
Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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House Bill 4045 (Substitute H-2 as passed by the House)
House Bill 4047 (Substitute H-2 as passed by the House)
Sponsor: Representative William Callahan
House Committee: Conservation, Environment and Recreation
Senate Committee: Natural Resources and Environmental Affairs

Date Completed: 11-13-97

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 eavestroughs 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 (H-2)

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 within 24 hours after the discharge began from a combined sewer system of sewage that had not received all the treatment that was available and used under ordinary dry weather conditions. The bill also would require that the DEQ establish a centralized reporting system to receive notification of these discharges.

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 if a discharge of untreated sewage from a combined sewer system had occurred. This requirement, however, could be waived by the Director of the DEQ for discharges that were determined to have no detectable adverse impacts on the water quality. The waivers could be made based on any single discharge from a combined sewer system or could be made continuing for an affected body of water until revocation by the Director.

House Bill 4047 (H-2)

The bill would add a provision to specify that when combined sewer system permits were issued or renewed under Part 31, the DEQ would have to require that eavestroughs and roof downspouts for

storm water collection 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 Department, however, could grant a variance from this requirement, if the permittee demonstrated a practical difficulty in complying with the requirement.

MCL 324.3101 & 324.3112a (H.B. 4045)
Proposed MCL 324.312b

Legislative Analyst: N. Nagata

FISCAL IMPACT

House Bill 4045 (H-2) 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.

For FY 1997-98, the House of Representatives proposed \$100,000 in the DEQ budget to fund the combined sewer overflow database that would be established in this bill. The Conference Committee reduced the amount to \$50,000. This funding proposal was vetoed by the Governor, with his explanation that the Department was "already pursuing this project using existing resources".

House Bill 4047 (H-2) 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.