



Michigan EGLE Issues CAFO Consent Order

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The Michigan Department of Environment, Great Lakes, and Energy (EGLE) and Water Resources Division recently issued a General Administrative Consent Order for Concentrated Animal Feeding Operations (CAFOs) with anaerobic digesters owned by separate entities. The order is designed to ensure that these CAFOs and digesters are operated in a manner that protects public health and the environment.

Under the order, CAFOs with anaerobic digesters which cannot comply with the current general permit are ordered to develop and implement a joint manure management plan which addresses the following:

- How manure will be transported between the CAFO and digester.
- How manure will be stored and managed at both the CAFO and digester.
- How manure will be applied to land and disposed of.
- Monitoring and reporting from CAFO and digester owners on manure management practices and performance of the digester.
- Plan for the minimization of spill and discharge risk of manure and other pollutants.

Also included in the order are specific requirements regarding the design, construction and operation of anaerobic digesters which help to ensure that the digesters are operated in a safe and environmentally responsible manner.

In addition, the order will provide a pathway for CAFOs with anaerobic digesters to establish compliance while the 2020 general permit is being reviewed by the Michigan Supreme Court.

Anaerobic digestion has shown potential to protect human health and the environment while converting agricultural wastes to resources. The resources generated can be utilized as fertilizer, converted to energy and/or sold to offset operational costs and provide additional revenue to the farm.

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The full text of the EGLE order can be reviewed at General Administrative Order for CAFOs.

If you have compliance concerns regarding the recent EGLE order for CAFOs and anaerobic digesters or other questions related to environmental and health safety regulations, please contact Mike Zahrt (616.726.2223) with Foster Swift's Agri-Business Law Practice.