

HOUSE BILL No. 5939

November 12, 2014, Introduced by Reps. Outman and Lauwers 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 2005 PA 199 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

1 waste to be partially absorbed directly or indirectly by the
2 surrounding soil.

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

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

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

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

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

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

26 **(J) ~~(i)~~** "Food establishment septage" means material pumped
27 from a grease interceptor, grease trap, or other appurtenance used

1 to retain grease or other fatty substances contained in restaurant
2 wastes and which is blended into a uniform mixture, consisting of
3 not more than 1 part of that restaurant-derived material per 3
4 parts of domestic septage, prior to land application or disposed of
5 at a receiving facility.

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

8 (L) ~~(k)~~—"Governmental unit" means a county, township,
9 municipality, or regional authority.

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

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

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

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

19 (ii) The receiving facility's service area.

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

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

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

26 (Q) ~~(p)~~—"Peace officer" means a sheriff or sheriff's deputy, a
27 village or township marshal, an officer of the police department of

1 any city, village, or township, any officer of the Michigan state
 2 police, any peace officer who is trained and certified pursuant to
 3 the commission on law enforcement standards act, 1965 PA 203, MCL
 4 28.601 to 28.616, or any conservation officer appointed by the
 5 department or the department of natural resources pursuant to
 6 section 1606.

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

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

17 (i) A septic tank.

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

21 (T) ~~(s)~~—"Receiving facility service area" or "service area"
 22 means the territory for which a receiving facility has the capacity
 23 and is available to receive and treat septage waste. ~~, subject to~~
 24 ~~the following:~~

25 ~~— (i) Beginning October 12, 2005 and before the 2011 state fiscal~~
 26 ~~year, the geographic service area of a receiving facility shall not~~
 27 ~~extend more than 15 radial miles from the receiving facility.~~

1 ~~—— (ii) After the 2010 state fiscal year, HOWEVER,~~ the geographic
2 service area of a receiving facility shall not extend more than 25
3 radial miles from the receiving facility.

4 (U) ~~(t)~~—"Sanitary sewer cleanout septage" means sanitary
5 sewage or cleanout residue removed from a separate sanitary sewer
6 collection system that is not land applied and that is transported
7 by a vehicle licensed under this part elsewhere within the same
8 system or to a receiving facility that is approved by the
9 department.

10 (V) ~~(u)~~—"Septage waste" means the fluid mixture of untreated
11 and partially treated sewage solids, liquids, and sludge of human
12 or domestic origin that is removed from a wastewater system.
13 Septage waste consists only of food establishment septage, domestic
14 septage, domestic treatment plant septage, or sanitary sewer
15 cleanout septage, or any combination of these.

16 (W) ~~(v)~~—"Septage waste servicing license" means a septage
17 waste servicing license as provided for under sections 11703 and
18 11706.

19 (X) ~~(w)~~—"Septage waste vehicle" means a vehicle that is self-
20 propelled or towed and that includes a tank used to transport
21 septage waste. Septage waste vehicle does not include an implement
22 of husbandry as defined in section 21 of the Michigan vehicle code,
23 1949 PA 300, MCL 257.21.

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

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

1 **(AA)** ~~(z)~~ "Service" or "servicing" means cleaning, removing,
 2 transporting, or disposing, by application to land or otherwise, of
 3 septage waste.

4 **(BB)** ~~(aa)~~ "Site" means a location or locations on a parcel or
 5 tract, as those terms are defined in section 102 of the land
 6 division act, 1967 PA 288, MCL 560.102, proposed or used for the
 7 disposal of septage waste on land.

8 **(CC)** ~~(bb)~~ "Site permit" means a permit issued under section
 9 11709 authorizing the application of septage waste to a site.

10 **(DD)** ~~(ee)~~ "Storage facility" means a structure that receives
 11 septage waste for storage but not for treatment.

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

14 **(FF)** ~~(ee)~~ "Type I public water supply", "type IIa public water
 15 supply", "type IIb public water supply", and "type III public water
 16 supply" mean those terms, respectively, as described in R 325.10502
 17 of the Michigan administrative code.

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

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

22 (a) Continuing education requirements under section
 23 ~~11706-11703~~.

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

26 (2) The department may, in addition, promulgate rules that do
 27 1 or more of the following:

1 (a) Add other materials and substances to the definition of
2 septage waste.

3 (b) Add enclosures to the list of enclosures in the definition
4 of septage waste under section 11701 the servicing of which
5 requires a septage waste servicing license under this part.

6 (c) Specify information required on an application for a
7 septage waste servicing license, septage waste vehicle license, or
8 site permit.

9 (d) Establish standards or procedures for a department
10 declaration under section 11708 that a wastewater treatment plant
11 or structure is unavailable as a receiving facility because of
12 excessive hydraulic or organic loading, odor problems, or other
13 factors.

14 (3) THE DEPARTMENT OF ENVIRONMENTAL QUALITY AND THE DEPARTMENT
15 OF AGRICULTURE AND RURAL DEVELOPMENT MAY JOINTLY PROMULGATE RULES
16 ESTABLISHING FIELD SANITATION AND FOOD SAFETY STANDARDS FOR THE
17 PURPOSES OF SECTION 11721.

18 SEC. 11721. (1) A FARM OPERATION IS EXEMPT FROM THIS PART AS
19 IT APPLIES TO SERVICING PORTABLE TOILETS, TO ASSOCIATED DOMESTIC
20 SEPTAGE MANAGEMENT EQUIPMENT SUCH AS TRAILERS, PUMPS, AND SEPTAGE
21 WASTE VEHICLES, AND TO ASSOCIATED STORAGE FACILITIES, IF THE FARM
22 OPERATION MEETS ALL OF THE FOLLOWING REQUIREMENTS:

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

25 (B) THE MANAGEMENT, PUMPING, AND TEMPORARY STORAGE OF THE
26 DOMESTIC SEPTAGE FROM THE PORTABLE TOILETS BY THE FARM OPERATION
27 DOES NOT RESULT IN A RELEASE OF DOMESTIC SEPTAGE INTO THE

1 ENVIRONMENT.

2 (C) THE PORTABLE TOILETS AND ASSOCIATED SEPTAGE MANAGEMENT
3 EQUIPMENT ARE SECURED IN A MANNER THAT PREVENTS A RELEASE WHILE
4 BEING MOVED BY THE FARM OPERATION ON OR ACROSS A PUBLIC STREET,
5 ROAD, OR HIGHWAY.

6 (D) THE FARM OPERATION DOES NOT STORE DOMESTIC SEPTAGE FOR
7 MORE THAN 60 DAYS.

8 (E) THE FARM OPERATION UTILIZES THE SERVICES OF A PERSON WITH
9 A SEPTAGE WASTE SERVICING LICENSE AND SEPTAGE WASTE VEHICLE LICENSE
10 TO DISPOSE OF THE DOMESTIC SEPTAGE FROM THE PORTABLE TOILETS IN A
11 RECEIVING FACILITY.

12 (2) THE DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT SHALL
13 PUBLISH A LIST OF FIELD SANITATION, WORKER PROTECTION, AND FOOD
14 SAFETY REQUIREMENTS APPLICABLE TO THE EXEMPTION PROVIDED IN THIS
15 SECTION.