

**SUBSTITUTE FOR
SENATE BILL NO. 1063**

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)~~-(9), 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
9 in the county or counties in which a municipality notified pursuant
10 to subsection (4) is located; and a daily newspaper of general

1 circulation in the county in which the discharge occurred or is
2 occurring of all of the following:

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

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

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

11 (ii) The reason for the discharge.

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

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

15 (v) Verification of the person's compliance status with the
16 requirements of its national pollutant discharge elimination system
17 permit or groundwater discharge permit and applicable state and
18 federal statutes, rules, and orders.

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

21 (3) Each time a discharge to surface waters occurs under
22 subsection (1), the person responsible for the sewer system shall
23 test the affected waters for E. coli to assess the risk to the
24 public health as a result of the discharge and shall provide the
25 test results to the affected local county health departments and to
26 the department. The testing shall be done at locations specified by
27 each affected local county health department but shall not exceed

1 10 tests for each separate discharge event. The requirement for
2 this testing may be waived by the affected local county health
3 department if the affected local county health department
4 determines that such testing is not needed to assess the risk to
5 the public health as a result of the discharge event. **THIS**
6 **SUBSECTION DOES NOT APPLY TO A DISCHARGE OF TREATED WASTEWATER FROM**
7 **A WASTEWATER TREATMENT PLANT OR A COMBINED SEWER OVERFLOW**
8 **AUTHORIZED BY A WASTEWATER DISCHARGE PERMIT ISSUED UNDER THIS PART**
9 **IF THE DISCHARGE IS IN COMPLIANCE WITH THE FINAL EFFLUENT LIMITS**
10 **FOR MICROORGANISMS IN THE FACILITY'S PERMIT.**

11 (4) A person responsible for a sewer system that may discharge
12 untreated sewage or partially treated sewage into the waters of the
13 state shall annually contact each municipality whose jurisdiction
14 contains waters that may be affected by the discharge. If those
15 contacted municipalities wish to be notified in the same manner as
16 provided in subsection (1), the person responsible for the sewer
17 system shall provide that notification.

18 (5) **BY FEBRUARY 1 OF EACH YEAR, A LOCAL HEALTH DEPARTMENT AS**
19 **DEFINED IN SECTION 1105 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL**
20 **333.1105, SHALL COMPILE AND POST ON ITS WEBSITE OR PROVIDE TO EACH**
21 **ENTITY REQUIRED TO BE NOTIFIED UNDER SUBSECTION (1) AND EACH**
22 **MUNICIPALITY WITHIN THE LOCAL HEALTH DEPARTMENT'S JURISDICTION AN**
23 **ANNUAL REPORT SUMMARIZING AND PROVIDING A TOTAL AMOUNT OF DISCHARGE**
24 **REPORTED UNDER SUBSECTION (1) DURING THE PREVIOUS CALENDAR YEAR.**

25 (6) ~~(5)~~ A person who is responsible for a discharge of
26 untreated sewage or partially treated sewage from a sewer system
27 into the waters of the state shall comply with the requirements of

1 its national pollutant discharge elimination system permit or
2 groundwater discharge permit and applicable state and federal
3 statutes, rules, and orders.

4 (7) ~~(6)~~—This section does not authorize the discharge of
5 untreated sewage or partially treated sewage into the waters of the
6 state or limit the state from bringing legal action as otherwise
7 authorized by this part.

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

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

18 (10) ~~(9)~~—As used in this section:

19 (A) **"COMBINED SEWER OVERFLOW" MEANS A RELEASE OF UNTREATED OR**
20 **PARTIALLY TREATED SEWAGE FROM A COMBINED SEWER SYSTEM, DESIGNED TO**
21 **CARRY BOTH SANITARY SEWAGE AND STORM WATER.**

22 (B) ~~(a)~~—"Partially treated sewage" means any sewage, sewage
23 and storm water, or sewage and wastewater, from domestic or
24 industrial sources that meets 1 or more of the following:

25 ~~—— (i) Is not treated to national secondary treatment standards~~
26 ~~for wastewater or that is treated to a level less than that~~
27 ~~required by the person's national pollutant discharge elimination~~

1 ~~system permit.~~

2 ~~—— (ii) Is treated to a level less than that required by the~~
3 ~~person's groundwater discharge permit.~~

4 (i) IS A TREATED COMBINED SEWER OVERFLOW.

5 (ii) IS A DISCHARGE FROM A WASTEWATER TREATMENT FACILITY
6 PERMITTED UNDER THIS PART OR PART 41 IF THE DISCHARGE DOES NOT
7 RECEIVE TREATMENT THROUGH ALL WASTEWATER TREATMENT UNITS THAT ARE
8 INSTALLED TO PROVIDE TREATMENT. IN APPLYING THIS SUBPARAGRAPH,
9 TREATMENT UNITS THAT ARE DESIGNED AND INSTALLED FOR REDUNDANCY
10 SHALL NOT BE CONSIDERED. IN APPLYING THIS SUBPARAGRAPH, TREATMENT
11 UNITS THAT ARE DESIGNED AND INSTALLED TO BE OPERATED ONLY DURING
12 PART OF THE YEAR TO MEET MORE RESTRICTIVE SEASONAL PERMIT EFFLUENT
13 LIMITS SHALL NOT BE CONSIDERED UNLESS THE DISCHARGE OCCURS DURING
14 THE PART OF THE YEAR THAT THESE TREATMENT UNITS ARE DESIGNED TO BE
15 OPERATED.

16 (iii) IS A DISCHARGE TO SURFACE WATER FROM A WASTEWATER
17 STABILIZATION LAGOON DURING A PERIOD THAT THE WASTEWATER
18 STABILIZATION LAGOON IS NOT AUTHORIZED TO DISCHARGE.

19 (iv) ~~(iii)~~—Is found on the ground surface UNLESS THIS SITUATION
20 IS PART OF A DISPOSAL PRACTICE AUTHORIZED IN A WASTEWATER DISCHARGE
21 PERMIT ISSUED UNDER THIS PART.

22 (C) ~~(b)~~—"Sewer system" means a public or privately owned sewer
23 system designed and used to convey or treat sanitary sewage or
24 sanitary sewage and storm water. Sewer system does not include an
25 on-site wastewater treatment system serving 1 residential unit or
26 duplex.

27 (D) ~~(e)~~—"Surface water" means all of the following, but does

1 not include drainage ways and ponds used solely for wastewater
2 conveyance, treatment, or control:

3 (i) The Great Lakes and their connecting waters.

4 (ii) Inland lakes.

5 (iii) Rivers.

6 (iv) Streams.

7 (v) Impoundments.

8 (vi) Open drains.

9 (vii) Other surface bodies of water.

10 (E) "WASTEWATER STABILIZATION LAGOON" MEANS A TYPE OF
11 TREATMENT SYSTEM CONSTRUCTED OF PONDS OR BASINS DESIGNED TO
12 RECEIVE, HOLD, AND TREAT SANITARY WASTEWATER FOR A PREDETERMINED
13 AMOUNT OF TIME THROUGH A PHYSICAL, BIOLOGICAL, OR CHEMICAL PROCESS
14 OR ANY COMBINATION THEREOF.