

Act No. 29
Public Acts of 1993
Approved by the Governor
April 22, 1993
Filed with the Secretary of State
April 23, 1993

**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1993**

Introduced by Senator Van Regenmorter

ENROLLED SENATE BILL No. 43

AN ACT 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:

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

Sec. 7a. (1) If untreated sewage from a combined sewer system is discharged into the waters of the state, the municipality responsible for the discharge shall do all of the following:

(a) Notify the department of natural resources; local health departments as defined in section 1105 of the public health code, Act No. 368 of the Public Acts of 1978, being section 333.1105 of the Michigan Compiled Laws; a daily newspaper of general circulation in the county or counties in which a municipality notified pursuant to subsection (2) is located; and a daily newspaper of general circulation in the county in which the municipality responsible for the discharge is located of all of the following:

(i) Promptly after the discharge starts, that the discharge is occurring.

(ii) At the conclusion of the discharge, in writing, all of the following:

(A) The amount of the discharge as measured pursuant to procedures approved by the department of natural resources.

(B) The reason for the discharge.

(C) The time the discharge began and ended as measured pursuant to procedures approved by the department of natural resources.

(D) Verification that the municipality is in full compliance with the requirements of its national pollutant discharge elimination system permit.

(b) Upon the request of a local health department responsible for testing the affected waters, either pay the actual reasonable cost of the testing that is necessary to assess the risk to the public health as a result of the discharge or, if the municipality has conducted testing necessary to assess the risk to public health as a result of the discharge, provide the test results to the local health department.

(2) A municipality that operates a combined sewer system that may discharge untreated sewage into the waters of the state shall annually contact municipalities whose waters may be affected by such discharges, and if those contacted municipalities wish to be notified in the same manner as provided in subsection (1), the municipality operating the combined sewer system shall provide that notification.

(3) A municipality that is responsible for a discharge of untreated sewage from a combined sewer system into the waters of the state shall meet the requirements of its national pollutant discharge elimination system permit.

(4) This section does not authorize the discharge of untreated sewage into the waters of the state or limit the state from bringing legal action as otherwise authorized by this act.

(5) "Combined sewer system" means a sewer designed and used to convey both storm water runoff and sanitary sewage, and which contains lawfully installed regulators and control devices that allow for delivery of sanitary flow to treatment during dry weather periods and divert storm water and sanitary sewage to surface waters during storm flow periods.

(6) The penalties and fines provided for in section 10 apply to a violation of this section.

This act is ordered to take immediate effect.

Secretary of the Senate.

Co-Clerk of the House of Representatives.

Approved -----

Governor.

