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House Bill 4874 (as passed by the House)
Sponsor: Representative Ken Goike
House Committee: Natural Resources
Senate Committee: Natural Resources, Environment and Great Lakes

Date Completed: 9-29-14

CONTENT

The bill would amend Part 117 (Septage Waste Servicers) of the Natural Resources and Environmental Protection Act to do the following:

- Eliminate a fiscal year 2025-26 sunset on an exception to a requirement that a septage waste servicer dispose of the waste at the septage waste receiving facility for that service area.**
- Eliminate a provision allowing an ordinance of a governmental unit (a county, township, municipality, or regional authority) to impose stricter septage waste requirements than those prescribed in Part 117.**

The bill would take effect on the 91st day after it was enacted.

Receiving Facility Disposal Requirement

Under Part 117, if a person is engaged in servicing in a receiving facility service area, the person must dispose of the septage waste at that facility or any other receiving facility within whose service area the person is engaged in servicing.

("Servicing" means cleaning, removing, transporting, or disposing, by application to land or otherwise, of septage waste.

"Receiving facility" means a structure that is designed to receive septage waste for treatment at a wastewater treatment plant or at an authorized landfill research, development, and demonstration project to which the structure is directly connected, and that is available for that purpose as provided for in an ordinance of the local unit of government where the structure is located or in an operating plan. The term does not include a septic tank, or a structure or wastewater treatment plant at which the disposal of septage waste is prohibited by order of the Department of Environmental Quality.

"Receiving facility service area" means the territory for which a receiving facility has the capacity and is available to receive and treat septage waste. The geographic service area of a receiving facility may not extend more than 25 radial miles from the facility.)

Before State fiscal year 2025-26, the requirement to dispose of septage waste at the applicable receiving facility does not apply to a person engaged in servicing who owns a storage facility with a capacity of at least 50,000 gallons if the storage facility was constructed, or authorized by the Department of Environmental Quality to be constructed, before the service location was included in a receiving facility service area under a receiving

facility's Department-approved operating plan. The bill would eliminate the sunset on this exception.

Local Regulation

Part 117 provides that it does not preempt an ordinance of a governmental unit that prohibits the application of septage waste to land within that governmental unit or otherwise imposes stricter requirements than Part 117. The bill would eliminate the reference to an ordinance that imposes stricter requirements than Part 117.

MCL 324.11708 & 324.11715

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Josh Sefton

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.