

SENATE BILL No. 107

February 6, 2001, Introduced by Senators SIKKEMA, HAMMERSTROM, DUNASKISS, GOUGEON, SHUGARS, BENNETT, NORTH and BULLARD and referred to the Committee on Natural Resources and Environmental Affairs.

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 STANDARDS FOR THE DESIGN, INSTALLATION, AND MAINTENANCE

1 OF ON-SITE DISPOSAL SYSTEMS. THE RULES SHALL INCLUDE ALL OF THE
2 FOLLOWING:

3 (A) A PRIORITIZATION PROCEDURE THAT IDENTIFIES AND ADDRESSES
4 FIRST THOSE SYSTEMS THAT ARE AT GREATEST RISK OF CONTAMINATING
5 GROUND OR SURFACE WATERS OF THE STATE INCLUDING, BUT NOT LIMITED
6 TO, BOTH OF THE FOLLOWING:

7 (i) WATERS THAT ARE IDENTIFIED AS IMPAIRED ON THE LIST PRE-
8 PARED UNDER SECTION 303(D) OF TITLE III OF THE FEDERAL WATER POL-
9 LUTION CONTROL ACT, CHAPTER 758, 86 STAT. 846, 33 U.S.C. 1313,
10 FOR PATHOGENS OR UNTREATED SEWAGE.

11 (ii) AREAS IDENTIFIED AS HAVING SIGNIFICANT ECOLOGICAL
12 IMPORTANCE.

13 (B) STANDARDS FOR SITING MINIMUM HEIGHT ABOVE GROUNDWATER
14 BEFORE FILL.

15 (C) STANDARDS FOR SITING AND MAINTENANCE THAT REQUIRE CON-
16 sideration of soil permeability.

17 (D) STANDARDS FOR SITING AND MAINTENANCE BASED ON DISTANCE
18 FROM A WATER BODY.

19 (E) STANDARDS THAT ADDRESS THE APPROPRIATENESS OF A SYSTEM
20 BASED ON CURRENT USE.

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

25 SEC. 5003. (1) PROPERTY CONTAINING AN ON-SITE DISPOSAL
26 SYSTEM SHALL NOT BE TRANSFERRED UNLESS THE SYSTEM HAS BEEN
27 INSPECTED AND A WRITTEN COPY OF THE INSPECTION REPORT IS PROVIDED

1 TO THE PROSPECTIVE TRANSFEREE AS PROVIDED IN SUBSECTION (3). THE
2 INSPECTION SHALL DETERMINE ALL OF THE FOLLOWING:

3 (A) WHETHER THE SYSTEM IS IN COMPLIANCE WITH THE RULES
4 PROMULGATED UNDER SECTION 5002.

5 (B) WHETHER THE SYSTEM IS FUNCTIONING IN THE MANNER THAT IT
6 WAS DESIGNED TO FUNCTION.

7 (C) WHETHER THE HOLDING TANK OF THE SYSTEM NEEDS TO BE
8 EMPTIED.

9 (D) FOR SYSTEMS INSTALLED ON OR AFTER THE EFFECTIVE DATE OF
10 THE RULES PROMULGATED UNDER SECTION 5002, THE ACTIONS NEEDED TO
11 BRING THE SYSTEM INTO COMPLIANCE WITH THE RULES.

12 (E) FOR SYSTEMS INSTALLED PRIOR TO THE EFFECTIVE DATE OF THE
13 RULES PROMULGATED UNDER SECTION 5002, THE ACTIONS NEEDED TO ALLOW
14 THE SYSTEM TO FUNCTION IN THE MANNER THAT IT WAS DESIGNED TO
15 FUNCTION.

16 (2) THE INSPECTION UNDER SUBSECTION (1) SHALL BE CONDUCTED
17 BY THE COUNTY IN WHICH THE SYSTEM IS LOCATED OR A PERSON AUTHO-
18 RIZED BY THAT COUNTY TO CONDUCT THE INSPECTION. THE COUNTY OR
19 PERSON AUTHORIZED BY THE COUNTY TO CONDUCT INSPECTIONS MAY CHARGE
20 A REASONABLE FEE NOT TO EXCEED THE COSTS OF CONDUCTING THE
21 INSPECTIONS.

22 (3) THE WRITTEN COPY OF THE INSPECTION REPORT SHALL BE PRO-
23 VIDED TO THE PROSPECTIVE TRANSFEREE NOT LATER THAN THE TIME PRE-
24 SCRIBED FOR PROVIDING THE WRITTEN DISCLOSURE STATEMENT UNDER THE
25 SELLER DISCLOSURE ACT, 1993 PA 92, MCL 565.951 TO 565.966, AS
26 PROVIDED IN SECTION 4 OF THE SELLER DISCLOSURE ACT, 1993 PA 92,
27 MCL 565.954.

1 (4) THE ACTIONS REQUIRED UNDER SUBSECTION (1)(D) OR (E), AS
2 APPLICABLE, SHALL BE UNDERTAKEN WITHIN 1 YEAR AFTER THE DATE THE
3 INSPECTION REPORT WAS PROVIDED TO THE PROSPECTIVE PURCHASER UNDER
4 SUBSECTION (3).

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

8 SEC. 5004. EACH COUNTY SHALL PROVIDE EDUCATIONAL MATERIALS
9 TO THE OWNERS OF ON-SITE DISPOSAL SYSTEMS LOCATED WITHIN ITS
10 JURISDICTION AT LEAST ONCE EACH YEAR. THE EDUCATIONAL MATERIALS
11 DISTRIBUTED UNDER THIS SECTION SHALL BE DEVELOPED BY THE DEPART-
12 MENT AND SHALL BE PROVIDED TO EACH COUNTY FOR DISTRIBUTION.