

HOUSE BILL No. 5711

February 16, 2006, Introduced by Reps. Proos, Baxter, Booher, Hansen, Pavlov, Emmons, Huizenga, Newell, Stahl, Garfield, Mortimer, Nitz, Casperson, Hune, Meyer, Ball, Mayes and Vander Veen and referred to the Committee on Agriculture.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding part 86.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 86 AGRICULTURE

SEC. 8601. AS USED IN THIS PART:

(A) "AGRICULTURAL STORM WATER DISCHARGE" MEANS A
PRECIPITATION-RELATED DISCHARGE FROM A FARM OR FARM OPERATION THAT,
AT THE TIME OF DISCHARGE, IS VERIFIED UNDER THE LIVESTOCK SYSTEM OF
THE MAEAP AND MANAGED IN ACCORDANCE WITH THE COMPREHENSIVE NUTRIENT
MANAGEMENT PLAN APPROVED UNDER THAT VERIFICATION.

(B) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL

1 QUALITY.

2 (C) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OR HIS OR
3 HER DESIGNEE TO WHOM THE DIRECTOR DELEGATES A POWER OR DUTY BY
4 WRITTEN INSTRUMENT.

5 (D) "FARM" MEANS THAT TERM AS DEFINED IN SECTION 2 OF THE
6 MICHIGAN RIGHT TO FARM ACT, 1981 PA 93, MCL 286.472.

7 (E) "FARM OPERATION" MEANS THAT TERM AS DEFINED IN SECTION 2
8 OF THE MICHIGAN RIGHT TO FARM ACT, 1981 PA 93, MCL 286.472.

9 (F) "MICHIGAN AGRICULTURE ENVIRONMENTAL ASSURANCE PROGRAM" OR
10 "MAEAP" MEANS A 3-PHASE PROGRAM, AS IT EXISTED ON THE EFFECTIVE
11 DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBDIVISION, THAT MEETS
12 ALL OF THE FOLLOWING REQUIREMENTS:

13 (i) WAS RECOMMENDED BY THE MICHIGAN AGRICULTURE POLLUTION
14 PREVENTION IMPLEMENTATION PLAN SIGNED BY THE DIRECTOR AND THE
15 DIRECTOR OF THE DEPARTMENT OF AGRICULTURE IN 1998.

16 (ii) CONSISTS OF EDUCATION, ON-FARM RISK ASSESSMENT, AND THIRD
17 PARTY VERIFICATION BY THE DEPARTMENT OF AGRICULTURE.

18 (iii) FOCUSES ON LIVESTOCK, CROPPING, OR FARMSTEAD SYSTEMS.

19 (iv) IS DESIGNED TO HELP FARMS AND FARM OPERATIONS VOLUNTARILY
20 PREVENT OR MINIMIZE AGRICULTURAL POLLUTION RISKS.

21 SEC. 8603. (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT
22 OR A RULE PROMULGATED OR PERMIT OR ORDER ISSUED UNDER THIS ACT, IF
23 A FARM OR FARM OPERATION IS VERIFIED UNDER THE MICHIGAN AGRICULTURE
24 ENVIRONMENTAL ASSURANCE PROGRAM, THE FARM OR FARM OPERATION SHALL
25 NOT BE CONSIDERED TO HAVE VIOLATED, DURING THE PERIOD IN WHICH IT
26 WAS VERIFIED, ANY PROVISION OF THIS ACT, OR OF A RULE PROMULGATED
27 OR PERMIT OR ORDER ISSUED UNDER THIS ACT, REGULATING THE LIVESTOCK,

1 CROPPING, OR FARMSTEAD SYSTEM THAT WAS THE SUBJECT OF VERIFICATION
2 UNLESS THE OWNER OF THE FARM OR THE PERSON RESPONSIBLE FOR THE FARM
3 OPERATION KNOWINGLY AND RECKLESSLY CAUSED IMPAIRMENT OF THE NATURAL
4 RESOURCES OF THIS STATE.

5 (2) IF A FARM OR FARM OPERATION IS VERIFIED UNDER THE
6 LIVESTOCK SYSTEM OF THE MAEAP AND THE OWNER OF THE FARM OR THE
7 PERSON RESPONSIBLE FOR THE FARM OPERATION APPLIES MANURE TO LAND IN
8 ACCORDANCE WITH A COMPREHENSIVE NUTRIENT MANAGEMENT PLAN APPROVED
9 UNDER THE MAEAP, ANY PRECIPITATION-RELATED DISCHARGE OF THAT LAND-
10 APPLIED MANURE SHALL BE CONSIDERED AN AGRICULTURAL STORM WATER
11 DISCHARGE AND IS EXEMPT FROM PART 31 AND RULES PROMULGATED UNDER
12 PART 31.

13 (3) SUBSECTIONS (1) AND (2) APPLY NOTWITHSTANDING ANY OTHER
14 PROVISION OF THIS ACT EXCEPT TO THE EXTENT PROHIBITED BY FEDERAL
15 LAW.

16 Enacting section 1. This amendatory act takes effect 180 days
17 after the date it is enacted.

18 Enacting section 2. This amendatory act does not take effect
19 unless all of the following bills of the 93rd Legislature are
20 enacted into law:

21 (a) Senate Bill No.____ or House Bill No. 5712(request no.
22 04881'05 *).

23 (b) Senate Bill No.____ or House Bill No. 5713(request no.
24 05472'05).

25 (c) Senate Bill No.____ or House Bill No. 5714(request no.
26 05473'05 *).

27 (d) Senate Bill No.____ or House Bill No. 5715(request no.

1 05474'05 *).

2 (e) Senate Bill No._____ or House Bill No. 5716(request no.

3 05814'06).