



**Senate Fiscal Agency**  
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**BILL ANALYSIS**

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House Bill 4438 (Substitute S-1 as reported by the Committee of the Whole)  
Sponsor: Representative Tom Barrett  
House Committee: Agriculture  
Senate Committee: Natural Resources

**CONTENT**

The bill would amend Part 117 (Septage Waste Servicers) of the Natural Resources and Environmental Protection Act to exempt a farm operation from Part 117, with respect to servicing portable toilets, associated domestic septage management equipment, and associated storage facilities, if all of the following were met:

- The portable toilets were used to comply with requirements listed in a publication created by Michigan Department of Agriculture and Rural Development (MDARD), described below.
- The management, pumping, and temporary storage of the domestic septage from the portable toilets did not result in a release of domestic septage into the environment.
- The portable toilets and associated septage management equipment were securely fastened to a vehicle or trailer in a manner that prevented a release while being moved by the farm operation on or across a public street, road, or highway.
- The farm operation did not move portable toilets that contained domestic septage on or across a limited access highway.
- The farm operation did not move domestic septage on or across a public street, road, or highway in a tank larger than 450 gallons.
- The farm operation did not store domestic septage for more than 60 days or in a tank larger than 3,000 gallons.
- The farm operation used the services of a licensed person to dispose of the domestic septage from the portable toilets in a receiving facility.

The bill would require MDARD to publish a list of field sanitation, worker protection, spill response, and food safety requirements applicable to this exemption as well as a guide to recommend spill preparedness, spill mitigation, and spill response programs applicable to this exemption. The bill also would require the Department of Environmental Quality and MDARD to jointly promulgate rules establishing field sanitation and food safety standards for these purposes.

MCL 324.11701 et al.

Legislative Analyst: Nathan Leaman

**FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Date Completed: 6-7-18

Fiscal Analyst: Bruce Baker  
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