



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

**BILL ANALYSIS**



**Telephone: (517) 373-5383**  
**Fax: (517) 373-1986**

Senate Bill 893 (Substitute S-1 as passed by the Senate)  
 Sponsor: Senator Ken DeBeaussaert  
 Committee: Natural Resources and Environmental Affairs

Date Completed: 11-18-96

**RATIONALE**

According to a report of the Michigan Department of Natural Resources (DNR), in response to the closing of numerous Macomb and Wayne County beaches on Lake St. Clair during the 1994 summer, the DNR and the Macomb County Public Health Department sampled the Clinton River and selected tributaries and storm drainage systems to determine which major storm drains and tributaries were significant sources of fecal coliform and other pollutants. The data indicated that the major storm drains tributary to the Clinton River was carrying high levels of fecal coliform during wet weather. Potential sources included domestic and wild animals, failed home sewage systems, overflows of wet sanitary systems, and direct connections of sanitary sewers to storm drains. The dry weather data also suggested that there were direct connections of sanitary systems to storm drains in the Bear Creek drainage systems and possibly in the Red Run Drain, Schoenherr Relief Drain, and Plum Brook Creek systems.

Currently, the Drain Code prohibits the discharge of any sewage or waste matter capable of producing in the drain detrimental deposits, objectionable odor nuisance, injury to drainage conduits or structures, or water pollution that would injure livestock, destroy fish life, or be injurious to public health. A violation of this prohibition is punishable by a fine of up to \$100 and the costs of prosecution, or in default of the payment of the fine and costs, by imprisonment in the county jail for up to 90 day. Some people believe that these penalties are not sufficient to deter persons from illegally connecting sewage to county drain systems and point to the DNR pollution report as proof. It has been suggested, therefore, that the penalties be made more stringent, that polluters be required to pay for cleanup of a contaminated site, and that applications to connect sewage to county drain systems include all governmental approvals that were obtained.

**CONTENT**

The bill would amend the Drain Code to increase the penalties for illegally connecting sewage to county drains and prohibit more specifically the discharge of sewage capable of producing water pollution. The bill also would require that the written application that a person must submit for approval to connect sewage or other waste to a county or intercounty drain include information showing that all other local, State, and Federal approvals related to the sewage or waste had been obtained.

A person who violated the Code's prohibition against connecting sewage or other waste to a county or intercounty drain without proper approval and payment of the requisite fee would be guilty of a misdemeanor punishable by a fine of up to \$25,000, by imprisonment for up to 90 days, or both, for each offense. In addition, the person could be required to pay the costs of prosecution, and the costs of any emergency abatement measures taken to protect the public health or the environment. Payment of a fine or costs would not relieve a person of liability for damage to natural resources or for response activity costs under the Natural Resources and Environmental Protection Act (NREPA).

Further, the bill would prohibit a person from continuing to discharge or permitting to be discharged into any county drain or intercounty drain of the State any sewage or waste matter capable of producing in the drain detrimental deposits, objectionable odor nuisance, injury to drainage conduits or structures, or "capable of producing such pollution of the waters of the state receiving the flow from the drains as to injure the public health, safety, or welfare; to injure livestock, wild animals, birds, fish, aquatic life, or plants, or injure or prevent their propagation; or to threaten to impair or destroy the value of fish and game". The bill specifies that this provision would not

prohibit the conveyance of sewage or other waste through drains or sewers that would not produce these injuries and that complied with the NREPA's provisions concerning permits to discharge waste.

MCL 280.423

## **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

### **Supporting Argument**

By increasing the penalties for illegally connecting sewage to county drain systems, providing that polluters could be required to pay the costs of cleaning up a contaminated site, and requiring applications for connecting sewage to drain systems to include all governmental approvals obtained, the bill would help stop indiscriminate polluting of the county drain systems, and thus, preserve and protect the State's water resources for future generations.

Legislative Analyst: L. Burghardt

## **FISCAL IMPACT**

The bill would result in an indeterminate increase in revenues from fines, dependent on the number of violations.

Fiscal Analyst: G. Cutler

A9596\S893A

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.