

# HOUSE BILL No. 4438

March 30, 2017, Introduced by Rep. Barrett and referred to the Committee on Agriculture.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending sections 11701 and 11718 (MCL 324.11701 and 324.11718),  
section 11701 as amended by 2016 PA 294 and section 11718 as  
amended by 2004 PA 381, and by adding section 11721.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 11701. As used in this part:

2       (a) "Agricultural land" means land on which a food crop, a  
3 feed crop, or a fiber crop is grown, including land used or  
4 suitable for use as a range or pasture; a sod farm; or a Christmas  
5 tree farm.

6       (b) "Certified health department" means a city, county, or  
7 district department of health certified under section 11716.

8       (c) "Cesspool" means a cavity in the ground that receives  
9 waste to be partially absorbed directly or indirectly by the

1 surrounding soil.

2 (d) "Department" means the department of environmental quality  
3 or its authorized agent.

4 (e) "Director" means the director of the department of  
5 environmental quality or his or her designee.

6 (f) "Domestic septage" means liquid or solid material removed  
7 from a septic tank, cesspool, portable toilet, type III marine  
8 sanitation device, or similar storage or treatment works that  
9 receives only domestic sewage. Domestic septage does not include  
10 liquid or solid material removed from a septic tank, cesspool, or  
11 similar facility that receives either commercial wastewater or  
12 industrial wastewater and does not include grease removed from a  
13 grease interceptor, grease trap, or other appurtenance used to  
14 retain grease or other fatty substances contained in restaurant  
15 waste.

16 (g) "Domestic sewage" means waste and wastewater from humans  
17 or household operations.

18 (h) "Domestic treatment plant septage" means biosolids  
19 generated during the treatment of domestic sewage in a treatment  
20 works and transported to a receiving facility or managed in  
21 accordance with a residuals management program approved by the  
22 department.

23 **(I) "FARM OPERATION" MEANS THAT TERM AS DEFINED IN SECTION 2**  
24 **OF THE MICHIGAN RIGHT TO FARM ACT, 1981 PA 93, MCL 286.472.**

25 **(J)** ~~(i)~~ "Food establishment septage" means material pumped  
26 from a grease interceptor, grease trap, or other appurtenance used  
27 to retain grease or other fatty substances contained in restaurant

wastes and that is blended into a uniform mixture, consisting of not more than 1 part of that restaurant-derived material per 3 parts of domestic septage ~~—~~ prior to land application or **IS** disposed of at a receiving facility.

**(K)** ~~(j)~~ "Fund" means the septage waste program fund created in section 11717.

**(I)** ~~(k)~~ "Governmental unit" means a county, township, municipality, or regional authority.

**(M)** ~~(l)~~ "Incorporation" means the mechanical mixing of surface-applied septage waste with the soil.

**(N)** ~~(m)~~ "Injection" means the pressurized placement of septage waste below the surface of soil.

**(O)** ~~(n)~~ "Operating plan" means a plan developed by a receiving facility for receiving septage waste that specifies at least all of the following:

(i) Categories of septage waste that the receiving facility will receive.

(ii) The receiving facility's service area.

(iii) The hours of operation for receiving septage waste.

(iv) Any other conditions for receiving septage waste established by the receiving facility.

**(P)** ~~(o)~~ "Pathogen" means a disease-causing agent. Pathogen includes, but is not limited to, certain bacteria, protozoa, viruses, and viable helminth ova.

**(Q)** ~~(p)~~ "Peace officer" means a sheriff or sheriff's deputy, a village or township marshal, an officer of the police department of any city, village, or township, any officer of the Michigan state

1 police, any peace officer who is trained and licensed or certified  
2 under the Michigan commission on law enforcement standards act,  
3 1965 PA 203, MCL 28.601 to 28.615, or any conservation officer  
4 appointed by the department or the department of natural resources  
5 under section 1606.

