



SENATE BILL No. 43

January 13, 1993, Introduced by Senator VAN REGENMORTER
and referred to the Committee on Natural Resources and
Environmental Affairs.

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 SEWERAGE
5 SYSTEM IS DISCHARGED INTO THE WATERS OF THE STATE, THE MUNICIPAL-
6 ITY RESPONSIBLE FOR THE DISCHARGE SHALL DO ALL OF THE FOLLOWING:

7 (A) NOTIFY THE DEPARTMENT OF NATURAL RESOURCES; LOCAL HEALTH
8 DEPARTMENTS AS DEFINED IN SECTION 1105 OF THE PUBLIC HEALTH CODE,
9 ACT NO. 368 OF THE PUBLIC ACTS OF 1978, BEING SECTION 333.1105 OF
10 THE MICHIGAN COMPILED LAWS, AND MUNICIPALITIES WHOSE WATERS MAY
11 BE AFFECTED BY THE DISCHARGE; A DAILY NEWSPAPER OF GENERAL CIRCU-
12 LATION IN THE COUNTY OR COUNTIES IN WHICH A NOTIFIED MUNICIPALITY
13 IS LOCATED; AND A DAILY NEWSPAPER OF GENERAL CIRCULATION IN THE
14 COUNTY IN WHICH THE MUNICIPALITY RESPONSIBLE FOR THE DISCHARGE IS
15 LOCATED OF ALL OF THE FOLLOWING:

16 (i) PROMPTLY AFTER THE DISCHARGE STARTS, THAT THE DISCHARGE
17 IS OCCURRING.

18 (ii) AT THE CONCLUSION OF THE DISCHARGE, IN WRITING, ALL OF
19 THE FOLLOWING:

20 (A) THE AMOUNT OF THE DISCHARGE AS MEASURED PURSUANT TO PRO-
21 CEDURES APPROVED BY THE DEPARTMENT OF NATURAL RESOURCES.

22 (B) THE REASON FOR THE DISCHARGE.

23 (C) THE TIME THE DISCHARGE BEGAN AND ENDED AS MEASURED PUR-
24 SUANT TO PROCEDURES APPROVED BY THE DEPARTMENT OF NATURAL
25 RESOURCES.

1 (D) VERIFICATION THAT THE MUNICIPALITY IS IN FULL COMPLIANCE
2 WITH THE REQUIREMENTS OF ITS NATIONAL POLLUTANT DISCHARGE
3 ELIMINATION SYSTEM PERMIT.

4 (B) UPON THE REQUEST OF A LOCAL HEALTH DEPARTMENT RESPONSI-
5 BLE FOR TESTING THE AFFECTED WATERS, PAY THE ACTUAL REASONABLE
6 COST OF THE TESTING THAT IS NECESSARY TO PROTECT PUBLIC HEALTH AS
7 A RESULT OF THE DISCHARGE.

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

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

15 (4) AS USED IN THIS SECTION, "COMBINED SEWER SYSTEM" MEANS A
16 SEWER SYSTEM DESIGNED AND OPERATED TO TRANSPORT SANITARY SEWAGE
17 AND STORM WATER FROM A GEOGRAPHIC AREA.