

Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

SFA

BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 1201 (as enrolled)

PUBLIC ACT 286 of 2000

Senate Bill 1216 (as enrolled)

PUBLIC ACT 287 of 2000

Sponsor: Senator Shirley Johnson (S.B. 1201)

Senator Ken Sikkema (S.B. 1216)

Senate Committee: Natural Resources and Environmental Affairs

House Committee: Conservation and Outdoor Recreation

Date Completed: 12-19-00

CONTENT

The bills amended Part 31 (Water Resources Protection) of the Natural Resources and Environmental Protection Act to apply the sewage discharge notification requirements to the discharge of untreated or partially treated sewage from any sewage system, rather than just from a combined sewer system; expand the information that must be included in the notification; require the Department of Environmental Quality (DEQ), upon notification of a discharge, promptly to post the notification on its website; and require the Department to compile and maintain a list of occurrences of discharges of untreated or partially treated sewage from sewer systems onto land or into State waters.

(The bills define "partially treated sewage" as 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 a National Pollutant Discharge Elimination System (NPDES) permit. "Sewer system" means a system designed and used to convey sanitary sewage and/or storm water.)

Senate Bill 1201

Under Part 31, if untreated sewage is discharged into the waters of the State, the responsible municipality must notify the DEQ, local health departments, and daily newspapers, of the circumstances of the discharge, including the amount, reason, beginning and ending times, and verification of the municipality's compliance with the requirements of its NPDES permit.

Previously, the notification requirements applied if "sewage that has not received all treatment that is available and utilized under ordinary dry weather conditions is discharged from a combined sewer system". The bill, instead, requires the responsible municipality to make the notifications "if untreated or partially treated sewage" is discharged. The bill deleted reference to a combined sewer system.

In addition to the information that Part 31 already required the notification to contain, the bill includes the waters or land area, or both, receiving the discharge. Also, the notification previously had to contain the amount of the discharge as measured pursuant to procedures approved by the DEQ. The bill, instead, refers to the volume and quality of the discharge as measured pursuant to procedures and analytical methods approved by the DEQ.

Part 31 also provides that, each time a discharge occurs, the municipality must test the affected waters for E. coli, and give the test results to the affected local health departments. Under the bill, the municipality also must give the test results to the DEQ.

Under Part 31, a municipality that is responsible for a sewage discharge must comply with the requirements of its NPDES permit. The bill requires that the municipality also comply with applicable State and Federal statutes, rules, and orders.

The bill also requires the Department, upon being notified of a discharge, promptly to post the notification on its website.

Senate Bill 1216

The bill requires the DEQ to compile and maintain a list of occurrences of discharges of untreated or partially treated sewage from sewer systems onto land or into the waters of this State that have been reported to the DEQ or are otherwise known to the Department. The list must be made available on the Department's website on an ongoing basis. In addition, the DEQ must publish the list annually and make it available to the general public. The list must include the entity responsible for the discharge; the waters and/or land area receiving the discharge; the volume and quality of the discharge; the time the discharge began and ended; a description of the actions the DEQ has taken to address the discharge; whether the entity responsible for the discharge is subject to a schedule of compliance approved by the DEQ; and any other information that the DEQ considers relevant.

The bill was tie-barred to Senate Bill 1201.

MCL 324.3112a (S.B. 1201)
MCL 324.3112c (S.B. 1216)

Legislative Analyst: N. Nagata

FISCAL IMPACT

Senate Bill 1201

The bill will extend current local government reporting and testing to discharges from all sewer systems, rather than from combined sewer systems only. The bill, therefore, may result in an indeterminate increase in local government reporting and testing costs, in the event a discharge occurs from any sewer system other than a combined sewer system.

Senate Bill 1216

The bill will result in a marginal increase in Department of Environmental Quality administrative costs. The Department's website currently includes the required information for combined sewer system overflows. The bill will require the Department to include information on all sewer overflows, not just from combined sewers. The costs of this increased effort probably will be absorbed within existing budgetary resources.

Fiscal Analyst: P. Graham

S9900s1201ea

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.