6 **(R)** ~~(q)~~—"Portable toilet" means a receptacle for human waste  
7 temporarily in a location for human use.

8 **(S)** ~~(r)~~—"Receiving facility" means a structure that is  
9 designed to receive septage waste for treatment at a wastewater  
10 treatment plant or at a research, development, and demonstration  
11 project authorized under section 11511b to which the structure is  
12 directly connected, and that is available for that purpose as  
13 provided for in an ordinance of the local unit of government where  
14 the structure is located or in an operating plan. Receiving  
15 facility does not include either of the following:

16 (i) A septic tank.

17 (ii) A structure or a wastewater treatment plant where the  
18 disposal of septage waste is prohibited by order of the department  
19 under section 11708 or 11715b.

20 **(T)** ~~(s)~~—"Receiving facility service area" or "service area"  
21 means the territory for which a receiving facility has the capacity  
22 and is available to receive and treat septage waste, except that  
23 the geographic service area of a receiving facility shall not  
24 extend more than 25 radial miles from the receiving facility.

25 **(U)** ~~(t)~~—"Sanitary sewer cleanout septage" means sanitary  
26 sewage or cleanout residue removed from a separate sanitary sewer  
27 collection system that is not land applied and that is transported

1 by a vehicle licensed under this part elsewhere within the same  
2 system or to a receiving facility that is approved by the  
3 department.

4 **(V)** ~~(u)~~—"Septage waste" means the fluid mixture of untreated  
5 and partially treated sewage solids, liquids, and sludge of human  
6 or domestic origin that is removed from a wastewater system.  
7 Septage waste consists only of food establishment septage, domestic  
8 septage, domestic treatment plant septage, or sanitary sewer  
9 cleanout septage, or any combination of these.

10 **(W)** ~~(v)~~—"Septage waste servicing license" means a septage  
11 waste servicing license as provided for under sections 11703 and  
12 11706.

13 **(X)** ~~(w)~~—"Septage waste vehicle" means a vehicle that is self-  
14 propelled or towed and that includes a tank used to transport  
15 septage waste. Septage waste vehicle does not include an implement  
16 of husbandry as defined in section 21 of the Michigan vehicle code,  
17 1949 PA 300, MCL 257.21.

18 **(Y)** ~~(x)~~—"Septage waste vehicle license" means a septage waste  
19 vehicle license as provided for under sections 11704 and 11706.

20 **(Z)** ~~(y)~~—"Septic tank" means a septic toilet, chemical closet,  
21 or other enclosure used for the decomposition of domestic sewage.

22 **(AA)** ~~(z)~~—"Service" or "servicing" means cleaning, removing,  
23 transporting, or disposing, by application to land or otherwise, of  
24 septage waste.

25 **(BB)** ~~(aa)~~—"Site" means a location or locations on a parcel or  
26 tract, as those terms are defined in section 102 of the land  
27 division act, 1967 PA 288, MCL 560.102, proposed or used for the

1 disposal of septage waste on land.

2       **(CC)** ~~(bb)~~ "Site permit" means a permit issued under section  
3 11709 authorizing the application of septage waste to a site.

4       **(DD)** ~~(cc)~~ "Storage facility" means a structure that receives  
5 septage waste for storage but not for treatment.

6       **(EE)** ~~(dd)~~ "Tank" means an enclosed container placed on a  
7 septage waste vehicle to carry or transport septage waste.

8       **(FF)** ~~(ee)~~ "Type I public water supply", "type IIa public water  
9 supply", "type IIb public water supply", and "type III public water  
10 supply" mean those terms, respectively, as described in R 325.10502  
11 of the Michigan Administrative Code.

12       **(GG)** ~~(ff)~~ "Type III marine sanitation device" means that term  
13 as defined in 33 CFR 159.3.

14       Sec. 11718. (1) The department shall promulgate rules that  
15 establish both of the following:

16       (a) Continuing education requirements under section  
17 ~~11706-11703~~.

