

SENATE BILL No. 1206

July 18, 2012, Introduced by Senator CASPERSON and referred to the Committee on Natural Resources, Environment and Great Lakes.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 3131 (MCL 324.3131), as added by 1997 PA 29.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3131. (1) By October 1, 1997, the department of
2 environmental quality in consultation with the department of
3 agriculture **AND RURAL DEVELOPMENT** shall promulgate rules to manage
4 the land application of sewage sludge and sewage sludge
5 derivatives. The rules shall be consistent with the minimum
6 requirements of 40 ~~C.F.R.~~**CFR** part 503 but may impose requirements
7 in addition to or more stringent than 40 ~~C.F.R.~~**CFR** part 503 to
8 protect public health or the environment from any adverse effect
9 from a pollutant in sewage sludge or in a sewage sludge derivative.
10 However, the rules shall require that if monitoring of sewage
11 sludge or a sewage sludge derivative indicates a pollutant

1 concentration in excess of that provided in table 3 of 40 C.F.R.
2 CFR 503.13, monitoring frequency shall be increased to not less
3 than twice that provided in table 1 of 40 C.F.R. CFR 503.16, until
4 pollutant concentrations are at or below those provided in table 3
5 of 40 C.F.R. CFR 503.13. The rules shall require a sewage sludge
6 generator or sewage sludge distributor to deliver to a county,
7 city, village, or township a copy of any record required to be
8 created under the rules pertaining to sewage sludge or a sewage
9 sludge derivative applied to land in that local unit. The copy
10 shall be delivered free of charge promptly after the record is
11 created.

12 ~~—— (2) If the Michigan supreme court rules that sections 45 and~~
13 ~~46 of the administrative procedures act of 1969, 1969 PA 306, MCL~~
14 ~~24.245 and 24.246, are unconstitutional and a statute requiring~~
15 ~~legislative review of administrative rules is not enacted within 90~~
16 ~~days after the Michigan supreme court ruling, the rule-making~~
17 ~~authority under this section and any rules promulgated under that~~
18 ~~rule making authority are rescinded, and the land application of~~
19 ~~sewage sludge shall be managed by the department of environmental~~
20 ~~quality in consultation with the department of agriculture~~
21 ~~consistent with the requirements of 40 C.F.R. part 503.~~

22 (2) NOTWITHSTANDING R 323.2407(3) OF THE MICHIGAN
23 ADMINISTRATIVE CODE, THE REQUIREMENTS OF R 323.2408 AND R 323.2410
24 OF THE MICHIGAN ADMINISTRATIVE CODE IN EFFECT ON THE EFFECTIVE DATE
25 OF THE 2012 AMENDATORY ACT THAT ADDED THIS SUBSECTION, OR
26 SUBSEQUENT REVISIONS OF THOSE REQUIREMENTS, DO NOT APPLY TO BULK
27 BIOSOLIDS OR A BULK DERIVATIVE THAT IS SOLD OR GIVEN AWAY IF ALL OF

1 THE FOLLOWING REQUIREMENTS ARE MET:

2 (A) THE MATERIAL IS FINISHED COMPOST OR OTHER MATERIAL THAT
3 HAS BEEN DEMONSTRATED TO BE MATURE AND STABLE AND TO PRESENT
4 MINIMAL VECTOR ATTRACTION AND POTENTIAL TO GENERATE A NUISANCE.

5 (B) THE MATERIAL IS OF EXCEPTIONAL QUALITY.

6 (C) THE GENERATOR OR DISTRIBUTOR PROVIDES TO THE PERSON
7 RECEIVING THE MATERIAL A WRITTEN RECORD THAT CONTAINS ALL OF THE
8 FOLLOWING INFORMATION:

9 (i) THE NAME AND ADDRESS OF THE PERSON WHO PREPARED THE
10 MATERIAL.

11 (ii) GENERAL HANDLING GUIDELINES AND RECOMMENDED APPLICATION
12 RATES.

13 (iii) A CURRENT MONITORING SUMMARY OF NITROGEN, PHOSPHORUS, AND
14 POTASSIUM CONCENTRATIONS.

15 (D) THE MATERIAL IS USED BENEFICIALLY FOR ITS NUTRIENT VALUE
16 IN ACCORDANCE WITH THE GENERATOR'S APPROVED RESIDUALS MANAGEMENT
17 PROGRAM.

18 (E) THE MATERIAL IS UTILIZED ONLY FOR LANDSCAPING USES AT 1 OR
19 MORE OF THE FOLLOWING LOCATIONS:

20 (i) A PUBLIC PARK.

21 (ii) AN ATHLETIC FIELD.

22 (iii) A CEMETERY.

23 (iv) A PLANT NURSERY.

24 (v) A TURF FARM.

25 (vi) A GOLF COURSE.

26 (vii) A LAWN.

27 (viii) A HOME GARDEN.

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1 (ix) ANY OTHER LOCATION APPROVED BY THE DIRECTOR OF THE
2 DEPARTMENT OR HIS OR HER DESIGNEE.

3 (3) THE REQUIREMENTS OF R 323.2413(2)(A) THROUGH <<(C) AND (E)
THROUGH>> (I) OF THE
4 MICHIGAN ADMINISTRATIVE CODE IN EFFECT ON THE EFFECTIVE DATE OF THE
5 2012 AMENDATORY ACT THAT ADDED THIS SUBSECTION DO NOT APPLY TO BULK
6 BIOSOLIDS OR A BULK DERIVATIVE OF EXCEPTIONAL QUALITY UTILIZED FOR
7 LANDSCAPING PURPOSES.

8 (4) A PERSON WHO GENERATES BULK BIOSOLIDS OR A BULK DERIVATIVE
9 OF EXCEPTIONAL QUALITY FOR LANDSCAPING USES SHALL KEEP A RECORD OF
10 QUANTITIES IN EXCESS OF 20 CUBIC YARDS SOLD OR GIVEN AWAY IN A
11 SINGLE TRANSACTION AND MAKE THE RECORD AVAILABLE TO THE DEPARTMENT
12 FOR INSPECTION AND COPYING. THE RECORD SHALL INCLUDE ALL OF THE
13 FOLLOWING INFORMATION:

14 (A) THE NAME AND ADDRESS OF THE RECIPIENT.

15 (B) THE QUANTITY RECEIVED.

16 (C) THE SIGNATURE OR INITIALS OF THE RECIPIENT.

17 (D) A GENERAL DESCRIPTION OF THE INTENDED USE CONSISTENT WITH
18 SUBSECTION (2)(E).

19 (5) AS USED IN THIS SECTION:

20 (A) ALL OF THE FOLLOWING MEAN THOSE TERMS AS DEFINED IN R
21 324.2402 OF THE MICHIGAN ADMINISTRATIVE CODE:

22 (i) "BULK BIOSOLIDS".

23 (ii) "DERIVATIVE".

24 (iii) "EXCEPTIONAL QUALITY".

25 (iv) "GENERATOR".

26 (v) "RESIDUALS MANAGEMENT PROGRAM".

27 (B) "BULK DERIVATIVE" MEANS A DERIVATIVE THAT IS NOT SOLD OR

- 1 GIVEN AWAY IN A BAG OR OTHER CONTAINER FOR APPLICATION TO A LAWN OR
- 2 HOME GARDEN.