

DRAFT 2
SUBSTITUTE FOR
HOUSE BILL NO. 4479

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 12752 (MCL 333.12752) and by adding part 128.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 12752. **(1)** Public sanitary sewer systems are essential to
2 the health, safety, and welfare of the people of ~~the~~**this** state.
3 ~~Septic tank disposal~~**Onsite wastewater treatment** systems are
4 subject to failure due to soil conditions or other reasons. Failure
5 or potential failure of ~~septic tank disposal~~**onsite wastewater**
6 **treatment** systems poses a threat to the public health, safety, and
7 welfare; presents a potential for ill health, transmission of
8 disease, mortality, and economic blight; and constitutes a threat
9 to the quality of surface and subsurface waters of this state. The



1 connection to available public sanitary sewer systems at the
2 earliest, reasonable date is a matter for the protection of the
3 public health, safety, and welfare and necessary in the public
4 interest ~~which~~**that** is declared as a matter of legislative
5 determination.

6 (2) Onsite wastewater treatment systems are subject to
7 regulation under part 128. Local health departments shall implement
8 and enforce this part and part 128 under any applicable provisions
9 of this act.

10 (3) As used in this section, "onsite wastewater treatment
11 system" means that term as defined in section 12801.

12 PART 128. ONSITE WASTEWATER TREATMENT SYSTEMS

13 Sec. 12801. (1) As used in this part:

14 (a) "Alternative system" means an onsite wastewater treatment
15 system that is not a conventional system and that provides for an
16 equivalent or better degree of protection for public health and the
17 environment than a conventional system.

18 (b) "Approved onsite wastewater treatment system" means an
19 alternative system or conventional system for which construction
20 and any required operating permits have been issued by the
21 department or the local health department having jurisdiction and
22 an inspection has found the system to be in compliance with all
23 required permits.

24 (c) "Authorized local health department" means a local health
25 department authorized by the department to administer this part
26 pursuant to section 12803 for conventional systems or section 12805
27 for alternative systems, as applicable.

28 (d) "Construction permit" means a permit to install,
29 construct, alter, or repair an onsite wastewater treatment system.



(e) "Conventional system" means an onsite wastewater treatment system that contains a watertight septic tank with nonuniform distribution of effluent to a soil dispersal system that does not include any components of an approved alternative technology.

(f) "Department" means the department of environment, Great Lakes, and energy.

(g) "Experimental onsite wastewater treatment system" means an onsite wastewater treatment system that is in experimental use and requires further testing in order to provide sufficient information to determine its acceptability.

(h) "Failure" means a malfunction or failure of an onsite wastewater treatment system consisting of 1 or more of the following:

(i) A discharge of untreated sanitary sewage to the surface of the ground.

(ii) A discharge of untreated sanitary sewage or effluent into surface water, storm drains, or directly into groundwater.

(iii) The inability of the onsite wastewater treatment system to accept untreated sanitary sewage at the rate being discharged, resulting in the backup of sanitary sewage into a structure.

(iv) A structural failure or leaking of the septic tank or other associated components and appurtenances.

(v) A discharge of treated wastewater that does not comply with applicable standards.

(vi) An illicit connection or illicit discharge.

(vii) Evidence of effluent within the septic tank above the invert of the septic tank outlet or above the bottom of the invert at the exit baffle.

(viii) The location of all or a portion of a conventional or



1 alternative system outside of the established boundaries of the
2 property of the structure that the system serves.

3 (ix) The treatment bed or treatment mound has collapsed or
4 compacted and rain and snow melt cannot percolate through the
5 system.

6 (x) The drainfield is hydraulically saturated.

7 (xi) The discharge of sanitary sewer or effluent is endangering
8 a public or private water supply.

9 (xii) An imminent danger is created by a system that is
10 improperly constructed or maintained.

11 (xiii) Evidence of a missing or damaged exit baffle.

12 (xiv) Evidence of effluent levels in more than 1 line above the
13 bottom of the tile.

