

HOUSE BILL No. 5806

March 1, 2006, Introduced by Reps. Bieda, Accavitti, Anderson, Miller, Leland, Kolb, Brandenburg, Farrah, Gaffney, Stewart, Wojno, David Law, Zelenko, Donigan, Polidori, Hopgood, Lemmons, Jr., Vagnozzi, Kathleen Law, Tobocman, Lipsey, Virgil Smith, Gonzales, Condino, Plakas, Clack and Lemmons, III and referred to the Committee on Agriculture.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding sections 8629, 8631, and 8633.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 8629. (1) THE DEPARTMENT AND THE DEPARTMENT OF
2 AGRICULTURE SHALL PROMOTE COMPOSTING, WASTEWATER TREATMENT, AND
3 OTHER ALTERNATIVE TECHNOLOGIES AS METHODS TO DISPOSE OF MANURE,
4 PROCESS WASTEWATER, AND PRODUCTION AREA WASTE AND SHALL ASSIST CAFO
5 OWNERS AND OPERATORS TO EMPLOY THESE METHODS.

6 (2) THE DEPARTMENT, AFTER CONSULTATION WITH THE DEPARTMENT OF
7 AGRICULTURE, MAY PROMULGATE RULES GOVERNING THE OPERATION OF
8 FACILITIES UTILIZING METHODS DESCRIBED IN SUBSECTION (1). THE RULES
9 SHALL ENSURE THE PROTECTION OF THE PUBLIC HEALTH, SAFETY, AND
10 WELFARE, NATURAL RESOURCES, AND THE ENVIRONMENT FROM POLLUTION
11 RESULTING FROM THE OPERATION OF SUCH FACILITIES.

1 SEC. 8631. AN NPDES PERMIT FOR A CAFO SHALL INCLUDE AN AIR
2 EMISSIONS PLAN SUBMITTED BY THE APPLICANT AND APPROVED BY THE
3 DEPARTMENT. HOWEVER, THIS REQUIREMENT DOES NOT APPLY TO AN NPDES
4 PERMIT IN EFFECT ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
5 ADDED THIS SECTION UNTIL 180 DAYS AFTER THAT DATE. THE AIR
6 EMISSIONS PLAN SHALL INCLUDE ALL OF THE FOLLOWING:

7 (A) METHODS AND PRACTICES THAT WILL BE USED TO MINIMIZE AIR
8 EMISSIONS RESULTING FROM ANIMAL FEEDLOT OR MANURE STORAGE AREA
9 OPERATIONS, INCLUDING MANURE STORAGE AREA START-UP PRACTICES,
10 LOADING, AND MANURE REMOVAL.

11 (B) MEASURES TO MITIGATE AIR EMISSIONS IF THE STATE AMBIENT
12 HYDROGEN SULFIDE STANDARD IS EXCEEDED.

13 (C) A COMPLAINT RESPONSE PROTOCOL DESCRIBING THE PROCEDURES
14 THE OWNER WILL USE TO RESPOND TO COMPLAINTS DIRECTED AT THE CAFO,
15 INCLUDING ALL OF THE FOLLOWING:

16 (i) A LIST OF EACH POTENTIAL ODOR SOURCE AT THE CAFO.

17 (ii) A DETERMINATION OF THE ODOR SOURCES MOST LIKELY TO
18 GENERATE SIGNIFICANT AMOUNTS OF ODORS.

19 (iii) A LIST OF ANTICIPATED ODOR CONTROL STRATEGIES FOR
20 ADDRESSING EACH OF THE SIGNIFICANT ODOR SOURCES.

21 SEC. 8633. (1) AS A CONDITION OF RECEIVING A PERMIT UNDER THIS
22 PART FOR A CAFO, THE OWNER OR OPERATOR OF THE CAFO SHALL MAINTAIN
23 FINANCIAL SECURITY IN FAVOR OF THE DEPARTMENT. HOWEVER, A CAFO
24 EXISTING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED
25 THIS SECTION IS NOT REQUIRED TO MAINTAIN FINANCIAL SECURITY UNTIL
26 180 DAYS AFTER THAT DATE. THE AMOUNT OF THE FINANCIAL SECURITY
27 SHALL BE CALCULATED BASED ON THE NUMBER AND TYPES OF ANIMALS

1 STABLED OR CONFINED AT THE CAFO, AS FOLLOWS:

2 (A) \$10,000.00 PER 100 MATURE DAIRY COWS, WHETHER MILKED OR
3 DRY.

