

HOUSE BILL No. 5805

March 1, 2006, Introduced by Reps. Condino, David Law, Kolb, Lipsey, Miller, Alma Smith, Tobocman, Accavitti, Donigan, Hopgood, Gaffney, Bieda, Anderson, Leland, Brandenburg, Farrah, Stewart, Wojno, Zelenko, Polidori, Lemmons, Jr., Virgil Smith, Vagnozzi, Kathleen Law, Gonzales, Plakas, Clack and Lemmons, III 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 section 8627.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 8627. A PERSON WHO LAND APPLIES MANURE FROM A CAFO
2 SHALL COMPLY WITH ALL OF THE FOLLOWING REQUIREMENTS:

3 (A) MANURE OR PRODUCTION AREA WASTE SHALL BE APPLIED
4 UNIFORMLY AT AGRONOMIC RATES.

5 (B) MANURE SHALL NOT BE APPLIED AT A SITE AT WHICH ANY OTHER
6 PERSON HAS LAND APPLIED MANURE DURING THAT CALENDAR YEAR.

7 (C) MANURE SHALL BE DISPOSED OF EITHER BY SURFACE
8 APPLICATION, SUBJECT TO SUBDIVISION (G), OR INJECTION.

9 (D) MANURE SHALL BE APPLIED NOT LESS THAN THE FOLLOWING

1 HORIZONTAL DISTANCES FROM THE FOLLOWING FEATURES:

		<u>TYPE OF APPLICATION</u>	
		<u>SURFACE</u>	<u>INJECTION</u>
2			
3			
4	(i) TYPE I PUBLIC WATER SUPPLY WELLS	2,000 FEET	2,000 FEET
5	(ii) TYPE IIA PUBLIC WATER SUPPLY WELLS	2,000 FEET	2,000 FEET
6	(iii) TYPE IIB PUBLIC WATER SUPPLY WELLS	800 FEET	800 FEET
7	(iv) TYPE III PUBLIC WATER SUPPLY WELLS	800 FEET	150 FEET
8	(v) PRIVATE DRINKING WATER WELLS OWNED BY THE OWNER OF THE CAFO	500 FEET	150 FEET
9	(vi) OTHER PRIVATE DRINKING WATER WELLS	800 FEET	150 FEET
10	(vii) OTHER WATER WELLS	800 FEET	150 FEET
11	(viii) HOMES OR COMMERCIAL BUILDINGS	500 FEET	150 FEET
12	(ix) SURFACE WATER	500 FEET	150 FEET
13	(x) PROPERTY LINES	150 FEET	100 FEET
14	(xi) ROADS	50 FEET	50 FEET

15 (E) IF MANURE IS APPLIED TO THE SURFACE OF LAND, THE SLOPE
 16 OF THAT LAND SHALL NOT EXCEED 6%. IF MANURE IS INJECTED INTO
 17 LAND, THE SLOPE OF THAT LAND SHALL NOT EXCEED 12%.

18 (F) MANURE SHALL NOT BE APPLIED TO LAND IN A MANNER OR UNDER
 19 CIRCUMSTANCES CREATING A SIGNIFICANT RISK OF GROUNDWATER
 20 CONTAMINATION.

21 (G) IF MANURE IS APPLIED TO THE SURFACE OF THE LAND, 1 OF

1 THE FOLLOWING REQUIREMENTS SHALL BE MET:

2 (i) MANURE SHALL BE MECHANICALLY INCORPORATED WITHIN 6 HOURS
3 AFTER APPLICATION.

4 (ii) TO REDUCE PATHOGENS, MANURE SHALL, BEFORE LAND DISPOSAL,
5 BE TREATED BY AEROBIC OR ANAEROBIC DIGESTION, LIME STABILIZATION,
6 COMPOSTING, AIR DRYING, OR OTHER PROCESS OR METHOD APPROVED BY
7 THE DEPARTMENT AND, IF APPLIED TO FALLOW LAND, SHALL BE
8 MECHANICALLY INCORPORATED WITHIN 48 HOURS AFTER APPLICATION,
9 UNLESS PUBLIC ACCESS TO THE SITE IS RESTRICTED FOR 12 MONTHS AND
10 ANIMALS WHOSE PRODUCTS ARE CONSUMED BY HUMANS ARE NOT ALLOWED TO
11 GRAZE ON THE SITE AND ANIMAL FEED IS NOT HARVESTED FROM THE SITE
12 FOR AT LEAST 1 MONTH FOLLOWING DISPOSAL.

13 (H) MANURE SHALL NOT BE APPLIED TO LAND WHERE CROPS FOR
14 DIRECT HUMAN CONSUMPTION ARE GROWN, IF CONTACT BETWEEN THE MANURE
15 AND THE EDIBLE PORTION OF THE CROP IS POSSIBLE.

16 (I) MANURE SHALL NOT BE APPLIED USING IRRIGATION OR OTHER
17 EQUIPMENT THAT CAN PRODUCE A SPRAY MORE THAN 24 INCHES ABOVE THE
18 GROUND OR THAT CAN PRODUCE AN AEROSOL.

19 (J) WITHIN 1 YEAR BEFORE THE DATE OF LAND APPLICATION OF
20 MANURE AT A SITE, THE PERSON SHALL CONDUCT A SOIL FERTILITY TEST
21 OF THAT SITE.

22 Enacting section 1. This amendatory act does not take effect
23 unless all of the following bills of the 93rd Legislature are
24 enacted into law:

25 (a) Senate Bill No.____ or House Bill No. 5801(request no.
26 01066'05).

27 (b) Senate Bill No.____ or House Bill No. 5803(request no.

1 01074'05).

2 (c) Senate Bill No.____ or House Bill No. 5802(request no.
3 01075'05).

4 (d) Senate Bill No.____ or House Bill No. 5809(request no.
5 01081'05).

6 (e) Senate Bill No.____ or House Bill No. 5807(request no.
7 02008'05).

8 (f) Senate Bill No.____ or House Bill No. 5808(request no.
9 02009'05).

10 (g) Senate Bill No.____ or House Bill No. 5806(request no.
11 02010'05).

12 (h) Senate Bill No.____ or House Bill No. 5804(request no.
13 02011'05).