

HOUSE BILL No. 5732

June 8, 2016, Introduced by Reps. Plawecki, Driskell, Hoadley, Zemke, Darany, Chang, Pagan, Chirkun, Cochran, Greig, Clemente, Irwin, Singh, Smiley, Brunner, Liberati and Hovey-Wright and referred to the Committee on Appropriations.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 50.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 50 ON-SITE WASTEWATER TREATMENT SYSTEMS

SEC. 5001. AS USED IN THIS PART:

(A) "ALTERNATIVE SYSTEM" MEANS AN ON-SITE 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 ON-SITE WASTEWATER TREATMENT SYSTEM" MEANS AN ALTERNATIVE SYSTEM OR CONVENTIONAL SYSTEM FOR WHICH CONSTRUCTION AND OPERATION PERMITS HAVE BEEN ISSUED BY THE DEPARTMENT OR BY THE LOCAL HEALTH DEPARTMENT HAVING JURISDICTION.

1 (C) "AUTHORIZED LOCAL HEALTH DEPARTMENT" MEANS A LOCAL HEALTH
2 DEPARTMENT AUTHORIZED BY THE DEPARTMENT TO ADMINISTER THIS PART
3 PURSUANT TO SECTION 5003 FOR CONVENTIONAL SYSTEMS OR SECTION 5004
4 FOR ALTERNATIVE SYSTEMS, OR APPLICABLE.

5 (D) "COMPREHENSIVE INSPECTION" MEANS A COMPLETE INSPECTION OF
6 AN ON-SITE WASTEWATER TREATMENT SYSTEM AS DESCRIBED UNDER SECTION
7 5011(1) THAT IS PERFORMED BY AN AUTHORIZED LOCAL HEALTH DEPARTMENT
8 OR A REGISTERED INSPECTOR. A COMPREHENSIVE INSPECTION INCLUDES A
9 THOROUGH ASSESSMENT OF THE ENTIRE ON-SITE WASTEWATER TREATMENT
10 SYSTEM, INCLUDING THE CONDITION AND LOCATION OF ALL SYSTEM
11 COMPONENTS, PLUMBING FIXTURES, AND PIPING.

12 (E) "CONSTRUCTION PERMIT" MEANS A PERMIT TO CONSTRUCT, ALTER,
13 MODIFY, OR REPAIR AN ON-SITE WASTEWATER TREATMENT SYSTEM.

14 (F) "CONVENTIONAL SYSTEM" MEANS AN ON-SITE WASTEWATER
15 TREATMENT SYSTEM THAT CONTAINS A WATERTIGHT SEPTIC TANK WITH
16 NONUNIFORM DISTRIBUTION OF EFFLUENT TO A SOIL DISPERSAL SYSTEM.

17 (G) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL
18 QUALITY.

19 (H) "DOMESTIC EQUIVALENT WASTEWATER" MEANS WASTEWATER THAT IS
20 NOT SANITARY SEWAGE BUT HAS BEEN DEMONSTRATED TO HAVE SIMILAR
21 WASTEWATER CHARACTERISTICS AND FLOW AND IS AMENABLE TO ON-SITE
22 WASTEWATER TREATMENT AND SOIL DISPERSAL THROUGH A CONVENTIONAL OR
23 ALTERNATIVE SYSTEM.

24 (I) "EXPERIMENTAL ON-SITE WASTEWATER TREATMENT SYSTEM" MEANS
25 AN ON-SITE WASTEWATER TREATMENT SYSTEM THAT IS STILL IN
26 EXPERIMENTAL USE AND REQUIRES FURTHER TESTING IN ORDER TO PROVIDE
27 SUFFICIENT INFORMATION TO DETERMINE ITS ACCEPTABILITY.

1 (J) "FAILURE" MEANS A MALFUNCTION OR FAILURE OF AN ON-SITE
2 WASTEWATER TREATMENT SYSTEM CONSISTING OF ANY OF THE FOLLOWING:

3 (i) A DISCHARGE OF SEWAGE TO THE SURFACE OF THE GROUND.

4 (ii) A DISCHARGE OF SEWAGE OR EFFLUENT INTO SURFACE WATER OR
5 DIRECTLY INTO GROUNDWATER.

6 (iii) THE INABILITY OF THE ON-SITE WASTEWATER TREATMENT SYSTEM
7 TO ACCEPT SANITARY SEWAGE AT THE RATE BEING DISCHARGED, WHICH MAY
8 RESULT IN THE BACKUP OF SEWAGE INTO THE STRUCTURE OR IMPEDE THE
9 FLOW OF WASTEWATER WITHIN THE STRUCTURE.

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

12 (v) THE ABSENCE OF ALL OR A PORTION OF A CONVENTIONAL OR
13 ALTERNATIVE SYSTEM WITHIN THE ESTABLISHED BOUNDARIES OF THE
14 PROPERTY TO SERVE THE STRUCTURE.

15 (vi) A DISCHARGE OF TREATED WASTEWATER THAT DOES NOT COMPLY
16 WITH APPLICABLE STANDARDS.

17 (vii) AN ILLICIT CONNECTION OR ILLICIT DISCHARGE.

18 (viii) EVIDENCE OF EFFLUENT WITHIN THE SEPTIC TANK BELOW THE
19 INVERT OF THE SEPTIC TANK OUTLET.

20 (K) "FUND" MEANS THE ON-SITE WASTEWATER TREATMENT SYSTEM
21 ADMINISTRATION FUND CREATED IN SECTION 5017.

22 (l) "ILLICIT CONNECTION" MEANS A PHYSICAL CONNECTION TO AN ON-
23 SITE WASTEWATER TREATMENT SYSTEM OR OTHER SEPARATE DRAINAGE SYSTEM
24 THAT IS NOT AUTHORIZED OR PERMITTED BY THE DEPARTMENT OR A LOCAL
25 HEALTH DEPARTMENT.

26 (M) "ILLICIT DISCHARGE" MEANS ANY DISCHARGE OR SEEPAGE FROM AN
27 ON-SITE WASTEWATER TREATMENT SYSTEM OR OTHER SEPARATE DRAINAGE

1 SYSTEM THAT IS NOT AUTHORIZED OR PERMITTED BY APPLICABLE LAW,
2 INCLUDING AN UNAUTHORIZED DISCHARGE OF SANITARY SEWAGE, INDUSTRIAL
3 WASTE, RESTAURANT WASTE, OR OTHER WASTE MATERIAL.

4 (N) "LOCAL HEALTH DEPARTMENT" MEANS A LOCAL HEALTH DEPARTMENT
5 AS DEFINED IN SECTION 1105(2) OF THE PUBLIC HEALTH CODE, 1978 PA
6 368, MCL 333.1105.

