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STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY
Environmental Permit Review

In the Matter of:

Petition of Michigan Farm Bureau;
Michigan Milk Producers Association;
Michigan Allied Poultry Industries;
Foremost Farms USA; Michigan Pork
Producers Association; Dairy Farmers of
America; Select Milk Producers, Inc.; and
163 Identified Livestock Farms

MOAHR Docket No. 20-009773

OPINION OF THE DIRECTOR

October 29, 2025

This case is for Environmental Permit Review (EPR) as a result of the Michigan Department of Environment, Great Lakes, and Energy's (EGLE) and the Intervenors' timely appeals of an Administrative Law Judge's (ALJ) Final Decision and Order (FDO) issued on January 13, 2025. The FDO approved the 2020 Concentrated Animal Feeding Operations (CAFO) General Permit No. MIG010000 and modified it in certain respects. The General Permit is a National Pollutant Discharge Elimination System (NPDES) permit that was issued by EGLE on March 27, 2020, under the authority of Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, MCL 324.3101 *et seq.*

A Petition for Contested Case Hearing to challenge the General Permit was filed on May 26, 2020, by Michigan Farm Bureau, the Michigan Milk Producers Association, the Michigan Pork Producers Association, Michigan Allied Poultry Industries, Foremost Farms USA, Dairy Farmers of America, and Select Milk Producers, Inc., together with 126 livestock farms identified on Exhibit B to the Petition (collectively, the Agricultural Respondents). The following groups intervened in the contested case: the Environmental Law & Policy Center, the Michigan Environmental Council, the Environmentally Concerned Citizens of South Central Michigan, Freshwater Future, For

Love of Water, Food & Water Watch, Michigan League of Conservation Voters, and the Alliance for the Great Lakes (collectively, the Intervenors). A contested case hearing was held in December 2021 and February 2022, and the record was held open for the submission of closing arguments and related filings until July 2022. In January 2023 the contested case was stayed pending the Michigan Supreme Court's decision in tandem litigation titled *Michigan Farm Bureau v Dep't of Environment, Great Lakes, & Energy*, ___ Mich ___, 2024 WL 3610196 (2024). The Michigan Supreme Court issued its decision in that case on July 31, 2024. The parties then filed briefs in the contested case addressing the application of *Michigan Farm Bureau* to the facts of the contested case. The ALJ issued the FDO on January 13, 2025.

On February 3, 2025, EGLE and the Intervenors each filed petitions for review of the FDO. The Agricultural Respondents did not seek the EGLE Director's review. EGLE and the Intervenors do not question the approval of the 2020 CAFO General Permit. Rather, broadly speaking, they challenge certain modifications made to the permit by the FDO and seek other modifications that were not adopted by the FDO.

As set forth in MCL 324.1317(2) and Executive Order No. 2024-05 6(a)(4), the EPR meeting convened on February 18, August 8, September 18, and October 29, 2025. Meetings of the EPR were conducted consistent with the Open Meetings Act, 1976 PA 267, as amended, and the framework provided in MCL 324.1317, incorporating MCL 324.1315(2) and (3).

Consistent with MCL 324.1317(3), the parties were granted permission to file written briefs to identify issues of concern with the FDO. Written briefs were filed by Elizabeth Morrisseau, on behalf of EGLE, and Robert Michaels, on behalf of the Intervenors. Written responsive pleadings were filed by Zachary C. Larsen, on behalf of the Agricultural Respondents.

On August 8, 2025, the parties presented oral arguments and answered questions. There was an opportunity for public comment prior to deliberation and decision.

LEGAL FRAMEWORK AND STANDARDS

MCL 324.1317 governs the EGLE Director's review of an FDO. Among other things, that statute provides that the EGLE Director's "review of the final decision must be limited to the record established by the administrative law judge," MCL 324.1317(2), and the EGLE Director "may adopt, remand, modify, or reverse, in whole or in part" an FDO. MCL 324.1317(4).

In the tandem *Michigan Farm Bureau* litigation, the Michigan Supreme Court addressed the burden and standard of proof that applies to conditions in the CAFO General Permit. The Supreme Court distinguished mandatory from discretionary conditions in the General Permit. A “mandatory condition” is a condition that “EPA and EGLE rules require every CAFO permit to include[.]” *Michigan Farm Bureau*, 2024 WL 3610196 at *2–*3. Meanwhile, federal regulations require EGLE to include conditions in the General Permit “in addition to or more stringent than” extant federal or state law that EGLE deems necessary to ensure water quality standards (WQS). 40 CFR 122.44(d)(1). *Id.* at *3. These are “discretionary conditions.” *Id.* The Supreme Court held that EGLE bears the burden to prove that any discretionary conditions in the General Permit are necessary to achieve the WQS or to comply with the applicable laws and regulations. *Id.* at *17.

