

# HOUSE BILL No. 6357

September 24, 2002, Introduced by Rep. DeVuyst and referred to the Committee on Land Use and Environment.

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:**

1                                   PART 50 ON-SITE DISPOSAL SYSTEMS

2           SEC. 5001. AS USED IN THIS PART:

3           (A) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL  
4 QUALITY.

5           (B) "ON-SITE DISPOSAL SYSTEM" OR "SYSTEM" MEANS A NATURAL  
6 SYSTEM OR MECHANICAL DEVICE USED TO COLLECT, TREAT, AND DISCHARGE  
7 OR RECLAIM WASTEWATER FROM 1 OR MORE DWELLING UNITS WITHOUT THE  
8 USE OF COMMUNITY-WIDE SEWERS OR A CENTRALIZED TREATMENT  
9 FACILITY.

10           SEC. 5002. (1) THE DEPARTMENT SHALL PROMULGATE RULES THAT  
11 ESTABLISH PERFORMANCE STANDARDS FOR THE DESIGN AND INSTALLATION

1 OF ON-SITE DISPOSAL SYSTEMS. IN PROMULGATING THE RULES, THE  
2 DEPARTMENT SHALL CONSIDER ALL OF THE FOLLOWING:

3 (A) THE SOIL AND GEOLOGIC CONDITIONS AT THE LOCATION IN  
4 WHICH THE SYSTEM IS TO BE USED.

5 (B) THE ENVIRONMENTAL SENSITIVITY OF THE LOCATION IN WHICH  
6 THE SYSTEM IS TO BE USED.

7 (C) THE TYPE OF SYSTEM TO BE USED.

8 (2) THE RULES PROMULGATED UNDER SUBSECTION (1) MAY REQUIRE  
9 DIFFERENT STANDARDS FOR ON-SITE DISPOSAL SYSTEMS BASED UPON THE  
10 GEOLOGIC CONDITIONS IN WHICH THE SYSTEM IS LOCATED OR PROPOSED TO  
11 BE LOCATED.

12 (3) NOTWITHSTANDING SUBSECTION (1), A PASSIVE SOIL BASED  
13 ON-SITE DISPOSAL SYSTEM IS AUTHORIZED FOR USE IN THIS STATE IF IT  
14 MEETS ALL OF THE FOLLOWING REQUIREMENTS:

15 (A) THE SYSTEM IS INSTALLED IN COMPLIANCE WITH APPLICABLE  
16 SOIL STANDARDS.

17 (B) THE MANUFACTURER OF THE SYSTEM PROVIDES TO EACH OWNER A  
18 FULL WRITTEN WARRANTY ON EACH SYSTEM INSTALLED. THE WARRANTY  
19 SHALL BE FOR A MINIMUM OF 5 YEARS FROM THE DATE OF INSTALLATION  
20 AND SHALL COVER MANUFACTURER'S DESIGN AND INSTALLATION SPECIFICA-  
21 TIONS FOR LABOR AND MATERIAL COSTS TO REMEDY FAILURE TO MEET PER-  
22 FORMANCE EXPECTATIONS FOR SYSTEMS USED AND INSTALLED IN ACCORD-  
23 ANCE WITH MANUFACTURER'S SPECIFICATIONS. THE WARRANTY SHALL  
24 AUTOMATICALLY TRANSFER TO EACH SUBSEQUENT OWNER OF THE PROPERTY  
25 DURING THE WARRANTY PERIOD.

26 (C) THE MANUFACTURER PROVIDES EVIDENCE OF FINANCIAL  
27 ASSURANCE AS PROVIDED FOR IN SUBSECTION (4).

1 (D) THE SYSTEM IS INSTALLED BY AN INDIVIDUAL WHO HAS BEEN  
2 CERTIFIED BY THE MANUFACTURER OF THE SYSTEM AS TRAINED TO PROP-  
3 ERLY INSTALL THE SYSTEM AND IS ON THE LIST OF INDIVIDUALS THAT  
4 THE MANUFACTURER HAS SUBMITTED TO THE DEPARTMENT AS BEING  
5 CERTIFIED.

6 (E) THE SYSTEM IS INSTALLED IN COMPLIANCE WITH THE  
7 FOLLOWING:

8 (i) THE STORAGE CAPACITY OF THE SYSTEM IS EQUIVALENT TO THAT  
9 AVAILABLE IN A CONVENTIONAL GRAVEL SYSTEM.

10 (ii) THE TOTAL TRENCH BOTTOM AREA OF THE SYSTEM MEASURED AS  
11 THE AREA BOUNDED BY THE OUTERMOST LIMITS OF THE SYSTEM'S CONTACT  
12 WITH THE TRENCH BOTTOM IS AT LEAST 50% OF THAT REQUIRED FOR A  
13 CONVENTIONAL GRAVEL SYSTEM BUT NOT LESS THAN 300 SQUARE FEET.

14 (F) THE SYSTEM COMPLIES WITH ALL OF THE FOLLOWING:

15 (i) THE ABSORPTION AREA COMPLIES WITH ALL OTHER APPLICABLE  
16 REQUIREMENTS INCLUDING, BUT NOT LIMITED TO, VERTICAL AND HORIZON-  
17 TAL SEPARATION DISTANCES, TRENCH LOCATION, TRENCH DEPTH, AND CON-  
18 TOUR ORIENTATION. THE ENTIRE ABSORPTION AREA IS SHOWN ON THE  
19 CONSTRUCTION DRAWINGS, WHICH ARE AVAILABLE TO THE DEPARTMENT.