7 (O) "MANAGEMENT" MEANS THE SITING, DESIGN, INSTALLATION,
8 OPERATION, INSPECTION, AND MAINTENANCE OF ON-SITE WASTEWATER
9 SYSTEMS TO ENSURE THAT ON-SITE WASTEWATER TREATMENT SYSTEMS MEET
10 REQUIRED PERFORMANCE STANDARDS AND ARE PROTECTIVE OF PUBLIC HEALTH
11 AND THE ENVIRONMENT.

12 (P) "NONPROPRIETARY TECHNOLOGY" MEANS A WASTEWATER TREATMENT
13 OR DISTRIBUTION TECHNOLOGY, METHOD, OR PRODUCT NOT SUBJECT TO A
14 PATENT OR TRADEMARK THAT SIGNIFICANTLY CONTRIBUTES TO THE
15 ATTAINMENT OF THE TREATMENT OR DISPERSAL OBJECTIVES.

16 (Q) "ON-SITE WASTEWATER TREATMENT SYSTEM" OR "SYSTEM" MEANS A
17 SYSTEM OF COMPONENTS AND APPURTENANCES USED TO COLLECT AND TREAT
18 SANITARY SEWAGE OR DOMESTIC EQUIVALENT WASTEWATER FROM 1 OR MORE
19 DWELLINGS, BUILDINGS, OR STRUCTURES AND DISCHARGE NOT MORE THAN
20 10,000 GALLONS PER DAY OF THE RESULTING EFFLUENT TO A SOIL
21 DISPERSAL SYSTEM ON PROPERTY OWNED BY OR UNDER THE CONTROL OF THE
22 OWNER OF THE ON-SITE WASTEWATER TREATMENT SYSTEM.

23 (R) "OPERATING PERMIT" MEANS A RENEWABLE AND REVOCABLE PERMIT
24 TO OPERATE AND MAINTAIN AN ON-SITE WASTEWATER TREATMENT SYSTEM IN
25 COMPLIANCE WITH SPECIFIC OPERATIONAL OR PERFORMANCE REQUIREMENTS.

26 (S) "POINT OF SALE" MEANS THE SALE OR OTHER TRANSFER OF A
27 PARCEL OF REAL ESTATE BUT DOES NOT INCLUDE A TRANSFER DESCRIBED IN

1 SECTION 3 OF THE SELLER DISCLOSURE ACT, 1993 PA 92, MCL 565.953.

2 (T) "PROPRIETARY PRODUCT" MEANS A TREATMENT OR DISTRIBUTION
3 PRODUCT HELD UNDER PATENT OR TRADEMARK THAT SIGNIFICANTLY
4 CONTRIBUTES TO THE TREATMENT PERFORMANCE AND ATTAINMENT OF EFFLUENT
5 QUALITY OR DISPERSAL OBJECTIVES.

6 (U) "PUMP-OUT INSPECTION" MEANS AN INSPECTION OF AN ON-SITE
7 WASTEWATER TREATMENT SYSTEM CONDUCTED UNDER SECTION 5012 THAT IS
8 PERFORMED BY A SEPTAGE WASTE SERVICER LICENSED UNDER PART 117 TO
9 PUMP OUT THE SEPTIC TANK AND DISPOSE OF THE CONTENTS AND THAT IS
10 CONDUCTED AT THE TIME THE SEPTIC TANK IS PUMPED.

11 (V) "REGISTERED INSPECTOR" MEANS AN INDIVIDUAL WHO IS
12 QUALIFIED TO CONDUCT COMPREHENSIVE INSPECTIONS AND WHO IS
13 REGISTERED UNDER SECTION 5014.

14 (W) "SANITARY SEWAGE" MEANS WATER AND CONTAMINANTS DISCHARGED
15 FROM SANITARY CONVENIENCES, INCLUDING BATHROOM, KITCHEN, AND
16 HOUSEHOLD LAUNDRY FIXTURES OF DWELLINGS, OFFICE BUILDINGS,
17 INDUSTRIAL PLANTS, COMMERCIAL BUILDINGS, AND INSTITUTIONS. SANITARY
18 SEWAGE DOES NOT INCLUDE COMMERCIAL LAUNDRY WASTES AND WASTES FROM
19 INDUSTRIAL AND COMMERCIAL PROCESSES.

20 (X) "STATEWIDE CODE" MEANS THE RULES PROMULGATED UNDER SECTION
21 5007 PROVIDING FOR THE MANAGEMENT OF ON-SITE WASTEWATER TREATMENT
22 SYSTEMS.

23 (Y) "TECHNICAL ADVISORY COMMITTEE" MEANS THE TECHNICAL
24 ADVISORY COMMITTEE ESTABLISHED BY THE DEPARTMENT UNDER SECTION
25 5006.

26 SEC. 5002. (1) A CONVENTIONAL OR ALTERNATIVE ON-SITE
27 WASTEWATER TREATMENT SYSTEM SHALL BE MANAGED IN A MANNER THAT DOES

1 ALL OF THE FOLLOWING:

2 (A) ENSURES AN EFFECTIVE LEVEL OF TREATMENT OF SANITARY SEWAGE
3 DETERMINED TO BE NECESSARY, BASED UPON RISK.

4 (B) PROTECTS PUBLIC HEALTH AND THE ENVIRONMENT.

5 (C) PROTECTS THE SURFACE WATERS OF THE STATE.

6 (D) PROTECTS GROUNDWATER QUALITY.

7 (2) THE MANAGEMENT OF AN ON-SITE WASTEWATER TREATMENT SYSTEM
8 SHALL BE PERFORMED BY AN INDIVIDUAL WHO MEETS THE QUALIFICATION
9 REQUIREMENTS PROVIDED IN THE STATEWIDE CODE.

10 (3) A PERSON SHALL NOT INSTALL A CONVENTIONAL OR ALTERNATIVE
11 SYSTEM UNLESS HE OR SHE HAS RECEIVED A CONSTRUCTION PERMIT FROM AN
12 AUTHORIZED LOCAL HEALTH DEPARTMENT OR THE DEPARTMENT, SUBJECT TO
13 ANY PERMIT REQUIRED UNDER PART 31.

