

HOUSE BILL NO. 4480

April 27, 2023, Introduced by Reps. Rheingans, Skaggs, Arbit, Martus, Conlin, MacDonell, McKinney, Morse, Hope, Wilson, Hoskins, Rogers, Dievendorf, Byrnes, Pohutsky, Tyrone Carter, Haadsma, Brabec, Farhat, Glanville, Andrews, Snyder, McFall, Tsernoglou, Wegela, Puri, Hood, Paiz, Young, Brenda Carter, Fitzgerald, Scott, Grant, Steckloff, Weiss, Breen, Koleszar and Aiyash and referred to the Committee on Natural Resources, Environment, Tourism and Outdoor Recreation.

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.

1 (b) Nonproprietary technologies and recommended standards and
2 guidance for their use.

3 (c) Testing and design standards used for proprietary product
4 registration and recommended standards and guidance for use of
5 proprietary products.

6 (d) Recommended standards and guidance for alternative onsite
7 wastewater treatment systems.

8 (e) Onsite wastewater treatment system inspection elements and
9 reporting.

10 (f) Registered inspector qualifications.

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

13 (h) Qualifications of individuals other than registered
14 inspectors involved in the management of onsite wastewater
15 treatment systems.

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

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

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

25 (i) One member appointed by the governor.

26 (ii) One member appointed by the speaker of the house of
27 representatives.

28 (iii) One member appointed by the minority leader of the house
29 of representatives.

- 1 (iv) One member appointed by the senate majority leader.
2 (v) One member appointed by the senate minority leader.
3 (b) All of the following members appointed by the governor:

- 4 (i) Two professional engineers.
5 (ii) One hydrogeologist.
6 (iii) One university representative.
7 (iv) One onsite system product manufacturer.
8 (v) One onsite wastewater system installer.
9 (vi) One onsite wastewater system service provider.
10 (vii) Two department representatives.
11 (viii) One state epidemiologist.
12 (ix) One individual with knowledge of the use of onsite
13 wastewater treatment systems representing users of onsite
14 wastewater treatment systems.
15 (x) One representative from a state organization specializing
16 in the protection of public health and the environment through
17 improved water quality.

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

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

23 (5) If a vacancy occurs on the technical advisory committee,
24 the governor shall make an appointment for the unexpired term in
25 the same manner as the original appointment.

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

1 (7) The governor shall call the first meeting of the technical
2 advisory committee. At the first meeting, the technical advisory
3 committee shall elect from among its members a chairperson and
4 other officers as it considers necessary or appropriate. After the
5 first meeting, the technical advisory committee shall meet at least
6 bimonthly, or more frequently at the call of the chairperson, or if
7 requested by the department.

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

13 (9) The business that the technical advisory committee may
14 perform must be conducted at a public meeting of the technical
15 advisory committee held in compliance with the open meetings act,
16 1976 PA 267, MCL 15.261 to 15.275.

17 (10) A writing prepared, owned, used, in the possession of, or
18 retained by the technical advisory committee in the performance of
19 an official function is subject to the freedom of information act,
20 1976 PA 442, MCL 15.231 to 15.246.

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

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

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

1 (b) Potential use, local soil conditions, and other factors
2 that may affect the operation of onsite wastewater treatment
3 systems.

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

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

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

16 (14) The department shall provide administrative support to
17 the technical advisory committee.

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

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

28 (b) Wastewater effluent standards, if applicable.

29 (c) Corrective actions necessary to protect public health and

1 the environment for onsite wastewater treatment systems that fail
2 to meet these standards.

3 (d) Requirements relating to the construction approval process
4 by the department and local health departments for onsite
5 wastewater treatment systems.

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

11 (f) Requirements for the approval of conventional,
12 alternative, and experimental wastewater treatment system products,
13 components, or devices.

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

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

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

23 (ii) Protects public health and the environment.

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

25 (iv) Protects groundwater quality.

26 (i) Qualifications and continuing education requirements for
27 individuals involved in the management of onsite wastewater
28 treatment systems.

29 (j) A requirement for septic tanks installed or altered after

1 the effective date of the amendatory act that added this section to
2 contain a septic tank access riser and secondary safety device.

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

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

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

11 (4) The department is the administrator of the fund for
12 auditing purposes.

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

15 (a) To administer this part.

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

18 (c) For grants or loans to homeowners who are below 300% of
19 the federal poverty line to update a failure of an onsite
20 wastewater treatment system identified under section 12821. As used
21 in this subdivision, "federal poverty line" means the federal
22 poverty guidelines published annually in the Federal Register by
23 the United States Department of Health and Human Services under its
24 authority to revise the poverty line under 42 USC 9902.

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

27 Enacting section 2. This amendatory act does not take effect
28 unless Senate Bill No. ____ or House Bill No. 4479 (request no.
29 01866'23) of the 102nd Legislature is enacted into law.