14 (xv) Biomatting is noted in 2 or more core samples performed
15 across the absorption field.

16 (xvi) Effluent backflows into the septic tank during a pumping
17 ordered under section 12821.

18 (xvii) An absence of all or a part of an onsite wastewater
19 treatment system.

20 (xviii) The onsite wastewater treatment system was improperly
21 installed less than 50 feet from an existing well, was not granted
22 a variance, and testing of the well water indicates contamination.

23 (xix) Evidence of effluent levels above the bottom of the
24 invert at the exit baffle.

25 (i) "Fund" means the onsite wastewater treatment system
26 administration fund created in section 12829.

27 (j) "Illicit connection" means a physical, constructed
28 connection that allows the bypassing of required treatment by an
29 onsite wastewater treatment system in violation of law.



1 (k) "Illicit discharge" means any direct or indirect discharge
2 of untreated sewage in violation of law.

3 (l) "Imminent danger" means a condition or practice that could
4 reasonably be expected to cause death, disease, or serious physical
5 harm immediately or before the imminence of the danger can be
6 eliminated through enforcement procedures otherwise provided in
7 this act.

8 (m) "Management" means the siting, design, installation,
9 operation, inspection, maintenance, alteration, and repair of
10 onsite wastewater treatment systems to ensure that onsite
11 wastewater treatment systems meet required performance standards as
12 prescribed by the technical advisory committee and are protective
13 of public health and the environment.

14 (n) "Nonproprietary technology" means a wastewater treatment
15 or distribution technology, method, or product not subject to a
16 patent or trademark that significantly contributes to the
17 attainment of the treatment or dispersal objectives.

18 (o) "Onsite wastewater treatment system" or "system" means a
19 system of components and appurtenances used to collect and treat
20 sanitary sewage from 1 or more dwellings, buildings, or structures
21 and discharge not more than 10,000 gallons per day of the resulting
22 effluent to a soil dispersal system on property owned by or under
23 the control of the owner of the onsite wastewater treatment system.

24 (p) "Onsite wastewater treatment system inspection" or
25 "inspection" means an inspection of an onsite wastewater treatment
26 system conducted under section 12821.

27 (q) "Operating permit" means a renewable and revocable permit,
28 if required, to operate and maintain an alternative system in
29 compliance with specific operational or performance requirements.



(r) "Point of sale" means the time at which the sale or transfer of a parcel of real estate is complete. Point of sale does not include a transfer described under section 3 of the seller disclosure act, 1993 PA 92, MCL 565.953.

(s) "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 dispersal objectives.

(t) "Registered inspector" means an individual who is qualified to conduct onsite wastewater treatment system inspections and registered under section 12823.

(u) "Repair" includes any of the following:

(i) A replacement of original parts.

(ii) An adjustment of existing fixtures.

(iii) An addition of new or upgraded materials or fixtures that do not significantly alter the original design of the onsite wastewater treatment system.

(iv) An addition of new fixtures, with a total cost of less than \$1,000.00, to bring the system into compliance with the statewide code.

(v) "Sanitary sewage" means treated or untreated waste that contains only human metabolic waste or waste generated and discharged as a result of domestic or restaurant activities. ["Food service establishment" is the term we use in state law instead of "restaurants". I recommend using that term here.]

(w) "Statewide code" means the rules promulgated under section 12817 providing for the management of onsite wastewater treatment systems.

(x) "Technical advisory committee" means the technical



1 advisory committee established by the department under section
2 12815.

3 (2) In addition, article 1 contains general definitions and
4 principles of construction applicable to all articles of this code.

5 Sec. 12803. The department shall authorize a local health
6 department to administer this part for conventional systems if the
7 local health department does both of the following:

8 (a) Adopts regulations consistent with this part for the
9 purpose of carrying out the responsibilities of this part and the
10 statewide code, including authority to do all of the following:

11 (i) Conduct site evaluations, issue construction permits, and
12 perform interim inspections during construction and final
13 inspections on completion of construction, if required.

14 (ii) Issue notices and penalties to persons that violate this
15 part or endanger public health or the environment.

