

May 18, 2022

Re: Proposed 2215 Slaughterhouse/Meat Processor Groundwater Discharge Permit

Attention: Alissa Yanochko, Environmental Quality Analyst
Water Resources Division
Michigan Department of Environment, Great Lakes, and Energy

Dear Ms. Yanochko,

Michigan Farm Bureau appreciates the opportunity to provide written comments regarding the Michigan Department of Environment, Great Lakes and Energy (MDEGLE) proposed draft 2215 Slaughterhouse/Meat Processor Groundwater Discharge Permit.

As witnessed over the past two years, regional and local infrastructure to support the food system has never been more important. This includes meat processors and slaughterhouses, but also fruit and vegetable processing, wineries, and others that support the great diversity of Michigan agriculture. In order to ensure the continued growth and vitality of Michigan's food processors, it is important to balance economic realities with environmental considerations.

These comments will provide a high-level overview of concerns regarding the proposed permit, then go into a specific review of the proposed permit, and conclude with additional comments on the reference document.

Overview of Draft Permit Concerns

Nitrogen Limitations

For the proposed permit, the department has significantly decreased the total inorganic nitrogen (TIN) limit from 35 mg/L to 10 mg/L. This limit is extremely low and the department has not been clear on how they came to propose this limit. This limit is significantly lower than the [Michigan Criteria for On-Site Wastewater Treatment](#) which sets standards for discharge limits on domestic septic systems, and while the department has argued slaughterhouse waste is higher strength than domestic septage, the strength of the waste before treatment should not result in a requirement for a lower final effluent concentration being discharged to subsurface systems. We urge the department to set a higher, more realistic TIN limit for this permit.

Phosphorus Limitations

In the proposed permit, phosphorus limits will be set on a case by case basis based on a land application site's proximity to surface water. We are concerned this limit could be set extremely low and would make it prohibitively expensive for permitted facilities to comply with the proposed permit. For phosphorous limits, we urge the department to set realistic standards.

5-Day Biological Oxygen Demand

Biological Oxygen Demand (BOD) is a new limit in the proposed permit. In the "Responsiveness Summary" document provided in the Public Notice, the department indicated that the 50 lbs./day/acre application rate of BOD would allow for flexibility in concentration of BOD in the wastewater. MDEGLE has removed proposed BOD concentration limits from the draft permit. However, the department has yet to provide the reasoning, specific rule citations where they are granted statutory authority, science as to how they will set the BOD concentration limits in the certificate of coverage and how the 50 lbs./day/acre land application rate was established. We urge

the department to be transparent on how the proposed limits were developed, where in statute they originate, and to set realistic, science-based standards as these limits can have significant economic implications.

Monitoring and Reporting

We also have some broader concerns about monitoring and testing requirements in the proposed permit, as most options have increased effluent sampling frequency from annually to monthly. One sampling event can cost a facility up to \$250 in analytical fees and labor charges. For permit options that require monthly sampling, we would propose that monthly sampling only include parameters for which there is a specified limit (primarily TIN, BOD, nitrite, and phosphorus) and have all other parameters sampled annually. This would reduce the cost burden of sampling, while still ensuring effluent limits in the permit are met. Similarly, the necessity for daily observation and logging of land applied wastewater and equipment should also be evaluated considering the benefit of these added requirements.

For example, a facility permitted under option B, Onsite Wastewater Treatment System Utilizing Enhanced Treatment Before Discharging into a Subsurface Soil Dispersal System, would be required to send a sample of wastewater to be analyzed monthly and request the following parameters be tested: BOD₅, TIN, nitrite, and phosphorus until the permittee has established sufficient compliance with monthly testing results to reduce testing frequency as specified in the current draft permit. Annually, there would be a sample analyzed for all parameters listed. With a reduction in parameters tested, this would save the facility money on sampling costs.

