



HOUSE BILL No. 4698

April 5, 1995, Introduced by Reps. Yokich, Olshove, Ciaramitaro, Gire, Pitoniak, Willard and Palamara and referred to the Committee on Conservation, Environment and Great Lakes.

A bill to amend section 3112a of Act No. 451 of the Public Acts of 1994, entitled
"Natural resources and environmental protection act,"
being section 324.3112a of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 3112a of Act No. 451 of the Public Acts
2 of 1994, being section 324.3112a of the Michigan Compiled Laws,
3 is amended to read as follows:
4 Sec. 3112a. (1) If ~~untreated~~ sewage THAT HAS NOT RECEIVED
5 ALL TREATMENT THAT IS AVAILABLE AND UTILIZED UNDER ORDINARY DRY
6 WEATHER CONDITIONS IS DISCHARGED from a combined sewer system ~~is~~
7 ~~discharged~~ into the waters of the state, the municipality
8 responsible for the discharge shall ~~do all of the following:~~
9 ~~(a) Notify~~ WITHIN 24 HOURS AFTER THE DISCHARGE COMMENCES NOTIFY
10 the department; local health departments as defined in section

1 1105 of the public health code, Act No. 368 of the Public Acts of
 2 1978, being section 333.1105 of the Michigan Compiled Laws; a
 3 daily newspaper of general circulation in the county or counties
 4 in which a municipality notified pursuant to subsection ~~(2)~~
 5 (4) is located; and a daily newspaper of general circulation in
 6 the county in which the municipality responsible for the dis-
 7 charge is located of all of the following:

8 (A) ~~(i)~~ Promptly after the discharge starts, that the dis-
 9 charge is occurring.

10 (B) ~~(ii)~~ At the conclusion of the discharge, in writing,
 11 all of the following:

12 (i) ~~(A)~~ The amount of the discharge as measured pursuant
 13 to procedures approved by the department.

14 (ii) ~~(B)~~ The reason for the discharge.

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

17 (iv) ~~(D)~~ Verification that the municipality is in full
 18 compliance with the requirements of its national pollutant dis-
 19 charge elimination system permit.

20 (2) THE DEPARTMENT SHALL ESTABLISH A CENTRALIZED REPORTING
 21 SYSTEM FOR RECEIPT OF NOTIFICATIONS OF DISCHARGES FROM COMBINED
 22 SEWER SYSTEMS UNDER SUBSECTION (1).

23 (3) ~~(b)~~ Upon RECEIPT OF NOTIFICATION UNDER SUBSECTION (1)
 24 THAT A DISCHARGE FROM A COMBINED SEWER SYSTEM IS OCCURRING, THE
 25 DEPARTMENT SHALL TEST the ~~request of a local health department~~
 26 ~~responsible for testing the~~ affected waters ~~, either pay the~~
 27 ~~actual reasonable cost of the testing that is necessary~~ to

1 assess the risk to the public health as a result of the
2 discharge. ~~or, if the municipality has conducted testing neces-~~
3 ~~sary to assess the risk to public health as a result of the dis-~~
4 ~~charge, provide the test results to the local health department.~~

5 (4) ~~-(2)-~~ A municipality that operates a combined sewer
6 system that may discharge untreated sewage into the waters of the
7 state shall annually contact municipalities whose waters may be
8 affected by such discharges, and if those contacted municipali-
9 ties wish to be notified in the same manner as provided in sub-
10 section (1), the municipality operating the combined sewer system
11 shall provide that notification.

12 (5) ~~-(3)-~~ A municipality that is responsible for a discharge
13 of untreated sewage from a combined sewer system into the waters
14 of the state shall ~~meet~~ COMPLY WITH the requirements of its
15 national pollutant discharge elimination system permit.

16 (6) IN ADDITION TO ANY OTHER TESTING THAT IS CONDUCTED PUR-
17 SUANT TO THIS SECTION, THE DEPARTMENT SHALL CONDUCT COMPREHENSIVE
18 TESTING OF THE WATERS OF LAKE ST. CLAIR AND THE CLINTON RIVER
19 WATERSHED TO ASSESS THE DEGRADATION OF THESE WATERS DUE TO DIS-
20 CHARGES FROM COMBINED SEWER SYSTEMS.

21 (7) ~~-(4)-~~ This section does not authorize the discharge of
22 untreated sewage into the waters of the state or limit the state
23 from bringing legal action as otherwise authorized by this part.

24 (8) ~~-(5)-~~ "Combined sewer system" means a sewer designed and
25 used to convey both storm water runoff and sanitary sewage, and
26 which contains lawfully installed regulators and control devices
27 that allow for delivery of sanitary flow to treatment during dry

1 weather periods and divert storm water and sanitary sewage to
2 surface waters during storm flow periods.

3 (9) ~~-(6)-~~ The penalties and fines provided for in
4 section 3115 apply to a violation of this section.