

Act No. 3
Public Acts of 1998
Approved by the Governor
January 29, 1998
Filed with the Secretary of State
January 30, 1998
EFFECTIVE DATE: January 30, 1998

STATE OF MICHIGAN
89TH LEGISLATURE
REGULAR SESSION OF 1998

Introduced by Rep. Callahan

Reps. Anthony, Basham, Bodem, Bogardus, Brewer, Byl, Ciaramitaro, DeHart, DeVuyst, Dobb, Freeman, Gire, Goschka, Hale, Hanley, Jansen, Jaye, Jellema, Kaza, Kelly, Kilpatrick, Kukuk, Law, McBryde, Olshove, Parks, Profit, Prusi, Raczkowski, Richner, Rocca, Schermesser, Stallworth, Thomas, Vaughn, Voorhees, Willard and Wojno named co-sponsors
Rep. Brater named co-sponsor

ENROLLED HOUSE BILL No. 4045

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending section 3112a (MCL 324.3112a).

The People of the State of Michigan enact:

Sec. 3112a. (1) If sewage that has not received all treatment that is available and utilized under ordinary dry weather conditions is discharged from a combined sewer system into the waters of the state, the municipality responsible for the discharge shall immediately, but not more than 24 hours after the discharge begins, notify the department; local health departments as defined in section 1105 of the public health code, 1978 PA 368, MCL 333.1105; a daily newspaper of general circulation in the county or counties in which a municipality notified pursuant to subsection (4) 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:

- (a) Promptly after the discharge starts, that the discharge is occurring.
- (b) At the conclusion of the discharge, in writing, all of the following:
 - (i) The amount of the discharge as measured pursuant to procedures approved by the department.
 - (ii) The reason for the discharge.
 - (iii) The time the discharge began and ended as measured pursuant to procedures approved by the department.
- (iv) Verification that the municipality is in full compliance with the requirements of its national pollutant discharge elimination system permit.

(2) Each time a discharge occurs under subsection (1), the permittee shall test the affected waters for E. coli to assess the risk to the public health as a result of the discharge and shall provide the test results to the affected local county health departments. The testing shall be done at locations specified by each affected local county health department but shall not exceed 10 tests for each separate discharge event. The requirement for this testing may be waived by the

affected local county health department if the affected local county health department determines that such testing is not needed to assess the risk to the public health as a result of the discharge event.

(3) 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.

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

(5) 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 part.

(6) "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.

(7) The penalties and fines provided for in section 3115 apply to a violation of this section.

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved -----

Governor.