MICHIGAN TROUT UNLIMITED

Dedicated to the Conservation, Protection and Restoration of Coldwater Fisheries & their Watersheds

August 19, 2009

Michigan Department of Agriculture
Environmental Stewardship Division
Attn: GAAMPs Task Force
P.O. Box 30017
Lansing, MI 48909

RE: 2010 Draft "Site Selection and Odor Control for New and Expanding Livestock Production Facilities" and "Manure Management and Utilization" GAAMPs - Public Comments

Dear GAAMPs Task Force:

This letter is in response to the Michigan Department of Agriculture's (MDA) request for public comments regarding their 2010 Draft Generally Accepted Agricultural and Management Practices (GAAMPs). Michigan Trout Unlimited welcomes this opportunity and would like to thank the MDA for considering these comments. Michigan Trout Unlimited is an organization consisting of 23 local chapters and over 7,000 individuals, devoted to the conservation, protection and restoration of Michigan's coldwater fish and their watersheds. Michigan is blessed with a vast wealth of wonderful and unique trout streams, over 11,000 inland lakes, and the largest sources of cold freshwater in North America - the Great Lakes. These resources are held in the public trust, belonging to every citizen of our state. Every generation has a responsibility to protect and preserve these priceless resources so that generations to come may benefit and enjoy them. Michigan's agricultural community plays a vital role in the day-to-day stewardship of these resources, which is why it is so critical that the GAAMPs are continually reviewed and improved to insure economically viable practices are employed to protect the resources of the people of Michigan.

Handling and disposal of Concentrated Animal Feeding Operation (CAFO) wastes poses a significant risk to fisheries across Michigan. Michigan Trout Unlimited became increasingly concerned about the potential damage that can result from manure reaching nearby streams after a complete fish kill occurred in July of 2006 on Tyler Creek in Kent County. Since then, other spills of CAFO waste to streams have occurred throughout Michigan, including two spills that have occurred within the past month along the Black River in Sanilac County and along a tributary of the River Raisin in southern Michigan. Both of these spills resulted in fish kills. It is Michigan Trout Unlimited's goal to work alongside the agricultural community to develop long-term solutions to these potential threats that ensure the viability of both our coldwater resources as well as the surrounding agricultural community. But most importantly, Michigan Trout Unlimited stands steadfast in its support of what is best for our state's coldwater watersheds. Michigan Trout Unlimited views agricultural practices that result in the impairment of the overall vitality of trout and salmon populations and habitats in coldwater watersheds, or in fish-kills in any lake or stream as completely unacceptable. .

Enclosed with this letter is a list of comments regarding the 2010 Draft GAAMPs for "Site Selection and Odor Control for New and Expanding Livestock Production Facilities" and "Manure Management and Utilization". The list provides comments referenced to specific paragraphs and page numbers within the Draft GAAMPs, but by way of summary, we offer several main observations that Michigan Trout Unlimited views as improvements that need to be made to the GAAMPs in order to provide the minimum protections necessary to protect water resources and fisheries.

1. In a number of instances, the GAAMPs recommendations are less stringent than what is required by the National Pollutant Discharge Elimination System (NPDES) Large Concentrated Animal Feeding Operations General Permit or a site specific NPDES permit as issued by the Michigan Department of Environmental Quality (MDEQ). The following are just two examples:

a. In several locations within the GAAMPs, surface applied wastes are allowed to remain on the surface of the land for 48 hours without incorporation. The General Permit requires all surface applied wastes to be incorporated within 24 hours.

b. The Manure Management and Utilization GAAMP states that "*All manure storage structures shall maintain a minimum freeboard of twelve inches (six inches for fabricated structures) plus the additional storage volume necessary to contain the precipitation and runoff from a 25-year, 24-hour storm event.*" In addition to these volumes, the General Permit also requires that the structure be designed to provide operational storage for all wastes generated from the operation of the facility over a six-month or greater time period, including normal precipitation and runoff in the production area during that period.