In addition, while we understand that the requirement to soil test annually is in the Part 22 rules of the Natural Resources and Environmental Protection Act (NREPA), we would urge the Department to evaluate every opportunity to decrease the frequency of soil testing for permitted facilities given that nutrient concentrations in soil change slowly. One potential solution could be to implement a reduced frequency of soil testing from annually to every 3-4 years after compliance with the permit standard is established, similar to the proposed permit's language allowing reduced testing frequency of effluent.

While there are concerns to work through in this proposed permit, we also support several changes that have been proposed. The increase in the maximum gallons per day limit would allow more facilities the option to be on a general permit, which generally has several advantages over an individual permit. The variety of treatment options for facilities to select from as part of a general permit would also be beneficial, as a 'one size fits all' approach does not work for the diversity of Michigan's slaughterhouses and meat processors. Furthermore, providing options for facilities to discharge sanitary sewage with their wastewater represents a logical change. There are additional aspects of the proposed permit that are also positive including: allowing for flexibility in effluent sampling frequency when approved by the department, land application of wastewater being determined by conditions on site versus calendar-based restrictions, opportunities to alter the schedule of compliance when unexpected issues arise, and the opportunity for exemptions from a permit in specific circumstances.

Thank you for the opportunity to provide comments on the general groundwater discharge permit for slaughterhouses and meat processors. Please reach out with any questions.

Sincerely,
Tess Van Gorder



Conservation & Regulatory Relations Specialist, Michigan Farm Bureau
tvangor@michfb.com or 517-323-6711

Enclosure: Detailed Permit and Guidance Document Review

Detailed Review of 2215 Meat Processing/Groundwater Discharge Permit:

P. 1:

We support the increased maximum daily flow limit of 20,000 gallons per day, which provides the opportunity for more facilities to receive a general permit when applicable. In addition, the allowance for the discharge of process wastewater and sanitary sewage is an appreciated and necessary flexibility.

Part I.A., p. 3:

We support the inclusion of treatment option A in the permit as it limits the regulatory burden of sampling and effluent limits.

Part I.B.1., Table 2, p. 5: Effluent Limitations and Monitoring, Nitrogen:

For the proposed nitrogen effluent limitations, it is not clear how the department has determined, statutorily or scientifically, the low TIN value of 10 mg/L. While it is indicated that the 1 mg/L nitrite limit is listed in the NREPA Part 201 rules, TIN also includes ammonia nitrogen and nitrate nitrogen. These limits are not established in the rules for wastewater. In addition, while the 1 mg/L nitrite limit is in the NREPA Part 201 rules, this also assumes that wastewater that is discharged undergoes no changes while moving through the soil profile, which is not an accurate assumption for nitrogen. We urge the department to set a higher, more realistic TIN limitation for this permit and to provide the statutory and scientific reference(s) for the proposed TIN.

Part I.B.1.i., p. 5: Effluent Monitoring and Sampling:

We support the following language that has been included in the proposed permit that allows for alternate frequency of sampling: "Monthly samples of the discharge shall be taken unless an alternate frequency is approved by the Department and specified in the COC."

Even with the above addition, we suggest monthly sampling for parameters that have discharge limits such as BOD, TIN, nitrite, and phosphorous, but reducing sampling frequency for parameters that must simply be reported to annually, as described above (see page 2). Sampling can cost up to \$250 per sample, due to labor and analytics, which represents ongoing expenses for a facility.

Part I.B.1.iv., p. 6: 5-Day Biochemical Oxygen Demand

The limit on BOD concentration is a new limit on permitted facilities. The department has not provided the statutory reference for this limitation and has not provided insight into how this value will be calculated for permittees. It appears that the department intends to set the BOD concentration limits based on the facility's basis of design and site conditions, in a similar manner to what is being proposed for the TIN limits for land application of wastewater. We urge the department to set a realistic BOD concentration limitation for permittees. Furthermore, given there being little explanation of how BOD concentration is set in the guidance document or permit, the department could theoretically set this limit at 0. We urge the department to provide the science and reasoning for how they intend to set BOD concentration limits, to set a realistic BOD concentration limit, provide statutory justification for setting this limit and for the limit itself, and provide a floor for the BOD concentration limit.

