



1181 LaCosta Drive
Dewitt, Mi. 48820

Dear Representative Barrett,

As President of the Michigan Septic Tank Association (MSTA) I represent one of the oldest professional associations in the great state of Michigan. I am writing you to voice my personal and our associations concerns with H.B. 4438.

The members of our association are all state licensed septage haulers and are required to comply with Part 117 which lays out the strict rules and laws for the licensing and handling of septage waste.

"The licensing and handling of domestic Septage is regulated under 2004 Public Act 381, which amended Part 117, Septage Waste Servicers, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. The DEQ's Office of Drinking Water and Municipal Assistance administers the Septage program with the assistance of participating county health departments." MDEQ

These strict rules and laws were set forth in order to help protect the health, environment and well-being of the state of Michigan. All haulers are required to be licensed in order to do business in the state of Michigan.

**NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT
Act 451 of 1994**

**324.11702 Septage waste licensing; requirement.
Sec. 11702.**

(1) A person shall not engage in servicing or contract to engage in servicing except as authorized by a septage waste servicing license and a septage waste vehicle license issued by the department pursuant to part 13. A person shall not contract for another person to engage in servicing unless the person who is to perform the servicing has a septage waste servicing license and a septage waste vehicle license.

Each licensed hauler is also required to attend and maintain continuing education hours in order to purchase, startup, or run a septage hauling business. These hours are required every

five years in order to maintain a license for each business to stay operational under the law. We as an association have worked stringently over the years with the MDEQ in order to develop and define these laws and regulations. These laws and regulations are very much needed within the industry in order to maintain environmentally sound practices for the state of Michigan. In August of 2015, the MSTA made a FOIA request to the MDEQ seeking information and/or investigation material that the MDEQ has on this fruit farmer.

The MDEQ responded and provided a series of emails highlighting concerns over certain farmers servicing septage waste without a septage waste license. ("FOIA Response") By way of example, Matthew Campbell of the MDEQ sent an email correspondence on July 21, 2011 which voices his well-stated concerns over this issue.

Campbell states that Part 117 mandates that anyone "servicing" septage waste must be licensed.

"I think we need to sit down and discuss our next move on this serious complaint. Frankly, I have no problem requiring these blueberry farmers (and any other agriculture related business) that are servicing septage waste to get a septage waste license for a couple reasons:

- 1. The public health implications when septage is mismanaged and food is contaminated with human waste. MDARD shares my concern;**
- 2. Potential for negative media coverage if someone gets sick (or worse) due to ingestion of crops (blueberries) that are contaminated with human waste;**
- 3. Part 117 mandates that anyone "servicing" septage waste be licensed ;**
- 4. Part 117 requires education. These farmers haven't the first clue how to properly manage their septage**

There are likely other arguments for and against licensing businesses that are servicing septage waste without a license that can be discussed at a meeting." (Exhibit 1- Mr. Campbell July 21, 2011 FOIA) **Emphasis added)**

On July 22, 2011, Mr. Campbell authored another email voicing his concern that, if a farmer is "servicing" septage waste, they need to be licensed. Mr. Campbell states that this is of great importance to the protection of the environment and the public's health.

"Agreed on all points. My role is to represent the DEQ's interest and lead/coordinate with other agencies like MDA and the various growers associations so the farmers come into and remain in compliance with Part 117. Also of great importance is the protection of the environment and the public's health.

I think we will be able to resolve the Part 117 issues fairly quickly. If a farmer is "servicing" septage waste they need to be licensed under Part 117 or they can hire a licensed waste business." (Exhibit 1- Campbell July 22, 2011 Email)

Part 117, at MCL 324.11719, states that a person who violates section 11704, 11705, 11708, 11709, 11710, or 11711 is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$5,000.00 or both. A peace officer may issue an appearance ticket to a person for a violation of any of these sections. (MCL 32411719)

MCL 324.11719 further states that each day that a violation continues constitutes a separate violation.

Mr. Campbell is correct, the law and implemented regulations are clear and concise. The protection of the environment and the public's health is of great importance. Part 117 is the law of the State of Michigan and must be enforced as written. If allowed we will be taking two steps back in our attempt to keep our groundwater, lakes, streams and soil safe and environmentally friendly for years to come. The cost of a septage hauling license and educational credits is minimal compared to the negative impact this will have across the state of Michigan.

We must ask these questions; if H.B. 4438 takes effect then who is the policing agency for the storage and disposal of farm septage waste? Who then is policing the regulations that are set in place in order to protect our food crop? Lastly, who will be policing these farms when it comes to the well-being and protection of our environment in the state of Michigan?

The cost of litigation is minimal compared to the cost of failing to take care of the septage waste in a professional manner and to jeopardize the health and environment of this Great State.

Sincerely,

Dave W. Snyder: President
Michigan Septic Tank Association (MSTA)