

HOUSE BILL No. 4095

January 31, 2001, Introduced by Reps. Switalski, Kolb, Lockwood and Minore and referred to the Committee on Land Use and Environment.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 3112a (MCL 324.3112a), as amended by 2000
PA 286.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3112a. (1) If untreated sewage or partially treated
2 sewage is discharged from a sewer system onto land or into the
3 waters of the state, the municipality responsible for the dis-
4 charge shall immediately, but not more than 24 hours after the
5 discharge begins, notify the department; local health departments
6 as defined in section 1105 of the public health code, 1978
7 PA 368, MCL 333.1105; a daily newspaper of general circulation in
8 the county or counties in which a municipality notified pursuant
9 to subsection ~~-(3)-~~ (4) is located; and a daily newspaper of
10 general circulation in the county in which the municipality

1 responsible for the discharge is located of all of the
2 following:

3 (a) Promptly after the discharge starts, by telephone or in
4 another manner required by the department, that the discharge is
5 occurring.

6 (b) At the conclusion of the discharge, in writing or in
7 another manner required by the department, all of the following:

8 (i) The volume and quality of the discharge as measured pur-
9 suant to procedures and analytical methods approved by the
10 department.

11 (ii) The reason for the discharge.

12 (iii) The waters or land area, or both, receiving the
13 discharge.

14 (iv) The time the discharge began and ended as measured pur-
15 suant to procedures approved by the department.

16 (v) Verification of the municipality's compliance status
17 with the requirements of its national pollutant discharge elimi-
18 nation system permit and applicable state and federal statutes,
19 rules, and orders.

20 (2) Upon being notified of a discharge under subsection (1),
21 the department shall promptly post the notification on its
22 website.

23 (3) Each time a discharge occurs under subsection (1), the
24 permittee shall test the affected waters for E. coli to assess
25 the risk to the public health as a result of the discharge and
26 shall provide the test results to the affected local county
27 health departments and to the department. The testing shall be

1 done at locations specified by each affected local county health
2 department but shall not exceed 10 tests for each separate dis-
3 charge event. The requirement for this testing may be waived by
4 the affected local county health department if the affected local
5 county health department determines that such testing is not
6 needed to assess the risk to the public health as a result of the
7 discharge event.

8 (4) A municipality that operates a sewer system that may
9 discharge untreated sewage or partially treated sewage into the
10 waters of the state shall annually ~~contact~~ DO BOTH OF THE
11 FOLLOWING:

12 (A) CONTACT other municipalities whose jurisdictions contain
13 waters that may be affected by the discharges. If those con-
14 tacted municipalities wish to be notified in the same manner as
15 provided in subsection (1), the municipality operating the sewer
16 system shall provide that notification.

17 (B) BY FEBRUARY 1, PROVIDE, TO EACH ENTITY THAT IS REQUIRED
18 TO BE NOTIFIED UNDER SUBSECTION (1) AND EACH MUNICIPALITY THAT
19 DESIRES TO BE NOTIFIED UNDER SUBDIVISION (A), AN ANNUAL REPORT
20 THAT SUMMARIZES THE INFORMATION REPORTED UNDER SUBSECTION (1)
21 DURING THE PREVIOUS CALENDAR YEAR.

22 (5) A municipality that is responsible for a discharge of
23 untreated sewage or partially treated sewage from a sewer system
24 into the waters of the state shall comply with the requirements
25 of its national pollutant discharge elimination system permit and
26 applicable state and federal statutes, rules, and orders.

1 (6) This section does not authorize the discharge of
2 untreated sewage or partially treated sewage into the waters of
3 the state or limit the state from bringing legal action as other-
4 wise authorized by this part.

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

7 (8) As used in this section:

8 (a) "Partially treated sewage" means any sewage, sewage and
9 storm water, or sewage and wastewater, from domestic or indus-
10 trial sources that is not treated to national secondary treatment
11 standards for wastewater or that is treated to a level less than
12 that required by the municipality's national pollutant discharge
13 elimination system permit.

14 (b) "Sewer system" means a sewer system designed and used to
15 convey sanitary sewage or storm water, or both.