

Act No. 46  
Public Acts of 2013  
Approved by the Governor  
June 5, 2013  
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**STATE OF MICHIGAN  
97TH LEGISLATURE  
REGULAR SESSION OF 2013**

Introduced by Senators Meekhof and Booher

# ENROLLED SENATE BILL No. 57

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to protect the people's right to hunt and fish; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending sections 8703, 8707, 8708, and 8709 (MCL 324.8703, 324.8707, 324.8708, and 324.8709), as amended by 2011 PA 2.

*The People of the State of Michigan enact:*

Sec. 8703. (1) "Envelope monitoring" means monitoring of groundwater in areas adjacent to properties where groundwater is contaminated to determine the concentration and spatial distribution of the contaminant in the aquifer.

(2) "Environmental assurance advisory council" means the environmental assurance advisory council established under section 8708.

(3) "Farm" means that term as it is defined in section 2 of the Michigan right to farm act, 1981 PA 93, MCL 286.472.

(4) "Farmer" means a person who owns or operates a farm.

(5) "Fertilizer" means a fertilizer as defined in part 85.

(6) "Fund" means the freshwater protection fund created in section 8716.

(7) "General screening" means monitoring of groundwater for the purpose of determining the presence and concentration of analytes.

(8) "Groundwater" means underground water within the zone of saturation.

(9) "MAEAP" or "Michigan agriculture environmental assurance program" means the Michigan agriculture environmental assurance program provided for in section 8710.

(10) "MAEAP standards" means all of the following as adopted by the commission of agriculture and rural development for the purpose of implementing the Michigan agriculture environmental assurance program:

(a) Conservation practices.

(b) Site-specific nutrient management plan requirements.

(c) Emergency protocols.

(d) Completed environmental risk and benefit assessments.

(e) United States department of agriculture natural resources conservation service practice standards.

(f) Generally accepted agricultural and management practices developed under the right to farm act, 1981 PA 93, MCL 286.471 to 286.474.

(g) Other standards considered appropriate by the director.

(11) "MAEAP-verified farm" means a farm determined by the department as meeting applicable MAEAP standards through an on-site evaluation.

(12) "Maximum contaminant level" means that term as it is defined in title XIV of the public health service act, chapter 373, 88 Stat. 1660, and regulations promulgated under that act.

(13) "Method detection limit" means the minimum concentration of a substance that can be measured and reported with 99% confidence that the analyte concentration is greater than 0 and is determined from analysis of a sample in a given matrix that contains the analyte.

(14) "Monitoring" means sampling and analysis to determine the levels of pesticides or their breakdown products; fertilizers or their residues; or other analytes as determined by the director.

Sec. 8707. (1) The director, in conjunction with Michigan state university extension and the Michigan state university agricultural experiment station, and in cooperation with the United States department of agriculture natural resources conservation service, the department of environmental quality, and other professional and industry organizations, shall develop conservation practices for approval by the commission of agriculture and rural development and upon approval shall promote their implementation.

(2) The director, in conjunction with Michigan state university, the department of environmental quality, and other persons the director considers appropriate, shall develop protocols for voluntary on-site evaluations. The on-site evaluations shall be designed to do all of the following:

(a) Provide farmers with the ability to voluntarily determine the relative risk of current practices in relation to sources of contamination.

(b) Provide farmers with the ability to determine the degree to which farm operations are in accord with MAEAP standards and applicable law.

(c) Prioritize operational changes on farms to protect groundwater and surface waters from sources of contamination.

(d) Guide farmers to appropriate technical and educational materials.

(e) Provide farmers with the opportunity for verification.

(f) Provide landowners with the ability to voluntarily assess the value of managing areas of the land that are not utilized for traditional or production agriculture practices for environmental, ecological, and economic benefits.

(3) The director, in conjunction with the environmental assurance advisory council, shall review and evaluate the effectiveness of conservation practices approved under subsection (1).

