3) CAFO Storage Structure Environmental Performance Equivalence Demonstration Compacted Earth Lined Ponds

Introduction

This document is intended to be fully completed to demonstrate environmental performance equivalent to the Natural Resources Conservation Service (NRCS) Conservation Practice Standard No. 313, Waste Storage Facility, dated November 2005 or August 2014 (NRCS 313) and related practice standards, for the purposes of Michigan National Pollutant Discharge Elimination System (NPDES) permitting. This document applies to only waste storage structures constructed prior to the issuance of a facility's Certificate of Coverage (COC) or individual permit.

The Michigan Department of Environmental Quality (MDEQ) issued your Concentrated Animal Feeding Operation (CAFO) a Schedule of Compliance (SOC) allowing up to three years to provide adequate documentation that storage structures are either constructed in accordance with NRCS 313, or provide environmental performance equivalent to NRCS 313. The latter being the purpose of this document. If neither of these can be accomplished prior to the deadline in the SOC, continued use of the storage structure is a violation of the permit.

It is not the intent of the MDEQ to create a financial hardship for producers. However, assuring that storage structures are appropriately constructed and functioning is critical to the MDEQ's mandate to protect human health and the environment in the State of Michigan.

Completing this specific template is not required by law. Alternative formats and demonstrations will be reviewed. However, it should be noted that this form provides standards and documentation which the MDEQ believes minimally demonstrate environmental performance equivalent to NRCS 313.

The MDEQ reserves the right, as outlined in the facility's permit, to conduct inspections of the evaluated structures to assess the validity of the evaluation.

Submission of this evaluation does not constitute an implicit approval, by the MDEQ, that the storage structures meet permit requirements.

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Instructions

1) Instructions vary slightly among the different types of storage structures (particularly Item 10), so please review all instructions thoroughly for each structure reviewed.

2) Each evaluation shall be prepared by an engineer licensed in the State of Michigan. The evaluating engineer's seal must appear on the signature page.

3) Completion of the signature page of this evaluation indicates the evaluating engineer's opinion that all applicable criteria have been addressed and the structure currently meets environmental performance equivalent to the applicable NRCS 313 Standard. Thus, indicating that all necessary corrective actions have been completed by the permittee and reviewed by the evaluating engineer.

4) Each criterion must be completed as thoroughly as possible by the evaluating engineer. Any omission or incomplete data from that ordinarily required, herein, must be described in the evaluation report as to why it could not be performed/obtained and the effect the omission has on the adequacy of the evaluation. Any omission or incomplete data not adequately explained will be regarded as not addressed, and will be considered incomplete.

5) To complete the demonstration, all boxes for each appropriate criterion must be **initialed by the evaluating engineer**. Each box is initialed to indicate that it is the professional opinion of the evaluating engineer that the criterion has been satisfied, in accordance with the applicable NRCS 313 Standard or the guidance provided.

6) Guidance is provided for most criteria. The guidance outlines evaluation options or a minimum expected level of investigation necessary to satisfy the criterion. If a criterion is not applicable, or the investigation differs from the guidance provided, a detailed explanation is necessary so the MDEQ can determine whether the criterion is adequately addressed.

7) The guidance requests submission of many types of documents. Updated plan view drawings are also required. All plans submitted to the MDEQ should be on 11x17 sheets, if possible. As-built plans, if available, shall be submitted as part of the evaluation. This evaluation may be completed by a different engineer than the one that sealed the as-built plans. Any modifications made by the evaluating engineer to the as-built plans must be identified as such, dated, and initialed. If no as-built plans are available, scaled plans and drawings shall be submitted. At a minimum, this must include a scaled plan view of the structure that provides structure layout, any components that were reviewed, and any corrective actions resulting from this evaluation.

8) Each waste storage structure shall be evaluated separately and have its own signature page. It is recommended that all criteria are read prior to proceeding with an evaluation.

9) Each storage structure evaluation should have a narrative attached to it to describe the facility and provide any design and/or construction information available. Materials provided in support of the evaluation should be enclosed with the evaluation.

10) It is preferable to have the structure empty for this inspection. However, at least two-thirds (2/3) of the side slopes must be visible. If the visible portion of the structure has indicators of structural failure (current or past), the structure must be emptied for this review.

11) For some criterion, interviews with knowledgeable parties may be utilized to obtain information and satisfy the criterion. The evaluating engineer may initial and satisfy the criterion if the information provided indicates that the criterion is met in his/her professional opinion. Document the source of information obtained in this manner.

12) Areas used for temporary stacking (i.e. for frozen manure or transfer areas prior to permanent storage) do not need to be evaluated unless the volume in this area is required to meet the minimum storage capacity identified in the permit. However, please note that contaminated runoff from these areas is required to be collected in an acceptable storage structure consistent with NRCS 313 or this guidance.

