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

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

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

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

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

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

(I) "EXPERIMENTAL ON-SITE WASTEWATER TREATMENT SYSTEM" MEANS AN ON-SITE WASTEWATER TREATMENT SYSTEM THAT IS STILL IN EXPERIMENTAL USE AND Requires FURTHER TESTING IN ORDER TO PROVIDE SUFFICIENT INFORMATION TO DETERMINE ITS ACCEPTABILITY.
(J) "FAILURE" MEANS A MALFUNCTION OR FAILURE OF AN ON-SITE
WASTEWATER TREATMENT SYSTEM CONSISTING OF ANY OF THE FOLLOWING:

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

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

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

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

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

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

(vii) AN ILLICIT CONNECTION OR ILLICIT DISCHARGE.

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

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

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

(M) "ILLICIT DISCHARGE" MEANS ANY DISCHARGE OR SEEPAGE FROM AN
ON-SITE WASTEWATER TREATMENT SYSTEM OR OTHER SEPARATE DRAINAGE
SYSTEM THAT IS NOT AUTHORIZED OR PERMITTED BY APPLICABLE LAW,
INCLUDING AN UNAUTHORIZED DISCHARGE OF SANITARY SEWAGE, INDUSTRIAL
WASTE, RESTAURANT WASTE, OR OTHER WASTE MATERIAL.

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

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

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

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

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

(S) "POINT OF SALE" MEANS THE SALE OR OTHER TRANSFER OF A
PARCEL OF REAL ESTATE BUT DOES NOT INCLUDE A TRANSFER DESCRIBED IN
SECTION 3 OF THE SELLER DISCLOSURE ACT, 1993 PA 92, MCL 565.953.

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

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

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

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

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

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

SEC. 5002. (1) A CONVENTIONAL OR ALTERNATIVE ON-SITE WASTEWATER TREATMENT SYSTEM SHALL BE MANAGED IN A MANNER THAT DOES
ALL OF THE FOLLOWING:

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

(B) PROTECTS PUBLIC HEALTH AND THE ENVIRONMENT.

(C) PROTECTS THE SURFACE WATERS OF THE STATE.

(D) PROTECTS GROUNDWATER QUALITY.

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

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

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

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

SEC. 5003. THE DEPARTMENT SHALL AUTHORIZE A LOCAL HEALTH DEPARTMENT TO ADMINISTER THIS PART FOR CONVENTIONAL ON-SITE WASTEWATER TREATMENT SYSTEMS IF THE LOCAL HEALTH DEPARTMENT DOES ALL OF THE FOLLOWING:
(A) ADOPTS REGULATIONS CONSISTENT WITH THIS PART FOR THE
PURPOSE OF CARRYING OUT THE RESPONSIBILITIES OF THIS PART AND THE
STATEWIDE CODE, INCLUDING AUTHORITY TO DO ALL OF THE FOLLOWING:

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

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

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

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

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

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

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

(iii) DEMONSTRATE COMPETENCY AND UNDERSTANDING OF LOCAL
SANITARY REGULATIONS, CRITERIA FOR SUBSURFACE SEWAGE DISPOSAL, AND
THE LAND DIVISION ACT, 1967 PA 288, MCL 560.101 TO 560.293.

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

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

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

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

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

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

(A) DEMONSTRATES THAT IT MEETS THE REQUIREMENTS OF SECTION
5003.
(B) ADOPTS REGULATIONS CONSISTENT WITH THIS PART FOR THE PURPOSE OF CARRYING OUT THE RESPONSIBILITIES OF THIS PART, INCLUDING AUTHORITY TO DO ALL OF THE FOLLOWING:

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

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

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

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

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

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

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

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

(B) THE SOILS, SITE CONDITIONS, AND OPERATING CONDITIONS AT
THE LOCATION ARE APPROPRIATE FOR THE USE OF THE ALTERNATIVE SYSTEM
IN COMPLIANCE WITH THE STANDARDS ESTABLISHED BY THE LOCAL HEALTH
DEPARTMENT OR THE STANDARDS PROVIDED BY THE DEPARTMENT IN
ACCORDANCE WITH THE STATEWIDE CODE, WHICHEVER ARE MORE PROTECTIVE
OF PUBLIC HEALTH AND THE ENVIRONMENT.

