

HOUSE BILL No. 4929

July 2, 2003, Introduced by Rep. Ward 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 **or other permittee**
4 responsible for the discharge shall immediately, but not more
5 than 24 hours after the discharge begins, notify the department;
6 local health departments as defined in section 1105 of the public
7 health code, 1978 PA 368, MCL 333.1105; a daily newspaper of
8 general circulation in the county or counties in which a
9 municipality notified pursuant to subsection ~~—(3)—~~ **(4)** is
10 located; and a daily newspaper of general circulation in the

1 county in which the municipality **or other permittee** responsible
2 for the discharge is located of all of the 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
9 pursuant 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
15 pursuant to procedures approved by the department.

16 (v) Verification of the ~~municipality's~~ compliance status **of**
17 **the municipality or other permittee** with the requirements of its
18 national pollutant discharge elimination system permit and
19 applicable state and federal statutes, 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 **municipality or other permittee responsible for the discharge**
25 shall test the affected waters for E. coli to assess the risk to
26 the public health as a result of the discharge and shall provide
27 the test results to the affected local county health departments

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

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

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

24 (6) This section does not authorize the discharge of
25 untreated sewage or partially treated sewage into the waters of
26 the state or limit the state from bringing legal action as
27 otherwise authorized by this part.

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

3 (8) As used in this section:

4 (a) "Partially treated sewage" means any sewage, sewage and
5 storm water, or sewage and wastewater, from domestic or
6 industrial sources that is not treated to national secondary
7 treatment standards for wastewater or that is treated to a level
8 less than that required by the ~~municipality's~~ national
9 pollutant discharge elimination system permit **of the municipality**
10 **or other permittee.**

11 (b) "Sewer system" means a **public or private** sewer system
12 designed and used to convey sanitary sewage or storm water, or
13 both. **Sewer system does not include a septic system serving 2 or**
14 **fewer households.**