

SENATE BILL No. 185

March 5, 2015, Introduced by Senators MACGREGOR, HORN, CASPERSON, GREEN, PAVLOV and ROBERTSON and referred to the Committee on Natural Resources.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 3101 and 3112a (MCL 324.3101 and 324.3112a),
section 3101 as amended by 2006 PA 97 and section 3112a as amended
by 2004 PA 72, and by adding section 3109f.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 3101. As used in this part:

(a) "Aquatic nuisance species" means a nonindigenous species
that threatens the diversity or abundance of native species or the
ecological stability of infested waters, or commercial,
agricultural, aquacultural, or recreational activities dependent on
~~such~~ **THESE** waters.

(b) "Ballast water" means water and associated solids taken on
board a vessel to control or maintain trim, draft, stability, or

1 stresses on the vessel, without regard to the manner in which it is
2 carried.

3 (c) "Ballast water treatment method" means a method of
4 treating ballast water and sediments to remove or destroy living
5 biological organisms through 1 or more of the following:

6 (i) Filtration.

7 (ii) The application of biocides or ultraviolet light.

8 (iii) Thermal methods.

9 (iv) Other treatment techniques approved by the department.

10 (d) "Department" means the department of environmental
11 quality.

12 (e) "Detroit consumer price index" means the most
13 comprehensive index of consumer prices available for the Detroit
14 area from the United States department of labor, bureau of labor
15 statistics.

16 (f) "Emergency management coordinator" means that term as
17 defined in section 2 of the emergency management act, 1976 PA 390,
18 MCL 30.402.

19 (g) "Great Lakes" means the Great Lakes and their connecting
20 waters, including Lake St. Clair.

21 (h) "Group 1 facility" means a facility whose discharge is
22 described by R 323.2218 of the Michigan administrative code.

23 (i) "Group 2 facility" means a facility whose discharge is
24 described by R 323.2210(y), R 323.2215, or R 323.2216 of the
25 Michigan administrative code.

26 (j) "Group 3 facility" means a facility whose discharge is
27 described by R 323.2211 or R 323.2213 of the Michigan

1 administrative code.

2 (k) "Local health department" means that term as defined in
3 section 1105 of the public health code, 1978 PA 368, MCL 333.1105.

4 (l) "Local unit" means a county, city, village, or township or
5 an agency or instrumentality of any of these entities.

6 (m) "Municipality" means this state, a county, city, village,
7 or township, or an agency or instrumentality of any of these
8 entities.

9 (n) "National response center" means the national
10 communications center established under the clean water act, 33 USC
11 1251 to 1387, located in Washington, DC, that receives and relays
12 notice of oil discharge or releases of hazardous substances to
13 appropriate federal officials.

14 (o) "Nonoceangoing vessel" means a vessel that is not an
15 oceangoing vessel.

16 (p) "Oceangoing vessel" means a vessel that operates on the
17 Great Lakes or the St. Lawrence waterway after operating in waters
18 outside of the Great Lakes or the St. Lawrence waterway.

19 (q) "Open water disposal of contaminated dredge materials"
20 means the placement of dredge materials contaminated with toxic
21 substances as defined in R 323.1205 of the Michigan administrative
22 code into the open waters of the waters of the state but does not
23 include the siting or use of a confined disposal facility
24 designated by the United States army corps of engineers or beach
25 nourishment activities utilizing uncontaminated materials.

26 (r) "Primary public safety answering point" means that term as
27 defined in section 102 of the emergency ~~telephone~~ 9-1-1 service

1 enabling act, 1986 PA 32, MCL 484.1102.

2 (s) "Sediments" means any matter settled out of ballast water
3 within a vessel.

4 (t) "Sewage sludge" means sewage sludge generated in the
5 treatment of domestic sewage, other than only septage or industrial
6 waste.

7 (u) "Sewage sludge derivative" means a product for land
8 application derived from sewage sludge that does not include solid
9 waste or other waste regulated under this act.

10 (v) "Sewage sludge generator" means a person who generates
11 sewage sludge that is applied to land.

12 (w) "Sewage sludge distributor" means a person who applies,
13 markets, or distributes, except at retail, a sewage sludge
14 derivative.

15 (x) "St. Lawrence waterway" means the St. Lawrence river, the
16 St. Lawrence seaway, and the gulf of St. Lawrence.

17 (Y) "SURFACE WATER" MEANS ALL OF THE FOLLOWING, BUT DOES NOT
18 INCLUDE DRAINAGE WAYS AND PONDS USED SOLELY FOR WASTEWATER
19 CONVEYANCE, TREATMENT, OR CONTROL IF THE DRAINAGE WAYS AND PONDS
20 ARE SPECIFICALLY DESIGNED FOR WASTEWATER CONVEYANCE, TREATMENT, OR
21 CONTROL:

22 (i) THE GREAT LAKES AND THEIR CONNECTING WATERS.

23 (ii) INLAND LAKES.

24 (iii) RIVERS.

25 (iv) STREAMS.

26 (v) IMPOUNDMENTS.

27 (vi) OPEN DRAINS.

(vii) WETLANDS.

(viii) OTHER SURFACE BODIES OF WATER.

(Z) ~~(y)~~—"Threshold reporting quantity" means that term as defined in R 324.2002 of the Michigan administrative code.

