

SENATE BILL No. 45

January 27, 2009, Introduced by Senators BIRKHOLZ, ALLEN, PAPPAGEORGE and KAHN 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 WASTEWATER TREATMENT SYSTEMS

2 SEC. 5001. AS USED IN THIS PART:

3 (A) "ADVISORY COUNCIL" MEANS THE ON-SITE WASTEWATER TREATMENT
4 SYSTEM ADVISORY COUNCIL CREATED IN SECTION 5010.

5 (B) "ALTERNATIVE SYSTEM" MEANS AN ON-SITE WASTEWATER TREATMENT
6 SYSTEM THAT IS NOT A CONVENTIONAL SYSTEM AND PROVIDES FOR AN
7 EQUIVALENT OR BETTER DEGREE OF PROTECTION FOR PUBLIC HEALTH AND THE
8 ENVIRONMENT, THROUGH UNIFORM DISTRIBUTION OF EFFLUENT TO THE FINAL
9 DISPOSAL SYSTEM OR ENHANCED TREATMENT PRIOR TO FINAL DISPOSAL, OR A

1 COMBINATION OF THESE METHODS.

2 (C) "CONVENTIONAL SYSTEM" MEANS AN ON-SITE WASTEWATER
3 TREATMENT SYSTEM FOR TREATING SANITARY SEWAGE THAT UTILIZES A
4 SEPTIC TANK AND THAT PROVIDES NONUNIFORM DISTRIBUTION OF EFFLUENT
5 TO SUBSURFACE SOIL.

6 (D) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL
7 QUALITY.

8 (E) "INSPECTOR" MEANS AN EMPLOYEE OF AN AUTHORIZED LOCAL
9 HEALTH DEPARTMENT OR OTHER INDIVIDUAL CERTIFIED UNDER SECTION 5007
10 TO CONDUCT INSPECTIONS OF CONVENTIONAL SYSTEMS OR ALTERNATIVE
11 SYSTEMS, OR BOTH.

12 (F) "LOCAL HEALTH DEPARTMENT" MEANS A LOCAL HEALTH DEPARTMENT
13 AS DEFINED IN SECTION 1105 OF THE PUBLIC HEALTH CODE, 1978 PA 368,
14 MCL 333.1105.

15 (G) "ON-SITE WASTEWATER TREATMENT SYSTEM" MEANS A SYSTEM
16 RELYING ON NATURAL PROCESSES OR MECHANICAL COMPONENTS TO COLLECT,
17 TREAT, AND DISCHARGE OR RECLAIM WASTEWATER FROM 1 OR MORE DWELLINGS
18 OR BUILDINGS, INCLUDING INDIVIDUAL SYSTEMS, COMMUNITY SYSTEMS, AND
19 COMMERCIAL SYSTEMS THAT USE SUBSURFACE DISPERSAL.

20 (H) "SANITARY SEWAGE" MEANS WATER AND CONTAMINANTS DISCHARGED
21 FROM SANITARY CONVENIENCES, INCLUDING BATHROOM, KITCHEN, AND
22 HOUSEHOLD LAUNDRY FIXTURE OF DWELLINGS, OFFICE BUILDINGS,
23 INDUSTRIAL PLANTS, COMMERCIAL BUILDINGS, AND INSTITUTIONS. SANITARY
24 SEWAGE DOES NOT INCLUDE COMMERCIAL LAUNDRY WASTES AND WASTES FROM
25 INDUSTRIAL AND COMMERCIAL PROCESSES.

26 (I) "TECHNICAL COMMITTEE" MEANS THE ALTERNATIVE SYSTEM
27 TECHNICAL ADVISORY COMMITTEE ESTABLISHED IN SECTION 5011.

1 SEC. 5002. BEGINNING JANUARY 1, 2010, IF A PERSON ENTERS INTO
2 A CONTRACT FOR THE PERFORMANCE OF AN INSPECTION OF A CONVENTIONAL
3 SYSTEM OR AN ALTERNATIVE SYSTEM, THAT PERSON SHALL CONTRACT FOR
4 THAT INSPECTION WITH A CERTIFIED INSPECTOR.