REVIEW OF FDO

The FDO spans 158 pages, exclusive of attachments and appendices. It includes more than 100 pages of findings of fact and 22 numbered conclusions of law, and it concludes by approving the 2020 CAFO General Permit with 12 modifications and suggested modifications. However, the majority of the FDO is not being challenged in this review. This review addresses the issues raised by EGLE and the Intervenors, which include:

1. The FDO’s modification of requirements for wintertime land application and manifesting of CAFO waste.
2. The FDO’s deletion of Part I.C.9. from the 2020 General Permit, which included certain provisions that applied to land application of CAFO waste within watersheds that have total maximum daily loads (TMDL) for certain pollutants.
3. The FDO’s rejection of certain new provisions that were proposed by EGLE or the Intervenors.
4. Additional revisions to the FDO requested by EGLE or the Intervenors.

Wintertime land application and manifesting of CAFO waste

Wintertime land application of CAFO waste

The 2020 General Permit as issued by EGLE and reviewed by the ALJ (Original Permit) allowed land application in January, February, and March with certain restrictions. The

FDO removed the winter restrictions for March (but retained them for January and February) and added a prohibition on application of CAFO waste on frozen or snow-covered ground, except under certain conditions—a requirement that already appears in EGLE regulations. Mich Admin Code, R 323.2196(5)(a)(ix)(A). Both EGLE and the Intervenor challenge this modification.

The ALJ determined that the wintertime land application restrictions were a discretionary condition. The FDO discussed at length the reasons to restrict wintertime land application, concluding that “CAFOs contribute to *E. coli* pollution in Michigan’s rivers and lakes, justifying an amendment of the terms of the 2015 Permit.” Then, the FDO catalogued the evidence supporting winter restrictions and the Agricultural Respondents’ arguments in favor of wintertime application. The Agricultural Respondents’ arguments largely focused on the convenience to farmers of wintertime application, asserting that weather and field conditions often support application, March application allows application before crops are planted but close to planting time, and banning wintertime application forces farms to apply in the typically rainier month of April. The ALJ found the Agricultural Respondents’ arguments persuasive with respect to March application and concluded that restrictions on March application unreasonably interfered with spring farm operations and were not necessary to achieve the WQS. The FDO removed the conditions on March application but left them in place for January and February.

The Intervenor and EGLE seek to reinstate restrictions on wintertime land application. Part 31 requires EGLE to issue permits that will “assure compliance” with the WQS. MCL 324.3106. The Intervenor and EGLE assert that wintertime application unreasonably threatens water quality for several reasons: Weather variability makes application risky because snowmelt and rainfall cannot always be predicted. Also, there are no crops planted to uptake nutrients, and there are no vegetated buffers for protection because plants are dormant. Further, the freeze-thaw cycle makes inadvertent discharge more likely, especially because land that appears thawed at the surface may not be thawed to an adequate depth to absorb the CAFO waste. In addition, EGLE’s past efforts to try to prevent discharges from wintertime application have not been successful. Despite limitations and conditions in prior permits, discharges from wintertime application continue to occur.

Both the Intervenor and EGLE seek further restrictions on wintertime land application than appeared in the Original Permit. The Intervenor now seek to prohibit land application in January, February, and March “or at any other time of year when there is two or more inches of frost and/or four or more inches of snow on the land application

site.” EGLE seeks a full prohibition on land application in January, February, and the first two weeks of March (specifically, March 1–19). Notably, the terms that EGLE proposes were in the draft permit that EGLE put on public notice.