Sec. 8708. (1) The director shall establish an environmental assurance advisory council composed of all of the following:

(a) The director of the department of agriculture and rural development.

(b) The director of the department of environmental quality.

(c) The director of the Michigan state university extension.

(d) The director of the Michigan state university agricultural experimentation station.

(e) Representatives of all of the following as appointed by the director to serve terms of 3 years:

(i) The United States department of agriculture - farm service agency.

(ii) The United States department of agriculture natural resources conservation service.

(iii) Conservation districts.

(iv) Farmers and other agricultural organizations.

(v) Nongovernmental conservation and environmental organizations.

(vi) Regulated agricultural industries.

(vii) A private consulting forester.

(viii) A member of the forest products industry.

(ix) A member of the logging profession.

(x) Other persons as determined by the director.

(xi) A member representing each regional environmental assurance team established under section 8709.

(2) The environmental assurance advisory council shall be co-chaired by the representative from Michigan state university extension and a representative from 1 of the farmers and other agricultural organizations.

(3) The environmental assurance advisory council shall advise the director on, but not limited to, the following:

(a) MAEAP standards.

(b) On-site evaluations for verification of specific aspects of a farming operation.

(c) Water quality and environmental monitoring.

(d) Protocols for verification and revocation of verification.

(e) MAEAP activities.

(f) Interagency coordination of conservation programs.

(g) The use of money in the clean water fund created in section 8807 and other funding sources to promote MAEAP and activities to encourage more MAEAP-verified farms.

(h) Options to increase assistance to assist small- and medium-sized farms in achieving MAEAP standards.

(i) The creation of subcommittees as needed to address emerging and ongoing issues.

(j) On-site evaluations of potential environmental, ecological, and economic benefits that can be realized by managing areas of the land that are not utilized for traditional or production agriculture practices.

(4) The environmental assurance advisory council shall do all of the following:

(a) Annually provide recommendations to the director on MAEAP standards and protocols for verification and revocation of verification for consideration by the commission of agriculture and rural development.

(b) Annually submit a report to the department that outlines activities, accomplishments, and emerging issues. The department shall share this report with the agriculture community.

(c) Not later than September 30, 2014, submit to the director a comprehensive report detailing program achievements under the Michigan agricultural environmental assurance program.

(d) Not later than 1 year after the effective date of the 2013 amendatory act that amended this section, submit to the director a recommendation for an assessment tool designed to assist landowners to voluntarily assess the value of managing areas of the land that are not utilized for traditional or production agriculture practices for environmental, ecological, and economic benefits. The assessment tool shall assess, at a minimum, all of the following:

(i) Forest management for timber, habitat development, or both.

(ii) Wetland restoration development potential.

(iii) Habitat restoration development.

Sec. 8709. (1) The director may establish regional environmental assurance teams composed of departmental, educational, and technical assistance personnel, and other persons as determined necessary by the director, or the team, or both for implementation of programs developed under this part.

(2) The environmental assurance teams established under subsection (1) are responsible for implementation of programs developed under this part, including, but not limited to, all of the following:

(a) Providing access to educational opportunities including direct educational assistance and consulting programs; demonstration projects; educational programs; and tours, workshops, and conferences.

(b) Providing access to technical assistance related to any of the following:

(i) On-site evaluation of practices that may impact natural resources.

(ii) The development and implementation of conservation plans.

(iii) The development and implementation of activity plans for persons making conservation practice changes.

(iv) On-site evaluation of potential environmental, ecological, and economic benefits that can be realized by managing areas of the land that are not utilized for traditional or production agriculture practices.

(c) Evaluating, as available, grants to persons implementing activity plans and conservation practices required to achieve MAEAP standards.

Enacting section 1. This amendatory act takes effect June 1, 2013.

This act is ordered to take immediate effect.

*Carol Morey Viventi*

Secretary of the Senate

*Ray E. Randall*

Clerk of the House of Representatives

Approved .....

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Governor