

HOUSE BILL No. 6278

August 15, 2018, Introduced by Rep. Lucido and referred to the Committee on Local Government.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 4105 (MCL 324.4105), as amended by 2006 PA 602.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4105. (1) The mayor of each city, the president of each
2 village, the township supervisor of each township, the responsible
3 executive officer of a governmental agency, and all other persons
4 operating sewerage systems in this state shall file with the
5 department a true copy of the plans and specifications of the
6 entire sewerage system owned or operated by that person, including
7 any filtration or other purification plant or treatment works as
8 may be operated in connection with the sewerage system, and also
9 plans and specifications of all **PROPOSED** alterations, additions, or
10 improvements to the systems. ~~that may be made.~~ **THE PLANS AND**

1 SPECIFICATIONS SHALL PROVIDE THAT NOT LATER THAN DECEMBER 31, 2022,
2 THE OPERATING SEWERAGE SYSTEM IS PHYSICALLY SEPARATED FROM ANY
3 STORMWATER SYSTEM AND WILL NOT ALLOW THE DISCHARGE OF UNTREATED OR
4 PARTIALLY TREATED SEWAGE TO ENTER THE WATERS OF THE STATE. The
5 plans and specifications shall, in addition to all other
6 requirements, show all the sources through or from which water is
7 or may be at any time pumped or otherwise permitted to enter into
8 the sewerage system, and the drain, watercourse, river, or lake
9 into which sewage is to be discharged. The plans and specifications
10 shall be certified by the mayor of a city, the president of a
11 village, a responsible member of a partnership, an individual
12 owner, or the proper officer of any other person that operates the
13 sewerage system, as well as by the engineer, if ~~any are~~ **AN ENGINEER**
14 **IS** employed by ~~any such~~ **THE** operator. The department may promulgate
15 and enforce rules regarding the preparation and submission of plans
16 and specifications and for the issuance and period of validity of
17 construction permits for the work.

18 (2) A person shall not construct a sewerage system or any
19 filtration or other purification plant or treatment works in
20 connection with a sewerage system except as authorized by a
21 construction permit issued by the department pursuant to part 13.
22 An application for a permit shall be submitted by the mayor of a
23 city, the president of a village, a responsible member of a
24 partnership, an individual owner, or the proper officer of any
25 other person proposing the construction. If eligible, a person may
26 request an expedited review of an application for a construction
27 permit under section 4112. An application for a permit shall

1 include plans and specifications as described in subsection (1). If
2 considered appropriate by the department, the department may issue
3 a permit with conditions to correct minor design problems.

4 (3) The department may verbally approve minor modifications of
5 a construction permit issued by the department as a result of
6 unforeseen site conditions that become apparent during
7 construction. Minor modifications include, but are not limited to,
8 a minor change of location of the sewer or location of manholes.
9 The person making the request for a modification shall provide to
10 the department all relevant information pursuant to R 299.2931 to R
11 299.2945 of the Michigan ~~administrative code~~ **ADMINISTRATIVE CODE**
12 and the application form provided by the department related to the
13 requested modification. Written approval from the department shall
14 be obtained for all modifications except when the department
15 provides verbal approval for a minor modification as provided for
16 in this subsection. The person receiving a written or verbal
17 approval from the department shall submit revised plans or
18 specifications to the department within 10 days from the date of
19 approval.

20 (4) If a person seeks confirmation of the department's verbal
21 approval of a minor modification under subsection (3), the person
22 shall notify the department electronically, at an address specified
23 by the department, with a detailed description of the request for
24 the modification. The department shall make reasonable efforts to
25 respond within 2 business days, confirming whether the request has
26 been approved or not approved. If the department has not responded
27 within 2 business days after the department receives the detailed

1 description, the verbal approval shall be considered confirmed.

2 (5) A municipal officer or an officer or agent of a person who
3 permits or allows construction to proceed on a sewerage works
4 without a valid permit, or in a manner not in accordance with the
5 plans and specifications approved by the department, is guilty of a
6 misdemeanor punishable by a fine of not more than \$500.00 or
7 imprisonment for not more than 90 days, or both.

8 (6) AS USED IN THIS SECTION:

9 (A) "PARTIALLY TREATED SEWAGE" MEANS ANY SEWAGE FROM DOMESTIC
10 OR INDUSTRIAL SOURCES THAT MEETS 1 OR MORE OF THE FOLLOWING:

11 (i) IS NOT TREATED TO NATIONAL SECONDARY TREATMENT STANDARDS
12 FOR WASTEWATER OR THAT IS TREATED TO A LEVEL LESS THAN THAT
13 REQUIRED BY A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
14 PERMIT UNDER PART 31.

15 (ii) IS TREATED TO A LEVEL LESS THAN THAT REQUIRED BY A
16 GROUNDWATER DISCHARGE PERMIT UNDER PART 31.

17 (iii) IS FOUND ON THE GROUND SURFACE.

18 (B) "WATERS OF THE STATE" MEANS THAT TERM AS DEFINED IN
19 SECTION 3101.

20 Enacting section 1. This amendatory act takes effect 90 days
21 after the date it is enacted into law.