



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 893 (as enrolled)
 Sponsor: Senator Ken DeBeaussaert
 Senate Committee: Natural Resources and Environmental Affairs
 House Committee: Agriculture and Forestry

PUBLIC ACT 552 of 1996

Date Completed: 2-19-97

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.

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 had been 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 days. Some people believed that these penalties were not sufficient to deter persons from illegally connecting sewage to county drain systems, and pointed to the DNR pollution report as proof. It was 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 amended the Drain Code to increase the penalties for illegally connecting sewage to county drains. The bill also requires 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 have been obtained.

Under the bill, a person who violates 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 is 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 may 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 does 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).

The bill specifies that the prohibition against unauthorized connections does not prohibit the conveyance of sewage or other waste through drains or sewers that will not produce these injuries and that complies with the NREPA's provisions concerning permits to discharge waste.

The Code provides that plans and specifications for the construction as part of a drain of a disposal plant, filtration bed, or other mechanical device to purify the flow of the drain, must be prepared by the drain commissioner or the drainage board. The bill deleted a provision that made the plans subject to the approval of the Director of the Department of Public Health.

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 may 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 will help stop indiscriminate polluting of the county drain systems, and thus, preserve and protect the State's water resources for future generations.

Legislative Analyst: S. Margules

FISCAL IMPACT

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

Fiscal Analyst: G. Cutler

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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.