

HOUSE BILL No. 6106

August 4, 2004, Introduced by Reps. Farhat, Moolenaar, Hummel, Nitz and Kooiman and referred to the Committee on Land Use and Environment.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 3122 (MCL 324.3122), as amended by 2004 PA
90, and by adding part 50.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3122. (1) Until October 1, 2007, **except as provided in**
2 **subsection (4)**, the department may levy and collect an annual
3 groundwater discharge permit fee from facilities that discharge
4 wastewater to the ground or groundwater of this state pursuant to
5 section 3112. The fee shall be as follows:

6 (a) For a group 1 facility, \$3,650.00.

7 (b) For a group 2 facility or a municipality of 1,000 or
8 fewer residents, \$1,500.00.

9 (c) For a group 3 facility, \$200.00.

10 (2) Within 180 days after receipt of a complete application,

1 the department shall either grant or deny a permit, unless the
2 applicant and the department agree to extend this time period.
3 If the department fails to make a decision on an application
4 within the time period specified or agreed to under this
5 subsection, the applicant shall receive a 15% annual discount on
6 an annual groundwater discharge permit fee for a permit issued
7 based upon that application. This subsection applies to permit
8 applications received beginning October 1, 2005.

9 (3) If the person required to pay the annual groundwater
10 discharge permit fee under subsection (1) is a municipality, the
11 municipality may pass on the annual groundwater discharge permit
12 fee to each user of the municipal facility.

13 (4) A facility is not subject to an annual groundwater
14 discharge permit fee under this section for a discharge from an
15 on-site disposal system if the on-site disposal system is in
16 compliance with the rules promulgated under section 5002.

17 (5) ~~-(4)-~~ As used in this section, "group 1 facility",
18 "group 2 facility", and "group 3 facility" do not include a
19 municipality with a population of 1,000 or fewer residents.

20 **PART 50 ON-SITE DISPOSAL SYSTEMS**

21 **Sec. 5001. As used in this part:**

22 (a) "Department" means the department of environmental
23 quality.

24 (b) "Fund" means the on-site disposal system oversight fund
25 created in section 5006.

26 (c) "On-site disposal system" or "system" means a natural
27 system or mechanical device used to collect, treat, and discharge

1 or reclaim wastewater from 1 or more dwelling units or commercial
2 units without the use of community-wide sewers or a centralized
3 treatment facility.

4 Sec. 5002. The department shall promulgate rules that
5 do both of the following:

6 (a) Establish performance-based standards for the design and
7 installation of on-site disposal systems. In promulgating the
8 rules under this subdivision, the department shall consider all
9 of the following:

10 (i) The soil and geologic conditions at the location in which
11 the system is to be used.

12 (ii) The environmental sensitivity of the location in which
13 the system is to be used.

14 (iii) The type of system to be used.

15 (iv) Requirements for different standards for on-site
16 disposal systems based upon the geologic conditions in which the
17 system is located or proposed to be located.

18 (b) Certification and training of on-site disposal system
19 installers and inspectors. The department may charge fees for
20 the certification and training programs established in rules
21 promulgated under this subdivision. However, the fees shall not
22 exceed the cost to the department of providing the training and
23 certification.

24 Sec. 5003. (1) Beginning 1 year after the effective date of
25 this section, the owner of property containing an on-site
26 disposal system shall have the system inspected by a certified
27 on-site disposal system inspector on an annual basis.

1 (2) A certified on-site disposal system inspector who
2 conducts an inspection under subsection (1) shall assess an
3 additional charge of \$25.00 to cover state and local oversight of
4 the on-site disposal system program. Money collected under this
5 section shall be forwarded to the department on a quarterly
6 basis. Upon receipt of money under this section, the department
7 shall forward the money to the state treasurer for deposit into
8 the fund.

9 (3) A certified on-site disposal system inspector who
10 conducts an inspection under subsection (1) shall prepare an
11 inspection report and shall submit a copy of the report to the
12 property owner and to the county in which the on-site disposal
13 system is located. The inspection report shall contain all of
14 the following:

15 (a) A determination of whether the on-site disposal system is
16 in compliance with the rules promulgated under section 5002 or,
17 if the system was installed prior to the effective date of the
18 rules promulgated under section 5002, whether the system is
19 functioning properly.

20 (b) A determination of whether the system needs to be pumped
21 out.

22 (c) For systems installed after the effective date of the
23 rules promulgated under section 5002, any actions needed to bring
24 the system into compliance with the rules.

25 (d) For systems installed prior to the effective date of the
26 rules promulgated under section 5002, any actions needed to allow
27 the system to function properly.

1 (e) A statement describing any actions taken by the certified
2 on-site disposal system inspector to repair the system, upgrade
3 the system, or pump out the system.

4 (4) Beginning 10 years after the effective date of the
5 amendatory act that added this section, all on-site disposal
6 systems that are not in compliance with the rules promulgated
7 under section 5002 shall be upgraded so as to be in compliance.

8 Sec. 5004. With grant money provided from the fund, each
9 county shall maintain an on-site disposal system oversight and
10 inspection program.

11 Sec. 5005. (1) The department shall develop educational
12 materials to educate owners of property containing on-site
13 disposal systems regarding proper maintenance of their systems.
14 These educational materials shall include, at a minimum, all of
15 the following:

16 (a) Information on how the system works and what should and
17 should not be introduced into the system.

18 (b) Normal intervals for pumping and cleaning the system.

19 (c) Schedule and procedures for inspecting the system for
20 aboveground and belowground malfunction.

21 (d) Likely long-term costs of failing to properly maintain
22 the system.

23 (2) The department shall provide copies of the educational
24 materials developed under subsection (1) to each county. Each
25 county shall provide the educational materials to the owners of
26 property containing on-site disposal systems located within its
27 jurisdiction at least once each year.

1 Sec. 5006. (1) The on-site disposal system oversight fund
2 is created within the state treasury.

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

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

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

12 (a) To implement the department's responsibilities under this
13 part.

14 (b) To provide grants to counties to operate on-site disposal
15 system oversight and inspection programs.

16 Sec. 5007. The department shall submit a report to the
17 legislature every other year that includes all of the following:

18 (a) A description of how money in the fund has been
19 expended, including the amount of money that has been provided in
20 grants to counties.

21 (b) A description and assessment of the state's on-site
22 inspection program.

23 (c) An analysis of the effectiveness of this part in
24 bringing on-site disposal systems in the state into compliance
25 with the rules promulgated under section 5002.

26 Sec. 5008. A person who violates this part is responsible
27 for a state civil infraction and may be ordered to pay a civil

1 fine of not more than \$250.00.