16 (iii) Respond to complaints of failure of an onsite wastewater
17 treatment system.

18 (iv) Provide an administrative review for any person affected
19 by an order, decision, or notice issued by the local health
20 department, as it relates to an onsite wastewater treatment system.
21 The results of the administrative review must be provided to the
22 department.

23 (b) Maintains qualified staff to administer a conventional
24 onsite wastewater treatment system program. A staff member shall
25 meet the following minimum educational and training requirements to
26 work independently in an onsite wastewater treatment system
27 program:

28 (i) Possess a minimum of a 4-year bachelor of science or arts
29 degree with a major in environmental health, chemistry, biology,



1 geology, engineering, or an equivalent degree.

2 (ii) Obtain a minimum of 8 hours of training that includes a
3 minimum of 4 hours of field training on the United States
4 Department of Agriculture soil classification system from the
5 department or another entity approved by the department.

6 (iii) Demonstrate competency and understanding of local sanitary
7 regulations, criteria for subsurface sewage disposal provided in
8 state law and rules, and the land division act, 1967 PA 288, MCL
9 560.101 to 560.293.

10 (iv) Conduct a minimum of 10 supervised field evaluations of
11 conventional onsite wastewater system designs and 10 supervised
12 final inspections with senior staff or a supervisor.

13 (v) Conduct a minimum of 5 solo field evaluations of onsite
14 wastewater system designs and 5 solo final inspections
15 demonstrating understanding of the conventional onsite wastewater
16 treatment program as determined by senior staff or a supervisor.

17 (vi) Attend and observe a minimum of 2 complete onsite
18 wastewater system installations from beginning to end.

19 Sec. 12805. (1) The department shall authorize a local health
20 department to administer this part for alternative systems if the
21 local health department does both of the following:

22 (a) Meets the requirements of section 12803.

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
28 alternative systems.

29 (ii) Issue construction permits authorizing the installation of



1 alternative systems in accordance with section 12809. [I think this
2 needs to be updated based on changes made in section 12807.]

3 (iii) Ensure long-term maintenance of alternative systems
4 through the issuance of operating permits.

5 (2) Existing local health department regulations or guidance
6 for a particular type of alternative system remains in effect until
7 recommended standards and guidance for that type of system are
8 developed by the department in accordance with section 12813.

9 Sec. 12807. (1) A person shall not install, construct, alter,
10 or repair an onsite wastewater treatment system unless the person
11 has received a construction permit from the department of licensing
12 and regulatory affairs, subject to any permit required under part
13 31 or 41 of the natural resources and environmental protection act,
14 1994 PA 451, MCL 324.3101 to 324.3134 and 324.4101 to 324.4113.

15 (2) A person shall obtain a construction permit for an onsite
16 wastewater treatment system from an authorized local health
17 department in compliance with this part. If the local health
18 department with jurisdiction over the property is not authorized to
19 administer this part, the department is responsible for issuing the
20 construction permit.

21 (3) A local unit of government shall not issue a building
22 permit for a residence or facility that will be served by an onsite
23 wastewater treatment system unless a construction permit for the
24 onsite wastewater treatment system has been obtained under this
25 part.

26 Sec. 12809. (1) The department or an authorized local health
27 department that administers an alternative system construction and
28 operating permitting program within its jurisdiction shall issue a
29 construction permit for the installation of an alternative system



1 if both of the following conditions are met: [I think this
2 subsection needs to be updated based on changes made in section
3 12807.]

4 (a) The alternative system does either of the following:

5 (i) Utilizes a proprietary product that has been registered for
6 use by the department.

7 (ii) Utilizes a nonproprietary technology in accordance with
8 the recommended standards and guidance provided by the department
9 in accordance with the statewide code.

10 (b) The soils, site conditions, and operating conditions at
11 the location are appropriate for the use of the alternative system
12 in compliance with the statewide code.

