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BILL ANALYSIS



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House Bill 4438 (as passed by the House)
Sponsor: Representative Tom Barrett
House Committee: Agriculture
Senate Committee: Natural Resources

Date Completed: 2-6-18

CONTENT

The bill would amend Part 117 (Septage Waste Servicers) of the Natural Resources and Environmental Protection Act to exempt a farm operation from requirements related to cleaning, removing, transporting, or disposing of septage waste.

The bill would take effect 90 days after it was enacted.

Farm Operation

Part 117 prohibits a person from servicing or contracting to engage in servicing except as authorized by a septage waste servicing license and a septage waste vehicle license issued by the Department of Environmental Quality (DEQ). "Servicing" means cleaning, removing, transporting, or disposing, by application to land or otherwise, of septage waste.

The bill would exempt a farm operation from Part 117, if the farm operation met all of the following requirements:

- The farm operation used the portable toilets to comply with requirements listed in a publication of the Michigan Department of Agriculture and Rural Development (MDARD).
- The management, pumping, and temporary storage of the domestic septage from the portable toilets by the farm operation did not result in a release of domestic septage into the environment.
- The portable toilets and associated septage management equipment were secured 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 store domestic septage for more than 60 days.
- The farm operation used 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.

The bill would require MDARD to publish a list of field sanitation, worker protection, spill response, and food safety requirements applicable to this exemption.

The bill also would require the DEQ and MDARD to jointly promulgate rules establishing field sanitation and food safety standards for these purposes.

Under the bill, "farm operation" would mean that term as defined in the Michigan Right to Farm Act. (The Michigan Right to Farm Act defines "farm operation" as 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.
- 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, use, 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.)

Domestic Septage

(Part 117 defines "domestic septage" as liquid or solid material removed from a septic tank, cesspool, portable toilet, type III marine sanitation device, or similar storage or treatment works that receives only domestic sewage. Domestic septage does not include liquid or solid material removed from a septic tank, cesspool, or similar facility that receives either commercial wastewater or industrial wastewater and does not include grease removed from a grease interceptor, grease trap, or other appurtenance used to retain grease or other fatty substances contained in restaurant waste. "Septage waste" means the fluid mixture of untreated and partially treated sewage solids, liquids, and sludge of human or domestic origin that is removed from a wastewater system. Septage waste consists only of food establishment septage, domestic septage, domestic treatment plant septage, or sanitary sewer cleanout septage, or any combination of these.)

Part 117 permits the DEQ to promulgate rules that, among other things, add enclosures to the list of enclosures in the definition of septage waste, the servicing of which requires a septage waste servicing license.

Under the bill, the DEQ could promulgate rules that would add enclosures in the definition of *domestic septage*, the servicing of which would require a septage waste servicing license.

MCL 324.11701 et al.

Legislative Analyst: Nathan Leaman

FISCAL IMPACT

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

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.