14 (4) A CONSTRUCTION PERMIT FOR A CONVENTIONAL OR ALTERNATIVE
15 SYSTEM SHALL BE OBTAINED FROM AN AUTHORIZED LOCAL HEALTH DEPARTMENT
16 IN COMPLIANCE WITH THIS PART. IF THE LOCAL HEALTH DEPARTMENT WITH
17 JURISDICTION OVER THE PROPERTY IS NOT AUTHORIZED TO ADMINISTER THIS
18 PART, THE DEPARTMENT IS RESPONSIBLE FOR THE ISSUANCE OF THOSE
19 PERMITS.

20 (5) A LOCAL UNIT OF GOVERNMENT SHALL NOT ISSUE A BUILDING
21 PERMIT FOR A RESIDENCE OR FACILITY THAT WILL BE SERVED BY AN ON-
22 SITE WASTEWATER TREATMENT SYSTEM UNLESS A CONSTRUCTION PERMIT FOR
23 THE ON-SITE WASTEWATER SYSTEM HAS BEEN OBTAINED UNDER THIS PART.

24 SEC. 5003. THE DEPARTMENT SHALL AUTHORIZE A LOCAL HEALTH
25 DEPARTMENT TO ADMINISTER THIS PART FOR CONVENTIONAL ON-SITE
26 WASTEWATER TREATMENT SYSTEMS IF THE LOCAL HEALTH DEPARTMENT DOES
27 ALL OF THE FOLLOWING:

1 (A) ADOPTS REGULATIONS CONSISTENT WITH THIS PART FOR THE
2 PURPOSE OF CARRYING OUT THE RESPONSIBILITIES OF THIS PART AND THE
3 STATEWIDE CODE, INCLUDING AUTHORITY TO DO ALL OF THE FOLLOWING:

4 (i) CONDUCT SITE EVALUATIONS, ISSUE CONSTRUCTION PERMITS, AND
5 PERFORM INTERIM INSPECTIONS DURING CONSTRUCTION AND FINAL
6 INSPECTIONS UPON COMPLETION OF CONSTRUCTION.

7 (ii) ISSUE NOTICES AND PENALTIES TO PERSONS THAT VIOLATE THIS
8 PART OR ENDANGER THE PUBLIC HEALTH OR ENVIRONMENT.

9 (iii) RESPOND TO COMPLAINTS RELATIVE TO THE COLLECTION,
10 TREATMENT, AND DISPERSAL OF SANITARY SEWAGE.

11 (iv) PROVIDE AN ADMINISTRATIVE REVIEW FOR ANY PERSON AFFECTED
12 BY AN ORDER, DECISION, OR NOTICE ISSUED BY THE LOCAL HEALTH
13 DEPARTMENT. THE RESULTS OF THE ADMINISTRATIVE REVIEW SHALL BE
14 PROVIDED TO THE DEPARTMENT, IF REQUESTED.

15 (B) MAINTAINS QUALIFIED STAFF TO ADMINISTER A CONVENTIONAL ON-
16 SITE WASTEWATER TREATMENT SYSTEM PROGRAM. PRIOR TO WORKING
17 INDEPENDENTLY IN AN ON-SITE WASTEWATER TREATMENT SYSTEM PROGRAM, AN
18 INDIVIDUAL STAFF MEMBER SHALL MEET THE FOLLOWING MINIMUM
19 EDUCATIONAL AND TRAINING REQUIREMENTS:

20 (i) POSSESS A MINIMUM OF A 4-YEAR BACHELOR OF SCIENCE OR ARTS
21 DEGREE WITH A MAJOR IN ENVIRONMENTAL HEALTH, CHEMISTRY, BIOLOGY,
22 GEOLOGY, ENGINEERING, OR EQUIVALENT.

23 (ii) OBTAIN A MINIMUM OF 8 HOURS OF TRAINING THAT INCLUDES A
24 MINIMUM OF 4 HOURS OF FIELD TRAINING OF THE UNITED STATES
25 DEPARTMENT OF AGRICULTURE SOIL CLASSIFICATION SYSTEM FROM THE
26 DEPARTMENT OR ANOTHER ENTITY APPROVED BY THE DEPARTMENT.

27 (iii) DEMONSTRATE COMPETENCY AND UNDERSTANDING OF LOCAL

1 SANITARY REGULATIONS, CRITERIA FOR SUBSURFACE SEWAGE DISPOSAL, AND
2 THE LAND DIVISION ACT, 1967 PA 288, MCL 560.101 TO 560.293.

3 (iv) DEMONSTRATE COMPETENCY AND UNDERSTANDING OF THE MICHIGAN
4 LOCAL PUBLIC HEALTH ACCREDITATION PROGRAM, ACCREDITATION
5 INDICATORS, AND ALL MINIMUM PROGRAM REQUIREMENTS PERTAINING TO ON-
6 SITE WASTEWATER TREATMENT SYSTEMS.

7 (v) CONDUCT A MINIMUM OF 10 SUPERVISED FIELD EVALUATIONS OF
8 ON-SITE WASTEWATER SYSTEM DESIGNS AND 10 SUPERVISED FINAL
9 INSPECTIONS WITH SENIOR STAFF OR A SUPERVISOR.

10 (vi) CONDUCT A MINIMUM OF 5 SOLO FIELD EVALUATIONS OF ON-SITE
11 WASTEWATER SYSTEM DESIGNS AND 5 SOLO FINAL INSPECTIONS
12 DEMONSTRATING UNDERSTANDING OF THE ON-SITE WASTEWATER TREATMENT
13 PROGRAM AS DETERMINED BY SENIOR STAFF OR A SUPERVISOR.

14 (vii) ATTEND AND OBSERVE A MINIMUM OF 2 COMPLETE ON-SITE
15 WASTEWATER SYSTEM INSTALLATIONS FROM BEGINNING TO END.

16 (C) ADOPTS LOCAL HEALTH DEPARTMENT REGULATIONS THAT, AT A
17 MINIMUM, PROVIDE PROTECTION FOR PUBLIC HEALTH AND THE ENVIRONMENT
18 EQUIVALENT TO THIS PART AND SUBMIT ITS REGULATIONS TO THE
19 DEPARTMENT FOR REVIEW AND APPROVAL. LOCAL HEALTH DEPARTMENT
20 REGULATIONS MAY REQUIRE A GREATER LEVEL OF PROTECTION TO PUBLIC
21 HEALTH AND THE ENVIRONMENT THAN PROVIDED BY THIS PART.

22 SEC. 5004. (1) THE DEPARTMENT MAY AUTHORIZE A LOCAL HEALTH
23 DEPARTMENT TO ADMINISTER THIS PART FOR ALTERNATIVE ON-SITE
24 WASTEWATER TREATMENT SYSTEMS IF THE LOCAL HEALTH DEPARTMENT DOES
25 BOTH OF THE FOLLOWING:

26 (A) DEMONSTRATES THAT IT MEETS THE REQUIREMENTS OF SECTION
27 5003.

