

**Michigan Department of Agriculture
Michigan Department of Environmental Quality
Waste Complaint Response Procedure**

The Michigan Department of Agriculture (MDA), Environmental Stewardship Division (ESD) and Michigan Department of Environmental Quality (MDEQ), Waste and Hazardous Material Division (WHMD) program staff, receive environmental complaints and respond to concerns regarding agricultural practices on farms that may or may not be causing environmental impacts. MDA Right to Farm (RTF) staff conduct inspections in order to determine conformance with Generally Acceptable Agricultural and Management Practices (GAAMPs). MDEQ-WHMD staff investigates complaints for compliance with the Natural Resource Environmental Protection Act (NREPA). This procedure, in conjunction with the Memorandum of Understanding between MDA and MDEQ Regarding State Agency Response Actions to Environmental and Nuisance Complaints about Farm Operations (MOU), is intended to improve the efficiency, effectiveness, and consistency of MDA and MDEQ in our individual and joint responsiveness to waste management complaints on farms.

Step 1. Assessing the Complaint

- A. RTF staff should speak directly with the complainant to determine the nature and extent of the complaint.
- B. If, based on the information provided, staff determines the waste material is impacting surface water or ground water, then document complaint information and contact the appropriate MDEQ Water Bureau District Supervisor.
- C. If the material in question is not being applied to agriculture land involving agriculturally generated material (including items in column B of Table A attached), document complaint information and contact WHMD District Supervisor to refer complaint.
- D. If the material is agricultural related and is not impacting surface or ground water then MDA will investigate the complaint.
 1. The complaint will be documented on the RTF Complaint Form.
 2. If the complaint concerns waste at a food processing facility, the complaint is referred to the MDA Food and Dairy Division.
 3. If the complaint concerns waste at an animal feed processing facility, the complaint is referred to MDA Pesticide and Plant Pest Management Division.
 4. If the complaint concerns farm animal carcasses or parts, the complaint is referred to MDA Animal Industry Division for a determination under the Bodies of Dead Animals Act (BODA).

5. If the complaint concerns material being utilized for agricultural or silvicultural purposes and not within the jurisdiction of other applicable regulations, RTF will investigate according to the RTF Environmental Complaint Investigation Protocol.

Step 2. Site Investigation

- A. If the material is being utilized for agricultural or silvicultural purposes, MDA will determine if there are written GAAMPs for the material.
 1. If there are GAAMPs for the material, MDA will follow the RTF Environmental Complaint Response Protocol.
 2. If there are no GAAMPs for the material and the practices are not considered a legitimate agricultural production process, MDA will refer to MDEQ to determine if there is a Part 115 authorization for the material.
 3. If there is a question as to who has responsibility for oversight of the waste in question, ESD and WHMD will consult using Table A as a reference.
 - i. If there is a Part 115 authorization for the material (see Table A, column B, and Table B, attached), the appropriate WHMD District office will investigate the complaint to determine compliance with Part 115.
 - ii. If there is no Part 115 authorization, RTF and WHMD will consult to determine which agency is best suited to investigate this complaint or whether a joint investigation is needed.
 - iii. If it is determined RTF will investigate the complaint and there are no GAAMPs to cover this material, MDA staff will consult with university and/or industry professionals to determine the industry-accepted practices for that material.
 - iv. If it is determined that the WHMD will investigate the complaint, the WHMD will determine compliance with Part 115 and undertake compliance and enforcement activities as appropriate.

Step 3. Post Inspection Follow-up

- A. If upon investigation RTF determines the farm is in conformance with GAAMPs or other industry accepted practices, the complaint file will be closed. RTF will notify the farmer, complainant, and local government of the determination.
- B. If upon investigation, and after timelines given by RTF have expired, the farm is not in conformance with GAAMPs or other industry accepted practices and the operator is unwilling to make adjustments in their operation to achieve conformance, MDA will consult with MDEQ regarding potential NREPA violations.

