
Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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House Bill 4045 (Substitute S-5 as reported)
House Bill 4047 (Substitute S-2 as reported)
Sponsor: Representative William Callahan
House Committee: Conservation, Environment and Recreation
Senate Committee: Natural Resources and Environmental Affairs

Date Completed: 12-1-97

RATIONALE

The problem of combined sewer overflows poses a threat to the Great Lakes and other bodies of fresh water. Combined sewer systems carry both sewage and storm water in a single pipe to a wastewater treatment facility. The pollution problem occurs primarily in large urban centers that lack sewer systems able to handle both storm water and wastewater safely. When heavy rain or melted snow fills these systems to capacity, the storm water combines with the sanitary sewage in the pipes. If the combined volumes of storm water and sanitary sewage exceed the capacity of the municipal treatment plant, the excess volume is moved away from the plant and untreated overflow is discharged into lakes and streams. Furthermore, in some communities where old combined systems are still used, downspouts leading from eaves troughs of houses and other buildings are connected to a building's sewer line, which discharges into the municipal sewer system. There has been some concern that combined sewer system discharges should involve proper notification of affected downstream areas by a municipality that is discharging untreated sewage from a combined sewer system; and discharges from downspouts and eaves troughs into sanitary sewage systems should be prohibited.

CONTENT

The bills would amend Part 31 (Water Resources Protection) of the Natural Resources and Environmental Protection Act (NREPA) to revise provisions concerning notification of discharges from a combined sewer system; and to require a discharge permit to prohibit certain eaves troughs and roof downspouts.

“Combined sewer system” means a sewer designed and used to convey both storm water runoff and sanitary sewage, and that contains lawfully installed regulators and control devices that allow for delivery of sanitary flow to treatment during dry weather periods and divert storm water and sanitary sewage to surface waters during storm flow periods.)

The following is a detail description of the bills.

House Bill 4045 (S-5)

Part 31 requires a municipality that discharges untreated sewage from a combined sewer system, to notify the Department of Environmental Quality (DEQ), newspapers, and affected municipalities. The bill would require that a responsible municipality make the required notifications immediately, but not more than 24 hours after the beginning of discharge from a combined sewer system of sewage that had not received all the treatment that was available and used under ordinary dry weather conditions.

Currently, the Act specifies that upon the request of a local health department responsible for testing the affected waters, the municipality must conduct or pay the cost of testing to assess the risk to the public health from the discharge. The bill would delete this provision. The bill, instead, would require the permittee to test the affected waters for E.Coli each time a discharge of untreated sewage from a combined sewer system had occurred in order to assess the risk to the public health, and provide the test results to the affected local county health departments. The testing would have to be done at locations specified by each affected local county health department but could not exceed 10

tests for each separate discharge event. This testing requirement, however, could be waived by the affected local county health department if it determined that such testing was not needed to assess the risk to the public health from the discharge.

House Bill 4047 (S-2)

The bill specifies that when combined sewer system permits were issued or renewed under Part 31, the DEQ would have to require that eaves troughs and roof downspouts for storm water collection throughout the tributary service area were not directly connected to the combined sewer system. The DEQ could allow the permittee one year to comply with this provision for residential property and five years for commercial and industrial properties. The bill would not apply, however, to permittees who demonstrated to the Department's satisfaction that disconnecting downspouts and eaves troughs was not a cost-effective means of reducing the frequency or duration of combined sewer overflows or of maintaining compliance with discharge requirements.

MCL 324.3112a (H.B. 4045)
Proposed MCL 324.3112b (H.B. 4047)

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

The bills would attempt to regulate the amount and quality of combined sewer discharges by requiring immediate notification, frequent testing of affected waters for E. Coli, and elimination of certain eaves troughs and downspouts. Combined sewer discharges, which contain untreated or partially treated storm and sanitary sewage, threaten water quality and negatively affect fish, wildlife habitat, human health, and property values.

Legislative Analyst: N. Nagata

FISCAL IMPACT

House Bill 4045 (S-5)

The bill would have no fiscal impact on State government. It would have a minimal fiscal impact on local government by providing a 24-hour time limit for notification of combined sewer overflow discharges.

House Bill 4047 (S-2)

The bill would have a minimal fiscal impact on State government and no fiscal impact on local government.

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.