

SENATE BILL No. 1201

April 5, 2000, Introduced by Senators JOHNSON, SIKKEMA, BULLARD, EMMONS and JAYE and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 3112a (MCL 324.3112a), as amended by 1998
PA 3.

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~~ OR PARTIALLY TREATED SEWAGE is discharged
4 from a ~~combined~~ sewer system into the waters of the state, the
5 municipality responsible for the discharge shall immediately, but
6 not more than 24 hours after the discharge begins, notify the
7 department; local health departments as defined in section 1105
8 of the public health code, 1978 PA 368, MCL 333.1105; a daily
9 newspaper of general circulation in the county or counties in
10 which a municipality notified pursuant to subsection ~~-(4)-~~ (3)

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1 is located; and a daily newspaper of general circulation in the
2 county in which the municipality responsible for the discharge is
3 located of all of the following:

4 (a) Promptly after the discharge starts, that the discharge
5 is occurring.

6 (b) At the conclusion of the discharge, in writing, all of
7 the following:

8 (i) The ~~amount~~ VOLUME AND QUALITY of the discharge as mea-
9 sured pursuant to procedures AND ANALYTICAL METHODS approved by
10 the department.

11 (ii) The reason for the discharge.

12 (iii) THE WATERS OR LAND AREA, OR BOTH, RECEIVING THE
13 DISCHARGE.

14 (iv) ~~(iii)~~ The time the discharge began and ended as mea-
15 sured pursuant to procedures approved by the department.

16 (v) ~~(iv)~~ Verification that the municipality is in full
17 compliance with the requirements of its national pollutant dis-
18 charge elimination system permit AND APPLICABLE STATE AND FEDERAL
19 STATUTES, RULES, AND ORDERS.

(2) UPON BEING NOTIFIED OF A DISCHARGE UNDER SUBSECTION (1),
THE DEPARTMENT SHALL PROMPTLY POST NOTIFICATION UPON ITS WEB SITE.

20 (3) ~~(2)~~ Each time a discharge occurs under subsection (1), the
21 permittee shall test the affected waters for E. coli to assess
22 the risk to the public health as a result of the discharge and
23 shall provide the test results to the affected local county
24 health departments AND TO THE DEPARTMENT. The testing shall be
25 done at locations specified by each affected local county health
26 department but shall not exceed 10 tests for each separate
27 discharge event. The requirement for this testing may be waived

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

5 (4) ~~(3)~~ A municipality that operates a ~~combined~~ sewer system
6 that may discharge untreated sewage OR PARTIALLY TREATED SEWAGE
7 into the waters of the state shall annually contact OTHER munici-
8 palities whose JURISDICTIONS CONTAIN waters THAT may be affected
9 by ~~such~~ THE discharges. ~~, and if~~ IF those contacted munici-
10 palities wish to be notified in the same manner as provided in
11 subsection (1), the municipality operating the ~~combined~~ sewer
12 system shall provide that notification.

13 (5) ~~(4)~~ A municipality that is responsible for a discharge of
14 untreated sewage OR PARTIALLY TREATED SEWAGE from a ~~combined~~
15 sewer system into the waters of the state shall comply with the
16 requirements of its national pollutant discharge elimination
17 system permit AND APPLICABLE STATE AND FEDERAL STATUTES, RULES,
18 AND ORDERS.

19 (6) ~~(5)~~ This section does not authorize the discharge of
20 untreated sewage OR PARTIALLY TREATED SEWAGE into the waters of
21 the state or limit the state from bringing legal action as other-
22 wise authorized by this part.

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

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1 ~~weather periods and divert storm water and sanitary sewage to~~
2 ~~surface waters during storm flow periods.~~

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

5 (8) AS USED IN THIS SECTION:

6 (A) "PARTIALLY TREATED SEWAGE" MEANS ANY SEWAGE, SEWAGE AND
7 STORM WATER, OR SEWAGE AND WASTEWATER, FROM DOMESTIC OR INDUS-
8 TRIAL SOURCES THAT IS NOT TREATED TO NATIONAL SECONDARY TREATMENT
9 STANDARDS FOR WASTEWATER OR THAT IS TREATED TO A LEVEL LESS THAN
10 THAT REQUIRED BY THE MUNICIPALITY'S NATIONAL POLLUTANT DISCHARGE
11 ELIMINATION SYSTEM PERMIT.

12 (B) "SEWER SYSTEM" MEANS A SEWER SYSTEM DESIGNED AND USED TO
13 CONVEY SANITARY SEWAGE OR STORM WATER, OR BOTH.