5 SEC. 5003. BEGINNING JANUARY 1, 2010, THE OWNER OF THE
6 FOLLOWING ON-SITE WASTEWATER TREATMENT SYSTEMS SHALL OBTAIN AN
7 INSPECTION OF THE ON-SITE WASTEWATER TREATMENT SYSTEMS BY AN
8 INSPECTOR AT LEAST EVERY 10 YEARS:

9 (A) A CONVENTIONAL SYSTEM OR AN ALTERNATIVE SYSTEM THAT
10 PROVIDES FOR UNIFORM DISTRIBUTION OF EFFLUENT ONLY, THAT WAS
11 PERMITTED FOR USE BY A LOCAL HEALTH DEPARTMENT ON OR AFTER JANUARY
12 1, 2010.

13 (B) A CONVENTIONAL SYSTEM OR AN ALTERNATIVE SYSTEM THAT
14 PROVIDES FOR UNIFORM DISTRIBUTION OF EFFLUENT ONLY THAT HAS BEEN
15 DETERMINED BY A LOCAL HEALTH DEPARTMENT TO POSE A THREAT TO PUBLIC
16 HEALTH OR SAFETY.

17 (C) A CONVENTIONAL SYSTEM OR AN ALTERNATIVE SYSTEM THAT
18 PROVIDES FOR UNIFORM DISTRIBUTION OF EFFLUENT ONLY, THAT HAS BEEN
19 INSPECTED ON OR AFTER JANUARY 1, 2010.

20 SEC. 5004. IN CONDUCTING AN INSPECTION OF A CONVENTIONAL
21 SYSTEM, AN INSPECTOR SHALL DO ALL OF THE FOLLOWING:

22 (A) LOCATE, EXPOSE, OPEN, AND INSPECT THE SEPTIC TANK
23 ASSOCIATED WITH THE SYSTEM.

24 (B) OBSERVE THE SURROUNDING AREA LOOKING FOR SURFACE DRAINAGE
25 PROBLEMS OR EVIDENCE OF A DRAIN FIELD MALFUNCTION.

26 (C) CHECK FOR LOCATIONS OF AN ILLICIT DISCHARGE SUCH AS TO A
27 WATERWAY, WETLAND, DITCH, OR SUBSURFACE DRAIN.

1 (D) LOCATE THE DRAIN FIELD.

2 (E) ASSESS WHETHER THE SYSTEM IS EXHIBITING ANY OF THE
3 FOLLOWING:

4 (i) EVIDENCE OF BACKUP OF SEWAGE INTO A STRUCTURE.

5 (ii) EVIDENCE OF A DISCHARGE OF EFFLUENT ONTO THE GROUND OR
6 INTO A WATER BODY.

7 (iii) A LIQUID LEVEL IN THE SEPTIC TANK THAT IS ABOVE THE
8 OUTLET.

9 (iv) A STRUCTURAL FAILURE OF THE SEPTIC TANK.

10 SEC. 5005. IN CONDUCTING AN INSPECTION OF AN ALTERNATIVE
11 SYSTEM, AN INSPECTOR SHALL ASSESS BOTH OF THE FOLLOWING:

12 (A) WHETHER THE ALTERNATIVE SYSTEM IS FUNCTIONING IN THE
13 MANNER THAT IT WAS DESIGNED TO FUNCTION.

14 (B) WHETHER THE ALTERNATIVE SYSTEM IS CAUSING A THREAT TO
15 PUBLIC HEALTH OR SAFETY.

16 SEC. 5006. (1) THE DEPARTMENT, IN CONSULTATION WITH THE
17 ADVISORY COUNCIL, SHALL DEVELOP AND MAKE AVAILABLE ON ITS WEBSITE
18 AN INSPECTION REPORT FORM FOR USE IN DOCUMENTING THE RESULTS OF AN
19 INSPECTION OF A CONVENTIONAL SYSTEM AND A REPORT FORM FOR USE IN
20 DOCUMENTING THE RESULTS OF AN INSPECTION OF AN ALTERNATIVE SYSTEM.

21 (2) AN INSPECTOR WHO CONDUCTS AN INSPECTION OF AN ON-SITE
22 WASTEWATER TREATMENT SYSTEM SHALL PREPARE AN INSPECTION REPORT THAT
23 DESCRIBES THE RESULTS OF THE INSPECTION. THE INSPECTOR SHALL
24 PROVIDE A COPY OF THE INSPECTION REPORT TO THE OWNER OF THE ON-SITE
25 WASTEWATER TREATMENT SYSTEM AND THE LOCAL HEALTH DEPARTMENT WITH
26 JURISDICTION OVER THE LOCATION OF THE ON-SITE WASTEWATER TREATMENT
27 SYSTEM.