If the laws of the State require CAFOs to meet specific standards of operation or care, then why should the GAAMPs disagree with these standards? Or if the CAFO General Discharge Permit applies to only certain industrial farming operations, why should other farming operations be allowed to meet lesser standards which potentially compromise the wellbeing of resources belonging to the people of the State of Michigan? A better way to ensure that water and fisheries resources are protected is to have the GAAMPs recommendations match the permit requirements <u>at an absolute minimum</u>. Farms should always be encouraged to pursue management practices that exceed the minimum requirements.

2. Groundwater and surface water quality issues do not play as significant a role in site selection of new and expanded livestock production facilities as they should. In the past, MDA has stated that GAAMPs focusing on water protection are more appropriately handled within the Manure Management and Utilization GAAMP, and that including similar GAAMPs within the Site Selection and Odor Control for New and Existing Livestock Production Facilities GAAMP would be a needless duplication of effort. It is Michigan Trout Unlimited's position that water protection should be taken into consideration at the earliest planning stages for new and expanding production facilities. In such circumstances, an ounce of prevention is certainly worth more than a pound of cure. It is much easier to address the needs of nearby water and fisheries resources at the beginning of site development than to have to go back afterwards and remediate damages. By deferring most discussion about potential impacts of production facilities on groundwater and surface water to the GAAMP for Manure Management and Utilization, water resources are relegated to a matter of secondary importance after other issues. Fish and wildlife resources should be considered as well during site selection. Finally, allowing new or expanded operations to be installed within a 25 year flood plain produces an illogical, unacceptable level of risk. Surface water and fisheries resources deserve better levels of protection. New or expanded operations should not be allowed within the 100 year flood plain or within 1,000 feet of any public surface water.

3. With regards to manure management and utilization, farms should be strongly encouraged to develop Comprehensive Nutrient Management Plans (CNMPs) at a minimum, rather than the less stringent Manure Management System Plans (MMSPs). CNMPs not only will provide better protection for the surrounding environment, but they will also help to prevent the loss of valuable nutrients that are being applied to the soil, thus benefitting the farming operation. In addition, any operation located within 1,000 feet of a public lake or stream, where that body of water is currently not meeting the DEQ water quality standards for E. Coli on partial or total body contact should be required to develop a CNMP.

4. Given the inherent unpredictability and variability of localized weather patterns, Michigan Trout Unlimited strongly urges MDA to strengthen the Manure Management and Utilization GAAMP. Manure should not be applied to soils within 100 feet of surface waters or in areas subject to flooding for any reason, and all manure applied to soils beyond this distance should be either directly injected or incorporated within 24 hours (preferably sooner) after surface application. Manure should not be applied to fields where it cannot be injected or incorporated due to the type of crop or farming practices required. Buffer strips should be installed between any soils applied with manure and any surface water or areas subject to flooding. Irrigation of manure should be discouraged.

5. Application of manure to frozen or snow-covered soils should not be allowed, and would not be required if storage facilities were adequately sized. Storage basins should be constructed to provide operational storage for all wastes generated from the operation of the facility over a six-month or greater time period, including normal precipitation and runoff in the production area during that period. Storage basins should also be constructed to eliminate any seepage loss. Liners should be constructed of impermeable materials, similar to the requirements for municipal wastewater treatment and storage lagoons, utilizing a minimum 2 foot thick layer of bentonite clay or a composite lining system with a flexible membrane. The potential for berm failure can be minimized by installing the majority of the storage lagoon volume below grade.

Updating the GAAMPs to reflect these principals will at a minimum help to reduce the likelihood of catastrophic releases of manure to nearby surface waters and will ensure that Michigan's water, wildlife, and fisheries resources receive the protection they require. Incorporating GAAMPs principals such as these will also prove that the agricultural community is committed to protecting these resources, which have been entrusted to their care by the people of the State of Michigan. Michigan Trout Unlimited strongly encourages the Task Force to consider these recommendations, and would like to thank MDA once again for providing the opportunity to submit comments.