I conclude that EGLE’s proposed prohibition is necessary to achieve the WQS and to comply with the applicable laws and regulations and is supported by the record. The ALJ’s decision to remove the conditions on March land application was based not on science and the directive in MCL 324.3106 to “assure compliance” with the WQS, but rather on convenience to farmers. However, Part 31 requires EGLE to prevent pollution; it does not allow balancing of CAFO operator convenience against the need to protect the waters of the state. The FDO also did not adequately consider that CAFOs must have six months’ waste storage capacity at the beginning of each year, making the risk of wintertime land application unnecessary. Finally, there was testimony and compelling argument that without a full ban on land application during periods in the winter, EGLE cannot fulfill its responsibility to ensure compliance with the WQS because of the difficulty of enforcement. For these reasons, the FDO is modified so that the 2020 General Permit prohibits land application of CAFO waste in January, February, and March 1–19.

Wintertime manifesting of CAFO waste

The Original Permit prohibited manifesting of CAFO waste in January, February, and March. The FDO removed the prohibition on manifesting in March but retained the prohibition for January and February. Both EGLE and the Intervenors challenge this modification.

The same considerations that support limiting land application of CAFO waste in March also apply to manifesting of CAFO waste. There is a credible argument that manifesting is riskier from a water quality perspective than land application by CAFOs because recipients of manifested waste are not subject to the General Permit’s requirements and conditions.

I conclude that prohibiting manifesting of CAFO waste in March is necessary to achieve the WQS and to comply with the applicable laws and regulations and is supported by the record. The additional risk posed by manifesting warrants extending the prohibition beyond February to include the entire month of March. The FDO is modified so that the 2020 General Permit prohibits manifesting of CAFO waste in January, February, and March.

TMDL requirements

Under the federal Clean Water Act, Michigan must set a TMDL for any waterbody that does not meet the WQS. A TMDL is “a written, quantitative plan and analysis for attaining and maintaining water quality standards in all seasons for a specific water body and pollutant.” Mich Admin Code, R 323.2104(v). Thus, by definition, a waterbody with a TMDL does not meet at least one WQS. EGLE has established a statewide TMDL for waters impaired by *E. coli*, dissolved oxygen, and biota pollution and numerous TMDLs for waters impaired by nutrient pollution.

Part I.C.9 of the Original Permit included certain provisions that applied to land application of CAFO waste within a watershed that has a TMDL. Part I.C.9.a stated that EGLE expected “full compliance” with the 2020 General Permit would allow any CAFO to meet loading capacities in an approved nutrient TMDL. Part I.C.9.b required CAFOs in *E. coli*, biota, or dissolved oxygen TMDL areas, within 24 months of receiving notification from EGLE, to conduct a “comprehensive evaluation” of their operations and submit an “Evaluation Report” to EGLE identifying additional site-specific pollution control measures that were needed, if any.

The ALJ determined that the requirements of Part I.C.9 were a discretionary condition. The FDO struck Part I.C.9 in its entirety, finding that it was not necessary to achieve the WQS. Both EGLE and the Intervenors challenge this modification.

The FDO did not address why Part I.C.9.a was being struck. With respect to Part I.C.9.b, the FDO found that there was inadequate evidence produced during the hearing to assess the permit as to biota or dissolved oxygen TMDLs. The FDO also noted the unique nature of CAFOs as point-sources (compared with typical point-sources, such as pipes or ditches) and the unique nature of the permit as a preventative permit rather than a “discharge” permit. For these reasons, the FDO criticized the requirement that farms evaluate the need for additional pollution control measures given that any potential future discharges would be illegal under the permit. The FDO also found the self-evaluation requirement to be “flawed and inadequate” because CAFOs “are not necessarily trained or educated in” the WQS.

The Intervenors seek to restore Part I.C.9 as it appeared in the Original Permit, while EGLE requests that the 2020 General Permit be modified to require CAFOs in TMDL watersheds to abide by individualized requirements in their Certificates of Coverage (COCs).

I conclude that EGLE's proposed language is necessary to achieve the WQS and to comply with the applicable laws and regulations and is supported by the record. This modification will allow EGLE to impose individualized requirements in the COCs of CAFOs in TMDL watersheds, but the permit will not include the requirements that the FDO rejected. The FDO is modified so that Part I.C.9 of the 2020 General Permit reads: "For CAFOs with production areas and/or land application areas in TMDL watersheds, the permittee's COC will include additional site-specific requirements as necessary to meet TMDL requirements."