(AA) "WASTEWATER" MEANS LIQUID WASTE DISCHARGED DIRECTLY OR INDIRECTLY INTO THE WATERS OF THE STATE OR ONTO THE GROUND THAT RESULTS FROM INDUSTRIAL AND COMMERCIAL PROCESSES OR MUNICIPAL OPERATIONS, INCLUDING LIQUID OR WATER-CARRIED PROCESS WATER, WATER SOFTENING LIME RESIDUALS, COOLING AND CONDENSING WATERS, AND SANITARY SEWAGE.

(BB) ~~(z)~~—"Waters of the state" means groundwaters ~~, lakes,~~ ~~rivers, and streams and all other watercourses and waters,~~ ~~including the Great Lakes,~~ AND SURFACE WATERS within the jurisdiction of this state.

SEC. 3109F. NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART OR THE RULES PROMULGATED UNDER THIS PART, A PUBLIC WATER TREATMENT PLANT THAT USES A DRAINAGE WAY OR POND FOR THE DISPOSAL OF WATER SOFTENING RESIDUALS THROUGH FACILITIES FOR THE CONVEYANCE, TREATMENT, OR CONTROL OF WASTEWATER THAT WERE PERMITTED BY THE STATE PRIOR TO JANUARY 1, 2013 IS NOT REQUIRED TO OBTAIN A WASTEWATER DISCHARGE PERMIT UNDER THIS PART AND MAY CONTINUE TO USE THOSE FACILITIES FOR THE DURATION OF THE USEFUL LIFE OF THOSE PERMITTED FACILITIES. THE USE OF PERMITTED FACILITIES UNDER THIS SECTION INCLUDES MAINTENANCE, REPAIR, AND REPLACEMENT OF THE FACILITIES CONSISTENT WITH THE DESIGN OF THE FACILITIES AS THEY WERE ORIGINALLY PERMITTED. A DRAINAGE WAY OR POND DESCRIBED IN THIS SECTION IS CONSIDERED TO BE A DRAINAGE WAY OR POND SPECIFICALLY

1 **DESIGNED FOR WASTEWATER CONVEYANCE, TREATMENT, OR CONTROL.**

2 Sec. 3112a. (1) Except for sewer systems described in
3 subsection (8), if untreated sewage or partially treated sewage is
4 directly or indirectly discharged from a sewer system onto land or
5 into the waters of the state, the person responsible for the sewer
6 system shall immediately, but not more than 24 hours after the
7 discharge begins, notify the department; local health departments
8 as defined in section 1105 of the public health code, 1978 PA 368,
9 MCL 333.1105; a daily newspaper of general circulation in the
10 county or counties in which a municipality notified pursuant to
11 subsection (4) is located; and a daily newspaper of general
12 circulation in the county in which the discharge occurred or is
13 occurring of all of the following:

14 (a) Promptly after the discharge starts, by telephone or in
15 another manner required by the department, that the discharge is
16 occurring.

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

19 (i) The volume and quality of the discharge as measured
20 pursuant to procedures and analytical methods approved by the
21 department.

22 (ii) The reason for the discharge.

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

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

26 (v) Verification of the person's compliance status with the
27 requirements of its national pollutant discharge elimination system

1 permit or groundwater discharge permit and applicable state and
2 federal statutes, rules, and orders.

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

5 (3) Each time a discharge to surface waters occurs under
6 subsection (1), the person responsible for the sewer system shall
7 test the affected waters for E. coli to assess the risk to the
8 public health as a result of the discharge and shall provide the
9 test results to the affected local county health departments and to
10 the department. The testing shall be done at locations specified by
11 each affected local county health department but shall not exceed
12 10 tests for each separate discharge event. The requirement for
13 this testing may be waived by the affected local county health
14 department if the affected local county health department
15 determines that such testing is not needed to assess the risk to
16 the public health as a result of the discharge event.

17 (4) A person responsible for a sewer system that may discharge
18 untreated sewage or partially treated sewage into the waters of the
19 state shall annually contact each municipality whose jurisdiction
20 contains waters that may be affected by the discharge. If those
21 contacted municipalities wish to be notified in the same manner as
22 provided in subsection (1), the person responsible for the sewer
23 system shall provide that notification.

24 (5) A person who is responsible for a discharge of untreated
25 sewage or partially treated sewage from a sewer system into the
26 waters of the state shall comply with the requirements of its
27 national pollutant discharge elimination system permit or

1 groundwater discharge permit and applicable state and federal
2 statutes, rules, and orders.

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

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

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

17 (9) As used in this section:

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

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

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

27 (iii) Is found on the ground surface.

1 (b) "Sewer system" means a public or privately owned sewer
2 system designed and used to convey or treat sanitary sewage or
3 sanitary sewage and storm water. Sewer system does not include an
4 on-site wastewater treatment system serving 1 residential unit or
5 duplex.

6 ~~—— (c) "Surface water" means all of the following, but does not~~
7 ~~include drainage ways and ponds used solely for wastewater~~
8 ~~conveyance, treatment, or control:~~

9 ~~—— (i) The Great Lakes and their connecting waters.~~

10 ~~—— (ii) Inland lakes.~~

11 ~~—— (iii) Rivers.~~

12 ~~—— (iv) Streams.~~

13 ~~—— (v) Impoundments.~~

14 ~~—— (vi) Open drains.~~

15 ~~—— (vii) Other surface bodies of water.~~