



REGULATORY STRUCTURE FOR SANITARY SEWAGE Summarized by the Technical Advisory Council (TAC) for Onsite Wastewater Treatment* October 2006 Update

The governmental agency and most pertinent regulatory basis regulating the discharge of sanitary sewage varies depending on volume, the type of treatment system, disposal methods, and whether the treatment system services a privately owned entity or multiple owners discharging to a common system. The tables which follow were developed to provide an overview of who provides regulation and the mechanisms involved based on these variables.

The legislation governing all discharge of wastewater is Part 31, Water Resources Protection (formerly 1929 PA 245, as amended) contained in the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451). Prior to Executive Order No. 1991-31 the Water Resources Commission (WRC) administered 1929 PA 245, as amended. The Michigan Department of Environmental Quality (MDEQ) now administers this Act and all rules, guidelines, or policies adopted under it.

Agencies can promulgate rules that have the effect of law, or guidelines, which are a declaration of policy which the agency intends to, follow. Guidelines standing alone do not have the force or effect of law, but could be enforced if incorporated into administrative rules.

Under what is now Part 31 of Act 451, both the Part 21 and Part 22 Rules were promulgated. Part 21 Rules, Wastewater Discharge Permits, contain procedures to obtain a permit to discharge to surface water or groundwater. The MDEQ Water Bureau (WB) regulates both discharges to surface water and to groundwater.

The Part 22 Groundwater Quality Rules, as amended August 26, 1999, define requirements for groundwater discharges. These rules authorize local county, district, or city health departments to approve subsurface sewage disposal less than 1,000 gallons per day (gpd) in accordance with requirements of the local sanitary code. They also authorize local health departments to approve subsurface sewage disposal greater than 1,000 gpd but less than 10,000 gpd provided the disposal system is designed and constructed in accordance with the Michigan Criteria for Subsurface Sewage Disposal (MI Criteria). If the volume of the septic tank or tanks is 6,000 gallons or more or the flow to subsurface sewage disposal is more than 6,000 gpd but less than 10,000 gpd, in addition to obtaining a permit from the local county, district, or city health department, the discharger must submit notification of the discharge to the MDEQ and submit flow monitoring data. A person appealing a local health department decision that was made based on the MI Criteria must file a permit application with WB along with an explanation of the reasons for appeal, the details of the proposal, and a statement of the relief requested. The provisions of Part 31 and its rules would apply to processing the permit application.

The Part 22 Rules also authorize subsurface sewage disposal of less than 20,000 gpd from a constructed wetland or alternative system which provides similar effluent quality. The rules contain design requirements for such a system and it must discharge to a tile field designed in accordance with the MI Criteria and approved by either the county, district, or city health department having jurisdiction or the MDEQ. A permit from MDEQ is required for a constructed wetland or alternative system and for flow more than 10,000 gpd discharge monitoring is also required.

Part 41, Sewerage Systems (formerly 1913 PA 98, as amended), also contained in Act 451, requires a construction permit from MDEQ for both the collection and treatment/disposal system when persons provide collection or sewage treatment service for others. "Public" systems exist where multiple owners discharge to a common disposal system. Examples include systems that serve two or more families, condominiums, shopping centers, municipalities, etc. Part 41 does not apply to single family homes, a development with only one owner (e.g. an apartment complex or mobile home park), or condominiums where individual owners are responsible for maintenance of their own septic tank/tile field system. A Part 31 discharge permit is not required for subsurface sewage disposal of less than 10,000 gpd if a construction permit is issued pursuant to Part 41, and either a construction permit or construction approval is obtained from either the Water Bureau (WB) of MDEQ or the Health Facilities Engineering Section (HFES) of the Michigan Department of Community Health (MDCH). Notification, as described above, is required if the volume of the septic tank or tanks is 6,000 gallons or more or the flow to subsurface sewage disposal is more than 6,000 gallons per day but less than 10,000 gallons per day. Part 41 permits may or may not include provisions for construction inspection, but they do require submittal of a construction certification statement to MDEQ by the design engineer .

*This document is for information purposes only and represents the best understanding of the current regulatory structure by the TAC.

**Regulatory Structure for Sanitary Sewage
(Summarized by Technical Advisory Council)
0-1,000 GPD**

System and Wastewater Type	Who Regulates	Applicable Regulatory Basis	Permit	Monitor
Residential with Subsurface Disposal Single Owner	Local Health Department does construction inspection.	Local Code**	Construction permit only	None
Multiple Family Residential with Subsurface Disposal*	MDEQ (WB)	MI criteria	Construction permit under Part 41 Separate Local Health Department permit may be required.	None
Commercial/Industrial with Subsurface Disposal of Sanitary Sewage Only	Local Health Department does construction inspection.	Local code or MI criteria	Construction permit only	None
Alternative System with Subsurface Disposal	Local Health Department	Local code or MI criteria	Construction permit for tile field from Local Health Department	May be required
	MDEQ for exemption or permit if not handled by Local Health Department. (WB)	Part 22	Exemption or permit from MDEQ Part 41 construction permit required for "public" systems.	
Constructed Wetland with Subsurface Disposal of Sanitary Sewage Only	Local Health Department	Local code or MI criteria	Construction permit for tile field from Local Health Department	May be required
	MDEQ for exemption or permit. (WB)	Part 22	Exemption or permit from MDEQ Part 41 construction permit required for "public" systems.	
Land Disposal Other than Subsurface	MDEQ (WB)	Part 22	Exemption or permit	May be required
Surface Water Discharge (contact MDEQ regarding permitting mechanism)	MDEQ (WB)	Part 31	NPDES	Yes

*"Public" systems exist where multiple owners discharge to a common disposal system. Examples include systems that serve two or more families, condominiums, shopping centers not under one ownership, municipalities, etc. Part 41 does not apply to single family homes, a development with only one owner (e.g. and apartment complex or mobile home park), or condominiums where individual owners are responsible for maintenance of their own septic tank/tile field system.

