

FARM OPERATIONS: SEPTAGE WASTE

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House Bill 4438 as introduced
Sponsor: Rep. Tom Barrett
Committee: Agriculture
Complete to 5-23-17

Analysis available at
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SUMMARY:

House Bill 4438 would amend Part 11—Septage Waste—within the Natural Resources and Environmental Protection Act (NREPA) by adding a definition of "farm operation," and creating an exemption for farm operations from Part 11 as that part applies to servicing portable toilets, to associated domestic septage management equipment, such as trailers, pumps, and septage waste vehicles, and to associated storage facilities, if the farm operations meet certain requirements.

Farm Operation

The bill cites the definition of "farm operation" found in the Michigan Right to Farm Act (MCL 286.472), where the term means the operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, and includes, but is not limited to:

- Marketing produce at roadside stands or farm markets.
- The generation of noise, odors, dust, fumes, and other associated conditions.
- The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm grain dryers, and the movement of vehicles, machinery, equipment, and farm products and associated inputs necessary for farm operations on the roadway as authorized by the Michigan Vehicle Code (MCL 257.1 to 257.923).
- Field preparation and ground and aerial seeding and spraying.
- The application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides.
- Use of alternative pest management techniques.
- The fencing, feeding, watering, sheltering, transportation, treatment, use, handling and care of farm animals.
- The management, storage, transport, utilization, and application of farm by-products, including manure or agricultural wastes.
- The conversion from a farm operation activity to other farm operation activities.
- The employment and use of labor.

Exemption Requirements

The bill would create a new section (proposed MCL 324.11721) to allow a farm operation to be exempt from the Septage Waste regulations within NREPA. To be exempt, the farm operation would have to meet the following requirements:

- The farm operation uses the portable toilets to comply with requirements listed in the publication from the Department of Agriculture and Rural Development
- The management, pumping, and temporary storage of the domestic septage from the portable toilets by the farm operation does not result in a release of domestic septage into the environment.
- The portable toilets and associated septage management equipment are secured in a manner that prevents a release while being moved by the farm operation on or across a public street, road, or highway.
- The farm operation does not store domestic septage for more than 60 days.
- The farm operation utilizes the services of a person with a septage waste servicing license and septage waste vehicle license to dispose of the domestic septage from the portable toilets in a receiving facility.

This same section would mandate that the Department of Agriculture and Rural Development publish a list of field sanitation, worker protection, and food safety requirements applicable to the exemption provided for above.

The bill would make other apparently technical amendments, correcting references and terminology.

MCL 324.11701 et al.

FISCAL IMPACT:

House Bill 4438 would not significantly affect costs or revenues for the Department of Environmental Quality. The department's septage waste licensing program is unlikely to be affected by the exemptions proposed in the bill, therefore any departmental fiscal impact is projected to be negligible.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.