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

4 (i) REVIEW, EVALUATE, APPROVE, OR REJECT APPLICATIONS, PLANS,
5 AND SPECIFICATIONS TO ALTER, INSTALL, REPAIR, OR REPLACE
6 ALTERNATIVE SYSTEMS.

7 (ii) ISSUE CONSTRUCTION PERMITS AUTHORIZING THE INSTALLATION
8 OF ALTERNATIVE SYSTEMS IN ACCORDANCE WITH SECTION 5005.

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

11 (2) EXISTING LOCAL HEALTH DEPARTMENT REGULATIONS OR GUIDANCE
12 FOR A PARTICULAR TYPE OF ALTERNATIVE ON-SITE WASTEWATER TREATMENT
13 SYSTEM SHALL REMAIN IN EFFECT UNTIL APPROVED STANDARDS AND GUIDANCE
14 FOR THAT TYPE OF SYSTEM ARE ESTABLISHED BY THE DEPARTMENT IN THE
15 STATEWIDE CODE.

16 SEC. 5005. THE DEPARTMENT OR AN AUTHORIZED LOCAL HEALTH
17 DEPARTMENT THAT ADMINISTERS AN ALTERNATIVE SYSTEM CONSTRUCTION AND
18 OPERATING PERMITTING PROGRAM WITHIN ITS JURISDICTION SHALL ISSUE A
19 CONSTRUCTION PERMIT FOR THE INSTALLATION OF AN ALTERNATIVE SYSTEM
20 IF BOTH OF THE FOLLOWING CONDITIONS ARE MET:

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

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

24 (ii) UTILIZES A NONPROPRIETARY TECHNOLOGY IN ACCORDANCE WITH
25 THE RECOMMENDED STANDARDS AND GUIDANCE PROVIDED BY THE DEPARTMENT
26 IN ACCORDANCE WITH THE STATEWIDE CODE.

27 (B) THE SOILS, SITE CONDITIONS, AND OPERATING CONDITIONS AT

1 THE LOCATION ARE APPROPRIATE FOR THE USE OF THE ALTERNATIVE SYSTEM
2 IN COMPLIANCE WITH THE STANDARDS ESTABLISHED BY THE LOCAL HEALTH
3 DEPARTMENT OR THE STANDARDS PROVIDED BY THE DEPARTMENT IN
4 ACCORDANCE WITH THE STATEWIDE CODE, WHICHEVER ARE MORE PROTECTIVE
5 OF PUBLIC HEALTH AND THE ENVIRONMENT.

6 SEC. 5006. (1) THE DEPARTMENT SHALL ESTABLISH AND MAINTAIN A
7 TECHNICAL ADVISORY COMMITTEE TO ADVISE THE DEPARTMENT REGARDING ALL
8 OF THE FOLLOWING:

9 (A) RECOMMENDED STANDARDS AND GUIDANCE FOR THE MANAGEMENT OF
10 ON-SITE WASTEWATER SYSTEMS.

11 (B) NONPROPRIETARY TECHNOLOGIES AND RECOMMENDED STANDARDS AND
12 GUIDANCE FOR THEIR USE.

13 (C) TESTING AND DESIGN STANDARDS USED FOR PROPRIETARY PRODUCT
14 REGISTRATION AND RECOMMENDED STANDARDS AND GUIDANCE FOR USE OF
15 PROPRIETARY PRODUCTS.

16 (D) RECOMMENDED STANDARDS AND GUIDANCE FOR ALTERNATIVE ON-SITE
17 WASTEWATER TREATMENT SYSTEMS.

18 (E) INSPECTION ELEMENTS AND REPORTING.

19 (F) INSPECTOR QUALIFICATIONS.

20 (G) DOCUMENTATION REQUIRED TO BE SUBMITTED TO THE DEPARTMENT
21 FOR QUALIFYING INSPECTORS.

22 (H) QUALIFICATIONS OF OTHER INDIVIDUALS INVOLVED IN THE
23 MANAGEMENT OF ON-SITE WASTEWATER SYSTEMS.

24 (I) CONTINUING EDUCATION REQUIREMENTS FOR PERSONS INVOLVED IN
25 THE MANAGEMENT OF ON-SITE WASTEWATER TREATMENT SYSTEMS.

26 (2) THE DEPARTMENT SHALL APPOINT MEMBERS TO THE TECHNICAL
27 ADVISORY COMMITTEE WHO HAVE TECHNICAL OR SCIENTIFIC KNOWLEDGE

1 APPLICABLE TO ON-SITE WASTEWATER SYSTEMS FROM AGENCIES,
2 PROFESSIONS, AND ORGANIZATIONS AS FOLLOWS:

3 (A) FOUR REGIONAL LOCAL HEALTH DEPARTMENT REPRESENTATIVES
4 RECOMMENDED BY A STATE ORGANIZATION REPRESENTING LOCAL HEALTH
5 DEPARTMENTS.

6 (B) TWO PROFESSIONAL ENGINEERS.

7 (C) TWO HYDROGEOLOGISTS.

8 (D) ONE UNIVERSITY REPRESENTATIVE.

9 (E) ONE ON-SITE SYSTEM PRODUCT MANUFACTURER.

10 (F) ONE ON-SITE WASTEWATER SYSTEM INSTALLER.

11 (G) ONE ON-SITE WASTEWATER SYSTEM SERVICE PROVIDER.

12 (H) ONE DEPARTMENT REPRESENTATIVE.

13 (3) THE TECHNICAL ADVISORY COMMITTEE SHALL CONSIDER THE
14 FOLLOWING IN ITS ADVICE TO THE DEPARTMENT:

15 (A) SUFFICIENT THEORY AND APPLIED RESEARCH TO DOCUMENT
16 EFFICACY OF ON-SITE WASTEWATER TREATMENT SYSTEMS.

17 (B) POTENTIAL USE, LOCAL SOIL CONDITIONS, AND OTHER FACTORS
18 THAT MAY AFFECT THE OPERATION OF ON-SITE WASTEWATER TREATMENT
19 SYSTEMS.

20 (C) FIELD PERFORMANCE DATA THAT CONFIRM THE PRODUCT OR
21 TECHNOLOGY FUNCTIONS WHEN INSTALLED ON-SITE AS INDICATED BY
22 SUBMITTED DOCUMENTS.

23 (D) CERTIFICATION OF ON-SITE WASTEWATER TREATMENT SYSTEMS BY
24 NSF INTERNATIONAL OR ANOTHER RECOGNIZED CERTIFYING AGENCY.