Part I.B.1.v., p. 6: Total Phosphorus:

The department provides clarity by listing the specific citation (R 323.2204(e)) in relation to phosphorous. However, in responding to concerns about the total phosphorous limits in the "Responsiveness Summary", the

department cites Rule 2222 of the NREPA Part 22 Groundwater Quality Rules as the basis for the limitations around phosphorous. However, 2222(1) indicates the standards in this rule are for permits issued under R 323.2218, which does not include the 2215 permit category that includes slaughterhouses and meat processors. In fact, R. 323.2218(1) specifically excludes the 2215 permit category. We urge the department to provide additional information on how limits would be determined, and where in the rules those limits originate. The department should examine this section to provide additional flexibility to permittees and reduce additional regulatory burden on permitted facilities.

Part I.C.1., Table 3, p. 7: Effluent Limitations and Monitoring Requirements, Nitrogen:

For the proposed nitrogen effluent limitations, it is not clear how the department has determined, statutorily or scientifically, the low TIN value of 10 mg/L. While it is indicated that the 1 mg/L nitrite limit is listed in the NREPA Part 201 rules, TIN also includes ammonia nitrogen and nitrate nitrogen. These limits are not established in the rules for wastewater. In addition, while the 1 mg/L nitrite limit is in the NREPA Part 201 rules, this also assumes that wastewater that is discharged undergoes no changes while moving through the soil profile, which is not an accurate assumption for nitrogen. We urge the department to set a higher, more realistic TIN limitation for this permit and to provide the statutory and scientific reference(s) for the proposed TIN.

Part 1.C.1.i., p. 7: Effluent Monitoring and Sampling:

We support the following language that has been included in the proposed permit that allows for alternate frequency of sampling: “Monthly samples of the discharge shall be taken unless an alternate frequency is approved by the Department and specified in the COC.”

Even with the above addition, we suggest monthly sampling for parameters that have discharge limits such as BOD, TIN, nitrite, and phosphorous, but reducing sampling frequency for parameters that must simply be reported to annually, as described above (see page 2). Sampling can cost up to \$250 per sample, due to labor and analytics, which represents ongoing expenses for a facility.

Part I.C.1.iii., p. 8: 5-Day Biochemical Oxygen Demand

The limit on BOD concentration is a new limit on permitted facilities. The department has not provided the statutory reference for this limitation and has not provided insight into how this value will be calculated for permittees. It appears that the department intends to set the BOD concentration limits based on the facility’s basis of design and site conditions, in a similar manner to what is being proposed for the TIN limits for land application of wastewater. We urge the department to set a realistic BOD concentration limitation for permittees. Furthermore, given there being little explanation of how BOD concentration is set in the guidance document or permit, the department could theoretically set this limit at 0. We urge the department to provide the science and reasoning for how they intend to set BOD concentration limits, to set a realistic BOD concentration limit, provide statutory justification for setting this limit and for the limit itself, and provide a floor for the BOD concentration limit.

Part I.C.1.v., p. 8: Total Phosphorus:

The department provides clarity by listing the specific citation (R 323.2204(e)) in relation to phosphorous. However, in responding to concerns about the total phosphorous limits in the “Responsiveness Summary”, the department cites Rule 2222 of the NREPA Part 22 Groundwater Quality Rules as the basis for the limitations around phosphorous. However, 2222(1) indicates the standards in this rule are for permits issued under R 323.2218, which does not include the 2215 permit category that includes slaughterhouses and meat processors. In fact, R. 323.2218(1) specifically excludes the 2215 permit category. We urge the department to provide

additional information on how limits would be determined, and where in the rules those limits originate. The department should examine this section to provide additional flexibility to permittees and reduce additional regulatory burden on permitted facilities.