1 (3) LOCAL HEALTH DEPARTMENTS SHALL COLLABORATE ON ESTABLISHING
2 COMPATIBLE FORMATS FOR MAINTAINING RECORDS OF INSPECTION REPORTS.

3 SEC. 5007. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), BEGINNING
4 JANUARY 1, 2010, AN INDIVIDUAL SHALL NOT CONDUCT AN INSPECTION OF A
5 CONVENTIONAL SYSTEM OR AN ALTERNATIVE SYSTEM UNLESS THE INDIVIDUAL
6 HAS BEEN CERTIFIED BY A LOCAL HEALTH DEPARTMENT, THE DEPARTMENT, OR
7 AN ORGANIZATION APPROVED BY THE DEPARTMENT TO CONDUCT INSPECTIONS
8 OF CONVENTIONAL SYSTEMS OR ALTERNATIVE SYSTEMS, AS APPLICABLE. THE
9 DEPARTMENT SHALL APPROVE A LOCAL HEALTH DEPARTMENT OR AN
10 ORGANIZATION THAT PROVIDES CERTIFICATION FOR INSPECTORS IF THE
11 DEPARTMENT DETERMINES THAT THE ORGANIZATION REQUIRES MINIMUM LEVELS
12 OF EDUCATION AND EXPERIENCE IN ORDER TO CONDUCT THE INSPECTIONS AND
13 REQUIRES AN APPROPRIATE LEVEL OF CONTINUING EDUCATION.

14 (2) A PERSON WHO, PRIOR TO JANUARY 1, 2010, WAS DETERMINED TO
15 BE QUALIFIED TO CONDUCT INSPECTIONS OF CONVENTIONAL SYSTEMS OR
16 ALTERNATIVE SYSTEMS BY A LOCAL HEALTH DEPARTMENT SHALL BE
17 CONSIDERED TO BE CERTIFIED UNDER SUBSECTION (1) TO CONDUCT
18 INSPECTIONS FOR WHICH THE PERSON IS QUALIFIED WITHIN THE TERRITORY
19 OF THAT LOCAL HEALTH DEPARTMENT.

20 SEC. 5008. (1) BEGINNING JULY 1, 2010, A PERSON SHALL NOT
21 INSTALL AN ALTERNATIVE SYSTEM UNLESS THAT TYPE OF ALTERNATIVE
22 SYSTEM HAS BEEN APPROVED FOR USE IN THIS STATE BY THE DEPARTMENT.

23 (2) A PERSON MAY APPLY FOR APPROVAL OF A PARTICULAR TYPE OF
24 ALTERNATIVE SYSTEM UNDER SUBSECTION (1) BY SUBMITTING AN
25 APPLICATION TO THE DEPARTMENT IN A FORMAT AND CONTAINING THE
26 INFORMATION REQUIRED BY THE DEPARTMENT. WITHIN 30 DAYS OF RECEIPT
27 OF AN APPLICATION, THE DEPARTMENT SHALL REVIEW AN APPLICATION AND

1 DETERMINE WHETHER IT IS ADMINISTRATIVELY COMPLETE. WITHIN 60 DAYS
2 AFTER RECEIPT OF AN ADMINISTRATIVELY COMPLETE APPLICATION, THE
3 DEPARTMENT SHALL APPROVE OR DISAPPROVE A PARTICULAR TYPE OF
4 ALTERNATIVE SYSTEM FOR USE IN THIS STATE. IN REVIEWING AN
5 APPLICATION UNDER THIS SECTION, THE DEPARTMENT SHALL RELY UPON
6 RELEVANT GUIDANCE DOCUMENTS PREPARED BY THE TECHNICAL COMMITTEE. IF
7 THE DEPARTMENT APPROVES THE USE OF AN ALTERNATIVE SYSTEM, THE
8 DEPARTMENT SHALL IDENTIFY THE APPROPRIATE CHARACTERISTIC SOILS,
9 SITE CONDITIONS, AND OPERATING CONDITIONS IN WHICH THE ALTERNATIVE
10 SYSTEM MAY BE USED. THE DEPARTMENT SHALL ALSO DETERMINE THE
11 FREQUENCY OF INSPECTIONS THAT ARE REQUIRED FOR THE ALTERNATIVE
12 SYSTEM. THE DEPARTMENT MAY CHARGE A FEE FOR THE REVIEW OF
13 APPLICATIONS UNDER THIS SECTION.