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

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

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

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

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

(E) INSPECTION ELEMENTS AND REPORTING.

(F) INSPECTOR QUALIFICATIONS.

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

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

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

(2) THE DEPARTMENT SHALL APPOINT MEMBERS TO THE TECHNICAL
ADVISORY COMMITTEE WHO HAVE TECHNICAL OR SCIENTIFIC KNOWLEDGE
APPLICABLE TO ON-SITE WASTEWATER SYSTEMS FROM AGENCIES, PROFESSIONS, AND ORGANIZATIONS AS FOLLOWS:

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

   (B) TWO PROFESSIONAL ENGINEERS.

   (C) TWO HYDROGEOLOGISTS.

   (D) ONE UNIVERSITY REPRESENTATIVE.

   (E) ONE ON-SITE SYSTEM PRODUCT MANUFACTURER.

   (F) ONE ON-SITE WASTEWATER SYSTEM INSTALLER.

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

   (H) ONE DEPARTMENT REPRESENTATIVE.

3 THE TECHNICAL ADVISORY COMMITTEE SHALL CONSIDER THE FOLLOWING IN ITS ADVICE TO THE DEPARTMENT:

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

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

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

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

4 THE TECHNICAL ADVISORY COMMITTEE MAY CONSULT WITH EXPERTS IN THE FIELD OF MANAGEMENT OF ON-SITE WASTEWATER TREATMENT SYSTEMS IN PROVIDING ADVICE TO THE DEPARTMENT.
SEC. 5007. NOT LATER THAN 1 YEAR AFTER THE EFFECTIVE DATE OF
THE AMENDATORY ACT THAT ADDED THIS PART, THE DEPARTMENT SHALL
PROMULGATE RULES THAT ESTABLISH A STATEWIDE CODE CONTAINING
PERFORMANCE-BASED STANDARDS FOR CONVENTIONAL AND ALTERNATIVE ON-
SITE WASTEWATER TREATMENT SYSTEMS. THE RULES SHALL PROVIDE BASELINE
PROTECTION FOR PUBLIC HEALTH AND THE ENVIRONMENT, INCLUDING ALL OF
THE FOLLOWING:

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

(B) WASTEWATER EFFlUENT STANDARDS, IF APPLICABLE.

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

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

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

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

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

(H) ESTABLISHMENT OF CRITERIA FOR REQUESTING AND GRANTING
APPEALS BY AN AUTHORIZED LOCAL HEALTH DEPARTMENT. THESE CRITERIA
SHALL ASSURE THAT ANY APPROVAL MEETS THE REQUIREMENTS OF SECTION
5002(1).

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

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

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

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

(A) NONPROPRIETARY TECHNOLOGIES, SUCH AS SAND FILTERS.

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

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

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

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

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

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

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

(C) THE APPLICANT OR REGISTRANT FAILS TO PAY REQUIRED
REGISTRATION FEES.

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

SEC. 5010. (1) THE OWNER OF AN ON-SITE WASTEWATER SYSTEM SHALL
MAINTAIN THE SYSTEM. PROPER MAINTENANCE ON THE PART OF THE OWNER IS
CRITICAL FOR THE PERFORMANCE OF THE ON-SITE WASTEWATER TREATMENT
SYSTEM AND ENSURES THAT THE SYSTEM IS PROTECTIVE OF THE PUBLIC
HEALTH AND ENVIRONMENT OF THE PEOPLE LIVING ON AND NEAR THE SYSTEM.

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

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

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

(5) AUTHORIZED LOCAL HEALTH DEPARTMENTS OR LOCAL UNITS OF
GOVERNMENT MAY PROPOSE TO THE DEPARTMENT FOR REVIEW AND APPROVAL
ALTERNATE INSPECTION PROGRAMS THAT MEET MINIMUM REQUIREMENTS
SPECIFIED IN THE STATEWIDE CODE, INCLUDING ANY OF THE FOLLOWING:
(A) INSPECTIONS CONDUCTED IN CONJUNCTION WITH THE EVALUATION OF A FAILURE OF AN EXISTING SYSTEM.