Part I.D.1., Table 4, p. 10, Effluent Limitations and Monitoring, Nitrogen:

For the proposed nitrogen effluent limitations, it is not clear how the department has determined, statutorily or scientifically, the low TIN value of 10 mg/L. While it is indicated that the 1 mg/L nitrite limit is listed in the NREPA Part 201 rules, TIN also includes ammonia nitrogen and nitrate nitrogen. The limits on these forms of nitrogen are not established in the Part 201 rules. In addition, while the 1 mg/L nitrite limit is in the NREPA Part 201 rules, this also assumes that wastewater that is discharged undergoes no changes while moving through the soil profile, which is not an accurate assumption for nitrogen. As the TIN limit in this Part are set to the Certificate of Coverage (COC) and will depend on the plant or crop uptake, the nitrite nitrogen rate should also be set according to the COC and should depend on the plant or crop uptake according to MSU Extension Bulletin E-2094 or appropriate university-developed nutrient application recommendations. We urge the department to set a higher, more realistic TIN limitation for this permit and to provide the statutory and scientific reference(s) for the proposed TIN.

Part I.D.1., Table 4 p. 10: 5-Day Biochemical Oxygen Demand

The limit on BOD concentration is a new limit on permitted facilities. The department has not provided the statutory reference for this limitation and has not provided insight into how this value will be calculated for permittees. It appears that the department intends to set the BOD concentration limits based on the facility's basis of design and site conditions, in a similar manner to what is being proposed for the TIN limits for land application of wastewater. We urge the department to set a realistic BOD concentration limitation for permittees. Furthermore, given there being little explanation of how BOD concentration is set in the guidance document or permit, the department could theoretically set this limit at 0. We urge the department to provide the science and reasoning for how they intend to set BOD concentration limits, to set a realistic BOD concentration limit, provide statutory justification for setting this limit and for the limit itself, and provide a floor for the BOD concentration limit.

Part I.D.1., Table 5, p. 10: Land Application Limitations and Monitoring Requirements:

The 50 pounds BOD per acre per day is a new limit on permitted facilities. This value does not appear to be in statute and the department has not provided its reasoning and the empirical research used to propose this limit. In addition, little guidance is provided to assist permitted facilities with calculating this application rate. We strongly urge the department to provide transparency on the origins of the proposed BOD application rate value and provide more practical guidance on how facilities are meant to calculate this rate.

Part I.D.1., Table 6, p. 11: Soil Sampling Requirements:

While we understand that the requirement to soil test annually is in the Part 22 rules of the NREPA, we would urge the Department to evaluate every opportunity to decrease the frequency of soil testing for permitted facilities given that nutrient concentrations in soil change slowly. One potential solution could be to implement a reduced frequency of soil testing from annually to every 3-4 years after compliance with the permit standard is established, similar to the proposed permit's language allowing reduced testing frequency. Annual testing would present an unnecessary expense when testing every 3-4 years according to the Generally Accepted Agricultural and Management Practices (GAAMP) for Nutrient Utilization would provide appropriate management of soil phosphorus levels.

Part 1.D.1.i., p. 11: Effluent Monitoring and Sampling:

We support the following language that has been included in the proposed permit that allows for alternate frequency of sampling: “Monthly samples of the discharge shall be taken unless an alternate frequency is approved by the Department and specified in the COC.”

Even with the above addition, we suggest monthly sampling for parameters that have discharge limits such as BOD, TIN, nitrite, and phosphorous, but reducing sampling frequency for parameters that must simply be reported to annually, as described above (see page 2). Sampling can cost up to \$250 per sample, due to labor and analytics, which represents ongoing expenses for a facility.

Part 1.D.1.iii, p. 11: Discharge Season:

We support the change the department has proposed for the discharge season timing. The proposed change would allow for land application based on field conditions instead of calendar-based restrictions.

Part 1.D.1.iv., p. 11: Land Application Rate:

See comments above on setting limits on the BOD rate.