18       (b) Design and operating requirements for receiving  
19 facilities, as provided in section 11715b.

20       (2) The department may, in addition, promulgate rules that do  
21 1 or more of the following:

22       (a) Add other materials and substances to the definition of  
23 septage waste.

24       (b) Add enclosures to the list of enclosures in the definition  
25 of **DOMESTIC** septage waste under section 11701 the servicing of  
26 which requires a septage waste servicing license under this part.

27       (c) Specify information required on an application for a

1 septage waste servicing license, septage waste vehicle license, or  
2 site permit.

3 (d) Establish standards or procedures for a department  
4 ~~declaration~~ **ORDER** under section 11708 ~~that~~ **PROHIBITING THE**  
5 **OPERATION OF** a wastewater treatment plant or structure ~~is~~  
6 ~~unavailable as a receiving facility. because of excessive hydraulic~~  
7 ~~or organic loading, odor problems, or other factors.~~

8 (3) **THE DEPARTMENT OF ENVIRONMENTAL QUALITY AND THE DEPARTMENT**  
9 **OF AGRICULTURE AND RURAL DEVELOPMENT MAY JOINTLY PROMULGATE RULES**  
10 **ESTABLISHING FIELD SANITATION AND FOOD SAFETY STANDARDS FOR THE**  
11 **PURPOSES OF SECTION 11721.**

12 **SEC. 11721. (1) A FARM OPERATION IS EXEMPT FROM THIS PART AS**  
13 **IT APPLIES TO SERVICING PORTABLE TOILETS, TO ASSOCIATED DOMESTIC**  
14 **SEPTAGE MANAGEMENT EQUIPMENT SUCH AS TRAILERS, PUMPS, AND SEPTAGE**  
15 **WASTE VEHICLES, AND TO ASSOCIATED STORAGE FACILITIES, IF THE FARM**  
16 **OPERATION MEETS ALL OF THE FOLLOWING REQUIREMENTS:**

17 (A) **THE FARM OPERATION USES THE PORTABLE TOILETS TO COMPLY**  
18 **WITH REQUIREMENTS LISTED IN THE PUBLICATION UNDER SUBSECTION (2) .**

19 (B) **THE MANAGEMENT, PUMPING, AND TEMPORARY STORAGE OF THE**  
20 **DOMESTIC SEPTAGE FROM THE PORTABLE TOILETS BY THE FARM OPERATION**  
21 **DOES NOT RESULT IN A RELEASE OF DOMESTIC SEPTAGE INTO THE**  
22 **ENVIRONMENT.**

23 (C) **THE PORTABLE TOILETS AND ASSOCIATED SEPTAGE MANAGEMENT**  
24 **EQUIPMENT ARE SECURED IN A MANNER THAT PREVENTS A RELEASE WHILE**  
25 **BEING MOVED BY THE FARM OPERATION ON OR ACROSS A PUBLIC STREET,**  
26 **ROAD, OR HIGHWAY.**

27 (D) **THE FARM OPERATION DOES NOT STORE DOMESTIC SEPTAGE FOR**

1 MORE THAN 60 DAYS.

2 (E) THE FARM OPERATION UTILIZES THE SERVICES OF A PERSON WITH  
3 A SEPTAGE WASTE SERVICING LICENSE AND SEPTAGE WASTE VEHICLE LICENSE  
4 TO DISPOSE OF THE DOMESTIC SEPTAGE FROM THE PORTABLE TOILETS IN A  
5 RECEIVING FACILITY.

6 (2) THE DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT SHALL  
7 PUBLISH A LIST OF FIELD SANITATION, WORKER PROTECTION, AND FOOD  
8 SAFETY REQUIREMENTS APPLICABLE TO THE EXEMPTION PROVIDED FOR IN  
9 THIS SECTION.

10 Enacting section 1. This amendatory act takes effect 90 days  
11 after the date it is enacted into law.