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

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

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

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

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

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

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

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

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

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

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

(I) BASED UPON THE INFORMATION GATHERED UNDER SUBDIVISIONS (A)
THROUGH (H), ASSESS, AND DOCUMENT IN AN INSPECTION REPORT, ALL OF
THE FOLLOWING:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(D) A DESCRIPTION OF THE TREATMENT AND DISPER SAL SYSTEM FOLLOWING THE SEPTIC TANK OR TANKS.

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

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

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

SEC. 5013. (1) THE DEPARTMENT SHALL DEVELOP AND MAKE AVAILABLE INSPECTION REPORT FORMS FOR USE IN DOCUMENTING THE RESULTS OF COMPREHENSIVE INSPECTIONS AND PUMP-OUT INSPECTIONS.
(2) THE DEPARTMENT SHALL MAKE AVAILABLE AND MAINTAIN AN ON-SITE WASTEWATER SYSTEM ELECTRONIC DATABASE FOR RECORDING AND TRACKING THE RESULTS OF COMPREHENSIVE INSPECTIONS AND PUMP-OUT INSPECTIONS OF ON-SITE WASTEWATER SYSTEMS. WHEN THE ON-SITE WASTEWATER SYSTEM ELECTRONIC DATABASE IS AVAILABLE, THE DEPARTMENT MAY REQUIRE THE INSPECTOR TO ELECTRONICALLY ENTER INSPECTION INFORMATION INTO THE DATABASE IN LIEU OF THE WRITTEN REPORT. THE DATABASE SHALL NOT INCLUDE PERSONAL INFORMATION RELATED TO THE OWNER OR OPERATOR OF AN ON-SITE WASTEWATER TREATMENT SYSTEM.

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

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

(3) IF AN ORGANIZATION OR AUTHORIZED LOCAL HEALTH DEPARTMENT HAS A PROGRAM TO QUALIFY INSPECTORS OF ON-SITE WASTEWATER TREATMENT SYSTEMS, THE DEPARTMENT MAY, UPON REVIEW OF THE PROGRAM, APPROVE THE PROGRAM AND ACCEPT THOSE INDIVIDUALS AS MEETING THE
REQUIREMENTS OF THIS SECTION FOR REGISTRATION. AN INDIVIDUAL
REGISTERED UNDER THIS SUBSECTION SHALL THEREAFTER MEET DEPARTMENT
REQUIREMENTS AS SPECIFIED IN THE STATEWIDE CODE AND SHALL PAY THE
APPLICATION FEE.

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

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

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

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

(C) FAILURE TO SATISFACTORILY COMPLETE CONTINUING EDUCATION
REQUIREMENTS.

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

(E) FAILURE TO PAY REQUIRED FEES.

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

SEC. 5015. (1) THE DEPARTMENT MAY ENTER INTO AGREEMENTS,
CONTRACTS, OR COOPERATIVE ARRANGEMENTS WITH APPROPRIATE AUTHORIZED
LOCAL HEALTH DEPARTMENTS OR OTHER PERSONS FOR THE PURPOSE OF
ADMINISTERING THIS PART.
(2) If a local health department is not authorized to administer this part, the department shall carry out the provisions of this part through any of the following:

(A) Direct implementation.

(B) Contracting with another authorized local health department.

(C)Contracting with a qualified person.

Sec. 5016. This part does not prohibit a local unit of government or a local health department from establishing a point of sale inspection program or from regulating on-site wastewater treatment systems in a manner that is more protective of public health and the environment than is provided in this part.

Sec. 5017. (1) The on-site wastewater treatment system administration fund is created within the state treasury.

(2) The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.

(3) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

(4) The department shall be the administrator of the fund for auditing purposes.

(5) The department shall expend money from the fund, upon appropriation, only for 1 or more of the following:

(A) To administer this part.

(B) For grants to local health departments to carry out their responsibilities under this part.
(C) FOR GRANTS TO DISTRESSED HOMEOWNERS TO REPLACE OR REPAIR ON-SITE WASTEWATER SYSTEMS THAT HAVE FAILED.

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