25 (4) THE TECHNICAL ADVISORY COMMITTEE MAY CONSULT WITH EXPERTS
26 IN THE FIELD OF MANAGEMENT OF ON-SITE WASTEWATER TREATMENT SYSTEMS
27 IN PROVIDING ADVICE TO THE DEPARTMENT.

1 SEC. 5007. NOT LATER THAN 1 YEAR AFTER THE EFFECTIVE DATE OF
2 THE AMENDATORY ACT THAT ADDED THIS PART, THE DEPARTMENT SHALL
3 PROMULGATE RULES THAT ESTABLISH A STATEWIDE CODE CONTAINING
4 PERFORMANCE-BASED STANDARDS FOR CONVENTIONAL AND ALTERNATIVE ON-
5 SITE WASTEWATER TREATMENT SYSTEMS. THE RULES SHALL PROVIDE BASELINE
6 PROTECTION FOR PUBLIC HEALTH AND THE ENVIRONMENT, INCLUDING ALL OF
7 THE FOLLOWING:

8 (A) MINIMUM STANDARDS FOR MANAGEMENT OF ON-SITE WASTEWATER
9 TREATMENT SYSTEMS.

10 (B) WASTEWATER EFFLUENT STANDARDS, IF APPLICABLE.

11 (C) CORRECTIVE ACTIONS NECESSARY TO PROTECT THE PUBLIC HEALTH
12 AND NATURAL RESOURCES FOR ON-SITE WASTEWATER TREATMENT SYSTEMS THAT
13 FAIL TO MEET THESE STANDARDS.

14 (D) CRITERIA FOR SITING AND DESIGN OF ON-SITE WASTEWATER
15 TREATMENT SYSTEMS.

16 (E) REQUIREMENTS RELATING TO THE CONSTRUCTION APPROVAL PROCESS
17 BY THE DEPARTMENT AND LOCAL HEALTH DEPARTMENTS FOR ON-SITE
18 WASTEWATER TREATMENT SYSTEMS.

19 (F) REQUIREMENTS FOR THE MANAGEMENT OF CONVENTIONAL AND
20 ALTERNATIVE ON-SITE WASTEWATER TREATMENT SYSTEMS THAT DEFINE
21 REQUIRED ROUTINE MAINTENANCE NECESSARY TO ENSURE CONTINUED PROPER
22 PERFORMANCE OF THE SYSTEM TO PROTECT PUBLIC HEALTH AND THE
23 ENVIRONMENT.

24 (G) REQUIREMENTS FOR THE APPROVAL OF CONVENTIONAL,
25 ALTERNATIVE, AND EXPERIMENTAL WASTEWATER SYSTEM PRODUCTS,
26 COMPONENTS, OR DEVICES.

27 (H) ESTABLISHMENT OF CRITERIA FOR REQUESTING AND GRANTING

1 APPEALS BY AN AUTHORIZED LOCAL HEALTH DEPARTMENT. THESE CRITERIA
2 SHALL ASSURE THAT ANY APPROVAL MEETS THE REQUIREMENTS OF SECTION
3 5002(1).

4 (I) CRITERIA FOR ALLOWING THE CONTINUED USE OF APPROVED ON-
5 SITE WASTEWATER TREATMENT SYSTEMS IN WHICH A CONSTRUCTION PERMIT
6 WAS ISSUED PRIOR TO THE EFFECTIVE DATE OF THE STATEWIDE CODE IF THE
7 REQUIREMENTS OF SECTION 5002(1) ARE MET.

8 (J) QUALIFICATIONS AND CONTINUING EDUCATION REQUIREMENTS FOR
9 THOSE INVOLVED IN THE MANAGEMENT OF ON-SITE WASTEWATER TREATMENT
10 SYSTEMS.

11 (K) REQUIREMENTS FOR EACH SEPTIC TANK TO CONTAIN A SEPTIC TANK
12 ACCESS RISER.

13 SEC. 5008. THE DEPARTMENT SHALL DEVELOP RECOMMENDED STANDARDS
14 AND GUIDANCE TO ASSIST LOCAL HEALTH DEPARTMENTS IN PERMITTING
15 DIFFERENT TYPES OF ON-SITE WASTEWATER TREATMENT AND DISTRIBUTION
16 TECHNOLOGIES, INCLUDING THE FOLLOWING 3 CATEGORIES:

17 (A) NONPROPRIETARY TECHNOLOGIES, SUCH AS SAND FILTERS.

18 (B) PROPRIETARY PRODUCTS, SUCH AS AEROBIC TREATMENT SYSTEMS
19 AND PACKED BED FILTERS.

20 (C) PROPRIETARY PRODUCTS, SUCH AS SUBSURFACE DRIPLINE PRODUCTS
21 OR GRAVELLESS DISTRIBUTION PRODUCTS.

22 SEC. 5009. (1) BEGINNING JANUARY 1, 2020, A PERSON SHALL NOT
23 INSTALL A PROPRIETARY PRODUCT UNLESS THAT PRODUCT HAS BEEN
24 REGISTERED FOR USE IN THIS STATE BY THE DEPARTMENT AND THE
25 APPROPRIATE CONSTRUCTION PERMIT IS OBTAINED AS REQUIRED UNDER
26 SECTION 5002(3) OR (4).

27 (2) A PERSON MAY APPLY FOR REGISTRATION OF A PROPRIETARY

1 PRODUCT UNDER SUBSECTION (1) BY SUBMITTING AN APPLICATION WITH THE
2 REQUIRED INFORMATION TO THE DEPARTMENT. THE DEPARTMENT MAY CHARGE A
3 FEE OF \$3,000.00 TO COVER ITS COSTS IN REVIEWING APPLICATIONS FOR
4 REGISTRATION UNDER THIS SECTION. MONEY RECEIVED BY THE DEPARTMENT
5 SHALL BE FORWARDED TO THE STATE TREASURER FOR DEPOSIT INTO THE
6 FUND. WITHIN 30 DAYS AFTER RECEIPT OF AN APPLICATION AND FEE, THE
7 DEPARTMENT SHALL REVIEW AN APPLICATION AND DETERMINE WHETHER IT IS
8 ADMINISTRATIVELY COMPLETE. WITHIN 60 DAYS AFTER RECEIPT OF AN
9 ADMINISTRATIVELY COMPLETE APPLICATION, THE DEPARTMENT SHALL
10 COMPLETE ITS REVIEW OF THE PROPRIETARY PRODUCT. IN APPROVING AND
11 REGISTERING FOR USE A PROPRIETARY PRODUCT IN THIS STATE, THE
12 DEPARTMENT SHALL CONSIDER THE RECOMMENDED STANDARDS AND GUIDANCE
13 PROVIDED TO THE DEPARTMENT BY THE TECHNICAL ADVISORY COMMITTEE. A
14 REGISTRATION UNDER THIS SECTION IS VALID FOR 5 YEARS.