We are also concerned about the following language: “The Department will determine the appropriate TIN limitation based on the DMP approved by the Department and specified in the COC.” This language would put an enormous amount of regulatory uncertainty on facilities. We urge the Department to clarify in the permit that nitrogen limits will be set according to Michigan State University guidelines to determine an appropriate nitrogen application limit for the facility. We additionally urge the Department to set a reasonable floor (higher than 10 mg/L) below which the nitrogen limit will not be set to provide regulatory certainty to facilities.

Part 1.D.1.vi., p. 11: Total Phosphorus:

The department provides clarity by listing the specific citation (R 323.2204(e)) in relation to phosphorous. However, in responding to concerns about the total phosphorous limits in the “Responsiveness Summary”, the department cites Rule 2222 of the NREPA Part 22 Groundwater Quality Rules as the basis for the limitations around phosphorous. However, 2222(1) indicates the standards in this rule are for permits issued under R 323.2218, which does not include the 2215 permit category that includes slaughterhouses and meat processors. In fact, R. 323.2218(1) specifically excludes the 2215 permit category. We urge the department to provide additional information on how limits would be determined, and where in the rules those limits originate. The department should examine this section to provide additional flexibility to permittees and reduce additional regulatory burden on permitted facilities.

For both the TIN and phosphorus limits, consideration should be given that treatment will not happen until after the wastewater is sampled and the limits should be set accordingly.

Part 1.D.2.i., p. 12: Slow-Rate Land Treatment:

The following language should be removed from the permit: “i. A portion of the flow is expected to percolate to the groundwater while the remainder is utilized by plants or lost through evaporation.” While taken verbatim from R.2234(1) of NREPA, this provides little value or instruction for permitted facilities. Moreover, it is factually inaccurate as it is not universally true. In most instances of land application, all of the liquid water applied will be lost to evaporation or transpiration.

Part I.D.2.iv., p. 12: Vegetative Cover:

We urge the Department to add corn, wheat, soybeans, and other crops processed prior to consumption as approved crops for land application as described in this Part. Many field crops grown across the state, frequently used as land application areas by permitted facilities, are commodities that are processed prior to consumption. Including additional crops would streamline the permitting process and reduce regulatory delays in compliance and operation of permitted facilities by allowing land application to additional crops suited to the purpose of taking up nutrients in applied wastewater.

Part I.D.2.viii., p. 12: Grazing:

We have serious concerns about the following language in the proposed permit: 'Animals that produce milk for human consumption shall not be allowed to graze on any effluent irrigated fields for 30 days following the application of effluent.' While the department has indicated that they have 'adapted' this requirement from Part 117 of NREPA, these rules do not apply to this permit. Food safety falls under the jurisdiction of the Michigan Department of Agriculture and Rural Development (MDARD) and not MDEGLE. The department has not provided any scientific basis for concerns of pathogens moving from land applied wastewater to milk, which is almost always pasteurized prior to human consumption. We urge MDEGLE to remove this restriction on grazing from the draft permit, recognizing that forage crops are well suited to receive land-applied wastewater.

Part I.D.2.ix., p. 12: Nutrient Requirements:

The language in this section should follow language in R. 2233 that sets the nutrient loading rate to the combination of plant uptake and soil capacity - or at the very least refer to GAAMPs or other relevant university-developed guidelines for nutrient management. The NREPA Part 22 rules do not refer to overall nutrient applications in addition to wastewater discharge, so it is inappropriate to require management of nutrients applied other than via the permitted discharge. Likewise, MDEGLE should not propose to limit nutrient applications to plant uptake rates since depending on the nutrient and its form, it may only be economical or feasible to apply at multiple year rates.