4 (B) \$7,000.00 PER 100 CATTLE OTHER THAN MATURE DAIRY COWS. AS
5 USED IN THIS SUBPARAGRAPH, "CATTLE" INCLUDES VEAL CALVES, HEIFERS,
6 STEERS, BULLS, AND COW/CALF PAIRS.

7 (C) \$2,800.00 PER 100 SWINE EACH WEIGHING 55 POUNDS OR MORE.

8 (D) \$700.00 PER 100 SWINE EACH WEIGHING LESS THAN 55 POUNDS,
9 SHEEP, OR LAMBS.

10 (E) \$14,000.00 PER 100 HORSES.

11 (F) \$130.00 PER 100 TURKEYS.

12 (G) \$235.00 PER 100 LAYING HENS OR BROILERS, IF THE CAFO USES
13 A LIQUID MANURE HANDLING SYSTEM, OR PER 100 DUCKS, IF THE CAFO USES
14 OTHER THAN A LIQUID MANURE HANDLING SYSTEM.

15 (H) \$56.00 PER 100 CHICKENS (OTHER THAN LAYING HENS), IF THE
16 CAFO USES OTHER THAN A LIQUID MANURE HANDLING SYSTEM.

17 (I) \$85.00 PER 100 LAYING HENS, IF THE CAFO USES OTHER THAN A
18 LIQUID MANURE HANDLING SYSTEM.

19 (J) \$1,400.00 PER 100 DUCKS, IF THE CAFO USES A LIQUID MANURE
20 HANDLING SYSTEM.

21 (2) THE DEPARTMENT MAY UTILIZE THE FINANCIAL SECURITY
22 MAINTAINED UNDER THIS SECTION, AT THE DISCRETION OF A COURT OF
23 COMPETENT JURISDICTION, IF THE PERMITTEE HAS FAILED TO COMPLY WITH
24 THIS PART, THE RULES PROMULGATED UNDER THIS PART, OR THE TERMS OF A
25 PERMIT ISSUED UNDER THIS PART FOR 1 OR MORE OF THE FOLLOWING:

26 (A) CLEANUP AND REMEDIATION REQUIRED DUE TO A DISCHARGE FROM
27 THE CAFO.

1 (B) DISPOSING OF MANURE SO AS TO PREVENT CONTAMINATION OF
2 WATERS OF THE STATE.

3 (C) CLOSURE OF A MANURE LAGOON.

4 (D) ACTIONS NECESSARY TO PREVENT A DISCHARGE.

5 (E) ANY OTHER PURPOSE PROVIDED FOR BY RULES PROMULGATED UNDER
6 THIS PART.

7 (3) THE DEPARTMENT SHALL PROMULGATE RULES TO IMPLEMENT THIS
8 SECTION.

9 (4) AS USED IN THIS SECTION, "FINANCIAL SECURITY" MEANS A
10 PERFORMANCE BOND FROM A SURETY COMPANY AUTHORIZED TO TRANSACT
11 BUSINESS IN THIS STATE, A CERTIFICATE OF DEPOSIT, A CASH BOND, AN
12 IRREVOCABLE LETTER OF CREDIT, OR OTHER FORM OF FINANCIAL SECURITY
13 AS APPROVED BY THE DIRECTOR.

14 Enacting section 1. This amendatory act does not take effect
15 unless all of the following bills of the 93rd Legislature are
16 enacted into law:

17 (a) Senate Bill No.____ or House Bill No. 5801(request no.
18 01066'05).

19 (b) Senate Bill No.____ or House Bill No. 5803(request no.
20 01074'05).

21 (c) Senate Bill No.____ or House Bill No. 5802(request no.
22 01075'05).

23 (d) Senate Bill No.____ or House Bill No. 5809(request no.
24 01081'05).

25 (e) Senate Bill No.____ or House Bill No. 5807(request no.
26 02008'05).

27 (f) Senate Bill No.____ or House Bill No. 5808(request no.

1 02009'05).

2 (g) Senate Bill No.____ or House Bill No. 5804(request no.
3 02011'05).

4 (h) Senate Bill No.____ or House Bill No. 5805(request no.
5 02032'05).