

HOUSE BILL No. 4045

January 8, 1997, Introduced by Rep. Callahan and referred to the Committee on Conservation, Environment and Recreation.

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~~ WITHIN 24 HOURS AFTER THE DISCHARGE BEGINS NOTIFY the
7 department; local health departments as defined in section 1105
8 of the public health code, ~~Act No. 368 of the Public Acts of~~
9 ~~1978, being section 333.1105 of the Michigan Compiled Laws~~ 1978
10 PA 368, MCL 333.1105; a daily newspaper of general circulation in
11 the county or counties in which a municipality notified pursuant

1 to subsection ~~-(2)-~~ (4) is located; and a daily newspaper of
2 general circulation in the county in which the municipality
3 responsible for the discharge is located of all of the
4 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) THE DEPARTMENT SHALL ESTABLISH A CENTRALIZED REPORTING
18 SYSTEM FOR RECEIPT OF NOTIFICATIONS OF DISCHARGES FROM COMBINED
19 SEWER SYSTEMS UNDER SUBSECTION (1).

20 (3) ~~-(b)-~~ Upon RECEIPT OF NOTIFICATION UNDER SUBSECTION (1)
21 THAT A DISCHARGE FROM A COMBINED SEWER SYSTEM IS OCCURRING, THE
22 DEPARTMENT SHALL TEST the ~~request of a local health department~~
23 ~~responsible for testing the~~ affected waters ~~, either pay the~~
24 ~~actual reasonable cost of the testing that is necessary to~~
25 assess the risk to the public health as a result of the
26 discharge. ~~or, if the municipality has conducted testing~~
27 ~~necessary to assess the risk to public health as a result of the~~

1 ~~discharge, provide the test results to the local health~~
2 ~~department.~~

3 (4) ~~—(2)—~~ A municipality that operates a combined sewer
4 system that may discharge untreated sewage into the waters of the
5 state shall annually contact municipalities whose waters may be
6 affected by such discharges, and if those contacted municipali-
7 ties wish to be notified in the same manner as provided in sub-
8 section (1), the municipality operating the combined sewer system
9 shall provide that notification.

10 (5) ~~—(3)—~~ A municipality that is responsible for a discharge
11 of untreated sewage from a combined sewer system into the waters
12 of the state shall ~~meet~~ COMPLY WITH the requirements of its
13 national pollutant discharge elimination system permit.

14 (6) IN ADDITION TO ANY OTHER TESTING THAT IS CONDUCTED PUR-
15 SUANT TO THIS SECTION, THE DEPARTMENT SHALL CONDUCT COMPREHENSIVE
16 TESTING OF THE WATERS OF LAKE ST. CLAIR AND THE CLINTON RIVER
17 WATERSHED TO ASSESS THE DEGRADATION OF THESE WATERS DUE TO DIS-
18 CHARGES FROM COMBINED SEWER SYSTEMS.

19 (7) ~~—(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 (8) ~~—(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.

1 (9) ~~—(6)—~~ The penalties and fines provided for in
2 section 3115 apply to a violation of this section.