20 (ii) EXCEPT FOR SIZING THE DRAINFIELD IN ACCORDANCE WITH  
21 MANUFACTURER'S SPECIFICATION AND SUBSTITUTING THE APPROPRIATE  
22 PROPRIETARY MATERIALS OR DEVICES, THE DRAINFIELD IS INSTALLED  
23 EXACTLY AS PROVIDED BY APPLICABLE LAW, INCLUDING, BUT NOT LIMITED  
24 TO, THE LATERAL SEPARATION OF TRENCHES BASED ON TRENCH WIDTH.

25 (iii) LATERAL TRENCH RUNS ARE AS LONG AS PRACTICAL WITHIN  
26 THE LIMITS OF THE APPROVED SITE SO AS TO MINIMIZE THE LINEAR  
27 LOADING RATE.



1 C=THE AVERAGE COST OF REPAIR (THIS FACTOR MAY BE  
2 MODIFIED AFTER 5 YEARS OF DATA ARE COLLECTED).

3 SEC. 5003. (1) PROPERTY CONTAINING AN ON-SITE DISPOSAL  
4 SYSTEM SHALL NOT BE TRANSFERRED UNLESS THE SYSTEM HAS BEEN  
5 INSPECTED AND A WRITTEN COPY OF THE INSPECTION REPORT IS PROVIDED  
6 TO THE PROSPECTIVE TRANSFEREE AS PROVIDED IN SUBSECTION (3). THE  
7 INSPECTION SHALL DETERMINE ALL OF THE FOLLOWING:

8 (A) WHETHER THE SYSTEM IS IN COMPLIANCE WITH THE RULES  
9 PROMULGATED UNDER SECTION 5002 OR, IF THE SYSTEM WAS INSTALLED  
10 PRIOR TO THE EFFECTIVE DATE OF THE RULES PROMULGATED UNDER  
11 SECTION 5002, WHETHER THE SYSTEM IS FUNCTIONING PROPERLY.

12 (B) WHETHER THE SEPTIC TANK OF THE SYSTEM NEEDS TO BE PUMPED  
13 OUT.

14 (C) FOR SYSTEMS INSTALLED ON OR AFTER THE EFFECTIVE DATE OF  
15 THE RULES PROMULGATED UNDER SECTION 5002, ANY ACTIONS NEEDED TO  
16 BRING THE SYSTEM INTO COMPLIANCE WITH THE RULES.

17 (D) FOR SYSTEMS INSTALLED PRIOR TO THE EFFECTIVE DATE OF THE  
18 RULES PROMULGATED UNDER SECTION 5002, ANY ACTIONS NEEDED TO ALLOW  
19 THE SYSTEM TO FUNCTION PROPERLY.

20 (2) THE INSPECTION UNDER SUBSECTION (1) SHALL BE CONDUCTED  
21 BY THE COUNTY IN WHICH THE SYSTEM IS LOCATED OR A PERSON AUTHO-  
22 RIZED BY THAT COUNTY TO CONDUCT THE INSPECTION. THE COUNTY OR  
23 PERSON AUTHORIZED BY THE COUNTY TO CONDUCT INSPECTIONS MAY CHARGE  
24 A REASONABLE FEE FOR CONDUCTING THE INSPECTIONS.

25 (3) THE WRITTEN COPY OF THE INSPECTION REPORT REQUIRED UNDER  
26 SUBSECTION (1) SHALL BE PROVIDED TO THE PROSPECTIVE TRANSFEREE  
27 NOT LATER THAN THE TIME PRESCRIBED FOR PROVIDING THE WRITTEN  
28 DISCLOSURE STATEMENT UNDER THE SELLER DISCLOSURE ACT, 1993 PA 92,

1 MCL 565.951 TO 565.966, AS PROVIDED IN SECTION 4 OF THE SELLER  
2 DISCLOSURE ACT, 1993 PA 92, MCL 565.954.

3 (4) THIS SECTION DOES NOT APPLY TO TRANSFERS OF PROPERTY  
4 DESCRIBED IN SECTION 3 OF THE SELLER DISCLOSURE ACT, 1993 PA 92,  
5 MCL 565.953.

6 SEC. 5004. (1) THE DEPARTMENT SHALL DEVELOP EDUCATIONAL  
7 MATERIALS TO EDUCATE ALL ON-SITE WASTEWATER SYSTEM HOMEOWNERS  
8 REGARDING PROPER MAINTENANCE OF THEIR SYSTEMS. THESE EDUCATIONAL  
9 MATERIALS SHALL INCLUDE, AT A MINIMUM, ALL OF THE FOLLOWING:

10 (A) INFORMATION ON HOW THE SYSTEM WORKS AND WHAT SHOULD AND  
11 SHOULD NOT BE INTRODUCED INTO THE SYSTEM.

12 (B) NORMAL INTERVALS FOR PUMPING AND CLEANING THE SEPTIC  
13 TANK.

14 (C) SCHEDULE AND PROCEDURES FOR INSPECTING THE SYSTEM FOR  
15 ABOVEGROUND AND BELOWGROUND MALFUNCTION.

16 (D) LIKELY LONG-TERM COSTS OF FAILING TO PROPERLY MAINTAIN  
17 THE SYSTEM.

18 (2) THE DEPARTMENT SHALL PROVIDE COPIES OF THE EDUCATIONAL  
19 MATERIALS DEVELOPED UNDER SUBSECTION (1) TO EACH COUNTY. EACH  
20 COUNTY SHALL PROVIDE THE EDUCATIONAL MATERIALS TO THE OWNERS OF  
21 ON-SITE DISPOSAL SYSTEMS LOCATED WITHIN ITS JURISDICTION AT LEAST  
22 ONCE EACH YEAR. THE EDUCATIONAL MATERIALS DISTRIBUTED UNDER THIS  
23 SECTION SHALL BE DEVELOPED BY THE DEPARTMENT AND SHALL BE PRO-  
24 VIDED TO EACH COUNTY FOR DISTRIBUTION.