Director's ability to add new permit provisions

Both EGLE and the Intervenors requested that the ALJ add new provisions to the 2020 General Permit. The ALJ concluded that he could not add new permit provisions for two main reasons. First, the ALJ concluded that he was charged only with determining whether the permit is consistent with state law and, therefore, he did not have jurisdiction to craft provisions to be included in the permit. As support for this conclusion, the ALJ cited *National Wildlife Federation v Dep't of Environmental Quality* (No. 2), 306 Mich App 369 (2014), which held that a contested case is an "extension of the initial application process for the purpose of arriving at a single final agency decision." Second, the ALJ concluded that he could not add the new provisions because they were not placed on public notice and the public was not able to comment on them. Both EGLE and the Intervenors challenge this ruling and request that new provisions be added to the 2020 General Permit.

I conclude that I have the ability to add new provisions to the 2020 General Permit. The contested case is an extension of the permitting process, and I (or an ALJ) may modify a challenged permit based on evidence that is in the record and consistent with applicable law. Such modifications include adding new provisions. ALJs have modified permits to add or amend requirements after contested cases in other situations. See, e.g., *In re Sierra Club and Anglers of the Au Sable on the Permit Issued to Harrietta-Grayling Fish Hatch*, order of the DEQ, entered May 1, 2018 (Case No. 14-020647); *In re Petition of Thomas Van Zoeren on the Permit Issued to the Bayberry Group, Inc.*, Order of DEQ, entered September 11, 2018 (Case No. 16-023577). And in this case, the ALJ modified and removed provisions in the 2020 General Permit. But in concluding that he did not have authority to add provisions to the permit, the ALJ did not explain why modifying and deleting provisions was permissible but adding provisions was not. The distinction does not seem to be meaningful.

As for the public notice requirement, that applies only to the initial permitting process. EGLE modified the permit in response to public comment and the ALJ modified the permit during the contested case process, and neither of those modified versions were subjected to public comment. Also, the new provisions that EGLE and the Intervenors seek to add were raised or addressed during the public comment period.

I reverse the ALJ's determination that he did not have the authority to add new permit provisions, for the reasons stated herein.

EGLE's proposed new permit provisions

Definition of "operational control"

Under the administrative rules, a manifest is needed for the land application of CAFO waste that is not under the "operational control" of the CAFO that generates it. Mich Admin Code, R 323.2196(5)(e). The rules do not define "operational control." The 2020 General Permit adopts the term "operational control" to explain when permittees must use a manifest to track CAFO waste, but the Original Permit also did not define the term.

During the contested case hearing, EGLE explained that not defining the term made it difficult to enforce permit conditions where the owner of a CAFO creates a separate corporate entity to receive CAFO waste—meaning that on paper, the CAFO transfers its waste to a third party, but it still controls how the waste is land applied. The Agricultural Respondents asserted that CAFOs have a right to manifest waste and that EGLE has sought to hold CAFOs responsible for third parties' actions by improperly trying to connect the ownership of the two entities.

Both EGLE and the Agricultural Respondents proposed definitions of "operational control" during the contested case hearing. The ALJ agreed that a definition of "operational control" was needed but did not adopt either definition because he concluded that he could not add provisions to the permit. In this appeal, EGLE proposed a modified version of its definition.

I conclude that adding a definition of operational control to the 2020 General Permit is appropriate and necessary to assist EGLE in assuring compliance with the WQS. However, the definitions proposed by EGLE and the Agricultural Respondents during the contested case hearing are too subjective, which would lead to CAFOs that have operational control over entities that receive manifested waste nonetheless being deemed not to have operational control. Conversely, the modified definition that EGLE

proposes in this appeal is overly broad and disregards the corporate form, by imputing operational control where even one individual with control or ownership of the CAFO also owns, rents, or leases the land application area. I conclude that EGLE's modified definition should be narrowed and that an objective standard for determining operational control will more accurately identify CAFOs that have operational control over entities that receive manifested waste.

Additionally, I conclude that there is insufficient evidence in the record to support EGLE's proposed provision that would impute operational control to a CAFO where CAFO waste is transferred by vessel, pipeline, or other mode of transportation that is owned, operated, or otherwise controlled by the CAFO.

Accordingly, the FDO is modified to add the following definition to the 2020 General Permit:

Operational control means CAFO waste is within the operational control of a CAFO if any of the following conditions are met:

1. The land application area is owned, rented, or leased by the CAFO owner or operator;
2. The CAFO owner or operator, or individual owners or operators of the CAFO, individually or collectively, own or control at least a plurality interest in the entity receiving the manifested waste (which must be disclosed to EGLE when waste is manifested), unless the CAFO demonstrates that it does not exercise operational control over the receiving entity;
3. The CAFO has the authority to manage or direct the method of applying the CAFO waste or is subject to an access agreement that allows the CAFO owner or operator to land apply CAFO waste; or
4. The CAFO owner or operator regains control over the CAFO waste after it is manifested.