Part I.E.1., Table 7, p. 14: Effluent Limitations and Monitoring Requirements, Nitrogen:

For the proposed nitrogen effluent limitations, it is not clear how the department has determined, statutorily or scientifically, the low TIN value of 10 mg/L. While it is indicated that the 1 mg/L nitrite limit is listed in the NREPA Part 201 rules, TIN also includes ammonia nitrogen and nitrate nitrogen. The limits on these forms of nitrogen are not established in the Part 201 rules. In addition, while the 1 mg/L nitrite limit is in the NREPA Part 201 rules, this also assumes that wastewater that is discharged undergoes no changes while moving through the soil profile, which is not an accurate assumption for nitrogen. As the TIN limit in this Part are set to the Certificate of Coverage (COC) and will depend on the plant or crop uptake, the nitrite nitrogen rate should also be set according to the COC and should depend on the plant or crop uptake according to MSU Extension Bulletin E-2094 or appropriate university-developed nutrient application recommendations. We urge the department to set a higher, more realistic TIN limitation for this permit and to provide the statutory and scientific reference(s) for the proposed TIN.

Part I.E.1., Table 7 p. 14: 5-Day Biochemical Oxygen Demand

The limit on BOD concentration is a new limit on permitted facilities. The department has not provided the statutory reference for this limitation and has not provided insight into how this value will be calculated for permittees. It appears that the department intends to set the BOD concentration limits based on the facility's basis of design and site conditions, in a similar manner to what is being proposed for the TIN limits for land

application of wastewater. We urge the department to set a realistic BOD concentration limitation for permittees. Furthermore, given there being little explanation of how BOD concentration is set in the guidance document or permit, the department could theoretically set this limit at 0. We urge the department to provide the science and reasoning for how they intend to set BOD concentration limits, to set a realistic BOD concentration limit, provide statutory justification for setting this limit and for the limit itself, and provide a floor for the BOD concentration limit.

Part I.E.1., Table 8, p. 14: Land Application Limitations and Monitoring Requirements, BOD Loading:

The 50 pounds BOD per acre per day is a new limit on permitted facilities. This value does not appear to be in statute and the department has not provided its reasoning and the empirical research used to propose this limit. In addition, little guidance is provided to assist permitted facilities with calculating this application rate. We strongly urge the department to provide transparency on the origins of the proposed BOD application rate value and provide more practical guidance on how facilities are meant to calculate this rate.

Part I.E.1., Table 9, p. 14: Soil Sampling Requirements:

While we understand that the requirement to soil test annually is in the Part 22 rules of the NREPA, we would urge the Department to evaluate every opportunity to decrease the frequency of soil testing for permitted facilities given that nutrient concentrations in soil change slowly. One potential solution could be to implement a reduced frequency of soil testing from annually to every 3-4 years after compliance with the permit standard is established, similar to the proposed permit's language allowing reduced testing frequency. Annual testing would present an unnecessary expense when testing every 3-4 years according to the Generally Accepted Agricultural and Management Practices (GAAMP) for Nutrient Utilization would provide appropriate management of soil phosphorus levels.

Part I.E.1.i., p. 15: Effluent Monitoring and Sampling:

We support the following language that has been included in the proposed permit that allows for alternate frequency of sampling: "Monthly samples of the discharge shall be taken unless an alternate frequency is approved by the Department and specified in the COC."

Even with the above addition, we suggest monthly sampling for parameters that have discharge limits such as BOD, TIN, nitrite, and phosphorous, but reducing sampling frequency for parameters that must simply be reported to annually, as described above (see page 2). Sampling can cost up to \$250 per sample, due to labor and analytics, which represents ongoing expenses for a facility.

Part I.E.1.iii., p. 15: Discharge Season:

We support the change the department has proposed for the discharge season timing. The proposed change would allow for land application based on field conditions instead of calendar-based restrictions.

Part I.E.1.iv., p. 15: Land Application Rate:

See comments above on setting limits on the BOD rate.

We are also concerned about the following language: "The Department will determine the appropriate TIN limitation based on the DMP approved by the Department and specified in the COC." This language would put an enormous amount of regulatory uncertainty on facilities. We urge the Department to clarify in the permit that nitrogen limits will be set according to Michigan State University guidelines to determine an appropriate nitrogen

application limit for the facility. We additionally urge the Department to set a reasonable floor (higher than 10 mg/L) below which the nitrogen limit will not be set to provide regulatory certainty to facilities.

