

SENATE BILL No. 29

January 21, 2003, Introduced by Senator SWITALSKI 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 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
4 discharge 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
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 with
17 the requirements of its national pollutant discharge elimination
18 system permit and applicable state and federal statutes, rules,
19 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
3 discharge event. The requirement for this testing may be waived
4 by the affected local county health department if the affected
5 local county health department determines that such testing is
6 not needed to assess the risk to the public health as a result of
7 the 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
14 contacted municipalities wish to be notified in the same manner
15 as provided in subsection (1), the municipality operating the
16 sewer 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.

27 (6) This section does not authorize the discharge of

1 untreated sewage or partially treated sewage into the waters of
2 the state or limit the state from bringing legal action as
3 otherwise authorized by this part.

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

6 (8) As used in this section:

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

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