



Senate Fiscal Agency
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BILL ANALYSIS

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House Bill 4860 (Substitute S-2 as reported)
Sponsor: Representative Kevin Elsenheimer
House Committee: Natural Resources, Great Lakes, Land Use, and Environment
Senate Committee: Natural Resources and Environmental Affairs

CONTENT

The bill would amend Part 31 (Water Resources Protection) of the Natural Resources and Environmental Protection Act to provide that a municipality would not be responsible for or subject to the remedies provided in Section 3115 of the Act for an unauthorized discharge from a sewerage system that was permitted under Part 31 and owned by a party other than the municipality, unless the municipality had accepted responsibility for the system in writing and, with respect to the civil fine and penalty under Section 3115, had been notified in writing by the Department of Environmental Quality (DEQ) of its responsibility for the system.

Under Part 31, the discharge of any raw human sewage into the waters of the State is prima facie evidence of a violation of Part 31 by the municipality in which the discharge originated, unless the discharge is permitted by the DEQ. If the discharge is not the subject of a valid permit, a municipality responsible for the discharge may be subject to the remedies under Section 3115. If the discharge is the subject of a valid permit, and is in violation of it, a municipality responsible for the discharge is subject to the penalties provided in that section.

(Under Section 3115, for a violation of Part 31, the minimum civil fine is \$2,500, subject to a maximum of \$25,000 per day of violation. A person who knowingly discharged a substance in violation of Part 31 is guilty of a felony and must be fined between \$2,500 and \$25,000; the court may impose an additional fine of up to \$25,000 for each day the unlawful discharge occurred. A subsequent felony is punishable by a fine of \$25,000 to \$50,000 per day. Additional penalties must be imposed if a civil or criminal defendant's actions pose or posed a substantial endangerment to the public health, safety, or welfare.)

MCL 324.3109

Legislative Analyst: Julie Koval

FISCAL IMPACT

The bill would have no fiscal impact on State government and no impact on local unit revenue. The bill would potentially reduce local unit expenditures to the extent that it would reduce the number of instances in which a local unit was held liable for an unauthorized discharge. To the extent that it would not affect a local unit's liability, the bill would not have any fiscal impact. This estimate is preliminary and will be revised as new information becomes available.

Date Completed: 10-27-05

Fiscal Analyst: David Zin

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Bill Analysis @ www.senate.michigan.gov

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.