COMMENTS REGARDING 2010 DRAFT GAAMPS
MICHIGAN TROUT UNLIMITED
8-19-09

I. SITE SELECTION AND ODOR CONTROL FOR NEW AND EXPANDING LIVESTOCK PRODUCTION FACILITIES

a. Page 2, second paragraph: Farms should be encouraged to develop CNMPs at a minimum, rather than the less stringent MMSPs.
b. General Overview and page 2, third paragraph: Groundwater and surface water quality issues do not play as significant a role in site selection of new and expanded livestock production facilities as they should. By deferring most discussion about potential impacts of production facilities on groundwater and surface water to the GAAMP for Manure Management and Utilization, water resources are relegated to a matter of secondary importance after other issues. Fish and wildlife resources should be considered as well during site selection.
c. Pages 5-9: The descriptions of Category 1 and 2 Sites make no mention of proximities to surfacewater resources. Minimum setbacks from surfacewaters should also be taken into account just as setbacks from property lines, etc. Only the description for Category 3 Sites refer to water resources, and then only with regards to wetlands (which are already protected under federal and state laws), and floodplains. The requirement for building in a floodplain should be changed from the 25 year flood event to the 100 year flood event. The GAAMP limits construction within the 100 year flood plain, but only in cases where a surface water is used as a community drinking water source, which applies to a VERY limited number of municipalities. Again, fish and wildlife resources are not given the consideration and protection they should be granted. New or expanded operations should not be allowed within the 100 year flood plain or within 1,000 feet of any public surface water.

II. MANURE MANAGEMENT AND UTILIZATION

a. General observation: Farms should be strongly encouraged to develop CNMPs at a minimum, rather than the less stringent MMSPs.
b. Page 1: Keep the original words stricken from the end of the first paragraph.
c. Pages 3 and 8, item 5; pages 5-6 and 20, item 28: Storage basins should also be constructed to provide operational storage for all wastes generated from the operation of the facility over a six-month or greater time period, including normal precipitation and runoff in the production area during that period, as per the CAFO General Permit and should be constructed to eliminate any seepage loss.
d. Pages 4 and 14, items 16 and 18: As a general observation, odor complaints by nearby residents are justifiably given a significant level of attention within these GAAMPS. A similar level of concern should be extended to threats to fisheries and wildlife. Outside lot systems and manure storage should not be located near surface waters.
e. Pages 5 and 18, item 25; page 7, item 35; page 26: Incorporation within 48 hours is more than what is legally required by the CAFO General Permit. This recommendation needs to be changed. All manure should be either directly injected or incorporated within 24 hours after surface application. Manure should not be applied to fields where it cannot be injected or incorporated due to the type of crop or farming practices required. Irrigation of manure should be discouraged. Varying crops in fields would allow for a wider range of available dates that wastes can be applied to fields.
f. Pages 5 and 19, item 27: Liners should be constructed of impermeable materials, similar to the requirements for municipal wastewater treatment and storage lagoons, utilizing a minimum 2 foot thick layer of bentonite clay or a composite lining system with a flexible membrane.
g. Pages 7 and 25, item 35: Manure should not be applied to soils within 100 feet of surface waters or in areas subject to flooding for any reason, and all manure applied to soils beyond this distance should be either directly injected or incorporated within 24 hours after surface application. Buffer strips should be installed between any soils applied with manure and any surface water or areas subject to flooding.
h. Pages 7 and 27, item 36: Keep sentence stricken from end of item 36. Manure should not be applied or stored in areas subject to flooding.
i. Pages 7 and 28, item 37: The NRCS High-Impact Targeting System (HIT) should be used to evaluate the potential risk of runoff in land application fields.
j. Pages 7 and 28, item 39: Application of manure to frozen or snow-covered soils should not be allowed. If six months of operational storage volume is actually provided, there would be no need to apply manure during winter months.
k. Page 27, shaded paragraphs 2 and 3: Any operation located within 1,000 feet of a public lake or stream, where that body of water is currently not meeting the DEQ water quality standards for E. Coli on partial or total body contact should be required to develop a CNMP.