13 (2) Beginning on the effective date of the amendatory act that
14 added this part, an alternative system must be inspected by the
15 department, authorized local health department, or registered
16 inspector at least once every 5 years unless otherwise provided
17 under this act or in the statewide code.

18 Sec. 12811. (1) Beginning 45 days after the department
19 promulgates rules under section 12817, a person shall not install,
20 construct, alter, or repair a proprietary product unless that
21 product has been registered for use in this state by the department
22 and a construction permit is obtained under section 12807.

23 (2) A person may apply for registration of a proprietary
24 product under subsection (1) by submitting an application on a form
25 and in a manner prescribed by the department. The department may
26 charge a fee of \$3,000.00 to cover its costs in reviewing
27 applications for registration under this section. Money received by
28 the department must be forwarded to the state treasurer for deposit
29 into the fund. Within 30 days after receipt of an application and



1 fee, the department shall review the application and determine
2 whether it is administratively complete. Within 60 days after
3 receipt of an administratively complete application, the department
4 shall approve or deny the registration and notify the applicant in
5 writing. In approving and registering for use a proprietary product
6 in this state, the department shall consider the recommended
7 standards and guidance provided to the department by the technical
8 advisory committee. A registration under this section is valid for
9 5 years. A registration may be renewed. However, there is no fee
10 for a renewal.

11 (3) The department may deny, suspend, or revoke a registration
12 under this section following a contested case hearing pursuant to
13 the administrative procedures act of 1969, 1969 PA 306, MCL 24.201
14 to 24.328, if the department finds any of the following:

15 (a) The registration was obtained or attempted to be obtained
16 through misrepresentation or fraud.

17 (b) The registrant transacted business under its registration
18 using fraudulent, coercive, or dishonest practices.

19 (c) The applicant or registrant failed to pay the required
20 registration application review fees.

21 (d) Field reviews determine that the proprietary product does
22 not function or perform as designed.

23 (e) The onsite wastewater treatment system remains in failure
24 after 2 or more onsite wastewater treatment inspections are
25 conducted under section 12821.

26 Sec. 12813. The department shall develop recommended standards
27 and guidance to assist local health departments in permitting
28 different types of onsite wastewater treatment systems, including
29 the following 3 categories:



1 (a) Nonproprietary technologies such as sand filters.

2 (b) Proprietary products such as aerobic treatment systems and
3 packed bed filters.

4 (c) Proprietary products such as subsurface dripline products
5 or gravelless distribution products.

6 Sec. 12818. A person that does either of the following is
7 guilty of a misdemeanor punishable by a fine of not more than
8 \$10,000.00 for each violation and imprisonment for not more than 1
9 year, or both:

10 (a) Submits or provides to the department or an authorized
11 local health department information related to an onsite wastewater
12 treatment system that is false, misleading, or fabricated.

13 (b) Violates section 12823(1).

14 Sec. 12821. (1) Beginning 45 days after the department
15 promulgates rules under section 12817 and subject to subsection
16 (10) and section 12833, the owner of an onsite wastewater treatment
17 system may begin arranging for an onsite wastewater treatment
18 system inspection to be conducted in accordance with the schedule
19 established under this subsection and subsection (3). An owner of a
20 new onsite wastewater treatment system must have an onsite
21 wastewater treatment system inspection conducted 10 years after the
22 date the new system is installed and at least once every 5 years
23 thereafter or if any of the events occur under subsection (2). An
24 owner of an existing onsite wastewater treatment system must have
25 an onsite wastewater treatment system inspection conducted at least
26 once every 5 years or if any of the events occur under subsection
27 (2). An owner of an existing onsite wastewater treatment system
28 that was inspected under a local ordinance must have an onsite
29 wastewater treatment system inspection conducted 5 years after the



1 date of the last inspection and at least once every 5 years
2 thereafter or if any of the events occur under subsection (2).

3 (2) The owner of an onsite wastewater treatment system must
4 have an onsite wastewater treatment system inspection conducted if
5 any of the following events occur:

6 (a) A complaint is filed with the department or the authorized
7 local health department based on a suspected failure of the system
8 and the department or the authorized local health department
9 determines that there is reasonable cause to require an inspection
10 to be conducted.

