

Legislative Analysis



SEWAGE DISCHARGE

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House Bill 4860

Sponsor: Rep. Kevin Elsenheimer

Committee: Natural Resources, Great Lakes, Land Use, and Environment

Complete to 6-15-05

A SUMMARY OF HOUSE BILL 4860 AS INTRODUCED 6-2-05

Part 31 (Water Resources Protection) of the Natural Resources and Environmental Protection Act prohibits the discharge of any substance that is injurious to the public health and natural resources and provides that the discharge of human sewage is considered to be prima facie evidence of a violation of Part 31 by the municipality in which the discharge occurred, unless that discharge is authorized by the Department of Environmental Quality. A municipality violating the act, including violating a discharge permit, is subject to penalties provided for in the part. Under Part 31, civil fines range between \$2,500 and \$25,000, though fines between \$500,000 and \$5 million can be imposed if the violation presents a substantial threat to the public health, safety, or welfare.

House Bill 4860 would add that a municipality would not be subject to penalties or remedies provided in Part 31 for a violation if it was caused by an unauthorized discharge by a person other than the municipality, unless that municipality has otherwise assumed responsibility for the discharge.

MCL 324.3109

FISCAL IMPACT:

The bill would have no fiscal impact if a municipality would not be held liable for a private release.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.