



HOUSE BILL No. 5696

April 27, 2000, Introduced by Rep. Switalski and referred to the Committee on Conservation and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3112a (MCL 324.3112a), as amended by 1998 PA 3.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3112a. (1) If UNTREATED sewage ~~that has not received~~
2 ~~all treatment that is available and utilized under ordinary dry~~
3 ~~weather conditions~~ OR PARTIALLY TREATED SEWAGE is discharged
4 from a ~~combined~~ sewer system into the waters of the state, the
5 municipality responsible for the discharge shall immediately, but
6 not more than 24 hours after the discharge begins, notify the
7 department; local health departments as defined in section 1105
8 of the public health code, 1978 PA 368, MCL 333.1105; a daily
9 newspaper of general circulation in the county or counties in
10 which a municipality notified pursuant to subsection ~~(4)~~ (3)

1 is located; and a daily newspaper of general circulation in the
2 county in which the municipality responsible for the discharge is
3 located of all of the following:

4 (a) Promptly after the discharge starts, that the discharge
5 is occurring.

6 (b) At the conclusion of the discharge, in writing, all of
7 the following:

8 (i) The ~~amount~~ VOLUME AND QUALITY of the discharge as mea-
9 sured pursuant to procedures AND ANALYTICAL METHODS approved by
10 the department.

11 (ii) The reason for the discharge.

12 (iii) THE WATERS OR LAND AREA, OR BOTH, RECEIVING THE
13 DISCHARGE.

14 (iv) ~~(iii)~~ The time the discharge began and ended as mea-
15 sured pursuant to procedures approved by the department.

16 (v) ~~(iv)~~ Verification that the municipality is in full
17 compliance with the requirements of its national pollutant dis-
18 charge elimination system permit AND APPLICABLE STATE AND FEDERAL
19 STATUTES, RULES, AND ORDERS.

20 (2) Each time a discharge occurs under subsection (1), the
21 permittee shall test the affected waters for E. coli to assess
22 the risk to the public health as a result of the discharge and
23 shall provide the test results to the affected local county
24 health departments AND TO THE DEPARTMENT. The testing shall be
25 done at locations specified by each affected local county health
26 department but shall not exceed 10 tests for each separate
27 discharge event. The requirement for this testing may be waived

1 by the affected local county health department if the affected
2 local county health department determines that such testing is
3 not needed to assess the risk to the public health as a result of
4 the discharge event.

5 (3) A municipality that operates a ~~combined~~ sewer system
6 that may discharge untreated sewage OR PARTIALLY TREATED SEWAGE
7 into the waters of the state shall annually ~~contact~~ DO BOTH OF
8 THE FOLLOWING:

9 (A) CONTACT OTHER municipalities whose JURISDICTIONS CONTAIN
10 waters THAT may be affected by ~~such~~ THE discharges. ~~, and if~~
11 IF those contacted municipalities wish to be notified in the same
12 manner as provided in subsection (1), the municipality operating
13 the ~~combined~~ sewer system shall provide that notification.

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

19 (4) A municipality that is responsible for a discharge of
20 untreated sewage OR PARTIALLY TREATED SEWAGE from a ~~combined~~
21 sewer system into the waters of the state shall comply with the
22 requirements of its national pollutant discharge elimination
23 system permit AND APPLICABLE STATE AND FEDERAL STATUTES, RULES,
24 AND ORDERS.

25 (5) This section does not authorize the discharge of
26 untreated sewage OR PARTIALLY TREATED SEWAGE into the waters of

1 the state or limit the state from bringing legal action as
2 otherwise authorized by this part.

3 ~~(6) "Combined sewer system" means a sewer designed and used~~
4 ~~to convey both storm water runoff and sanitary sewage, and which~~
5 ~~contains lawfully installed regulators and control devices that~~
6 ~~allow for delivery of sanitary flow to treatment during dry~~
7 ~~weather periods and divert storm water and sanitary sewage to~~
8 ~~surface waters during storm flow periods.~~

9 (6) ~~(7)~~ The penalties and fines provided for in
10 section 3115 apply to a violation of this section.

11 (7) AS USED IN THIS SECTION:

12 (A) "PARTIALLY TREATED SEWAGE" MEANS ANY SEWAGE, SEWAGE AND
13 STORM WATER, OR SEWAGE AND WASTEWATER, FROM DOMESTIC OR INDUS-
14 TRIAL SOURCES THAT IS NOT TREATED TO NATIONAL SECONDARY TREATMENT
15 STANDARDS FOR WASTEWATER OR THAT IS TREATED TO A LEVEL LESS THAN
16 THAT REQUIRED BY THE MUNICIPALITY'S NATIONAL POLLUTANT DISCHARGE
17 ELIMINATION SYSTEM PERMIT.

18 (B) "SEWER SYSTEM" MEANS A SEWER SYSTEM DESIGNED AND USED TO
19 CONVEY SANITARY SEWAGE OR STORM WATER, OR BOTH.