

Act No. 286  
Public Acts of 2000  
Approved by the Governor  
July 7, 2000  
Filed with the Secretary of State  
July 10, 2000  
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**STATE OF MICHIGAN  
90TH LEGISLATURE  
REGULAR SESSION OF 2000**

**Introduced by Senators Johnson, Sikkema, Bullard, Emmons, Jaye, DeBeaussaert, Young, North, Miller and Peters**

# **ENROLLED SENATE BILL No. 1201**

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending section 3112a (MCL 324.3112a), as amended by 1998 PA 3.

*The People of the State of Michigan enact:*

Sec. 3112a. (1) If untreated sewage or partially treated sewage is discharged from a sewer system onto land or into the waters of the state, the municipality responsible for the discharge shall immediately, but not more than 24 hours after the discharge begins, notify the department; local health departments as defined in section 1105 of the public health code, 1978 PA 368, MCL 333.1105; a daily newspaper of general circulation in the county or counties in which a municipality notified pursuant to subsection (3) is located; and a daily newspaper of general circulation in the county in which the municipality responsible for the discharge is located of all of the following:

(a) Promptly after the discharge starts, by telephone or in another manner required by the department, that the discharge is occurring.

(b) At the conclusion of the discharge, in writing or in another manner required by the department, all of the following:

(i) The volume and quality of the discharge as measured pursuant to procedures and analytical methods approved by the department.

(ii) The reason for the discharge.

(iii) The waters or land area, or both, receiving the discharge.

(iv) The time the discharge began and ended as measured pursuant to procedures approved by the department.

(v) Verification of the municipality's compliance status with the requirements of its national pollutant discharge elimination system permit and applicable state and federal statutes, rules, and orders.

(2) Upon being notified of a discharge under subsection (1), the department shall promptly post the notification on its website.

(3) Each time a discharge occurs under subsection (1), the permittee shall test the affected waters for E. coli to assess the risk to the public health as a result of the discharge and shall provide the test results to the affected local county health departments and to the department. The testing shall be done at locations specified by each affected local

county health department but shall not exceed 10 tests for each separate discharge event. The requirement for this testing may be waived by the affected local county health department if the affected local county health department determines that such testing is not needed to assess the risk to the public health as a result of the discharge event.

(4) A municipality that operates a sewer system that may discharge untreated sewage or partially treated sewage into the waters of the state shall annually contact other municipalities whose jurisdictions contain waters that may be affected by the discharges. If those contacted municipalities wish to be notified in the same manner as provided in subsection (1), the municipality operating the sewer system shall provide that notification.

(5) A municipality that is responsible for a discharge of untreated sewage or partially treated sewage from a sewer system into the waters of the state shall comply with the requirements of its national pollutant discharge elimination system permit and applicable state and federal statutes, rules, and orders.

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

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

(8) As used in this section:

(a) "Partially treated sewage" means any sewage, sewage and storm water, or sewage and wastewater, from domestic or industrial sources that is not treated to national secondary treatment standards for wastewater or that is treated to a level less than that required by the municipality's national pollutant discharge elimination system permit.

(b) "Sewer system" means a sewer system designed and used to convey sanitary sewage or storm water, or both.

This act is ordered to take immediate effect.

*Carol Morey Viventi*

Secretary of the Senate.

*Jay E. Randall*

Clerk of the House of Representatives.

Approved .....

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Governor.