13) Any voids created within clay liners during the evaluation shall be refilled with bentonite chips or the equivalent.

14) All repairs and/or retrofits associated with completing this evaluation shall be documented and provided as part of the evaluation and demonstration.

Signature Page

Permittee Name	
Storage Structure I.D.	
Location	
Structure Type	
Year Built	
Date of Inspection(s)	

☐ Criteria: The storage structure meets or exceeds environmental performance equivalent to the NRCS Standard, set forth in Conservation Practice Standard No. 313, Waste Storage Facility, dated either November 2005 or August 2014, as identified in the permittee's Certificate of Coverage.

Comments:

Guidance: All remaining sections of this document which apply to the structure must be completed. The signature and seal of the evaluating engineer must appear on this page.

Signatory States: To the best of my knowledge, personal judgment, and belief, as a professional engineer licensed in the State of Michigan, this storage structure meets environmental performance equivalent to the appropriate NRCS Standards, set forth in Conservation Practice Standard No. 313, Waste Storage Facility, as identified in the above referenced permitee's Certificate of Coverage. Furthermore, the Waste Storage Structure appears to be functioning as designed and built, and meets the requirements as set forth by the MDEQ.

_____
Date

3.0 Compacted Earth Lined Ponds

3.1

Criterion: The structure is not in a floodplain, or is properly protected from inundation from the 25-year flood event or larger. No field tile is located within 50 feet of the structure, except for an artificial drainage system designed to lower a perched water table or as part of a foundation drain. (Page 1 of NRCS 313 Standard.)

Comments:

Guidance: For floodplain and field tile isolation determinations, comment above and/or include technical submissions (drawings, investigations, interviews, etc.).

3.2

Criterion: The constructed bottom elevation is no lower than two (2) feet above the seasonal high water table. (Page 5 - November 2005 or Page 4 - August 2014 of NRCS 313 Standard.)

Comments:

Guidance: Conformance with this criterion shall be evaluated by providing documentation of at least one (1) soils investigation on at least three (3) sides of the waste storage structure to determine the presence and elevation of a water table. The same soils investigation may be used for multiple structures provided it is technically appropriate. If a perched water table is present explain how it was lowered in accordance with the NRCS 313 Standard (Page 4-November 2005 or Page 3 - August 2014 of NRCS 313 Standard). Detailed documentation of the location and results of soils investigation(s) shall be provided. Historical investigations can be utilized, provided that they were performed by individuals trained in soils science, engineering, geology, or a related field, and meet either the NRCS 313 standard and/or the guidance above. For further subsurface investigation guidance and resources, consult the NRCS website: *http://www.nrcs.usda.gov/wps/portal/nrcs/main/mi/technical/ecoscience/manure/*, see Subsurface Investigations for Waste Storage Facilities; Frequently Asked Questions, April 22, 2009.

3.3

Criterion: Proper drinking water well isolation distances are addressed.
(Page 1 of NRCS 313 Standard.)

Comments:

Guidance: Collect data and provide documentation as outlined below.

1) Provide a scaled drawing of the facility which identifies all of the following:
    a) Waste storage structures
    b) Buildings and other structures
    c) All on-farm wells (whether currently in use or not) that have not been abandoned in accordance with Part 127, Michigan's Well Construction Code, of 1978 PA 368 Public Health Code, as amended, and the Administrative Rules.
    d) All off-farm wells not meeting the setbacks from the evaluated structure as identified in Item 2 below.
    e) All properly abandoned wells (attach well abandonment logs).
2) Document the well type (as identified in 1976 PA 399 Michigan's Safe Drinking Water Act, as amended, and the Administrative Rules), NRCS 313 Standard setback distance, and actual setback distance from the storage structure for each non-abandoned well (1a-1d above) identified on the scaled drawing. NRCS 313 Standard setback distances are listed below:
    a) Private wells – 150 ft.
    b) Public wells, Type IIb and III – 800 ft.
    c) Public wells, Type I and IIa – 2,000 ft.
3) For Type IIb and III public wells not meeting the setbacks identified in Item 2, determine if isolation distances can be reduced utilizing the most current version of the NRCS's Well Isolation Distance Worksheet For Major and Potential Sources of Contamination (NRCS Worksheet).
4) For any wells which meet either the isolation distances in Item 2, or the appropriate reduced isolation distances as identified by the NRCS Worksheet, submit the scaled drawing, applicable NRCS Worksheets, and all NRCS Worksheet supporting documentation (including well logs for each well).
5) For any wells which do not meet the minimum isolation distances, identified in Item 2, and do not meet reduced isolation distances requirements from the NRCS Worksheet, submit all of the following:
    a) Information about how each water well at the facility is used, including: pumping capacity, average amount pumped per day, how many months of the year the well is pumped, and if the water is available for human use.
    b) Well log or construction details. If a well log is not available, determine and provide the well depth, casing depth, screened interval or open bedrock interval, grouting information, static water depth, and geologic formation materials information.
    c) Local groundwater flow direction information and supporting documentation.
    d) Historical bacteriologic and nitrate sampling results. If no historical samples are available, provide at least one sample result from each well including analysis for fecal coliform and nitrate.
6) If the information provided is not sufficient to allow a deviation from the required isolation distances, the MDEQ may request additional information or require corrective action(s).

