

HOUSE BILL No. 5064

September 21, 1989, Introduced by Reps. Van Regenmorter, Kosteva, Hoekman, Sikkema, Scott, Middaugh, Stacey, Nye and Bartnik and referred to the Committee on Conservation, Recreation and Environment.

A bill to amend Act No. 245 of the Public Acts of 1929,
entitled as amended

"An act to create a water resources commission to protect and conserve the water resources of the state, to have control over the pollution of any waters of the state and the Great Lakes, to have control over the alteration of the watercourses and the flood plains of all rivers and streams, with powers to make rules governing the same, and to prescribe the powers and duties of such commission; to require the registration of manufacturing products, production materials and waste products where certain wastes are discharged; to provide for surveillance fees upon discharges to the waters of the state in order to provide for investigation, monitoring and surveillance necessary to prevent and abate water pollution; to require permits to regulate the discharge or storage of any substance which may affect the quality of the waters of the state and to establish restrictions to assure compliance with applicable state standards and to authorize the establishment of permit restrictions and programs to assure compliance with applicable federal law and regulations; to prohibit the pollution of any waters of the state and the Great Lakes; to prohibit the obstruction of the floodways of the rivers and streams of the state; to designate the commission as the state agency to cooperate and negotiate with other governments and agencies in matters concerning the water resources of the state; and to provide penalties for the violation of this act,"

as amended, being sections 323.1 to 323.13 of the Michigan Compiled Laws, by adding section 6c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 245 of the Public Acts of 1929, as
2 amended, being sections 323.1 to 323.13 of the Michigan Compiled
3 Laws, is amended by adding section 6c to read as follows:

4 SEC. 6C. (1) IF UNTREATED SEWAGE IS DISCHARGED INTO THE
5 WATERS OF THE STATE, THE OWNER OF THE SEWERAGE SYSTEM SHALL DO
6 ALL OF THE FOLLOWING:

7 (A) NOTIFY THE DEPARTMENT OF NATURAL RESOURCES AND ALL
8 MUNICIPALITIES AND LOCAL HEALTH DEPARTMENTS AS DEFINED IN SECTION
9 1105 OF THE PUBLIC HEALTH CODE, ACT NO. 368 OF THE PUBLIC ACTS OF
10 1978, BEING SECTION 333.1105 OF THE MICHIGAN COMPILED LAWS, WHOSE
11 JURISDICTION BORDERS THE AFFECTED WATERS OF THE FOLLOWING:

12 (i) IMMEDIATELY AFTER THE DISCHARGE STARTS, THAT THE DIS-
13 CHARGE IS OCCURRING.

14 (ii) AT THE CONCLUSION OF THE DISCHARGE, ALL OF THE
15 FOLLOWING:

16 (A) THE AMOUNT OF THE DISCHARGE.

17 (B) THE REASON FOR THE DISCHARGE.

18 (C) THE TIME THE DISCHARGE BEGAN AND ENDED.

19 (D) THE TOTAL WASTEWATER AND ALTERNATIVE RETENTION CAPACITY
20 OF THE SEWERAGE SYSTEM.

21 (B) REIMBURSE THE LOCAL HEALTH DEPARTMENT RESPONSIBLE FOR
22 TESTING THE AFFECTED WATERS AND PUBLISHING NOTICES UNDER
23 SUBSECTION (2).

1 (C) FOR EACH DISCHARGE, DEPOSIT INTO AN ESCROW ACCOUNT, 1/2
2 CENT FOR EACH GALLON OF DISCHARGE. MONEY DEPOSITED INTO THIS
3 ACCOUNT SHALL BE USED TO FINANCE IMPROVEMENTS TO THE SEWERAGE
4 SYSTEM IN A MANNER APPROVED BY THE DEPARTMENT OF NATURAL
5 RESOURCES AND THE DEPARTMENT OF PUBLIC HEALTH. IF MONEY REMAINS
6 IN THIS ACCOUNT AFTER THESE IMPROVEMENTS HAVE BEEN COMPLETED, THE
7 MONEY, INCLUDING INTEREST, SHALL BE RETURNED TO THE OWNER OF THE
8 SEWERAGE SYSTEM.

