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BILL ANALYSIS

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Senate Bill 504 (Substitute S-4 as reported)  
Sponsor: Senator Gerald Van Woerkom  
Committee: Agriculture

### **CONTENT**

The bill would amend the Natural Resources and Environmental Protection Act to:

- Require the Michigan Department of Agriculture (MDA) to implement a Michigan Agriculture Environmental Assurance Program (MAEAP) for farms and farm operations.
- Provide that an agricultural storm water discharge from a MAEAP-verified farm would not be considered a violation of Part 31 (Water Resources Protection).
- Specify that a MAEAP-verified farm would not be considered to have caused an impairment of the State's natural resources unless the Director of the Department of Environmental Quality (DEQ) determined conclusively that the farm or farm operation had caused a receiving water body to exceed water quality standards under Part 31.
- Require an agricultural feeding operation to obtain a permit to discharge effluent into the waters of the State only if it were more than five times the minimum size of a large concentrated animal feeding operation (CAFO), if it were a large CAFO that was not MAEAP-verified, or if it had a discharge (other than an agricultural storm water discharge) in violation of State water quality standards.
- Require a permittee to prepare and implement a nutrient management plan; obtain a certificate of construction from the MDA if it were a large CAFO; and demonstrate compliance with standards for verification under the MAEAP.
- Require the DEQ to conduct an annual compliance inspection of each animal feeding operation required to obtain a permit under Part 31.
- For conservation practice verification of a large CAFO, require an annual on-site inspection, including an inspection of manure storage structures, as well as compliance with generally accepted agricultural and management practices and Federal standards.
- Require the MDA to revoke a large CAFO's conservation practice verification if it had had a discharge of waste or waste effluent into the waters of the State.
- Require the owner or operator of a farm or farm operation that was primarily a livestock operation to work with the MDA Director to review the site's nutrient management plan and make any necessary changes if the farm or farm operation had caused a receiving water body to exceed water quality standards.
- Require the DEQ, in establishing priority lists for sewage treatment and storm water treatment projects, to give priority to efforts that supported MAEAP-verified farms.
- Require that projects at MAEAP-verified farms be given priority when expenditures from the Agricultural Pollution Prevention Fund were determined, and that the presence of a MAEAP-verified farm be considered when certain grants for nonpoint source pollution prevention and control projects were provided.
- Create a "Pathogen Reduction Advisory Council" within the DEQ to review scientific information regarding pathogen sources; recommend education, monitoring, and conservation measures; and make a recommendation for a pathogen source study of at least two watersheds in the State.

The bill is tie-barred to Senate Bills 447, 448, and 503.

MCL 324.3101 et al.

Legislative Analyst: Curtis Walker

**FISCAL IMPACT**

The bill would have an indeterminate impact on State government related to administrative costs. The Department of Environmental Quality would be required to conduct annual compliance inspections of animal feeding operations with National Pollutant Discharge Elimination System (NPDES) permits, the cost of which would be covered by the NPDES permit fees paid by permitted facilities.

The members of the Pathogen Reduction Advisory Council would not be compensated. Staff resources from various State and Federal agencies would be used to support the Council, which could divert effort from other programs.

The bill would require annual inspections of large confined animal feeding operations by the Department of Agriculture. The Department estimates that implementing the inspection program would require \$200,000 and 2.0 FTEs.

Date Completed: 6-19-07

Fiscal Analyst: Debra Hollon  
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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.