



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



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 4929 (Substitute S-1)
Sponsor: Representative Chris Ward
House Committee: Land Use and Environment
Senate Committee: Natural Resources and Environmental Affairs

Date Completed: 3-22-04

CONTENT

The bill would amend Part 31 (Water Resources Protection) of the Natural Resources and Environmental Protection Act to require any person responsible for a public or privately owned sewer system (rather than just a municipality) to report the discharge of untreated or partially treated sewage onto land or into water, subject to certain exceptions.

Under Part 31, if untreated or partially treated sewage is discharged from a sewer system onto land or into the waters of the State, the municipality responsible for the discharge must immediately notify the Department of Environmental Quality (DEQ), local health departments, a daily newspaper of general circulation in the county where the discharge is located, and a daily newspaper of general circulation in another county or counties (containing municipalities whose water may be affected by the discharge, if they desire notice). Promptly after the discharge starts, the municipality must give notice that it is occurring, by telephone or in another manner required by the DEQ. At the conclusion of the discharge, the municipality must give notice, in writing or as otherwise required, of all of the following:

- The volume and quality of the discharge.
- The reasons for the discharge.
- The waters and/or land area receiving the discharge.
- The time the discharge began and ended.
- Verification of the municipality's compliance status with the requirements of its National Pollutant Discharge Elimination System (NPDES) permit and applicable State and Federal statutes, rules, and orders.

Under the bill, the reporting requirements would apply to any person responsible for the sewer system from which untreated sewage or partially treated sewage was directly or indirectly discharged. The notice given at the conclusion of a discharge would have to include verification of the person's compliance status with the requirements of either its NPDES permit or its groundwater discharge permit.

The bill would make an exception to the reporting requirements for a sewer system that discharges to the groundwater via a subsurface disposal system and does not have a groundwater discharge permit issued by the DEQ, for a discharge that was not to surface waters. In this case, the person responsible for the sewer system would have to give the required notice only to the local health department. The reporting requirements described below would not apply, either.

Currently, each time a discharge of untreated or partially treated sewage occurs, the permittee must test the affected waters for E. coli to assess the risk to the public health, and give the test results to the affected local county health department and the DEQ. Under the bill, each time a discharge to surface water occurred, the person responsible for the sewer system would have to meet these testing and notice requirements.

Under Part 31, a municipality that operates a sewer system that may discharge untreated or partially treated sewage into the waters of the State, annually must contact other municipalities whose jurisdictions contain water that may be affected by the discharge. If these municipalities wish to be notified of a discharge, the municipality operating the sewer system must provide that notification. Under the bill, these requirements would apply to a person responsible for a sewer system, rather than a municipality.

Currently, "sewer system" means a sewer system designed and used to convey sanitary sewage or storm water, or both. The bill would define the term as a public or privately owned sewer system designed and used to convey or treat sanitary sewage or sanitary sewage and storm water. "Sewer system" would not include an on-site wastewater treatment system serving one residential unit or duplex.

Part 31 defines "partially treated sewage" as any sewage, sewage and storm water, or sewage and wastewater, from domestic or industrial sources that is not treated to national secondary treatment standards for wastewater or that is treated to a level less than that required by municipality's NPDES permit. Under the bill, "sewage" also would include any sewage, sewage and storm water, or sewage and wastewater, from domestic or industrial sources that was treated to a level less than that required by the person's groundwater discharge permit, or that was found on the ground surface. (The bill also would refer to a person's, rather than an municipality's, NPDES permit.)

The bill would define "surface water" as all of the following: the Great Lakes and their connecting waters; inland lakes; rivers; streams; impoundments; open drains; or other surface bodies of water. The term would not include drainage ways and ponds used solely for wastewater conveyance, treatment, or control.

MCL 324.3112a

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Jessica Runnels

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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.