

# SENATE BILL No. 1063

January 29, 2008, Introduced by Senators SWITALSKI, JACOBS and GLEASON 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 2004 PA  
72.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 3112a. (1) Except for sewer systems described in  
2 subsection (8), if untreated sewage or partially treated sewage is  
3 directly or indirectly discharged from a sewer system onto land or  
4 into the waters of the state, the person responsible for the sewer  
5 system 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 368,  
8 MCL 333.1105; a daily newspaper of general circulation in the

1 county or counties in which a municipality notified pursuant to  
2 subsection (4) is located; and a daily newspaper of general  
3 circulation in the county in which the discharge occurred or is  
4 occurring of all of the following:

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

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

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

13 (ii) The reason for the discharge.

14 (iii) The waters or land area, or both, receiving the 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 person's compliance status with the  
18 requirements of its national pollutant discharge elimination system  
19 permit or groundwater discharge permit and applicable state and  
20 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 website.

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

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

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

11 (A) **CONTACT** each municipality whose jurisdiction contains  
12 waters that may be affected by the discharge. If those contacted  
13 municipalities wish to be notified in the same manner as provided  
14 in subsection (1), the person responsible for the sewer system  
15 shall provide that notification.

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

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

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

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

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

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

14 (9) As used in this section:

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

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

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

24 (iii) Is found on the ground surface.

25 (b) "Sewer system" means a public or privately owned sewer  
26 system designed and used to convey or treat sanitary sewage or  
27 sanitary sewage and storm water. Sewer system does not include an

1 on-site wastewater treatment system serving 1 residential unit or  
2 duplex.

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

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

7 (ii) Inland lakes.

8 (iii) Rivers.

9 (iv) Streams.

10 (v) Impoundments.

11 (vi) Open drains.

12 (vii) Other surface bodies of water.