

LEGISLATIVE UPDATE
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There are two issues which took center stage this year in Michigan's regulatory scene. The first is renewed activity in fertilizer bulk storage regulations from the Department of Agriculture and the second is an irrigation reporting system from the Department of Natural Resources. The fertilizer regs will primarily affect lawn care operators while the irrigation reporting system will affect golf course operations.

In November 1994, the Agriculture Commission authorized the MDA to proceed with the fertilizer bulk storage rules. For a quick history check - remember that a draft already exists outlining these rules called Regulation 641 left over from activity in 1992-93. The intent of this regulation is to provide some protection (containment, security, registration, etc.) for those operations using bulk quantities of fertilizers. The earlier draft now becomes the working document for this effort. Let me outline the highlights of this document.

To describe who will be affected in the turf industry we need to examine some of the definitions in the current draft. "A bulk fertilizer means fluid fertilizer in an individual more than 200 pounds....use solutions and drinsates are bulk fertilizers if they exceed the stated quantities. By this definition, operations storing quantities under those amounts are not affected and can sit down. Larger scale operations like lawn care, who mix up solutions in large tanks will be affected and should still be standing at attention. The next clue comes from the definition of storage which "means the storage of bulk fertilizer by a person who manufactures or distributes bulk fertilizer. "Storage" does not include the storage of fertilizer by an agricultural producer for use on land that is owned or leased by the producer". This definition seems to further exempt grounds and golf course operations because they do not distribute fertilizer products - they are applied on the property.

I expect that these two definitions will be the most hotly debated portions of the document. In addition to lawn care operations, bulk suppliers of agricultural fertilizers will be affected by this regulation, but... on-farm storage of bulk quantities are not currently affected. I predict that AS dealers will be pushing to make this definition more comprehensive and this change will affect more turf operations like grounds and golf.

Many lawn care operations will be affected if they store large quantities or mix solutions into large tanks. If this is the case there are several areas of compliance that will need your attention. The highlights include registering your facility, secondary containment, record keeping, discharge response plans, security, and operation standards. You could be exempted out of secondary containment if:

- the container is always attended by someone during mixing,
- the contents are emptied within 24 hours, or
- the container is on a paved, impermeable surface.

The second issue involves a set of current laws which outline an irrigation reporting system from the Department of Natural Resources. These laws were written in response to an issue in the early 1980's in which some states in the southeast US were making serious inquiries into pumping water from the Great Lakes to their part of the country. The intent of this law was to limit the diversion of water from the Great Lakes to areas outside of the watershed. In 1985 the Great Lakes Charter was formed that included all the states and provinces within the Great Lakes Basin. This charter established some management principles for the water resources. A problem arose for

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Michigan in reporting water use to the charter group because it had no reliable data and no mechanism to collect information. All other states and provinces in the coalition had legislation that allowed them to collect water use data.

These laws are Act 326 & 327 and were written to establish clear reporting lines for industrial and agricultural water use. While these two acts are listed as separate legislation, they are designed to be used together and the whole package was approved in late 1990.

The Michigan Department of Natural Resources was granted authority to administer these laws, but did not receive funding to do so until February of 1994. Some of the important areas of the bills are:

- There are several entities that are targeted for reporting purposes; they are:
 - Agriculture
 - Industrial or Processing Facilities
 - Thermoelectric Generation Plants
 - "Irrigation Facilities"
- An "Irrigation Facility" is defined as...all wells, pumps, intakes, gates, tanks, pipes, or other equipment under common ownership or control and located either on the same site or on separate sites, that are used to withdraw convey, or distribute water for the purposes of irrigating golf courses, parks, recreational areas, or other grounds, but not including irrigation for an agricultural purposes.
- A person needs to register an Irrigation Facility that has the capacity to withdraw over 100,000 gallons of water per day average in any consecutive 30-day period.
- The registration is supposed to include:
 - The place and source of the withdrawal
 - The location of any discharge
 - The location of the water user
 - The actual or estimated average annual & monthly volumes
- Golf courses (irrigation facilities) need to report each year.
- The annual report is supposed to include:
 - The amount and rate of water withdrawn by month and year.
 - Source of water supply.
 - Uses of the water.
 - Amount of consumptive water.
- Agricultural users must report the location of irrigation water source and the amount of water used. The irrigation data used for agricultural purposes must be reported within a 5-year period from the signing of the bill - which means by the end of 1995.

There has been some anxiety over where this law will lead and if there will be water use fees in the future. A specific section of the law addresses this issue and reads "This act shall not be construed to authorize the department to impose or collect fees, to mandate any permit, or to regulate the withdrawal of water covered under this act."

There will be a great deal of activity regarding this issue throughout the industry this year. Assistance will be readily available for those that are affected by contacting your local professional association.