14 (3) UNLESS A PERSON HAS OBTAINED A GROUNDWATER DISCHARGE
15 PERMIT UNDER PART 31 FOR THE USE OF AN ALTERNATIVE SYSTEM, THE
16 PERSON SHALL NOT INSTALL AN ALTERNATIVE SYSTEM UNLESS HE OR SHE HAS
17 RECEIVED A PERMIT FROM THE LOCAL HEALTH DEPARTMENT IN WHICH THE
18 ALTERNATIVE SYSTEM IS PROPOSED TO BE LOCATED. IF A LOCAL HEALTH
19 DEPARTMENT ADMINISTERS AN ALTERNATIVE SYSTEM PERMIT PROGRAM WITHIN
20 ITS JURISDICTION, THE LOCAL HEALTH DEPARTMENT SHALL APPROVE THE
21 INSTALLATION OF AN ALTERNATIVE SYSTEM IF ALL OF THE FOLLOWING
22 CONDITIONS ARE MET:

23 (A) THE TYPE OF ALTERNATIVE SYSTEM HAS BEEN APPROVED FOR USE
24 BY THE DEPARTMENT.

25 (B) THE SOILS, SITE CONDITIONS, AND OPERATING CONDITIONS AT
26 THE LOCATION ARE APPROPRIATE FOR THE USE OF THE ALTERNATIVE SYSTEM
27 AS ESTABLISHED BY THE DEPARTMENT.

1 (C) THE ALTERNATIVE SYSTEM WILL BE SUBJECT TO INSPECTIONS BY
2 AN INSPECTOR CERTIFIED TO INSPECT ALTERNATIVE SYSTEMS OR THE
3 DEPARTMENT IN ACCORDANCE WITH REQUIREMENTS OF THE DEPARTMENT.

4 SEC. 5009. (1) THE DEPARTMENT MAY COLLABORATE WITH INTERESTED
5 ORGANIZATIONS SUCH AS THE MICHIGAN 4-H YOUTH CONSERVATION COUNCIL
6 AND THE MICHIGAN STATE UNIVERSITY EXTENSION IN REVIEWING EXISTING
7 EDUCATIONAL MATERIALS AND APPROVING OR DEVELOPING ADDITIONAL
8 EDUCATIONAL MATERIALS, INCLUDING A MULTIMEDIA EDUCATIONAL CAMPAIGN,
9 REGARDING THE PROPER MAINTENANCE OF ON-SITE WASTEWATER TREATMENT
10 SYSTEMS AND THE CONSEQUENCES TO PUBLIC HEALTH AND THE ENVIRONMENT
11 FROM THE FAILURE TO PROPERLY MAINTAIN ON-SITE WASTEWATER TREATMENT
12 SYSTEMS. THE DEPARTMENT MAY MAKE THESE EDUCATIONAL MATERIALS
13 AVAILABLE FOR COPYING AND DISTRIBUTION TO OWNERS OF ON-SITE
14 WASTEWATER TREATMENT SYSTEMS AND TO SEPTAGE WASTE SERVICERS AND
15 INSPECTORS. THE DEPARTMENT SHALL ALSO MAKE THE EDUCATIONAL
16 MATERIALS AVAILABLE ON THE DEPARTMENT'S WEBSITE.

17 (2) THE DEPARTMENT MAY SPECIFICALLY IDENTIFY 1 OR MORE SETS OF
18 EDUCATIONAL MATERIALS THAT MAY BE DISTRIBUTED BY INSPECTORS AT THE
19 TIME THAT THEY CONDUCT INSPECTIONS UNDER THIS PART.