Groundwater monitoring requirement

EGLE requests to add a provision requiring groundwater monitoring for CAFO waste storage structures, but only if such a condition is specified in the COC. The ALJ declined to add such a provision based on his conclusion that he lacked authority to add provisions; he did not address the merits of the proposed provision.

The 2020 General Permit allows discharges to groundwater, and EGLE cannot meet its statutory obligation to ensure compliance with the WQS without requiring monitoring of those discharges. I conclude that allowing EGLE to impose individualized groundwater monitoring requirements in COCs is necessary to achieve the WQS and to comply with the applicable laws and regulations and is supported by the record. The FDO is modified to insert a groundwater monitoring requirement into the 2020 General Permit as set forth in Part C.11 of EGLE's proposed modified general permit, attached as Exhibit A to its March 28, 2025, brief filed in this appeal.

Requirement for notice of application to certain fields

EGLE seeks to add a requirement that CAFOs provide notice to EGLE within 24 hours of applying CAFO waste to certain fields. This requirement would only apply to those fields specified in the COC, and EGLE clarified at the hearing that notice would be required for fields where an increased risk of WQS violations exists because of characteristics such as proximity to surface water, slope, elevated phosphorous levels, soil type, tiles, or the type of waste being applied. Currently, EGLE's enforcement of CAFO permits is based on self-reporting, citizen complaints, and reports filed months after land application occurs. Notice of application would allow EGLE to conduct compliance inspections to determine whether unlawful discharges are occurring.

EGLE has legal authority to require CAFOs to do compliance testing, and CAFOs are required to allow EGLE to do compliance testing. Also, the 2020 General Permit requires CAFOs to make land application records available to EGLE on request and to provide them through quarterly reporting. The Agricultural Respondents' argument that EGLE's proposed notice requirement is time-consuming and burdensome is not well supported.

I conclude that allowing EGLE to impose a condition for reporting within 24 hours of land application for fields specified in the COC is necessary to achieve the WQS and to comply with the applicable laws and regulations and is supported by the record. The FDO is modified to insert a notice requirement into the 2020 General Permit as set forth in Part B.3.i. of EGLE's proposed modified general permit.

Intervenors' proposed new permit provisions

Tighten requirements for manifested CAFO waste

The Intervenors request that provisions be added to the 2020 General Permit to tighten requirements for manifested CAFO waste. The Intervenors state that these

requirements are intended in part to address the ability for CAFOs to manifest waste to nominal third parties. Specifically, the Intervenor seek to add requirements for disclosure of corporate ownership, a field-by-field assessment before application, and certification by recipients of manifested waste that they must comply with certain land application requirements. The Agricultural Respondents object to these changes primarily because they would impose permit requirements on non-permittees and effectively erase the “operational control” requirement.

I conclude that there is not a sufficient legal basis to impose these requirements on the recipients of manifested waste and deny this request for that reason.

Require use of the Michigan Phosphorous Risk Assessment

The draft permit that was noticed for public comment required CAFOs to use the Michigan Phosphorous Risk Assessment (MPRA) to evaluate fields for potential land application. EGLE modified the permit after public comment to allow use of (1) the MPRA or (2) Bray P1 levels with a lower maximum value if the CAFO also used a setback and buffer. The Intervenor request that the MPRA be reinstated as the exclusive means to evaluate fields.

The record includes conflicting evidence regarding the reliability and suitability of using the MPRA to evaluate fields for potential land application. I conclude that the record does not support requiring the MPRA as the exclusive means to assess the phosphorous levels of fields to which CAFO waste will be applied. This request is denied, and the language allowing use of the MPRA or Bray P1 levels is retained.

Bar the application of liquid CAFO waste on tile-drained fields

The Intervenor seek to prohibit the application of liquid CAFO waste to tiled fields by adding a requirement that CAFO waste applied to a tiled field must have a solids content of at least 8%. The Agricultural Respondents assert that such a requirement would essentially ban land application of swine and dairy manure, which typically contains less than 8% solids. They also argue that Intervenor’s request is based on an incorrect premise that liquid manure will flow directly into drainage tiles rather than assimilate into the soil and disregards that the 2020 General Permit requires the manure to be incorporated into the soil.

