

SUBSTITUTE FOR
HOUSE BILL NO. 4929

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

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

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

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

9 (i) The volume and quality of the discharge as measured
10 pursuant to procedures and analytical methods approved by the
11 department.

12 (ii) The reason for the discharge.

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

15 (iv) The time the discharge began and ended as measured
16 pursuant to procedures approved by the department.

17 (v) Verification of the ~~municipality's~~ **person's** compliance
18 status with the requirements of its national pollutant discharge
19 elimination system permit **or groundwater discharge permit** and
20 applicable state and federal statutes, rules, and orders.

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

24 (3) Each time a discharge **to surface waters** occurs under
25 subsection (1), the ~~permittee~~ **person responsible for the sewer**
26 **system** shall test the affected waters for E. coli to assess the
27 risk to the public health as a result of the discharge and shall

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

10 (4) A ~~municipality that operates~~ **person responsible for a**
11 sewer system that may discharge untreated sewage or partially
12 treated sewage into the waters of the state shall annually
13 contact ~~other municipalities~~ **each municipality** whose
14 ~~jurisdictions contain~~ **jurisdiction contains** waters that may be
15 affected by the ~~discharges~~ **discharge**. If those contacted
16 municipalities wish to be notified in the same manner as provided
17 in subsection (1), the ~~municipality operating~~ **person**
18 **responsible for** the sewer system shall provide that
19 notification.

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

26 (6) This section does not authorize the discharge of
27 untreated sewage or partially treated sewage into the waters of

1 the state or limit the state from bringing legal action as
 2 otherwise authorized by this part.

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

5 (8) For sewer systems that discharge to the groundwater via a
 6 subsurface disposal system, that do not have a groundwater
 7 discharge permit issued by the department, and the discharge of
 8 untreated sewage or partially treated sewage is not to surface
 9 waters, the person responsible for the sewer system shall notify
 10 the local health department in accordance with subsection (1)(a)
 11 and (b), but the requirements of subsections (2), (3), (4), and
 12 (5) do not apply.

13 (9) ~~-(8)-~~ As used in this section:

14 (a) "Partially treated sewage" means any sewage, sewage and
 15 storm water, or sewage and wastewater, from domestic or
 16 industrial sources that ~~is~~ **meets 1 or more of the following:**

17 (i) **Is** not treated to national secondary treatment standards
 18 for wastewater or that is treated to a level less than that
 19 required by the ~~municipality's~~ **person's** national pollutant
 20 discharge elimination system permit.

21 (ii) **Is treated to a level less than that required by the**
 22 **person's groundwater discharge permit.**

23 (iii) **Is found on the ground surface.**

24 (b) "Sewer system" means a **public or privately owned** sewer
 25 system designed and used to convey **or treat** sanitary sewage or
 26 storm water, or both. **Sewer system does not include an on-site**
 27 **wastewater treatment system serving 1 residential unit or**

1 duplex.

2 (c) "Surface water" means all of the following, but does not
3 include drainage ways and ponds used solely for wastewater
4 conveyance, treatment, or control:

5 (i) The Great Lakes and their connecting waters.

6 (ii) Inland lakes.

7 (iii) Rivers.

8 (iv) Streams.

9 (v) Impoundments.

10 (vi) Open drains.

11 (vii) Other surface bodies of water.