20 SEC. 5010. (1) THE ON-SITE WASTEWATER TREATMENT SYSTEM
21 ADVISORY COUNCIL IS CREATED WITHIN THE DEPARTMENT.

22 (2) THE ADVISORY COUNCIL SHALL CONSIST OF THE FOLLOWING
23 MEMBERS:

24 (A) FOUR MEMBERS APPOINTED BY THE SENATE MAJORITY LEADER AS
25 FOLLOWS:

26 (i) A REPRESENTATIVE OF A LOCAL HEALTH DEPARTMENT WHO IS
27 DIRECTLY INVOLVED IN DAILY INSPECTIONS AND SITE VISITS.

1 (ii) A DIRECTOR OF ENVIRONMENTAL HEALTH IN A LOCAL HEALTH
2 DEPARTMENT.

3 (iii) A LICENSED PROFESSIONAL ENGINEER WHO IS INVOLVED IN
4 DESIGNING ON-SITE WASTEWATER TREATMENT SYSTEMS.

5 (iv) AN ENGINEER OR SOIL SCIENTIST STAFF MEMBER FROM A COLLEGE
6 OR UNIVERSITY.

7 (B) FOUR MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE OF
8 REPRESENTATIVES AS FOLLOWS:

9 (i) AN OPERATOR OF AN ON-SITE WASTEWATER TREATMENT SYSTEM.

10 (ii) A CONTRACTOR WHO INSTALLS ON-SITE WASTEWATER TREATMENT
11 SYSTEMS.

12 (iii) A MANUFACTURER'S REPRESENTATIVE OR EQUIPMENT DISTRIBUTOR
13 OF COMPONENTS COMMONLY USED IN ON-SITE WASTEWATER TREATMENT
14 SYSTEMS.

15 (iv) A REPRESENTATIVE OF AN ORGANIZATION OF LICENSED
16 RESIDENTIAL HOME BUILDERS.

17 (C) FOUR MEMBERS APPOINTED BY THE GOVERNOR AS FOLLOWS:

18 (i) A REPRESENTATIVE OF AN ORGANIZATION OF LICENSED REAL ESTATE
19 AGENTS.

20 (ii) A RESIDENT OF A RESIDENTIAL COMMUNITY THAT IS SERVED BY A
21 COMMUNITY ON-SITE WASTEWATER TREATMENT SYSTEM.

22 (iii) A REPRESENTATIVE OF A LOCAL UNIT OF GOVERNMENT.

23 (iv) A REPRESENTATIVE OF AN ENVIRONMENTAL OR CONSERVATION
24 ASSOCIATION.

25 (3) THE MEMBERS FIRST APPOINTED TO THE ADVISORY COUNCIL SHALL
26 BE APPOINTED WITHIN 60 DAYS AFTER THE EFFECTIVE DATE OF THE
27 AMENDATORY ACT THAT ADDED THIS SECTION.

1 (4) MEMBERS OF THE ADVISORY COUNCIL SHALL SERVE FOR TERMS OF 4
2 YEARS OR UNTIL A SUCCESSOR IS APPOINTED.

3 (5) A VACANCY ON THE ADVISORY COUNCIL SHALL BE FILLED FOR THE
4 UNEXPIRED TERM IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT.

5 (6) A MEMBER OF THE ADVISORY COUNCIL MAY BE REMOVED FOR
6 INCOMPETENCY, DERELICTION OF DUTY, MALFEASANCE, MISFEASANCE, OR
7 NONFEASANCE IN OFFICE, OR ANY OTHER GOOD CAUSE.

8 (7) THE FIRST MEETING OF THE ADVISORY COUNCIL SHALL BE CALLED
9 BY THE DEPARTMENT. AT THE FIRST MEETING, THE ADVISORY COUNCIL SHALL
10 ELECT FROM AMONG ITS MEMBERS A CHAIRPERSON AND OTHER OFFICERS AS IT
11 CONSIDERS NECESSARY OR APPROPRIATE. AFTER THE FIRST MEETING, THE
12 ADVISORY COUNCIL SHALL MEET AT LEAST QUARTERLY, OR MORE FREQUENTLY
13 AT THE CALL OF THE CHAIRPERSON OR IF REQUESTED BY 5 OR MORE
14 MEMBERS.

15 (8) A MAJORITY OF THE MEMBERS OF THE ADVISORY COUNCIL
16 CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS AT A MEETING OF
17 THE ADVISORY COUNCIL. A MAJORITY OF THE MEMBERS PRESENT AND SERVING
18 ARE REQUIRED FOR OFFICIAL ACTION OF THE ADVISORY COUNCIL.

