

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4045

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 3112a (MCL 324.3112a).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3112a. (1) If ~~untreated~~ sewage THAT HAS NOT RECEIVED
2 ALL TREATMENT THAT IS AVAILABLE AND UTILIZED UNDER ORDINARY DRY
3 WEATHER CONDITIONS IS DISCHARGED from a combined sewer system ~~is~~
4 ~~discharged~~ into the waters of the state, the municipality
5 responsible for the discharge shall ~~do all of the following:~~
6 ~~(a) Notify~~ IMMEDIATELY, BUT NOT MORE THAN 24 HOURS AFTER THE
7 DISCHARGE BEGINS, NOTIFY the department; local health departments
8 as defined in section 1105 of the public health code, ~~Act~~
9 ~~No. 368 of the Public Acts of 1978, being section 333.1105 of the~~
10 ~~Michigan Compiled Laws~~ 1978 PA 368, MCL 333.1105; a daily
11 newspaper of general circulation in the county or counties in

1 which a municipality notified pursuant to subsection ~~-(2)-~~ (4)
2 is located; and a daily newspaper of general circulation in the
3 county in which the municipality responsible for the discharge is
4 located of all of the following:

5 (A) ~~-(i)-~~ Promptly after the discharge starts, that the dis-
6 charge is occurring.

7 (B) ~~-(ii)-~~ At the conclusion of the discharge, in writing,
8 all of the following:

9 (i) ~~-(A)-~~ The amount of the discharge as measured pursuant
10 to procedures approved by the department.

11 (ii) ~~-(B)-~~ The reason for the discharge.

12 (iii) ~~-(C)-~~ The time the discharge began and ended as mea-
13 sured pursuant to procedures approved by the department.

14 (iv) ~~-(D)-~~ Verification that the municipality is in full
15 compliance with the requirements of its national pollutant dis-
16 charge elimination system permit.

17 (2) ~~-(b) Upon the request of a local health department~~
18 ~~responsible for testing the affected waters, either pay the~~
19 ~~actual reasonable cost of the testing that is necessary to assess~~
20 ~~the risk to the public health as a result of the discharge or, if~~
21 ~~the municipality has conducted testing necessary to assess the~~
22 ~~risk to public health as a result of the discharge, provide the~~
23 ~~test results to the local health department.~~ EACH TIME A DIS-
24 CHARGE OCCURS UNDER SUBSECTION (1), THE PERMITEE SHALL TEST THE
25 AFFECTED WATERS FOR E. COLI TO ASSESS THE RISK TO THE PUBLIC
26 HEALTH AS A RESULT OF THE DISCHARGE AND SHALL PROVIDE THE TEST
27 RESULTS TO THE AFFECTED LOCAL COUNTY HEALTH DEPARTMENTS. THE

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1 TESTING SHALL BE DONE AT LOCATIONS SPECIFIED BY EACH AFFECTED
2 LOCAL COUNTY HEALTH DEPARTMENT BUT SHALL NOT EXCEED 10 TESTS FOR
3 EACH SEPARATE DISCHARGE EVENT. THE REQUIREMENT FOR THIS TESTING
4 MAY BE WAIVED BY THE AFFECTED LOCAL COUNTY HEALTH DEPARTMENT IF
5 THE AFFECTED LOCAL COUNTY HEALTH DEPARTMENT DETERMINES THAT SUCH
6 TESTING IS NOT NEEDED TO ASSESS THE RISK TO THE PUBLIC HEALTH AS
7 A RESULT OF THE DISCHARGE EVENT.

8 (3) ~~—(2)—~~ A municipality that operates a combined sewer
9 system that may discharge untreated sewage into the waters of the
10 state shall annually contact municipalities whose waters may be
11 affected by such discharges, and if those contacted municipali-
12 ties wish to be notified in the same manner as provided in sub-
13 section (1), the municipality operating the combined sewer system
14 shall provide that notification.

15 (4) ~~—(3)—~~ A municipality that is responsible for a discharge
16 of untreated sewage from a combined sewer system into the waters
17 of the state shall ~~—meet—~~ COMPLY WITH the requirements of its
18 national pollutant discharge elimination system permit.

19 (5) ~~—(4)—~~ This section does not authorize the discharge of
20 untreated sewage into the waters of the state or limit the state
21 from bringing legal action as otherwise authorized by this part.

22 (6) ~~—(5)—~~ "Combined sewer system" means a sewer designed and
23 used to convey both storm water runoff and sanitary sewage, and
24 which contains lawfully installed regulators and control devices
25 that allow for delivery of sanitary flow to treatment during dry
26 weather periods and divert storm water and sanitary sewage to
27 surface waters during storm flow periods.

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1 (7) ~~—(6)—~~ The penalties and fines provided for in
2 section 3115 apply to a violation of this section.