15 (3) THE DEPARTMENT MAY DENY, SUSPEND, OR REVOKE THE
16 REGISTRATION UNDER THIS SECTION FOLLOWING A CONTESTED CASE HEARING
17 PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306,
18 MCL 24.201 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 FAILS TO PAY REQUIRED
24 REGISTRATION FEES.

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

27 SEC. 5010. (1) THE OWNER OF AN ON-SITE WASTEWATER SYSTEM SHALL

1 MAINTAIN THE SYSTEM. PROPER MAINTENANCE ON THE PART OF THE OWNER IS
2 CRITICAL FOR THE PERFORMANCE OF THE ON-SITE WASTEWATER TREATMENT
3 SYSTEM AND ENSURES THAT THE SYSTEM IS PROTECTIVE OF THE PUBLIC
4 HEALTH AND ENVIRONMENT OF THE PEOPLE LIVING ON AND NEAR THE SYSTEM.

5 (2) SUBJECT TO SUBSECTION (3), BEGINNING ON THE EFFECTIVE DATE
6 OF THE AMENDATORY ACT THAT ADDED THIS PART, THE OWNER OF A
7 CONVENTIONAL ON-SITE WASTEWATER TREATMENT SYSTEM SHALL HAVE A
8 COMPREHENSIVE INSPECTION CONDUCTED AT THE POINT OF SALE UNLESS A
9 COMPREHENSIVE INSPECTION OR A PUMP-OUT INSPECTION WAS CONDUCTED
10 WITHIN 5 YEARS PRIOR TO THE SALE. HOWEVER, A COMPREHENSIVE
11 INSPECTION SHALL BE PERFORMED FOR AT LEAST EVERY OTHER TRANSFER OF
12 THE PROPERTY.

13 (3) A COMPREHENSIVE INSPECTION IS NOT REQUIRED FOR A PERIOD OF
14 5 YEARS AFTER THE DATE OF INSTALLATION OF A NEW APPROVED ON-SITE
15 WASTEWATER TREATMENT SYSTEM.

16 (4) SUBJECT TO SUBSECTION (5), BEGINNING ON THE EFFECTIVE DATE
17 OF THE AMENDATORY ACT THAT ADDED THIS PART, AN ALTERNATIVE SYSTEM
18 SHALL BE INSPECTED BY THE DEPARTMENT, AN AUTHORIZED LOCAL HEALTH
19 DEPARTMENT, OR A REGISTERED INSPECTOR AT LEAST ONCE EVERY 5 YEARS
20 UNLESS OTHERWISE PROVIDED IN THE STATEWIDE CODE. THE DEPARTMENT
21 SHALL PROVIDE THE DETAILS OF THE INSPECTION AND QUALIFICATION
22 REQUIREMENTS OF THE INSPECTOR IN THE STATEWIDE CODE AFTER
23 CONSIDERING ADVICE FROM THE TECHNICAL ADVISORY COMMITTEE.

24 (5) AUTHORIZED LOCAL HEALTH DEPARTMENTS OR LOCAL UNITS OF
25 GOVERNMENT MAY PROPOSE TO THE DEPARTMENT FOR REVIEW AND APPROVAL
26 ALTERNATE INSPECTION PROGRAMS THAT MEET MINIMUM REQUIREMENTS
27 SPECIFIED IN THE STATEWIDE CODE, INCLUDING ANY OF THE FOLLOWING:

1 (A) INSPECTIONS CONDUCTED IN CONJUNCTION WITH THE EVALUATION
2 OF A FAILURE OF AN EXISTING SYSTEM.

3 (B) INSPECTION OF AN EXISTING SYSTEM IN CONJUNCTION WITH A
4 PROPOSED CHANGE IN USE OR INCREASED USE.

5 (C) INSPECTIONS OF SYSTEMS REQUIRED TO BE CONDUCTED IN DEFINED
6 GEOGRAPHICAL AREAS OR POLITICAL SUBDIVISIONS IN ACCORD WITH LOCAL
7 ORDINANCE.

8 SEC. 5011. (1) A PERSON CONDUCTING A COMPREHENSIVE INSPECTION
9 OF AN ON-SITE WASTEWATER TREATMENT SYSTEM AS REQUIRED UNDER THIS
10 PART SHALL DO AT LEAST ALL OF THE FOLLOWING:

11 (A) IDENTIFY THE SIZE AND CONDITION OF THE SEPTIC TANK OR
12 TANKS.

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

15 (C) DETERMINE THE EFFLUENT LEVEL IN THE SEPTIC TANK OR TANKS.

16 (D) LOCATE, EXPOSE, OPEN, AND INSPECT THE SEPTIC TANK OR TANKS
17 AND PUMPING CHAMBERS ASSOCIATED WITH THE SYSTEM.

18 (E) INSPECT THE ENHANCED TREATMENT UNIT THAT EXISTS AS PART OF
19 AN ALTERNATIVE SYSTEM.

20 (F) LOCATE, DETERMINE THE SIZE OF, AND OBSERVE THE SUBSURFACE
21 DISPERSAL SYSTEM TO DETERMINE ITS CONDITION.

22 (G) OBSERVE THE GENERAL AREA THAT INCLUDES THE TREATMENT AND
23 DISPERSAL SYSTEM FOR EVIDENCE OF SYSTEM FAILURE OR OTHER FACTORS
24 THAT MAY INFLUENCE PROPER OPERATION.

25 (H) INSPECT FOR AN ILLICIT DISCHARGE TO THE SURFACE OF THE
26 GROUND, SURFACE WATER, OR A DRAIN.

27 (I) BASED UPON THE INFORMATION GATHERED UNDER SUBDIVISIONS (A)

1 THROUGH (H), ASSESS, AND DOCUMENT IN AN INSPECTION REPORT, ALL OF
2 THE FOLLOWING:

3 (i) WHETHER THE SYSTEM IS FUNCTIONING IN THE MANNER IN WHICH
4 IT WAS DESIGNED.

5 (ii) WHETHER APPARENT PROBLEMS EXIST WITH THE SYSTEM OR THERE
6 IS AN ILLICIT DISCHARGE.

