



**Senate Fiscal Agency**  
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BILL ANALYSIS



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

### **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 having detrimental effects. 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 and the costs of prosecution, or in default of payment of the fine or costs, by imprisonment for up to 90 days for each offense, 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. Currently, a violation 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 days.

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 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 Act's provisions concerning permits to discharge waste. Currently, the Act 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 such pollution of State waters as to injure livestock, destroy fish life, or be injurious to public health. The Act specifies that this prohibition is not to be construed to prevent the conveyance of sewage or other waste through drains or sewers that would not cause the specified injuries.

MCL 280.423

Legislative Analyst: L. Burghardt

### **FISCAL IMPACT**

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

Date Completed: 5-21-96

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.