

DRAFT 2
SUBSTITUTE FOR
HOUSE BILL NO. 4480

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding sections 12815, 12817, and
12829.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 12815. (1) The technical advisory committee is created in
2 the department to advise the department on all of the following:
3 (a) Recommended standards and guidance for the management of
4 onsite wastewater treatment systems.
5 (b) Nonproprietary technologies and recommended standards and
6 guidance for their use.
7 (c) Testing and design standards used for proprietary product
8 registration and recommended standards and guidance for use of



1 proprietary products.

2 (d) Recommended standards and guidance for alternative onsite
3 wastewater treatment systems and the severity of a failure of a
4 system.

5 (e) Onsite wastewater treatment system inspection elements and
6 reporting.

7 (f) Registered inspector qualifications and ethical standards.

8 (g) Documentation required to be submitted to the department
9 for qualifying and registering inspectors under section 12823.

10 (h) Qualifications of individuals other than registered
11 inspectors involved in the management of onsite wastewater
12 treatment systems.

13 (i) Continuing education requirements for individuals involved
14 in the management of onsite wastewater treatment systems.

15 (j) Recommended standards for implementing this act, including
16 how to prioritize onsite wastewater treatment system inspections.

17 (2) The technical advisory committee must consist of all of
18 the following members who have technical or scientific knowledge
19 applicable to onsite wastewater treatment systems:

20 (a) Five regional local health department representatives
21 recommended by a state organization representing local health
22 departments. The 5 members appointed under this subsection must be
23 appointed as follows:

24 (i) One member appointed by the governor.

25 (ii) Two members appointed by the speaker of the house of
26 representatives.

27 (iii) Two members appointed by the senate majority leader.

28 (b) All of the following members appointed by the governor:

29 (i) One professional engineer.



(ii) One hydrogeologist with hydrogeology field experience. As used in this subparagraph, "hydrogeologist" means a professional hydrogeologist as that term is defined in section 32706c of the natural resources and environmental protection act, 1994 PA 451, MCL 324.32706c.

(iii) One microbiologist.

(iv) One onsite system product manufacturer.

(v) One onsite wastewater system installer.

(vi) One onsite wastewater system service provider.

(vii) Two department representatives.

(viii) One epidemiologist.

(ix) One individual with knowledge of the use of onsite wastewater treatment systems representing users of onsite wastewater treatment systems.

(x) One representative from a state organization specializing in the protection of public health and the environment through improved water quality.

(xi) One current or former county drain commissioner.

(3) The members first appointed to the technical advisory committee shall be appointed within 90 days after the effective date of the amendatory act that added this part.

(4) Members of the technical advisory committee shall serve for terms of 4 years or until a successor is appointed.

(5) If a vacancy occurs on the technical advisory committee, an individual shall be appointed in the same manner as the original appointment to fill the vacancy for the balance of the term.

(6) The governor may remove a member of the technical advisory committee for incompetence, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or any other good cause.



(7) The governor shall call the first meeting of the technical advisory committee. At the first meeting, the technical advisory committee shall elect from among its members a chairperson and other officers as it considers necessary or appropriate. Except as otherwise provided in this subsection, after the first meeting, the technical advisory committee shall meet at least bimonthly, or more frequently at the call of the chairperson, or if requested by the department. Beginning 8 years after the effective date of the amendatory act that added this section, the technical advisory committee shall meet at least biannually, or more frequently at the call of the chairperson, or if requested by the department.

(8) A majority of the members of the technical advisory committee constitute a quorum for the transaction of business at a meeting of the technical advisory committee. A majority of the members present and serving are required for official action of the technical advisory committee.

(9) The business that the technical advisory committee may perform must be conducted at a public meeting of the technical advisory committee held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(10) A writing prepared, owned, used, in the possession of, or retained by the technical advisory committee in the performance of an official function is subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(11) Members of the technical advisory committee shall serve without compensation. However, members of the technical advisory committee may be reimbursed for their actual and necessary expenses incurred in the performance of their official duties as members of the technical advisory committee.



