

# Legislative Analysis



## DEFINITION OF "HAZARDOUS SUBSTANCE" AND "RELEASE" UNDER PART 201 OF NREPA

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### Senate Bill 351

**Sponsor: Sen. Arlan Meekhof**

**House Committee: Natural Resources**

**Senate Committee: Agriculture**

**Complete to 9-23-13**

### A SUMMARY OF SENATE BILL 351 AS PASSED BY THE SENATE 9-12-13

Generally speaking, the bill would exclude from the remediation requirements and liability of Part 201, land owners that currently own land containing a hazardous substance that was applied prior to the enactment of the Right to Farm Act (1981) and that at the time of application was applied in accordance with the appropriate generally accepted agricultural management practices (GAAMPS).

The bill would do this by amending Part 201 (Environmental Remediation) of the Natural Resources and Environmental Protection Act to modify what constitutes a "release" and a "hazardous substance." The bill would exclude certain substances that were applied according to or consistent with generally accepted agricultural management practices (GAAMPS) **at the time of application**, rather than according to practices later developed in accordance with Michigan's Right to Farm Act.

Currently, Part 201 prescribes clean-up responsibilities and provides for penalties against certain individuals for the release of and/or failure to properly remediate hazardous substances. Under Part 201, "hazardous substance" generally refers to certain substances that pose environmental and health dangers, but does not include fruit, vegetables, field crop residuals or processing by-products, or aquatic plants that are applied to the land for an agricultural use or for use as animal feed, provided the use is consistent with GAAMPS that are developed in accordance with the Michigan Right to Farm Act.

"Release" generally refers to the escape or disposition of hazardous substances into the environment, but does not include, among other things, (1) the application of fertilizers, soil conditioners, and pesticides, or (2) the land application of certain crop processing by-products for agricultural use that are applied according to label requirements and GAAMPS developed in accordance with the Michigan Right to Farm Act.

In both of these instances, the bill would eliminate references to the Michigan Right to Farm Act and instead reference GAAMPS **at the time of the application**. As noted, this change would exclude under the definition of hazardous waste and release, certain agricultural products that were applied to land according to the appropriate GAAMPS prior to 1981.

MCL 324.20101

**FISCAL IMPACT:**

The bill would not appear to have any fiscal impact on state or local government. The fiscal impact statement will be updated as information becomes available.

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