**MDEQ rules govern site suitability for subdivisions, site condominiums, and land divisions less than one acre.

**Regulatory Structure for Sanitary Sewage
(Summarized by Technical Advisory Council)
1,000-10,000 GPD**

System and Wastewater Type	Who Regulates	Applicable Regulatory Basis	Permit	Monitor
Multiple Family Residential with Subsurface Disposal	MDEQ (WB)	MI criteria	Part 41 construction permit required for “public” systems. Separate Local Health Department permit required. Notification to MDEQ if >6,000 gallons	May be (MDEQ can require)
Campground with Subsurface Disposal	MDEQ (WB)	MI criteria	MDEQ (WB)–Construction approval or construction permit. Annual facility license Notification to MDEQ > 6,000 gallons	May be (MDEQ can require)
Hospitals, Homes for the Aged and Nursing Homes with Subsurface Disposal of Sanitary Sewage Only	Local Health Department MDCH (HFES)	MI criteria	Construction approval or construction permit Notification to MDEQ if > 6,000 gallons	None
Commercial/Industrial with Subsurface Disposal of Sanitary Sewage Only (<6,000 gallons)	Local Health Department MDEQ if Part 41 permit required (WB)	MI criteria	Construction permit – No discharge permit Part 41 construction permit required for “public” systems	Local Health Department may require annual inspection
Commercial/Industrial with Subsurface Disposal of Sanitary Sewage Only (>6,000 gallons)	Local Health Department MDEQ if Part 41 permit required (WB)	MI criteria Part 22	Construction permit – No discharge permit Part 41 construction permit required for “public” systems Notification to MDEQ if >6,000 gallons	Local Health Department may require annual inspection Yes for >6,000 gallons
Alternative System with Subsurface Disposal	Local Health Department MDEQ for exemption or permit if not handled by Local Health Department (WB)	MI criteria Part 22	Construction permit with variance from Local Health Department Exemption or permit from MDEQ if not handled by Local Health Department. Part 41 construction permit required for “public” system. Notification to MDEQ if >6,000 gallons.	May be required
Constructed Wetland or Equivalent with Subsurface Disposal of Sanitary Sewage Only	Local Health Department MDEQ for permit (WB)	MI criteria Part 22	Construction permit for tile field from Local Health Department may berequired. Permit from MDEQ. Part 41 construction permit required for “public” systems	None
Land Disposal Other than Subsurface	MDEQ (WB)	Part 22	Permit	May be required
Surface Water Discharge (contact MDEQ regarding permitting mechanism)	MDEQ (WB)	Part 31	NPDES	Yes

*“Public” systems exist where multiple owners discharge to a common disposal system. Examples include systems that serve two or more families, condominiums, shopping centers not under one ownership, municipalities, etc.

Part 41 does not apply to single family homes, a development with only one owner (e.g. an apartment complex or mobile home park), or condominiums where individual owners are responsible for maintenance of their own septic tank/tile field system.

**Regulatory Structure for Sanitary Sewage
(Summarized by Technical Advisory Council)
>10,000 GPD**

System and Wastewater Type	Who Regulates	Applicable Regulatory Basis	Permit	Monitor
Multiple Family Residential with Subsurface Disposal	MDEQ (WB)	Part 31 Part 41	Groundwater discharge permit is required under Part 31. Part 41 construction permit also required	Required
Campground with Subsurface Disposal	MDEQ (WB)	Part 31	Separate Local Health Department permit may be required. MDEQ –WD annual license – Construction approval or construction permit. Groundwater Discharge Permit is required under Part 31.	Required
Hospitals, Homes for the Aged, and Nursing Homes with Subsurface Disposal of Sanitary Sewage Only	MDEQ (WB) MDCH (HFES)	Part 31	CIS – HFES – Construction approval or construction permit Groundwater Discharge Permit is required under Part 31.	Required
Commercial/Industrial with Subsurface Disposal of Sanitary Sewage Only	MDEQ (WB)	Part 31	Groundwater Discharge Permit is required under Part 31. Part 41 construction permit required for “public” systems	Required
Alternative System with Subsurface Disposal	MDEQ (WB)	Part 31	Groundwater Dis charge Permit is required under Part 31. Part 41 construction permit required for “public” systems	Required
Constructed Wetland or equivalent with Subsurface Disposal of Sanitary Sewage Only <20,000 gpd	Local Health Department MDEQ for permit (WB)	MI criteria Part 22	Construction permit for tile field from Local Health Department may be required. Permit from MDEQ Part 41 construction permit required for “public” systems	Required
Land Disposal Other than Subsurface	MDEQ (WB)	Part 31	Groundwater Discharge Permit is required under Part 31. Part 41 construction permit required for “public” systems	Required
Surface Water Discharge (contact MDEQ regarding permitting mechanism)	MDEQ (WB)	Part 31	NPDES	Yes

*“Public” systems exist where multiple owners discharge to a common disposal system. Examples include systems that serve two or more families, condominiums, shopping centers not under one ownership, municipalities, etc.

Part 41 does not apply to single family homes, a development with only one owner (e.g. an apartment complex or mobile home park), or condominiums where individual owners are responsible for maintenance of their own septic tank/tile field system.

