULTS OF SEPTIC TANK ASSESSMENTS AND ONSITE
27 WASTEWATER TREATMENT SYSTEM EVALUATIONS.

1 (2) THE DEPARTMENT SHALL MAKE AVAILABLE AND MAINTAIN AN ONSITE
2 WASTEWATER SYSTEM ELECTRONIC DATABASE FOR RECORDING AND TRACKING
3 THE RESULTS OF SEPTIC TANK ASSESSMENTS AND OF ONSITE WASTEWATER
4 SYSTEM EVALUATIONS. WHEN THE ONSITE WASTEWATER SYSTEM ELECTRONIC
5 DATABASE IS AVAILABLE, THE DEPARTMENT MAY REQUIRE THE PERSON
6 CONDUCTING THE ASSESSMENT OR EVALUATION TO ELECTRONICALLY ENTER
7 INSPECTION REPORT INFORMATION INTO THE DATABASE IN LIEU OF THE
8 WRITTEN INSPECTION REPORT. THE DATABASE SHALL NOT INCLUDE PERSONAL
9 INFORMATION RELATED TO THE OWNER OF AN ONSITE WASTEWATER TREATMENT
10 SYSTEM.

11 SEC. 12814. (1) THE DEPARTMENT MAY ENTER INTO AGREEMENTS,
12 CONTRACTS, OR COOPERATIVE ARRANGEMENTS WITH APPROPRIATE AUTHORIZED
13 LOCAL HEALTH DEPARTMENTS OR OTHER PERSONS FOR THE PURPOSE OF
14 ADMINISTERING THIS PART.

15 (2) TO THE EXTENT A LOCAL HEALTH DEPARTMENT IS NOT AUTHORIZED
16 TO ADMINISTER THIS PART, THE DEPARTMENT SHALL IMPLEMENT THIS PART.
17 IN IMPLEMENTING THIS PART, THE DEPARTMENT MAY CONTRACT WITH ANOTHER
18 AUTHORIZED LOCAL HEALTH DEPARTMENT OR OTHER QUALIFIED PERSON.

19 SEC. 12815. (1) THE ONSITE WASTEWATER TREATMENT SYSTEM
20 ADMINISTRATION FUND IS CREATED WITHIN THE STATE TREASURY.

21 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS FROM
22 ANY SOURCE FOR DEPOSIT INTO THE FUND. THE STATE TREASURER SHALL
23 DIRECT THE INVESTMENT OF THE FUND. THE STATE TREASURER SHALL CREDIT
24 TO THE FUND INTEREST AND EARNINGS FROM FUND INVESTMENTS.

25 (3) MONEY IN THE FUND AT THE CLOSE OF THE FISCAL YEAR SHALL
26 REMAIN IN THE FUND AND SHALL NOT LAPSE TO THE GENERAL FUND.

27 (4) THE DEPARTMENT SHALL BE THE ADMINISTRATOR OF THE FUND FOR

1 AUDITING PURPOSES.

2 (5) THE DEPARTMENT SHALL EXPEND MONEY FROM THE FUND, UPON
3 APPROPRIATION, ONLY FOR EITHER OF THE FOLLOWING:

4 (A) TO ADMINISTER THIS PART.

5 (B) FOR GRANTS TO LOCAL HEALTH DEPARTMENTS TO CARRY OUT THEIR
6 RESPONSIBILITIES UNDER THIS PART.

7 SEC. 12816. (1) A LOCAL UNIT OF GOVERNMENT OR A LOCAL HEALTH
8 DEPARTMENT SHALL NOT ADOPT A POINT OF SALE ORDINANCE RELATED TO
9 ONSITE WASTEWATER TREATMENT.

10 (2) A LOCAL UNIT OF GOVERNMENT OR A LOCAL HEALTH DEPARTMENT
11 THAT HAS ADOPTED A POINT OF SALE ORDINANCE TO REQUIRE INSPECTIONS
12 OF ONSITE WASTEWATER TREATMENT SYSTEMS SHALL PHASE OUT OR REPEAL
13 THE POINT OF SALE ORDINANCE WITHIN 3 YEARS AFTER THE EFFECTIVE DATE
14 OF THE AMENDATORY ACT THAT ADDED THIS PART.

15 SEC. 12817. THE DEPARTMENT UNDER PART 41 OF THE NATURAL
16 RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451. MCL
17 324.4101 TO 324.4113, AND THIS ACT AND LOCAL HEALTH DEPARTMENTS
18 UNDER THIS ACT HAVE EXCLUSIVE JURISDICTION OVER THE REGULATION,
19 PERMITTING, AND INSPECTION OF ONSITE WASTEWATER TREATMENT SYSTEMS.

20 SEC. 12818. A PERSON THAT KNOWINGLY SUBMITS TO THE DEPARTMENT
21 OR LOCAL HEALTH DEPARTMENT INFORMATION RELATED TO AN ONSITE
22 WASTEWATER TREATMENT SYSTEM THAT IS FALSE, INCORRECT, MISLEADING,
23 OR FABRICATED IS GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE OF
24 NOT MORE THAN \$10,000.00 FOR EACH VIOLATION AND IMPRISONMENT FOR
25 NOT MORE THAN 1 YEAR, OR BOTH.

26 Enacting section 1. This amendatory act takes effect 90 days
27 after the date it is enacted into law.

1 Enacting section 2. This amendatory act does not take effect
2 unless Senate Bill No. ____ or House Bill No. 5753 (request no.
3 00280'17 a) of the 99th Legislature is enacted into law.