11 (b) A change in use is proposed that increases use of an
12 existing onsite wastewater treatment system.

13 (c) The owner of the property on which a system is located
14 applies for a building permit for construction of a structure or an
15 addition to a structure and a change in use is proposed that
16 increases the use of an existing onsite wastewater treatment
17 system.

18 (3) An onsite wastewater treatment system inspection required
19 under subsection (1) must be conducted by the department,
20 authorized local health department, or registered inspector within
21 60 days after the owner arranges for the inspection. The owner of
22 the system shall not have the septic tank pumped out within 45 days
23 before an onsite wastewater treatment system inspection is
24 conducted under this section. The individual that conducts the
25 onsite wastewater treatment system inspection shall do all of the
26 following:

27 (a) Identify the size, age, and condition of the septic tank
28 or tanks.

29 (b) Before conducting any pumping, document the level of



1 effluent in the septic tank or tanks.

2 (c) Pump out the septic tank or tanks, if 1 of the following
3 applies:

4 (i) The individual that conducts the onsite wastewater
5 treatment system inspection determines that is necessary to
6 complete the inspection.

7 (ii) The solid level is within 9 inches from the bottom of the
8 baffle.

9 (d) Verify that all sanitary sewage-related plumbing fixtures
10 are connected to the septic tank or tanks and are operational.

11 (e) Locate, expose, open, and inspect the septic tank or tanks
12 and pumping chambers associated with the system.

13 (f) Inspect the enhanced treatment unit that exists as part of
14 an alternative system, if applicable.

15 (g) Locate, determine the size of, and observe the subsurface
16 dispersal system to determine its condition.

17 (h) Observe the general area that includes the treatment and
18 dispersal system for evidence of system failure or other factors
19 that may influence proper operation.

20 (i) Inspect for an illicit discharge to the surface of the
21 ground, surface water, or drain.

22 (j) Document evidence of a failure of the onsite wastewater
23 treatment system and whether the failure is causing an imminent
24 danger.

25 (k) Collect at least 2 core samples collected across the
26 absorption field.

27 (l) If applicable, document the distance between a well and the
28 onsite wastewater treatment system. If the distance between a well
29 and the system is less than 50 feet and the system was installed



1 after the well and without obtaining a variance, the individual
2 conducting the onsite wastewater treatment inspection may order
3 testing of the well water for indication of contamination in a
4 manner prescribed by the department or authorized local health
5 department.

6 (m) Prepare an inspection report of the information gathered
7 under this subsection.

8 (4) Within 60 days after the onsite wastewater treatment
9 system inspection is completed, the individual that conducts the
10 inspection shall do both of the following:

11 (a) Prepare an inspection report that details the findings of
12 the onsite wastewater treatment system inspection. An inspection
13 report may contain recommendations to extend the life of the onsite
14 wastewater treatment system and prevent premature failures of the
15 system.

16 (b) Provide a written or electronic copy of the inspection
17 report to the owner of the onsite wastewater treatment system and
18 the department or the authorized local health department, or both,
19 as applicable.

20 (5) If the department or authorized local health department
21 determines that an inspection report under subsection (4)
22 identifies the need for the tank or tanks to be pumped, the owner
23 of the onsite wastewater treatment system shall have the system
24 pumped by a septage waste hauler licensed under part 117 of the
25 natural resources and environmental protection act, 1994 PA 451,
26 MCL 324.11701 to 324.11721, within 30 days after the inspection
27 report is received under subsection (4).

28 (6) If the owner of an onsite wastewater treatment system
29 fails to arrange for an onsite wastewater treatment system



1 inspection or have the system inspected within the applicable time
2 periods required under subsection (1), the owner is subject to the
3 following:

4 (a) Beginning 60 days after the end of the applicable time
5 period and in the absence of good cause shown, a civil fine of not
6 more than \$250.00 per month the system remains uninspected.

