

HOUSE BILL No. 5445

January 22, 1992, Introduced by Reps. Sikkema, Mathieu, Alley, Middaugh, Bartnik, Kosteva, DeMars, Hickner, Brown, Hoekman, Nye, DeBeaussaert, Yokich, Byrum, Anthony, Bodem, Trim, Gnodtke and Van Singel and referred to the Committee on Conservation, Recreation and Environment.

A bill to amend Act No. 245 of the Public Acts of 1929,
entitled as amended

"An act to regulate, protect, and conserve the water resources of the state, to provide for the control over the pollution of any waters of the state and the Great Lakes, to provide for the control over the alteration of the watercourses and the floodplains of all rivers and streams; to create a water resources commission; to prescribe the powers and duties of certain state agencies and officials; to require the registration of manufacturing products, production materials, and waste products where certain wastes are discharged; to require permits to regulate the discharge or storage of any substance which may affect the quality of the waters of the state and to establish restrictions to assure compliance with applicable state standards and to authorize the establishment of permit restrictions and programs to assure compliance with applicable federal law and regulations; to prohibit the pollution of any waters of the state and the Great Lakes; to prohibit the obstruction of the floodways of the rivers and streams of the state; to designate the department of natural resources as the state agency to cooperate and negotiate with other governments and agencies in matters concerning the water resources of the state; and to provide penalties and remedies for the violation of this act,"

as amended, being sections 323.1 to 323.12a of the Michigan Compiled Laws, by adding section 7a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 245 of the Public Acts of 1929, as
2 amended, being sections 323.1 to 323.12a of the Michigan Compiled
3 Laws, is amended by adding section 7a to read as follows:

4 SEC. 7A. (1) IF UNTREATED SEWAGE FROM A COMBINED SEWER
5 SYSTEM IS DISCHARGED INTO THE WATERS OF THE STATE DUE TO A COM-
6 BINED SEWER OVERFLOW, THE MUNICIPALITY RESPONSIBLE FOR THE DIS-
7 CHARGE SHALL NOTIFY THE DISTRICT OFFICE OF THE DEPARTMENT AND THE
8 LOCAL HEALTH DEPARTMENT IN WHICH THE MUNICIPALITY IS LOCATED OF
9 ALL OF THE FOLLOWING:

10 (A) THAT THE DISCHARGE IS OCCURRING.

11 (B) THE ESTIMATED AMOUNT OF THE DISCHARGE AS MEASURED PURSU-
12 ANT TO PROCEDURES APPROVED BY THE DEPARTMENT.

13 (C) THE REASON FOR THE DISCHARGE.

14 (D) THE TIME THE DISCHARGE BEGAN.

15 (E) VERIFICATION THAT THE MUNICIPALITY IS IN FULL COMPLIANCE
16 WITH THE REQUIREMENTS OF ITS NATIONAL POLLUTANT DISCHARGE ELIMI-
17 NATION SYSTEM PERMIT.

18 (2) UPON RECEIPT OF NOTIFICATION UNDER SUBSECTION (1), THE
19 DEPARTMENT SHALL NOTIFY ALL LOCAL HEALTH DEPARTMENTS WHOSE JURIS-
20 DICTION IS DOWNSTREAM OF THE DISCHARGE OF THE INFORMATION PRO-
21 VIDED UNDER SUBSECTION (1).

22 (3) IF A LOCAL HEALTH DEPARTMENT RECEIVES NOTIFICATION UNDER
23 SUBSECTION (1) OR (2) THAT A COMBINED SEWER OVERFLOW HAS
24 OCCURRED, THE LOCAL HEALTH DEPARTMENT MAY ISSUE A PUBLIC HEALTH
25 ADVISORY. IF A LOCAL HEALTH DEPARTMENT ISSUES A PUBLIC HEALTH

1 ADVISORY, THE LOCAL HEALTH DEPARTMENT SHALL NOTIFY AT LEAST ALL
2 OF THE FOLLOWING:

3 (A) A DAILY NEWSPAPER OF GENERAL CIRCULATION IN THE JURIS-
4 DICTION OF THE LOCAL HEALTH DEPARTMENT.

5 (B) A TELEVISION STATION THAT BROADCASTS IN THE JURISDICTION
6 OF THE LOCAL HEALTH DEPARTMENT.

7 (C) A RADIO STATION THAT BROADCASTS IN THE JURISDICTION OF
8 THE LOCAL HEALTH DEPARTMENT.

9 (4) A MUNICIPALITY THAT IS RESPONSIBLE FOR A DISCHARGE OF
10 UNTREATED SEWAGE FROM A COMBINED SEWER SYSTEM INTO THE WATERS OF
11 THE STATE SHALL MEET THE REQUIREMENTS OF ITS NATIONAL POLLUTANT
12 DISCHARGE ELIMINATION SYSTEM PERMIT.

13 (5) THIS SECTION DOES NOT AUTHORIZE THE DISCHARGE OF
14 UNTREATED SEWAGE INTO THE WATERS OF THE STATE OR LIMIT THE STATE
15 FROM BRINGING LEGAL ACTION AS OTHERWISE AUTHORIZED BY THIS ACT.

16 (6) AS USED IN THIS SECTION:

17 (A) "COMBINED SEWER OVERFLOW" MEANS A DISCHARGE FROM A COM-
18 BINED SEWER SYSTEM THAT OCCURS WHEN THE FLOW CAPACITY OF THE COM-
19 BINED SEWER SYSTEM IS EXCEEDED.

20 (B) "COMBINED SEWER SYSTEM" MEANS A SEWER INTENDED TO SERVE
21 AS A SANITARY SEWER AND A STORM SEWER.

22 (C) "LOCAL HEALTH DEPARTMENT" MEANS A LOCAL HEALTH DEPART-
23 MENT AS DEFINED IN SECTION 1105 OF THE PUBLIC HEALTH CODE, ACT
24 NO. 368 OF THE PUBLIC ACTS OF 1978, BEING SECTION 333.1105 OF THE
25 MICHIGAN COMPILED LAWS.

1 (D) "SANITARY SEWER" MEANS A SEWER INTENDED TO CARRY ONLY
2 SANITARY AND INDUSTRIAL WASTE FROM RESIDENCES, COMMERCIAL
3 BUILDINGS, INDUSTRIAL PLANTS, AND INSTITUTIONS.

4 (E) "STORM SEWER" MEANS A SEWER INTENDED TO CARRY ONLY STORM
5 WATERS, SURFACE RUNOFF, STREET WASH WATERS, AND DRAINAGE.