I find the Agricultural Respondents’ arguments persuasive in this regard and deny the request for that reason.

Require analytical sampling and testing of tile drain discharges

The 2020 General Permit requires inspection of tile drain outlets before and after land application, but the Intervenor asserts it is ambiguous as to when analytical sampling must be done. Also, the permit requires monitoring after certain rain events within 30 days of land application, but it only requires analytical sampling if the color or odor of the discharge indicates contamination. The Intervenor seeks to modify these provisions to require analytical sampling if *any* discharge is observed after land application or after a specified rain event within 30 days of land application. The Agricultural Respondents argue that requiring monitoring of all discharges from tile outlets is too broad.

I conclude that there is inadequate support in the evidentiary record for the modifications that the Intervenor seeks and deny this request for that reason.

Change the way storage capacity is calculated to ensure CAFOs have adequate capacity to store waste through the winter

The Intervenor seeks to reinstate two provisions related to calculating storage capacity that appeared in the draft permit but not in the Original Permit. The first provision stated that storage capacity calculations could not include calculations of evaporation. The second provision required storage capacity calculations to account for a foot of residual solids in the bottom of the storage structure. That requirement was modified in the Original Permit to six inches. The Agricultural Respondents oppose these changes, arguing that evaporation should be accounted for and that an assumption that a farm will always have 12 inches of residual solids skews the storage capacity calculation.

I conclude that there is inadequate support in the evidentiary record for the modifications that the Intervenor seeks and deny this request for that reason.

EGLE's additional requests

EGLE makes two additional requests. First, EGLE requests the following non-substantive changes to the FDO:

- change underlined text to **bold** for readability;
- change references to the reporting database to MiEnviro Portal from MiWaters; and
- update the website address for the reporting database.

These non-substantive changes either are necessary to reflect changes to EGLE programs since 2020 or will improve readability. No other party objects. These requests are granted.

Second, EGLE requests that the permit's expiration date be extended. As noted, the 2020 General Permit was effective on April 1, 2020, for a term of five years and expired by its terms on April 1, 2025. If the expiration date is not extended, the permit will have become moot before the contested case process was concluded. I conclude that extension of the issuance and expiration dates is an allowable modification of the FDO. Therefore, the FDO is modified to reflect an issuance date for the 2020 General Permit that is the date of this opinion and an expiration date that is five years after that date.

Intervenors' additional requests

Correct the FDO to use "CAFO Waste" instead of "manure"

The Intervenors note that the 2020 General Permit uses the term "CAFO Waste" to refer to the substance regulated under the permit and that manure is just one component of CAFO waste. The FDO, in turn, uses manure repeatedly in places where the Intervenors assert that it means CAFO waste. The Intervenors ask that the FDO be corrected.

This request is granted. "CAFO Waste" is the defined term, and the FDO is modified to refer to "CAFO Waste" rather than manure where appropriate.

Reinstate the requirement for a Daily Manure Application Summary

The Original Permit required CAFOs to obtain information from manifested waste recipients that would help EGLE know where waste is being applied, including contact information, field locations, soil test phosphorous results, and a "Daily Manure Application Summary" that contained basic facts about the waste application, such as time, date, and application method. The FDO struck the requirement for a Daily Manure Application Summary, finding that it would have an "inappropriate" "chilling effect" on manifesting. The Intervenors seek to reinstate these requirements. The Agricultural Respondents assert that the record does not support this requirement, that it would have a chilling effect on manifesting if a recipient is unwilling to provide the required information, and the provision effectively imposes permit conditions on non-CAFOs.

I conclude that there is inadequate support in the evidentiary record for the modifications that the Intervenors seek and deny this request for that reason.

Replace the word “Summary” with the word “Record” in Part I.C.8.c.4 of the permit so that it uses the term “Daily Manure Application Record” instead of “Daily Manure Application Summary”

Because the request to reinstate the requirement for a “Daily Manure Application Summary” was denied, this request is moot.

* * *

In sum, the FDO is modified as reflected in this decision. In all other respects, the FDO is adopted.

Pursuant to MCL 324.1317(4) and Executive Order No. 2024-05 6(a), this opinion is the final decision of the Michigan Department of Environment, Great Lakes, and Energy and is subject to judicial review as provided under the Administrative Procedures Act and other applicable law.



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