7 (b) Beginning 1 year after the end of the applicable time
8 period and in the absence of good cause shown, a civil fine of not
9 more than \$500.00 per month the system remains uninspected up to
10 \$15,000.00 in total civil fines under this subdivision.

11 (7) If the department or an authorized local health department
12 determines that an inspection report under subsection (4)
13 identifies evidence of failure causing an imminent danger, the
14 owner of the onsite wastewater treatment system shall remedy the
15 failure within 6 months after the inspection report is received
16 under subsection (4) or within a time period determined by the
17 department or authorized local health department. An owner that
18 violates this subsection is subject to a civil fine of not more
19 than \$1,000.00 for each 30-day period that the onsite wastewater
20 treatment system remains in failure. The prosecutor of the county
21 in which the violation occurred or the attorney general may bring
22 an action to collect the fine.

23 (8) Beginning 6 months after the first civil fine is imposed
24 under subsection (6)(a), the civil fine constitutes a lien on any
25 property owned by the owner of the onsite wastewater treatment
26 system. A lien under this subsection is effective and has priority
27 over all other liens and encumbrances except those filed or
28 recorded before the date of the judgment only if notice of the lien
29 is filed or recorded as required by state or federal law. A lien



1 filed or recorded under this subsection is terminated in accordance
2 with the procedures required by state or federal law within 14 days
3 after the owner has the system inspected and pays the civil fine.

4 (9) Except as otherwise provided under subsection (1), an
5 onsite wastewater system inspection that is conducted under this
6 section is valid for a 5-year period as long as there is no change
7 to the use of the onsite wastewater treatment system or a failure
8 of the system during that period.

9 (10) If determined necessary by the department and on request
10 of an owner, the department may grant a variance from the onsite
11 wastewater treatment inspection requirements under this section.
12 [May want to flesh this out and provide additional information on
13 how this will work; alternatively, it could be included under the
14 rule promulgation authority.]

15 (11) The department or an authorized local health department
16 shall charge a reasonable fee not to exceed the costs of conducting
17 an onsite wastewater treatment system inspection.

18 (12) In addition to the fee charged for conducting an onsite
19 treatment system inspection under subsection (11), the department,
20 authorized local health department, or registered inspector, as
21 applicable, shall charge an additional \$25.00 state administrative
22 fee. State administrative fees must be forwarded to the department
23 on an annual basis by October 1 of every year. The department shall
24 forward all fees it receives under this section to the state
25 treasurer for deposit into the fund.

26 Sec. 12823. (1) Beginning 45 days after the department
27 promulgates rules under section 12817 and subject to section 12833,
28 an onsite wastewater treatment system inspection under this part
29 shall be conducted only by the department, an authorized local



1 health department, or a registered inspector. To qualify as a
2 registered inspector or to conduct an onsite wastewater treatment
3 system inspection, an individual shall meet the educational and
4 training requirements established in the statewide code.

5 (2) Subject to subsection (3), to apply to become a registered
6 inspector, an individual shall submit an application on a form and
7 in a manner prescribed by the department. The department may charge
8 a \$180.00 application fee to cover the department's costs under
9 this section. An application fee collected under this section must
10 be forwarded to the state treasurer for deposit into the fund.

11 (3) If an organization or authorized local health department
12 has a program to qualify inspectors of onsite wastewater treatment
13 systems, the department may, upon review of the program, approve
14 the program and accept those inspectors as meeting the registration
15 requirements under this section. An individual registered under
16 this subsection shall thereafter meet department requirements as
17 specified in the statewide code and pay the application fee.

18 (4) Beginning 2 years after the department promulgates rules
19 under section 12817, and each year thereafter, and subject to
20 section 12833, the department shall audit at least 2% of all
21 inspection reports received under section 12821(4)(b) in the
22 previous calendar year. The department shall develop and implement
23 an audit process that does all of the following:

24 (a) Prioritizes audits of inspection reports completed by
25 registered inspectors who have complaints made against them.

26 (b) Requires the department to visit the onsite wastewater
27 treatment systems that are the subject of an audited inspection
28 report.