7 (iii) FOR AN APPROVED ON-SITE WASTEWATER SYSTEM FOR WHICH A
8 CONSTRUCTION PERMIT WAS ISSUED AFTER THE EFFECTIVE DATE OF THE
9 STATEWIDE CODE, WHETHER THE SYSTEM IS IN COMPLIANCE WITH THE
10 STATEWIDE CODE OR AN APPROVED LOCAL HEALTH DEPARTMENT CODE.

11 (iv) EVIDENCE OF A FAILURE OF THE ON-SITE WASTEWATER SYSTEM
12 AND WHETHER THE FAILURE IS CAUSING AN IMMINENT PUBLIC HEALTH
13 HAZARD.

14 (2) WITHIN 15 DAYS AFTER COMPLETION OF THE COMPREHENSIVE
15 INSPECTION, THE PERSON CONDUCTING THE INSPECTION SHALL DO BOTH OF
16 THE FOLLOWING:

17 (A) PREPARE AN INSPECTION REPORT THAT DETAILS THE FINDINGS OF
18 THE COMPREHENSIVE INSPECTION.

19 (B) PROVIDE A WRITTEN OR ELECTRONIC COPY OF THE INSPECTION
20 REPORT TO THE OWNER OF THE ON-SITE WASTEWATER TREATMENT SYSTEM AND
21 THE AUTHORIZED LOCAL HEALTH DEPARTMENT OR THE DEPARTMENT, AS
22 APPROPRIATE.

23 (3) IF AN INSPECTION REPORT UNDER SUBSECTION (2) IDENTIFIES
24 EVIDENCE OF FAILURE CAUSING AN IMMINENT PUBLIC HEALTH HAZARD, THE
25 OWNER OF THE ON-SITE WASTEWATER TREATMENT SYSTEM SHALL REPAIR OR
26 REPLACE THE ON-SITE WASTEWATER TREATMENT SYSTEM WITHIN 14 DAYS
27 AFTER RECEIVING THE INSPECTION REPORT. IF THE INSPECTION REPORT

1 UNDER SUBSECTION (2) IDENTIFIES EVIDENCE OF A FAILURE THAT IS NOT
2 CAUSING AN IMMINENT PUBLIC HEALTH HAZARD, THE OWNER OF THE ON-SITE
3 WASTEWATER TREATMENT SYSTEM SHALL REPAIR OR REPLACE THE ON-SITE
4 WASTEWATER TREATMENT SYSTEM WITHIN 180 DAYS AFTER RECEIVING THE
5 INSPECTION REPORT.

6 (4) THE DEPARTMENT OR AN AUTHORIZED LOCAL HEALTH DEPARTMENT
7 MAY CHARGE A REASONABLE FEE NOT TO EXCEED THE COSTS OF CONDUCTING
8 COMPREHENSIVE INSPECTIONS.

9 (5) IN ADDITION TO THE FEE CHARGED FOR CONDUCTING A
10 COMPREHENSIVE INSPECTION, THE REGISTERED INSPECTOR, AUTHORIZED
11 LOCAL HEALTH DEPARTMENT, OR DEPARTMENT, AS APPLICABLE, SHALL CHARGE
12 AN ADDITIONAL \$25.00 STATE ADMINISTRATIVE FEE. STATE ADMINISTRATIVE
13 FEES SHALL BE FORWARDED TO THE DEPARTMENT. THE DEPARTMENT SHALL
14 FORWARD ALL FEES IT RECEIVES UNDER THIS SECTION TO THE STATE
15 TREASURER FOR DEPOSIT INTO THE FUND.

16 SEC. 5012. (1) THE OWNER OF A CONVENTIONAL ON-SITE WASTEWATER
17 TREATMENT SYSTEM SHALL HAVE THE SEPTIC TANK PUMPED OUT AND HAVE A
18 PUMP-OUT INSPECTION CONDUCTED BY A SEPTIC WASTE SERVICER LICENSED
19 UNDER PART 117, OR HIS OR HER AGENT, AT LEAST ONCE EVERY 5 YEARS.

20 (2) WITHIN 15 DAYS AFTER COMPLETION OF A PUMP-OUT INSPECTION
21 CONDUCTED UNDER THIS SECTION, THE FINDINGS OF THE PUMP-OUT
22 INSPECTION SHALL BE REPORTED TO THE OWNER OF THE ON-SITE WASTEWATER
23 TREATMENT SYSTEM AND TO THE AUTHORIZED LOCAL HEALTH DEPARTMENT OR
24 THE DEPARTMENT, AS APPROPRIATE. AT A MINIMUM, THE INSPECTION REPORT
25 SHALL INCLUDE ALL OF THE FOLLOWING:

26 (A) THE SIZE AND CONDITION OF THE SEPTIC TANK OR TANKS.

27 (B) VERIFICATION THAT ALL SANITARY SEWAGE-RELATED PLUMBING

1 FIXTURES ARE CONNECTED TO THE SEPTIC TANK OR TANKS.

2 (C) THE LEVEL OF EFFLUENT IN THE SEPTIC TANK OR TANKS PRIOR TO
3 PUMPING.

4 (D) A DESCRIPTION OF THE TREATMENT AND DISPERSAL SYSTEM
5 FOLLOWING THE SEPTIC TANK OR TANKS.

6 (E) EVIDENCE OF A FAILURE OF THE ON-SITE WASTEWATER TREATMENT
7 SYSTEM AND WHETHER THE FAILURE IS CAUSING AN IMMINENT PUBLIC HEALTH
8 HAZARD.

9 (3) IF AN INSPECTION REPORT UNDER SUBSECTION (2) IDENTIFIES
10 EVIDENCE OF FAILURE CAUSING AN IMMINENT PUBLIC HEALTH HAZARD, THE
11 OWNER OF THE ON-SITE WASTEWATER TREATMENT SYSTEM SHALL REPAIR OR
12 REPLACE THE ON-SITE WASTEWATER TREATMENT SYSTEM WITHIN 14 DAYS
13 AFTER RECEIVING THE INSPECTION REPORT. IF THE INSPECTION REPORT
14 UNDER SUBSECTION (2) IDENTIFIES EVIDENCE OF A FAILURE THAT IS NOT
15 CAUSING AN IMMINENT PUBLIC HEALTH HAZARD, THE OWNER OF THE ON-SITE
16 WASTEWATER TREATMENT SYSTEM SHALL REPAIR OR REPLACE THE ON-SITE
17 WASTEWATER TREATMENT SYSTEM WITHIN 180 DAYS OF THE INSPECTION
18 REPORT.

