

Legislative Analysis



INCREASE MOISTURE LEVEL OF SUGAR BEET SOIL EXCLUDED FROM DEFINITION OF SOLID WASTE

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House Bill 6122 (H-1) as reported from committee
Sponsor: Rep. Tom Barrett
Committee: Agriculture
Complete to 10-5-18

Analysis available at
<http://www.legislature.mi.gov>

(Enacted as Public Act 615 of 2018)

BRIEF SUMMARY: House Bill 6122 would amend Part 115 (Solid Waste Management) of the Natural Resources and Environmental Protection Act (NREPA) to increase the moisture level of soil removed from sugar beets that is excluded from being defined as solid waste.

FISCAL IMPACT: House Bill 6122 is unlikely to have a direct effect on current costs or revenues for the Department of Environmental Quality (DEQ). The bill would alter exemptions to the definition of solid waste, which is regulated by the DEQ. It is unclear whether this potential change would affect the DEQ's solid waste program and the program's corresponding costs and revenues. The bill would not have an impact on local government costs or revenues.

THE APPARENT PROBLEM:

According to committee testimony, harvesting beets from the field to be processed into sugar involves many steps to remove as much dirt as possible from the beet to ensure that a clean beet is sent for processing. The dirt that is removed from the beets is typically converted into soil that can then be used for various landscaping purposes. New technology that is being used removes more dirt from the beet than before, but puts more moisture into the soil that is being removed. With the current moisture level cap, the leftover soil is too wet to be sold for other purposes. To avoid putting the soil in landfills as unusable, this bill seeks to allow the use of the converted soil.

THE CONTENT OF THE BILL:

Under NREPA, *solid waste* means garbage, rubbish, ashes, incinerator ash or residue, street cleanings, municipal and industrial sludges, solid commercial and industrial waste, and animal waste other than organic waste generated in the production of livestock and poultry.

Soil with up to 35% moisture content that is washed or otherwise removed from sugar beets and that is registered as a soil conditioner under Part 85 (Fertilizers) is not currently defined as solid waste. The bill would increase the allowable moisture level to 55% moisture content.

The bill would take effect 90 days after enactment.

MCL 324.11506

ARGUMENTS:

For:

Supporters of the bill are grateful for the new technology that produces cleaner beets, yet would still like to be able to reuse the soil left over even though it has a higher moisture content. According to proponents of the bill, soil can be purchased in many stores at a variety of moisture levels: 35% to 40% moisture content is the most popular, but higher moisture levels are also available.

Against:

Critics of the bill raised the concern that having a higher moisture content leads to a higher likelihood of contaminants being present in the soil.

POSITIONS:

A representative of the Michigan Sugar Company testified in support of the bill. (9-25-18)

The following organizations indicated support for the bill:

- Michigan Farm Bureau (9-25-18)
- Michigan Manufacturers Association (9-25-18)
- Michigan Food Processors Association (10-3-18)
- Michigan Agri-Business Association (10-3-18)

A representative of the Michigan Department of Agriculture and Rural Development testified with a neutral position (9-25-18) and indicated a position of neutral with concerns (10-3-18).

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