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MEMORANDUM OF UNDERSTANDING

BETWEEN

MICHIGAN DEPARTMENT OF AGRICULTURE

AND

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

Regarding State Agency Response Actions to

Environmental and Nuisance Complaints about Farm Operations

This memorandum between the Michigan Department of Agriculture, hereinafter referred to as MDA, and the Michigan Department of Environmental Quality, hereinafter referred to as MDEQ, is entered into for the purpose of delineating the respective roles and responsibilities regarding state agency response actions to environmental and nuisance complaints about farm operations; and,

WHEREAS, the MDEQ is statutorily and constitutionally charged with the responsibility for the control of the discharge of pollutants into the air, soils, and waters of the State, and the protection of natural resources of the State from pollution, impairment or destruction; and,

WHEREAS, MDA is statutorily charged with the investigation and resolution of environmental and nuisance complaints involving a farm or farm operation; and

WHEREAS, the Michigan Commission of Agriculture, hereinafter referred to as Commission, is statutorily charged with the responsibility for the development and annual review of generally accepted agricultural and management practices for farms and farm operations, hereinafter referred to as GAAMPs; and

WHEREAS, the Michigan Right to Farm Act directs the Commission and the Director of MDA to enter into a Memorandum of Understanding with the Director of MDEQ: and

WHEREAS, MDA and MDEQ recognize the need to protect the air, water, and natural resources of the State from pollution, impairment or destruction while maintaining a viable agriculture industry.

NOW, THEREFORE it is hereby understood that:

MDA will:

1. Adhere to the following procedures when an environmental or nuisance complaint concerning a farm or farm operation is received by MDA:
    a. MDEQ Air Quality Division/MDA Right to Farm (RTF) Program Procedure for Handling Air Quality and Odor Complaints.
    b. MDA RTF Program Water Complaint Response Procedure.
    c. MDA/MDEQ Waste Complaint Response Procedure.
2. Provide technical assistance to MDEQ and provide testimony as necessary during administrative hearings or litigation regarding farm operations.
3. Notify MDEQ of any potential violation of the Natural Resource and Environmental Protection Act (NREPA).
4. Report at least quarterly to MDEQ on the status of all RTF complaint files open during the reporting period. Provide information about RTF files to MDEQ upon request.
5. Appoint appropriate staff to serve on a joint MDA/MDEQ Agriculture/Environment committee to review and update, as appropriate, MDA and MDEQ Agriculture Environmental Complaint Response Procedures, make recommendations, as appropriate, on matters relating to environmental concerns on farms and farm operations, and foster cooperation between MDA and MDEQ.

MDEQ will:

1. Adhere to the following procedures when an environmental complaint concerning a farm or farm operation is received by MDEQ:
    a. MDEQ Air Quality Division/MDA RTF Program Procedure for Handling Air Quality and Odor Complaints.
    b. MDEQ Water Bureau Compliance and Enforcement Management System (CEMS) District Procedures, Procedure 3C – Agricultural Complaint Investigation Procedures.
    c. MDA/MDEQ Waste Complaint Response Procedure.
2. Water Bureau report at least quarterly to MDA on the status of all environmental compliance and enforcement actions concerning farms or farm operations open during the reporting period. Provide information about farm operation files to MDA upon request.
3. Provide technical assistance to MDA; and provide testimony as necessary during administrative hearings or litigation regarding farm operations.
4. Appoint appropriate staff to serve on a joint MDA/MDEQ Agriculture/Environment committee to review and update, as appropriate, MDA and MDEQ Agriculture Environmental Complaint Response

Procedures, make recommendations, as appropriate, on matters relating to environmental concerns on farms and farm operations, and foster cooperation between MDA and MDEQ.

The MDA and the MDEQ agree to exercise their respective roles and responsibilities, as specified herein, for the purpose of protecting the air, water, and natural resources of the State from pollution, impairment or destruction while maintaining a viable agriculture industry.

Dan Wyant, Director
Michigan Department of
Agriculture

Date: 11-24-04

Steven Chester, Director
Michigan Department of
Environmental Quality

Date: 12-1-04

William Pridgeon, Chair
Michigan Commission of
Agriculture

Date: 12-7-04