19 (4) IN ADDITION TO THE FEE CHARGED FOR CONDUCTING A PUMP-OUT
20 INSPECTION, THE LICENSED SEPTAGE WASTE SERVICER SHALL CHARGE AN
21 ADDITIONAL \$25.00 STATE ADMINISTRATIVE FEE. STATE ADMINISTRATIVE
22 FEES SHALL BE FORWARDED TO THE DEPARTMENT. THE DEPARTMENT SHALL
23 FORWARD ALL FEES IT RECEIVES UNDER THIS SECTION TO THE STATE
24 TREASURER FOR DEPOSIT INTO THE FUND.

25 SEC. 5013. (1) THE DEPARTMENT SHALL DEVELOP AND MAKE AVAILABLE
26 INSPECTION REPORT FORMS FOR USE IN DOCUMENTING THE RESULTS OF
27 COMPREHENSIVE INSPECTIONS AND PUMP-OUT INSPECTIONS.

1 (2) THE DEPARTMENT SHALL MAKE AVAILABLE AND MAINTAIN AN ON-
2 SITE WASTEWATER SYSTEM ELECTRONIC DATABASE FOR RECORDING AND
3 TRACKING THE RESULTS OF COMPREHENSIVE INSPECTIONS AND PUMP-OUT
4 INSPECTIONS OF ON-SITE WASTEWATER SYSTEMS. WHEN THE ON-SITE
5 WASTEWATER SYSTEM ELECTRONIC DATABASE IS AVAILABLE, THE DEPARTMENT
6 MAY REQUIRE THE INSPECTOR TO ELECTRONICALLY ENTER INSPECTION
7 INFORMATION INTO THE DATABASE IN LIEU OF THE WRITTEN REPORT. THE
8 DATABASE SHALL NOT INCLUDE PERSONAL INFORMATION RELATED TO THE
9 OWNER OR OPERATOR OF AN ON-SITE WASTEWATER TREATMENT SYSTEM.

10 SEC. 5014. (1) BEGINNING JANUARY 1, 2020, A COMPREHENSIVE
11 INSPECTION UNDER THIS PART SHALL BE CONDUCTED ONLY BY THE
12 DEPARTMENT, AN INDIVIDUAL REGISTERED BY THE DEPARTMENT, OR
13 QUALIFIED LOCAL HEALTH DEPARTMENT STAFF. TO QUALIFY FOR
14 REGISTRATION OR TO CONDUCT COMPREHENSIVE INSPECTIONS, AN INDIVIDUAL
15 SHALL MEET THE EDUCATIONAL AND TRAINING REQUIREMENTS ESTABLISHED IN
16 THE STATEWIDE CODE.

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

24 (3) IF AN ORGANIZATION OR AUTHORIZED LOCAL HEALTH DEPARTMENT
25 HAS A PROGRAM TO QUALIFY INSPECTORS OF ON-SITE WASTEWATER TREATMENT
26 SYSTEMS, THE DEPARTMENT MAY, UPON REVIEW OF THE PROGRAM, APPROVE
27 THE PROGRAM AND ACCEPT THOSE INDIVIDUALS AS MEETING THE

1 REQUIREMENTS OF THIS SECTION FOR REGISTRATION. AN INDIVIDUAL
2 REGISTERED UNDER THIS SUBSECTION SHALL THEREAFTER MEET DEPARTMENT
3 REQUIREMENTS AS SPECIFIED IN THE STATEWIDE CODE AND SHALL PAY THE
4 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) 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. 5015. (1) THE DEPARTMENT MAY ENTER INTO AGREEMENTS,
25 CONTRACTS, OR COOPERATIVE ARRANGEMENTS WITH APPROPRIATE AUTHORIZED
26 LOCAL HEALTH DEPARTMENTS OR OTHER PERSONS FOR THE PURPOSE OF
27 ADMINISTERING THIS PART.

1 (2) IF A LOCAL HEALTH DEPARTMENT IS NOT AUTHORIZED TO
2 ADMINISTER THIS PART, THE DEPARTMENT SHALL CARRY OUT THE PROVISIONS
3 OF THIS PART THROUGH ANY OF THE FOLLOWING:

4 (A) DIRECT IMPLEMENTATION.

5 (B) CONTRACTING WITH ANOTHER AUTHORIZED LOCAL HEALTH
6 DEPARTMENT.

7 (C) CONTRACTING WITH A QUALIFIED PERSON.

8 SEC. 5016. THIS PART DOES NOT PROHIBIT A LOCAL UNIT OF
9 GOVERNMENT OR A LOCAL HEALTH DEPARTMENT FROM ESTABLISHING A POINT
10 OF SALE INSPECTION PROGRAM OR FROM REGULATING ON-SITE WASTEWATER
11 TREATMENT SYSTEMS IN A MANNER THAT IS MORE PROTECTIVE OF PUBLIC
12 HEALTH AND THE ENVIRONMENT THAN IS PROVIDED IN THIS PART.

13 SEC. 5017. (1) THE ON-SITE WASTEWATER TREATMENT SYSTEM
14 ADMINISTRATION FUND IS CREATED WITHIN THE STATE TREASURY.

15 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS FROM
16 ANY SOURCE FOR DEPOSIT INTO THE FUND. THE STATE TREASURER SHALL
17 DIRECT THE INVESTMENT OF THE FUND. THE STATE TREASURER SHALL CREDIT
18 TO THE FUND INTEREST AND EARNINGS FROM FUND INVESTMENTS.

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

21 (4) THE DEPARTMENT SHALL BE THE ADMINISTRATOR OF THE FUND FOR
22 AUDITING PURPOSES.

23 (5) THE DEPARTMENT SHALL EXPEND MONEY FROM THE FUND, UPON
24 APPROPRIATION, ONLY FOR 1 OR MORE OF THE FOLLOWING:

25 (A) TO ADMINISTER THIS PART.

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

1 (C) FOR GRANTS TO DISTRESSED HOMEOWNERS TO REPLACE OR REPAIR
2 ON-SITE WASTEWATER SYSTEMS THAT HAVE FAILED.

3 SEC. 5018. A PERSON THAT VIOLATES THIS PART IS RESPONSIBLE FOR
4 A STATE CIVIL INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE OF
5 NOT LESS THAN \$10.00 OR MORE THAN \$1,000.00 FOR EACH VIOLATION. FOR
6 PURPOSES OF THIS SECTION, EACH DAY OF CONTINUED VIOLATION IS A
7 SEPARATE VIOLATION. HOWEVER, THE CONTINUED VIOLATION DOES NOT
8 ACCRUE DURING A TIME WHEN AN ORDER IS SUSPENDED, STAYED, OR
9 ENJOINED.