Part I.E.1.vi., p. 15: Total Phosphorus:

The department provides clarity by listing the specific citation (R 323.2204(e)) in relation to phosphorous. However, in responding to concerns about the total phosphorous limits in the “Responsiveness Summary”, the department cites Rule 2222 of the NREPA Part 22 Groundwater Quality Rules as the basis for the limitations around phosphorous. However, 2222(1) indicates the standards in this rule are for permits issued under R 323.2218, which does not include the 2215 permit category that includes slaughterhouses and meat processors. In fact, R. 323.2218(1) specifically excludes the 2215 permit category. We urge the department to provide additional information on how limits would be determined, and where in the rules those limits originate. The department should examine this section to provide additional flexibility to permittees and reduce additional regulatory burden on permitted facilities.

For both the TIN and phosphorus limits, consideration should be given that treatment will not happen until after the wastewater is sampled and the limits should be set accordingly.

Part I.E.2.i., p. 16: Flow:

The following language should be removed from the permit: “i. A portion of the flow is expected to percolate to the groundwater while the remainder is utilized by plants or lost through evaporation.” While taken verbatim from R.2234(1) of NREPA, this provides little value or instruction for permitted facilities. Moreover, it is factually inaccurate as it is not universally true. In most instances of land application, all of the liquid water applied will be lost to evaporation or transpiration.

Part I.E.2.iv., p. 16: Vegetative Cover

We urge the Department to add corn, wheat, soybeans, and other crops processed prior to consumption as approved crops for land application as described in this Part. Many field crops grown across the state, frequently used as land application areas by permitted facilities, are commodities that are processed prior to consumption. Including additional crops would streamline the permitting process and reduce regulatory delays in compliance and operation of permitted facilities by allowing land application to additional crops suited to the purpose of taking up nutrients in applied wastewater.

Part I.E.2.ix., p. 16: Grazing:

We have serious concerns about the following language in the proposed permit: ‘Animals that produce milk for human consumption shall not be allowed to graze on any effluent irrigated fields for 30 days following the application of effluent.’ While the department has indicated that they have ‘adapted’ this requirement from Part 117 of NREPA, these rules do not apply to this permit. Food safety falls under the jurisdiction of the Michigan Department of Agriculture and Rural Development (MDARD) and not MDEGLE. The department has not provided any scientific basis for concerns of pathogens moving from land applied wastewater to milk, which is almost always pasteurized prior to human consumption. We urge MDEGLE to remove this restriction on grazing from the draft permit, recognizing that forage crops are well suited to receive land-applied wastewater.

Part I.E.2.x., p. 16: Nutrient Requirements:

The language in this section should follow language in R. 2233 that sets the nutrient loading rate to the combination of plant uptake and soil capacity - or at the very least refer to GAAMPs or other relevant university-

developed guidelines for nutrient management. The NREPA Part 22 rules do not refer to overall nutrient applications in addition to wastewater discharge, so it is inappropriate to require management of nutrients applied other than via the permitted discharge. Likewise, MDEGLE should not propose to limit nutrient applications to plant uptake rates since depending on the nutrient and its form, it may only be economical or feasible to apply at multiple year rates.

Part I.F.1., p. 18: Effluent Limitations and Monitoring Requirements:

The following language should be added from page 5 of the reference document, indicating when facilities would be covered by this section of the permit:

“This option is only available to facilities that are actively working to develop plans, upgrade systems, and update or develop required documents.”

This provides clarity needed in the draft permit regarding which facilities would be covered under the proposed permit. Additional clarity is also needed in this section as the paragraph mentions conditions set forth in ‘c., below,’ yet such section does not exist.