1 (12) The technical advisory committee shall consider the
2 following in its advice to the department:

3 (a) Sufficient theory and applied research to document
4 efficacy of onsite wastewater treatment systems.

5 (b) Potential use, local soil conditions, and other factors
6 that may affect the operation of onsite wastewater treatment
7 systems.

8 (c) Field performance data that confirm the product or
9 technology functions when installed on-site as indicated by
10 submitted documents.

11 (d) Certification of onsite wastewater treatment systems by
12 NSF International or another recognized certifying agency.

13 (13) The technical advisory committee may consult with experts
14 in the field of management of onsite wastewater treatment systems
15 and other individuals with knowledge and expertise in the
16 management of onsite wastewater treatment systems, including, but
17 not limited to, environmental organizations, financial
18 organizations, home builders, real estate licensees, local units of
19 government, and conservation districts.

20 (14) The department shall provide administrative support to
21 the technical advisory committee.

22 Sec. 12817. Not later than 3 years after the effective date of
23 the amendatory act that added this part, the department shall
24 promulgate rules that establish a statewide code containing
25 performance-based standards for conventional and alternative onsite
26 wastewater treatment systems. Before promulgating these rules, the
27 department shall consult with the technical advisory committee. The
28 rules must provide baseline protection for public health and the
29 environment and must include all of the following:



1 (a) Minimum standards and criteria for the siting, design, and
2 installation of onsite wastewater treatment systems.

3 (b) Wastewater effluent standards, if applicable.

4 (c) Corrective actions necessary to protect public health and
5 the environment for onsite wastewater treatment systems that fail
6 to meet these standards.

7 (d) Requirements relating to the construction approval process
8 by the department and local health departments for onsite
9 wastewater treatment systems.

10 (e) Requirements for the operation, inspection, and
11 maintenance of conventional and alternative onsite wastewater
12 treatment systems that define required routine maintenance
13 necessary to ensure continued proper performance of the system to
14 protect public health and the environment.

15 (f) Requirements for the approval of conventional,
16 alternative, and experimental wastewater treatment system products,
17 components, or devices.

18 (g) Criteria for requesting and granting appeals by an
19 authorized local health department.

20 (h) Criteria for allowing the continued use of approved onsite
21 wastewater treatment systems in which a construction permit was
22 issued before the effective date of the statewide code if use of an
23 onsite wastewater treatment system can be managed in a manner that
24 does all of the following:

25 (i) Ensures an effective level of treatment of sanitary sewage
26 determined to be necessary, based on risk.

27 (ii) Protects public health and the environment.

28 (iii) Protects the surface waters of the state.

29 (iv) Protects groundwater quality.



1 (i) Qualifications and continuing education requirements for
2 individuals involved in the management of onsite wastewater
3 treatment systems.

4 (j) A requirement for septic tanks installed or altered after
5 the effective date of the amendatory act that added this section to
6 contain a septic tank access riser and secondary safety device.

7 (k) Ethical standards for registered inspectors.

8 Sec. 12829. (1) The onsite wastewater treatment system
9 administration fund is created within the state treasury.

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

14 (3) Money in the fund at the close of the fiscal year remains
15 in the fund and does not lapse to the general fund.

16 (4) The department is the administrator of the fund for
17 auditing purposes.

18 (5) The department shall expend money from the fund, upon
19 appropriation, only for the following purposes:

20 (a) To administer this part.

21 (b) For grants to local health departments to carry out their
22 responsibilities under this part.

23 (c) For grants or loans to homeowners who are below 400% of
24 the federal poverty line to update a failure of an onsite
25 wastewater treatment system identified under section 12821. As used
26 in this subdivision, "federal poverty line" means the federal
27 poverty guidelines published annually in the Federal Register by
28 the United States Department of Health and Human Services under its
29 authority to revise the poverty line under 42 USC 9902.



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

3 Enacting section 2. This amendatory act does not take effect
4 unless House Bill No. 4479 of the 102nd Legislature is enacted into
5 law.

