

# SENATE BILL No. 1202

April 6, 2000, Introduced by Senator DE BEAUSSAERT 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 sewage that has not received all treat-  
2 ment that is available and utilized under ordinary dry weather  
3 conditions is discharged from a ~~combined~~ sewer system into the  
4 waters of the state, the municipality responsible for the dis-  
5 charge shall immediately, but not more than 24 hours after the  
6 discharge begins, notify the department; local health departments  
7 as defined in section 1105 of the public health code, 1978 PA  
8 368, MCL 333.1105; a daily newspaper of general circulation in  
9 the county or counties in which a municipality notified pursuant  
10 to subsection ~~-(4)-~~ (3) is located; and a daily newspaper of

1 general circulation in the county in which the municipality  
2 responsible for the discharge is located of all of the  
3 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 of the discharge as measured pursuant to pro-  
9 cedures approved by the department.

10 (ii) The reason for the discharge.

11 (iii) The time the discharge began and ended as measured  
12 pursuant to procedures approved by the department.

13 (iv) Verification that the municipality is in full compli-  
14 ance with the requirements of its national pollutant discharge  
15 elimination system permit.

16 (2) Each time a discharge occurs under subsection (1), the  
17 permittee shall test the affected waters for E. coli to assess  
18 the risk to the public health as a result of the discharge and  
19 shall provide the test results to the affected local county  
20 health departments. The testing shall be done at locations spec-  
21 ified by each affected local county health department but shall  
22 not exceed 10 tests for each separate discharge event. The  
23 requirement for this testing may be waived by the affected local  
24 county health department if the affected local county health  
25 department determines that such testing is not needed to assess  
26 the risk to the public health as a result of the discharge  
27 event.

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

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

13       (5) This section does not authorize the discharge of  
14 untreated sewage into the waters of the state or limit the state  
15 from bringing legal action as otherwise authorized by this part.

16       ~~(6) "Combined sewer system" means a sewer designed and used~~  
17 ~~to convey both storm water runoff and sanitary sewage, and which~~  
18 ~~contains lawfully installed regulators and control devices that~~  
19 ~~allow for delivery of sanitary flow to treatment during dry~~  
20 ~~weather periods and divert storm water and sanitary sewage to~~  
21 ~~surface waters during storm flow periods.~~

22       (6) ~~(7)~~ The penalties and fines provided for in  
23 section 3115 apply to a violation of this section.