Given that this section is meant to assist facilities with coming into compliance with this permit, we urge the department to amend the language not allowing sanitary sewage to be discharged under this section. The authorization for discharge of sanitary sewage should be addressed in the COC for each facility, depending on which of the treatment options a facility is utilizing. This provides consistency across the permit and regulatory certainty for facilities working toward authorization under this proposed general permit. If facilities are working towards a treatment option that allows them to discharge sanitary sewage (Sections A-D), that should also be allowed to do so in the interim period as they work toward coming into compliance with that option. This is a commonsense change that would create congruency between this section and the rest of the permit.

Part I.F.3., p. 20-21: Existing Lagoons Compliance:

We support language indicating that the requirements in I.F.3.i. are only required when a lagoon is not in compliance. However, on page 10 of the guidance document there is a discrepancy as to what a permitted facility may be required to do when their lagoon is not in compliance. Page 10 of the guidance document provides the opportunity for a permitted facility to install a liner, which may be preferable to what is currently required in I.F.3.i. I. This should be provided as an option in I.F.3.i of the proposed permit.

Part I.F.4.iii., p. 22: Certification of Completion of Construction:

We support the flexibility provided by this section to help facilities navigate unexpected challenges as they are working to come into compliance with the proposed permit.

Guidance Document:

We greatly appreciate the efforts of the department to create and enhance the utility of this reference document for permittees and technical advisors.

We support the updates that the department has made in the ‘Operator Certification’ section of the guidance document. This requirement often confuses permittees as they do not consider themselves to be wastewater operators. The information on the certification process is also spread out across multiple pages on the Department’s website and even then it does not provide a complete step-by-step process for those who have not completed the certification process before. We would recommend additional enhancements to this section

detailing the general timeline/steps of the process. For example, when will the facility be notified of the required operator classifications – before or after they receive their permit? How long do facilities have to get a certified operator, given the test only happens twice a year? Enhancing this section now will also make that information available to operators using other agricultural or food processing groundwater discharge permits.

We recommend the following changes to the guidance document to assist permittees with compliance, demonstrate consistency with the permit, and ensure instructions are clear:

- Page 10 of the guidance document again references Rule 323.2222, which does not apply to the 2215 permit (323.2215), but rather permits issued under 323.2218.
- Page 13 of the guidance document references a 45 mg/L effluent limitation for BOD₅, which is not listed in the proposed permit. We recommend this be updated to match what is currently proposed.
- Page 18 of the guidance document states, “Fields that are used as land application locations are considered part of the treatment system. The department will need detailed information on what is applied to the field and may restrict the application of other wastes such as manure, biosolids, or other agricultural use agreements unless these items are incorporated into the DMP for the facility.” The Department has no authority to restrict application of other nutrients to a field used in slaughterhouse wastewater land application, particularly if slaughterhouse wastewater is applied to a field not under the ownership or control of the permittee. The department’s authority relates to how the application of wastewater affects the total nutrient balance of the field, and unless that field has other regulatory compliance requirements, such as being part of the Comprehensive Nutrient Management Plan under a National Pollutant Discharge Elimination System permit, the department’s authority is limited to the application of the permittee’s waste. This language should be amended to state that the permittee must ensure the wastewater applied to a field does not exceed the soils’ and crops’ ability to hold or take up nutrients, and therefore the permittee should take into account total nutrient applications to the field from all sources, including fertilizer, manure, biosolids, or other nutrient sources. Useful references in the guidance document for calculating the total nutrient balance of agronomic application to fields may include the Manure Management and Utilization GAAMP, the Nutrient Utilization GAAMP, or relevant MSU Extension bulletins.
- For phosphorous limitations, page 20 matches the conditions of the proposed permit. However, page 27 indicates the department has, in essence, pre-approved phosphorous limitations instead of there being a site-by-site consideration. Language around a pre-set discharge standard should be removed from this page.

Lastly, we strongly support the opportunity for exemptions from a groundwater discharge permit for certain facilities. We suggest the department provide the exemption request application as a helpful link within the guidance document.