

## Bill Summary for MAEAP Legislation

Legislation would to the following:

### **HB 4212**

1. Establishes the Michigan Agriculture Environmental Assurance Program (MAEAP) by defining it in Part 87 (Groundwater and Freshwater Protection) of the Natural Resources and Environmental Protection Act (NREPA).
2. MAEAP Standards will be adopted by the Commission of Agriculture and Rural Development with recommendations from the Environmental Assurance Advisory Council (EAAC) to the Director of the Department of Agriculture & Rural Development.
3. Creates the Environmental Assurance Advisory Council (EAAC) with representation from the following:
  - a. Director of the Department of Agriculture & Rural Development
  - b. Director of the Department of Environmental Quality
  - c. Director of MSU Extension
  - d. Director of MSU Agricultural Experiment Station
  - e. USDA FSA
  - f. USDA NRCS
  - g. Conservation Districts
  - h. Agricultural producers and other agricultural organizations
  - i. Non-governmental conservation and environmental organizations
  - j. Regulated agricultural industries
  - k. Other persons as determined by the director of MDA&RD
  - l. A member representing each regional environmental assurance team
4. The EAAC shall be co-chaired by MSUE and a representative from 1 of the agricultural producers and other agricultural organizations.
5. The EAAC shall advise the Director of Agriculture & Rural Development on the following:
  - a. MAEAP Standards
  - b. Evaluations for verification
  - c. Protocols for verification and revocation of verification
  - d. MAEAP activities
  - e. Interagency coordination of conservation programs
  - f. Use of money in the clean water fund and other sources to promote MAEAP
  - g. Creation of subcommittees
6. Requires the MDA&RD Director, in consultation, with the EAAC to implement MAEAP as a voluntary program available to farms throughout the state.
7. Establishes process and standards for verification and revocation of verification.
8. Creates a MAEAP grants program based on funds collected

9. Requires MDA&RD and MDEQ to enter into a memorandum of understanding (MOU) to formalize a commitment to promote MAEAP and clarify application of state and federal laws to farms. The MOU will:
  - a. Create an interagency technical review panel to determine enforcement action for MAEAP-verified farms that discharge in violation of state or federal law.
  - b. Preference for funding for non-point source pollution funds for farms seeking MAEAP verification.
  - c. Consideration of re-verification of a farm with revoked status.
  - d. Integration of MAEAP into pollution prevention activities of both agencies.
10. The director of MDA&RD, in consultation with the EAAC, may develop a voluntary surface water quality monitoring program.
  - a. Water quality information collected is exempt from FOIA.

## **SB 122**

1. Beginning 6 months after the effective date of the act, the following apply to MAEAP verified farms:
  - a. The owner or operator of the MAEAP-verified farm is not subject to civil fines under section 3115, but is responsible for actual natural resource damages for a discharge to the waters of the state from the portions of the farm that are MAEAP-verified if:
    - i. The owner or operator acted promptly to correct the condition after discovery
    - ii. The owner or operator reported the discharge to the department of environmental quality within 24 hours of the discovery.
    - iii. Subsection a. does not apply if either of the following occur:
      1. The actions of the owner or operator pose or posed a substantial endangerment to the public health, safety, or welfare.
      2. The owner or operator has committed significant violations that constitute a pattern of continuous or repeated violations.
  - b. If a MAEAP-verified farm is in compliance with ALL MAEAP standards applicable to the farming operation, the farm is considered to be implementing conservation and management practices needed to meet Total Maximum Daily Load (TMDL) implementation for impaired waters pursuant to the Clean Water Act.
  - c. If a discharge from a MAEAP-verified farm that is in compliance with applicable MAEAP standards to land application is caused by an Act of God weather event, both of the following apply:
    - i. The discharge is considered non-point source
    - ii. If the discharge is determined by the Director of DEQ with scientific evidence to have caused an exceedance of water quality standards, the farm shall provide a report within 30 days of notification to detail practice changes, if necessary, to address risk of discharge recurrence.
2. Declaration that this section does not modify or limit any obligation to obtain a permit under this part.