19 (9) THE BUSINESS THAT THE ADVISORY COUNCIL MAY PERFORM SHALL
20 BE CONDUCTED AT A PUBLIC MEETING OF THE ADVISORY COUNCIL HELD IN
21 COMPLIANCE WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO
22 15.275.

23 (10) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR
24 RETAINED BY THE ADVISORY COUNCIL IN THE PERFORMANCE OF AN OFFICIAL
25 FUNCTION IS SUBJECT TO THE FREEDOM OF INFORMATION ACT, 1976 PA 442,
26 MCL 15.231 TO 15.246.

27 (11) MEMBERS OF THE ADVISORY COUNCIL SHALL SERVE WITHOUT

1 COMPENSATION. HOWEVER, MEMBERS OF THE ADVISORY COUNCIL MAY BE
2 REIMBURSED FOR THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE
3 PERFORMANCE OF THEIR OFFICIAL DUTIES AS MEMBERS OF THE ADVISORY
4 COUNCIL.

5 (12) THE ADVISORY COUNCIL SHALL DO ALL OF THE FOLLOWING:

6 (A) WITHIN 1 YEAR AFTER THE EFFECTIVE DATE OF THE AMENDATORY
7 ACT THAT ADDED THIS SECTION, REVIEW AND MAKE RECOMMENDATIONS ON THE
8 ESTABLISHMENT AND FUNDING FOR A STATEWIDE DATABASE TO DOCUMENT THE
9 LOCATIONS OF ON-SITE WASTEWATER TREATMENT SYSTEMS AND PROBLEMS
10 ASSOCIATED WITH THEM THAT MAY ADVERSELY AFFECT THE WATERS OF THE
11 STATE.

12 (B) STUDY AND MAKE RECOMMENDATIONS FOR A STATEWIDE SEWAGE
13 CODE.

14 (C) STUDY AND MAKE RECOMMENDATIONS FOR A CERTIFICATION PROGRAM
15 FOR INSPECTORS.

16 (D) STUDY AND MAKE RECOMMENDATIONS FOR ADDITIONAL REGULATIONS
17 TO FURTHER IMPROVE WATER QUALITY RELATED TO THE USE OF ON-SITE
18 WASTEWATER TREATMENT SYSTEMS.

19 (E) STUDY AND MAKE RECOMMENDATIONS FOR TRAINING OR
20 CERTIFICATION OF INSTALLERS OF ON-SITE WASTEWATER TREATMENT
21 SYSTEMS.

22 SEC. 5011. (1) THE ALTERNATIVE SYSTEM TECHNICAL ADVISORY
23 COMMITTEE IS CREATED WITHIN THE DEPARTMENT.

24 (2) THE TECHNICAL COMMITTEE SHALL CONSIST OF THE FOLLOWING
25 MEMBERS:

26 (A) TWO MEMBERS APPOINTED BY THE SENATE MAJORITY LEADER AS
27 FOLLOWS:

1 (i) A REPRESENTATIVE OF A LOCAL HEALTH DEPARTMENT WHO IS
2 DIRECTLY INVOLVED IN DAILY INSPECTIONS AND SITE VISITS.

3 (ii) A DIRECTOR OF ENVIRONMENTAL HEALTH IN A LOCAL HEALTH
4 DEPARTMENT.

5 (B) TWO MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE OF
6 REPRESENTATIVES AS FOLLOWS:

7 (i) A LICENSED PROFESSIONAL ENGINEER WHO IS INVOLVED IN
8 DESIGNING ON-SITE WASTEWATER TREATMENT SYSTEMS.

9 (ii) AN ENGINEER OR SOIL SCIENTIST STAFF MEMBER FROM A COLLEGE
10 OR UNIVERSITY.

11 (C) THREE MEMBERS APPOINTED BY THE GOVERNOR AS FOLLOWS:

12 (i) AN OPERATOR OF AN ON-SITE WASTEWATER TREATMENT SYSTEM.

13 (ii) A CONTRACTOR WHO INSTALLS ON-SITE WASTEWATER TREATMENT
14 SYSTEMS.

