

Legislative Analysis



EXEMPT MUNICIPALITY FROM WASTEWATER RELEASE UNDER CERTAIN CIRCUMSTANCES

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Senate Bill 753

Sponsor: Sen. Bruce Caswell

House Committee: Natural Resources

Senate Committee: Local Government and Elections

Complete to 12-8-14

A SUMMARY OF SENATE BILL 753 AS PASSED BY THE SENATE 8-13-14

Senate Bill 753 would amend Section 3109 of the Natural Resources and Environmental Protection Act (NREPA) by exempting municipalities from remedy or penalty resulting from unauthorized discharge of raw sewage under certain circumstances.

The bill would add the term "on-site wastewater treatment system," which would be defined as a system of components, other than a sewerage system, 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 SB 753, a municipality would not be responsible for, or subject to the remedies or penalties for, a discharge that comes from three or fewer on-site wastewater treatment systems. The prescribed penalties include a range of civil fines based upon the circumstances of the violation.

FISCAL IMPACT:

Senate Bill 753 would have no fiscal impact on the Department of Environmental Quality and a potentially positive but indeterminate impact on local units of government. Municipalities are held responsible for the discharge of raw sewage into the state's waters under the Natural Resources and Environmental Protection Act (NREPA), and an offending municipality is subject to penalty under NREPA.

However, this bill outlines conditions under which the municipality would not be held responsible for a discharge, including discharges from non-municipally owned facilities including on-site wastewater treatment systems. Such systems are defined as those separate from a publicly owned and operated sewage system.

This release of responsibility for raw sewage discharges from three or fewer of these types of facilities decreases the municipal liability for the penalties prescribed under section 3115 of NREPA. This provision will have a potentially positive fiscal impact on local units of government to the extent they would have otherwise been held responsible

for these discharges and the corresponding fines. The number of discharges from on-site wastewater treatment systems that would be affected by this bill is unknown at present.

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