

## ENVIRONMENTAL LAWS/FARM OPERATIONS

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**House Bill 5711**  
**Sponsor: Rep. John Proos**

**House Bill 5714**  
**Sponsor: Rep. John Stahl**

**House Bill 5712**  
**Sponsor: Rep. Darwin Booher**

**House Bill 5715**  
**Sponsor: Rep. Neal Nitz**

**House Bill 5713**  
**Sponsor: Rep. Leslie Mortimer**

**House Bill 5716**  
**Sponsor: Rep. Phil Pavlov**

**Committee: Agriculture**  
**Complete to 6-19-06**

### **A REVISED SUMMARY OF HOUSE BILLS 5711-5716 AS INTRODUCED 2-16-06**

House Bills 5711 and 5712 would create a new Part 86 of the Natural Resources and Environmental Protection Act to exempt MAEAP-verified farms from provisions and related rules of Part 31 of the NREPA, with certain exceptions. House Bill 5713 would require the DEQ to develop a pamphlet describing the environmental laws affecting agriculture. House Bill 5714 would prohibit the DEQ from acting upon anonymous complaints. House Bills 5715 and 5716 would transfer authority over agricultural nonpoint source pollution prevention projects from the DEQ to the MDA. MAEAP refers to the Michigan Agricultural Environmental Assurance Program.

#### **House Bill 5711**

The bill would create a new Part 86 (Agriculture) of the Natural Resources and Environmental Protection Act that would regulate the agricultural sector with respect to storm water discharges.

Specifically, the bill provides that irrespective of any other provisions in the act or related rules, if a farm or farming operation is verified under the Michigan Agricultural Environmental Assurance Program, the farm or farming operation would be not be considered to have violated any provisions in the act or related rules regulating the livestock, cropping, or farmstead system, unless the farm or person responsible knowingly and recklessly caused impairment of the natural resources of the state.

Further, if the farm or farming operation is verified under the livestock system of MAEAP, and manure is applied to the farm in accordance with a Comprehensive Nutrient Management Plan (CNMP) developed under MAEAP, any precipitation-related discharge of manure would be considered to be an “agricultural storm water discharge” and exempt from the provisions and related rules of Part 31 (Water Resources Protection) of the act.

### **House Bill 5712**

The bill would add a provision to Part 86 of NREPA allowing livestock production facilities to register with the Department of Agriculture (MDA) and be exempt from the permitting requirements of Part 31 of the act.

An existing or expanding facility would be allowed to register if it is verified under the MAEAP livestock system and has not had a discharge of waste or waste effluent into the waters of the state within the previous five years, other than an agricultural storm water discharge. A new facility would be allowed to register if the following criteria are met: (1) Prior to construction, the facility provides the MDA with a notice of its intent to register; (2) before the facility is populated, the owner or operator obtains a determination of conformance with Generally Accepted Agricultural Management Practices (GAAMPs) for Site Selection and Odor Controls at New and Expanding Animal Livestock Facilities; and (3) within 30 days after the facility is populated, the owner requests verification under the MAEAP livestock system.

The registration would be revoked if the Department of Environmental Quality (DEQ) determines that the facility discharged waste or waste effluent into the waters of the state, other than an agricultural storm water discharge, or was not verified under MAEAP livestock system within one year of being populated. The MDA could extend the one-year registration deadline if the facility makes progress toward verification. Once the registration is revoked, the facility would be required to apply for a permit under Part 31 within 30 days.

### **House Bill 5713**

The bill would add a provision to Part 86 requiring the DEQ to prepare a booklet identifying environmental laws and rules affecting farms and farming operations, and make copies available by January 1, 2007.

Additionally, the bill would require to department to develop common-sense approaches to meeting the requirements of the laws identified in the booklet.

### **House Bill 5714**

The bill would add a provision to Part 86 prohibiting the Department of Environmental Quality from acting on a complaint unless the complainant provides the department with his or her name and address. If a complainant brings two or more unsubstantiated complaints against the same farm or farming operation within two years, the complainant could be required by the DEQ director to pay the investigation costs of any third or subsequent unsubstantiated complaint brought against the same farm within two years.

### **House Bill 5715**

The bill would amend Part 88 (Water Pollution and Environmental Protection Act) of NREPA to transfer authority over nonpoint source pollution and prevention grants

concerning agriculture from the DEQ to the MDA. The DEQ would retain authority over non-agricultural grantees.

### **House Bill 5716**

The bill would amend Part 53 (Clean Water Assistance) of NREPA to transfer authority over agricultural nonpoint source projects from the DEQ to the MDA. The DEQ would retain authority over non-agricultural projects.

### **FISCAL IMPACT:**

The Department of Agriculture estimates that the bills would require an additional \$720,000 for additional staffing necessary to meet the bills' demands on the MAEAP program.

Michigan Department of Agriculture MAEAP activities are currently funded from appropriations in the annual state Agriculture budget. There is not a specific line item for the MAEAP program; program costs are authorized and included under the broader *Environmental Stewardship* line item.

The department indicates that its costs related to the current program are approximately \$635,500 with funding provided from the state General Fund (\$293,500), interdepartmental grants from the Department of Environmental Quality (\$150,000), and federal Clean Water Act Section 319 grants (\$192,000). The current funding supports the costs of one program manager, three field verifiers, and 3.5 planning positions in local conservation districts.

The department indicates that in order to implement the proposed MAEAP legislation, it would need additional funding to double its capacity to verify farms, add capacity for ongoing inspections, increase capacity to provide technical planning assistance, and provide for administration of grant and loan programs. The department indicates that it would need to add an additional three field verifiers, 3.5 planning positions in local conservation districts, 1.5 positions for administrative support, and one grant/loan fund administrator. The department estimates that it would cost an additional \$720,000 to provide this increased level of program support.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.