

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 1201

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 ONTO LAND OR into the waters of
5 the state, the municipality responsible for the discharge shall
6 immediately, but not more than 24 hours after the discharge
7 begins, notify the department; local health departments as
8 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

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1 subsection ~~(4)~~ (3) is located; and a daily newspaper of
2 general circulation in the county in which the municipality
3 responsible for the discharge is located of all of the
4 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 ~~amount~~ VOLUME AND QUALITY of the discharge as mea-
11 sured pursuant to procedures AND ANALYTICAL METHODS approved by
12 the department.

13 (ii) The reason for the discharge.

14 (iii) THE WATERS OR LAND AREA, OR BOTH, RECEIVING THE
15 DISCHARGE.

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

18 (v) ~~(iv)~~ Verification ~~that the municipality is in full~~
19 OF THE MUNICIPALITY'S compliance STATUS with the requirements of
20 its national pollutant discharge elimination system permit AND
21 APPLICABLE STATE AND FEDERAL STATUTES, RULES, AND ORDERS.

22 (2) UPON BEING NOTIFIED OF A DISCHARGE UNDER SUBSECTION (1),
23 THE DEPARTMENT SHALL PROMPTLY POST THE NOTIFICATION ON ITS
24 WEBSITE.

25 (3) ~~(2)~~ Each time a discharge occurs under subsection (1),
26 the permittee shall test the affected waters for E. coli to
27 assess the risk to the public health as a result of the discharge

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1 and shall provide the test results to the affected local county
2 health departments AND TO THE DEPARTMENT. The testing shall be
3 done at locations specified by each affected local county health
4 department but shall not exceed 10 tests for each separate dis-
5 charge event. The requirement for this testing may be waived by
6 the affected local county health department if the affected local
7 county health department determines that such testing is not
8 needed to assess the risk to the public health as a result of the
9 discharge event.

10 (4) ~~(3)~~ A municipality that operates a ~~combined~~ sewer
11 system that may discharge untreated sewage OR PARTIALLY TREATED
12 SEWAGE into the waters of the state shall annually contact OTHER
13 municipalities whose JURISDICTIONS CONTAIN waters THAT may be
14 affected by ~~such~~ THE discharges. ~~, and if~~ IF those contacted
15 municipalities wish to be notified in the same manner as provided
16 in subsection (1), the municipality operating the ~~combined~~
17 sewer system shall provide that notification.

18 (5) ~~(4)~~ A municipality that is responsible for a discharge
19 of untreated sewage OR PARTIALLY TREATED SEWAGE from a ~~combined~~
20 sewer system into the waters of the state shall comply with the
21 requirements of its national pollutant discharge elimination
22 system permit AND APPLICABLE STATE AND FEDERAL STATUTES, RULES,
23 AND ORDERS.

24 (6) ~~(5)~~ This section does not authorize the discharge of
25 untreated sewage OR PARTIALLY TREATED SEWAGE into the waters of
26 the state or limit the state from bringing legal action as
27 otherwise authorized by this part.

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

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

9 (8) AS USED IN THIS SECTION:

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

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