15 (iii) A MANUFACTURER'S REPRESENTATIVE OR EQUIPMENT DISTRIBUTOR
16 OF COMPONENTS COMMONLY USED IN ON-SITE WASTEWATER TREATMENT
17 SYSTEMS.

18 (D) A REPRESENTATIVE OF THE DEPARTMENT.

19 (3) THE MEMBERS FIRST APPOINTED TO THE TECHNICAL COMMITTEE
20 SHALL BE APPOINTED WITHIN 60 DAYS AFTER THE EFFECTIVE DATE OF THE
21 AMENDATORY ACT THAT ADDED THIS SECTION.

22 (4) MEMBERS OF THE TECHNICAL COMMITTEE SHALL SERVE FOR TERMS
23 OF 4 YEARS OR UNTIL A SUCCESSOR IS APPOINTED.

24 (5) A VACANCY ON THE TECHNICAL COMMITTEE SHALL BE FILLED FOR
25 THE UNEXPIRED TERM IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT.

26 (6) A MEMBER OF THE TECHNICAL COMMITTEE MAY BE REMOVED FOR
27 INCOMPETENCY, DERELICTION OF DUTY, MALFEASANCE, MISFEASANCE, OR

1 NONFEASANCE IN OFFICE, OR ANY OTHER GOOD CAUSE.

2 (7) THE FIRST MEETING OF THE TECHNICAL COMMITTEE SHALL BE
3 CALLED BY THE DEPARTMENT. AT THE FIRST MEETING, THE TECHNICAL
4 COMMITTEE SHALL ELECT FROM AMONG ITS MEMBERS A CHAIRPERSON AND
5 OTHER OFFICERS AS IT CONSIDERS NECESSARY OR APPROPRIATE. AFTER THE
6 FIRST MEETING, THE TECHNICAL COMMITTEE SHALL MEET AT LEAST
7 QUARTERLY, OR MORE FREQUENTLY AT THE CALL OF THE CHAIRPERSON OR IF
8 REQUESTED BY 4 OR MORE MEMBERS.

9 (8) A MAJORITY OF THE MEMBERS OF THE TECHNICAL COMMITTEE
10 CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS AT A MEETING OF
11 THE TECHNICAL COMMITTEE. A MAJORITY OF THE MEMBERS PRESENT AND
12 SERVING ARE REQUIRED FOR OFFICIAL ACTION OF THE TECHNICAL
13 COMMITTEE.

14 (9) THE BUSINESS THAT THE TECHNICAL COMMITTEE MAY PERFORM
15 SHALL BE CONDUCTED AT A PUBLIC MEETING OF THE TECHNICAL COMMITTEE
16 HELD IN COMPLIANCE WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL
17 15.261 TO 15.275.

18 (10) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR
19 RETAINED BY THE TECHNICAL COMMITTEE IN THE PERFORMANCE OF AN
20 OFFICIAL FUNCTION IS SUBJECT TO THE FREEDOM OF INFORMATION ACT,
21 1976 PA 442, MCL 15.231 TO 15.246.

22 (11) MEMBERS OF THE TECHNICAL COMMITTEE SHALL SERVE WITHOUT
23 COMPENSATION. HOWEVER, MEMBERS OF THE TECHNICAL COMMITTEE MAY BE
24 REIMBURSED FOR THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE
25 PERFORMANCE OF THEIR OFFICIAL DUTIES AS MEMBERS OF THE TECHNICAL
26 COMMITTEE.

27 (12) THE TECHNICAL COMMITTEE SHALL DO BOTH OF THE FOLLOWING:

1 (A) NOT LATER THAN 1 YEAR AFTER THE EFFECTIVE DATE OF THE
2 AMENDATORY ACT THAT ADDED THIS SECTION, PREPARE AND RECOMMEND TO
3 THE DEPARTMENT GUIDANCE DOCUMENTS FOR THE USE OF ALTERNATIVE SYSTEM
4 TECHNOLOGIES.

5 (B) STUDY AND MAKE RECOMMENDATIONS TO THE DEPARTMENT ON A
6 MAINTENANCE AND INSPECTION PROTOCOL FOR ALTERNATIVE SYSTEMS.

7 SEC. 5012. A PERSON WHO VIOLATES THIS PART IS RESPONSIBLE FOR
8 A STATE CIVIL INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE OF
9 NOT MORE THAN \$500.00.