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SFA

BILL ANALYSIS

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Senate Bill 1201 (as introduced 4-5-00)
Senate Bill 1216 (as introduced 4-13-00)
Sponsor: Senator Shirley Johnson (S.B. 1201)
Senator Ken Sikkema (S.B. 1216)
Committee: Natural Resources and Environmental Affairs

Date Completed: 4-28-00

CONTENT

The bills would amend 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; and require the Department of Environmental Quality (DEQ) to compile and maintain a list of occurrences of discharges of untreated or partially treated sewage from sewer systems into State waters.

("Partially treated sewage" would mean any sewage, sewage and storm water, or sewage and wastewater, from domestic or industrial sources that was not treated to national secondary treatment standards for wastewater or that was treated to a level less than that required by a National Pollutant Discharge Elimination System (NPDES) permit. "Sewer system" would mean 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. It also must test the affected waters for E. Coli.

Currently, the notification requirements apply 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, would require the responsible municipality to make the notifications "if untreated or partially treated sewage" were discharged. The bill would delete reference to a combined sewer system.

In addition to the information that presently must be contained in the notification, the bill would include the waters or land area, or both, receiving the discharge. Also, the notification currently must contain the amount of the discharge as measured pursuant to procedures approved by the DEQ. The bill, instead, would refer to the volume and quality of the discharge as measured pursuant to procedures and analytical methods approved by 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 would require that the municipality also comply with applicable State and Federal statutes, rules, and orders.

Senate Bill 1216

The bill would require the DEQ to compile and maintain a list of occurrences of discharges of untreated or partially treated sewage from sewer systems into the waters of this State. The list would have to be made available on the Department's website on an ongoing basis. In addition, the DEQ would have to publish the list annually and make it available to the general public. The list would have to 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 had taken to address the discharge; whether the entity responsible for the discharge was subject to a schedule of compliance approved by the DEQ; and any other information that the DEQ considered relevant.

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

Legislative Analyst: N. Nagata

FISCAL IMPACT

Senate Bill 1201

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

Senate Bill 1216

The bill would 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 would require the Department to include information on all sewer overflows, not just from combined sewers. The costs of this increased effort probably would be absorbed within existing budgetary resources.

Fiscal Analyst: P. Graham

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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.