29 (c) Reviews the inspection reports for any of the following:



1 (a) Gross negligence, incompetence, or misconduct in
2 conducting or reporting on an onsite wastewater treatment system
3 inspection.

4 (b) False, incorrect, misleading, or fabricated information.

5 (c) Reviews each registered inspector who completed an audited
6 inspection report. The department may issue a warning or may
7 suspend or revoke a registration under subsection (6) following a
8 review under this subdivision.

9 (5) Except as provided in subsection (4) (d), the department
10 shall review individuals registered under this section once every 3
11 years and renew a registration for any individual who continues to
12 meet the requirements under this section.

13 (6) A registration under this section may be denied,
14 suspended, or revoked following a contested case hearing as
15 provided in the administrative procedures act of 1969, 1969 PA 306,
16 MCL 24.201 to 24.328, for any of the following reasons:

17 (a) The use of fraud or deceit in obtaining or renewing
18 registration.

19 (b) Any act of gross negligence, incompetence, or misconduct
20 in conducting or reporting on an onsite wastewater treatment system
21 inspection.

22 (c) Failure to satisfactorily complete continuing education
23 requirements.

24 (d) Submission of an inspection report that knowingly is based
25 upon false, incorrect, misleading, or fabricated information.

26 (e) Failure to pay required fees.

27 (7) The department shall maintain a list of individuals
28 registered under this section and make the list available on the
29 department's website.



1 Sec. 12825. (1) The department shall develop and make
2 available onsite wastewater treatment system inspection report
3 forms for use in documenting the results of onsite wastewater
4 treatment system inspections conducted under section 12821.

5 (2) The department shall make available and maintain an onsite
6 wastewater treatment system electronic database for recording and
7 tracking the results of onsite wastewater treatment system
8 inspections. When the onsite wastewater treatment system electronic
9 database is available, the department may require the person
10 conducting the onsite wastewater treatment system inspection to
11 electronically enter the report information into the database in
12 lieu of the written report. The database must not include personal
13 information related to the owner of an onsite wastewater treatment
14 system.

15 Sec. 12827. The department may enter into agreements,
16 contracts, or cooperative arrangements with appropriate authorized
17 local health departments or other persons for the purpose of
18 administering this part. To the extent a local health department is
19 not authorized to administer this part, the department shall
20 implement this part. To implement this part, the department may
21 contract with another authorized local health department or other
22 qualified person.

23 Sec. 12831. (1) A local unit of government, county, or local
24 health department shall not adopt a point of sale ordinance related
25 to onsite wastewater treatment.

26 (2) If a local unit of government, county, or local health
27 department has already adopted a point of sale ordinance to require
28 inspections of onsite wastewater treatment systems, the point of
29 sale ordinance must be phased out or repealed within 1 year after



1 the department promulgates rules under section 12817.

2 (3) As used in this section, "local unit of government" means
3 a township, city, or village in this state.

4 Sec. 12833. (1) Within 1 year after the department promulgates
5 rules under section 12817, each county of this state shall submit
6 to the department, and the department shall approve, a plan that
7 details whether the department, an authorized local health
8 department, or a registered inspector will be responsible for
9 conducting the onsite wastewater treatment system inspections
10 required under this part, and how this part will be implemented.

11 (2) Within 5 years after the department promulgates rules
12 under section 12817, each county in this state shall implement this
13 part and have completed at least 1 inspection required under this
14 part on each onsite wastewater treatment system situated in the
15 county.

16 Sec. 12835. The department, under part 41 of the natural
17 resources and environmental protection act, 1994 PA 451, MCL
18 324.4101 to 324.4113, and this act, and local health departments
19 under this act, have exclusive jurisdiction over the regulation,
20 permitting, and inspection of onsite wastewater treatment systems.

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

23 Enacting section 2. This amendatory act does not take effect
24 unless Senate Bill No.____ or House Bill No.____ (request no.
25 01866'23 a) of the 102nd Legislature is enacted into law.

