



Senate Fiscal Agency
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Senate Bill 753 (as reported without amendment)
Sponsor: Senator Bruce Caswell
Committee: Local Government and Elections

CONTENT

The bill would amend Part 31 (Water Resources Protection) of the Natural Resources and Environmental Protection Act to exempt a municipality from the Act's remedies and penalties for an unauthorized discharge from three or fewer on-site wastewater treatment systems.

Part 31 prohibits a person from discharging into the waters of the State a substance that is or may become injurious to the public health, safety, or welfare or injurious in other ways. If a discharge of raw human sewage is not the subject of a valid permit, a municipality responsible for the discharge may be subject to remedies under Part 31. 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 those penalties. Under the bill, a municipality would not be responsible or subject to the remedies or penalties for a discharge that was from three or fewer on-site wastewater treatment systems.

The bill would define "on-site wastewater treatment system" as a system of components, other than a sewerage system as defined in Section 4101, used to collect and treat sanitary sewage or domestic equivalent wastewater from one or more dwellings, buildings, or structures and discharge the resulting effluent to a soil dispersal system on property owned by or under the control of the same individual or entity that owns or controls the dwellings, buildings, or structures.

(Under Section 4101, "sewerage system" means a system of pipes and structures used or intended for use by the public for the purpose of collecting, conveying, transporting, treating, or otherwise handling sanitary sewage or other industrial liquid wastes that are capable of adversely affecting the public health.)

MCL 324.3109

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on the Department of Environmental Quality, and a minor, but positive, fiscal impact on local units of government. If municipalities were not subject to remedies and penalties for the unpermitted discharge of raw sewage that originated from three or fewer on-site wastewater treatment systems, liability for these releases presumably would fall on the owner of the on-site wastewater treatment systems where the discharge originated. Data on how many discharges would be affected by the bill, and the dollar amounts for any associated civil penalties, are not available at this time.

Date Completed: 6-9-14

Fiscal Analyst: Josh Sefton

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