1. If MDEQ determines there are potential NREPA violations, the complaint will be referred to the appropriate division within MDEQ. MDA will notify the Michigan Commission of Agriculture of all complaints referred to MDEQ for enforcement.
2. If there are no potential NREPA violations, ESD will write a letter of nonconformance to the farmer indicating the facility does not conform to GAAMPs and they may not have RTF protection. A letter will also be sent to the local government, WHMD, and the complainant.

File name: ESD2/Admin/Agreements/MOU Farm Oper-Procedures/Waste Complaint Response Procedure 11.09.04

TABLE A
Departmental Responsibility of Waste Placement
on Land in the Agricultural Context
June 30, 2004

A	B
MDA GAAMPs	MDEQ–WHMD – Part 115
<p>Food Processing Residuals from:</p> <ul style="list-style-type: none"> • Fruit • Vegetable • Sugar beet • Field crops • Lime from kraft pulping process generated prior to bleaching • .Egg processing waste (i.e. source separated cull eggs) • Wood ashes (untreated and inert) <p>On farm composting in the following instances:</p> <ul style="list-style-type: none"> • Residuals that are generated on farm (manure, straw, crop residues, spoiled feed, etc.) that are composted on farm. • Composting as a form of manure treatment. In this instance, clean materials (i.e., leaves, sawdust, and woodchips) are brought on the farm to compost with manure. • The land application of compost or other organic residuals identified in the Nutrient GAAMPs as a nutrient sources on cropland. 	<p>1. Excluded from the definition of solid waste</p> <ul style="list-style-type: none"> • Organic waste from livestock/poultry production • Statutorily listed site/source separated materials when used to create a raw material or new product <ul style="list-style-type: none"> ○ Wood ○ Paper ○ Garbage
	<p>2. Statutorily authorized for agricultural or silvicultural use, or as animal feed, when utilized at agronomic rates and consistent with (covered by) GAAMPs</p> <ul style="list-style-type: none"> • Food processing residuals • Wood ashes (untreated and inert) • Lime from kraft pulping • Aquatic plants
	<p>3. Regulation deferred to another statute</p> <ul style="list-style-type: none"> • Animals composted/disposed of according to BODA
	<p>4. Materials designated as inert</p> <ul style="list-style-type: none"> • Road killed deer • Carcasses of small mammals and birds • Trees and stumps • Water softening limes
	<p>5. Site/Source separated materials authorized for land application</p> <ul style="list-style-type: none"> • Fish waste/fish offal • Manure, paunch, and pen waste • Grinding slurry
	<p>6. Site-specific Ag Use Authorizations (AUAs)</p> <ul style="list-style-type: none"> • See current AUAs (Table B, attached)
	<p>7. Yard waste composting that does not create a nuisance as authorized by rule.</p>
	<p>8. The composting activity when all or nearly all of the material (yard waste, site and source separated organic waste, municipal waste) is brought to the farm for composting.</p>

TABLE B
Current Site-Specific
Agricultural Use Approvals (AUAs)
June 30, 2004

<i>FACILITY</i>	<i>CITY</i>	<i>MATERIAL</i>
Bain's Packing	Howell	Paunch/pen waste
Bil Mar Foods	Zeeland	Industrial Sludge
Bob Evans	Hillsdale	Pork Processing Sludge
City of Adrian	Adrian	Lime
City of Ann Arbor	Ann Arbor	Lime
City of Howell	Howell	Lime
City of Jackson	Jackson	Lime
City of Midland	Midland	Lime
City of Mt Pleasant	Mt Pleasant	Lime
City of Owosso	Owosso	Lime
City of Toledo	Toledo	Lime
East Lansing-Meridian	East Lansing	Lime
Kalsec, Inc.	Kalamazoo	Spice Residuals
Leprino Foods	Allendale	Cheese Sludge
Mead Johnson	Zeeland	Industrial Sludge
Monitor Sugar	Bay City	Sugar Beet Wastes
Plainfield Charter Township	Belmont	Lime
Sara Lee Bakery	Traverse City	Sludge
Sensient	Harbor Beach	Other
Zeeland Chemicals	Zeeland	Industrial Sludge