9 (2) A LOCAL HEALTH DEPARTMENT WHOSE JURISDICTION BORDERS
10 WATERS AFFECTED BY A DISCHARGE SHALL TEST THE AFFECTED WATERS NOT
11 LESS THAN ONCE PER DAY IMMEDIATELY FOLLOWING THE DISCHARGE, AND
12 SHALL ALSO PUBLISH NOTICES NECESSARY TO PROTECT THE PUBLIC
13 HEALTH, SAFETY, AND WELFARE. TESTING SHALL CONTINUE UNTIL NORMAL
14 WATER QUALITY RETURNS.

15 (3) ON OR BEFORE DECEMBER 31, 1991, THE OWNER OF A SEWERAGE
16 SYSTEM THAT HAS THE POTENTIAL TO ALLOW THE DISCHARGE OF UNTREATED
17 SEWAGE INTO THE WATERS OF THE STATE SHALL DO BOTH OF THE
18 FOLLOWING:

19 (A) IMPLEMENT MEASURES THAT SIGNIFICANTLY LIMIT THE INCI-
20 DENTS AND AMOUNTS OF DISCHARGES OF UNTREATED SEWAGE INTO THE
21 WATERS OF THE STATE, AND NOTIFY THE DIRECTOR OF THE DEPARTMENT OF
22 NATURAL RESOURCES AND EACH MUNICIPALITY LOCATED DOWNSTREAM OR
23 ADJACENT TO AFFECTED WATERS OF THE MEASURES THAT HAVE BEEN
24 TAKEN. THIS INFORMATION SHALL BE A MATTER OF PUBLIC RECORD AND
25 THE OWNER OR OPERATOR OF THE SEWERAGE SYSTEM SHALL MAKE IT AVAIL-
26 ABLE UPON REQUEST.

1 (B) PREPARE AND SUBMIT TO THE DIRECTOR OF THE DEPARTMENT OF
2 NATURAL RESOURCES A DESIGN PLAN THAT WILL PREVENT THE DISCHARGE
3 OF UNTREATED SEWAGE INTO THE WATERS OF THE STATE.

4 (4) NOT LATER THAN DECEMBER 31, 1993, ALL SEWERAGE SYSTEMS
5 SHALL BE DESIGNED, CONSTRUCTED, AND OPERATED IN A MANNER THAT
6 PREVENTS ANY UNTREATED SEWAGE FROM ENTERING THE WATERS OF THE
7 STATE.

8 (5) AN INDIVIDUAL, ORGANIZATION, PARTNERSHIP, CORPORATION,
9 GOVERNMENTAL ENTITY, OR ANY OTHER ENTITY THAT VIOLATES THIS SEC-
10 TION, OR THAT, AFTER DECEMBER 31, 1993 DISCHARGES UNTREATED
11 SEWAGE INTO THE WATERS OF THE STATE, IS LIABLE FOR A CIVIL FINE
12 OF 1 CENT FOR EACH GALLON OF DISCHARGE. ALL MONEY COLLECTED
13 UNDER THIS SUBSECTION SHALL BE DEPOSITED INTO THE STATE WATER
14 POLLUTION CONTROL REVOLVING FUND ESTABLISHED IN SECTION 16A OF
15 THE SHARED CREDIT RATING ACT, ACT NO. 227 OF THE PUBLIC ACTS OF
16 1985, BEING SECTION 141.1066A OF THE MICHIGAN COMPILED LAWS. A
17 DEFAULT IN THE PAYMENT OF A CIVIL FINE OR COSTS ORDERED UNDER
18 THIS SECTION OR AN INSTALLMENT OF THE FINE OR COSTS MAY BE REME-
19 DIED BY ANY MEANS AUTHORIZED UNDER THE REVISED JUDICATURE ACT OF
20 1961, ACT NO. 236 OF THE PUBLIC ACTS OF 1961, BEING SECTIONS
21 600.101 TO 600.9947 OF THE MICHIGAN COMPILED LAWS.

22 (6) MUNICIPALITIES THAT USE THE SAME OR SHARED SEWERAGE SYS-
23 TEMS MAY CONTRACT WITH EACH OTHER FOR SUBROGATION OF LIABILITY
24 FOR DEPOSITS OR FINES REQUIRED UNDER THIS SECTION.