

SENATE BILL No. 30

January 25, 2005, Introduced by Senator SWITALSKI 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~~ **IF** untreated sewage or partially treated sewage
 3 is directly or indirectly discharged from a sewer system onto land
 4 or into the waters of the state, the person responsible for the
 5 sewer system shall immediately, but not more than 24 hours after
 6 the discharge begins, notify the department; local health
 7 departments as defined in section 1105 of the public health code,
 8 1978 PA 368, MCL 333.1105; a daily newspaper of general circulation

1 in the county or counties in which a municipality **REQUIRED TO BE**
2 notified pursuant to subsection (4) is located; and a daily
3 newspaper of general circulation in the county in which the
4 discharge occurred or is 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 **DESCRIBED IN**
24 **SUBSECTION (1)** occurs, ~~under subsection (1),~~ the person
25 responsible for the sewer system shall test the affected waters for
26 E. coli to assess the risk to the public health as a result of the
27 discharge and shall provide the test results to the ~~affected local~~

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

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

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

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

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

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

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

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

16 (9) As used in this section:

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

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

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

26 (iii) Is found on the ground surface.

27 (b) "Sewer system" means a public or privately owned sewer

1 system designed and used to convey or treat sanitary sewage or
2 sanitary sewage and storm water. Sewer system does not include an
3 on-site wastewater treatment system serving 1 residential unit or
4 duplex.

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

- 8 (i) The Great Lakes and their connecting waters.
- 9 (ii) Inland lakes.
- 10 (iii) Rivers.
- 11 (iv) Streams.
- 12 (v) Impoundments.
- 13 (vi) Open drains.
- 14 (vii) Other surface bodies of water.