3.4

Criterion: If a known or suspected subsurface drainage system (perched water table or otherwise) is present, the drainage water and the outlet pipe appear clean and are free of manure odor.

Comments:

Guidance: Consult available historical information and documentation, and inspect the entire exterior of the structure for evidence of a subsurface drainage system. On the submitted drawings or plans, identify any known or suspected subsurface drainage system(s) within 50 feet of the structure and show the location of the outlet(s). Provide a written description of the visual condition and any odors associated with the drainage water and the outlet pipe in the comments section above. If no drainage water was observed, indicate in the comments above. Document the time of year the inspection occurred and any weather data that would support the findings. If not applicable, indicate in the comments and initial.

3.5

Criterion: If any of the following conditions exist, identify how they have been addressed to protect the identified resource concern.

Examples of geologic conditions with potential cause for groundwater concern:

i. Any underlying aquifer is at shallow depth and not confined.
ii. The vadose zone is rock.
iii. The aquifer is a domestic water supply or ecologically vital water supply.
iv. The site is located in an area of solutionized bedrock such as limestone or gypsum.

Comments

Guidance: Sites with conditions listed above are not appropriate unless no reasonable alternative exists. If the site has such geology, please indicate, in the comments above, how the structure has been constructed or the site modified to prevent contamination.

3.6

Criterion: Storage structure outlets do not automatically release unless it is intended as part of the design for a series of storages. (Page 7 - November 2005 or Page 5 - August 2014 of NRCS 313 Standard.)

Comments:

Guidance: Permanent storage structures cannot rely on automatic release outlets unless it is intended as part of the design for a series of storages. If automatic outlets are present, verify that they discharge into appropriate storage structures and provide a narrative.

3.7

Criterion: Embankments meet the minimum top widths as compared to the depth of storage. (Table 2, Page 7 - November 2005 or Page 5 - August 2014 of NRCS 313 Standard.)

Comments:

Guidance: Unless supported by a slope stability analysis, embankments shall meet the minimum top width for structural purposes. This shall be measured at the top of the freeboard elevation. If no embankment exists, indicate as such in the comments and initial.

3.8

Criterion: The combined side slopes of the settled embankment are not less than 5 horizontal to 1 vertical, and neither side slope is steeper than 2 horizontal to 1 vertical, unless supported by soil investigations and a slope stability analysis. (Page 7 - November 2005 or Page 5 - August 2014 of NRCS 313 Standard.)

Comments:

Guidance: This criterion does not include structurally sound push off areas. Unless supported by a slope stability analysis, side slopes which do not meet this criterion must be corrected.

3.9

Criterion: Herbaceous vegetation is maintained at a height that stabilizes the structure. Alternatively, a hard surface is maintained to stabilize the structure. Woody vegetation is not growing on the embankment, nor close enough to compromise the liner or structure. Erosion is not evident on the top or the side slopes of the embankment.

Comments:

Guidance: At the time of the evaluation, the top of the structure and outside slope of the embankments were mowed or showed signs of mowing. The herbaceous vegetation on the embankment has sufficient density to prevent soil erosion from occurring. The embankment must be reasonably landscaped to prevent failure in the embankment and allow for adequate visual inspection. Any erosion damage shall be corrected and fully vegetated, or other effective permanent erosion control measures applied.

3.10

Criterion: There is no evidence of soft, wet, or spongy soils or leakage along the exterior of the embankment and particularly at the outside toe of the embankment.

Comments:

Guidance: The entire exterior of the structure must be inspected for leakage or soft soils, including areas immediately at and extending beyond the toe of the structure as appropriate. If these conditions are present, the problem must be identified and corrected. If no embankment exists, indicate as such in the comments and initial.

3.11

Criterion: The structure is free of burrowing animals and other animal damage.

Comments:

Guidance: The entire structure must be inspected for signs of animal damage. If burrowing animals are present, they shall be removed and the embankment repaired appropriately.

3.12

Criterion: Inlets, pump outs, push offs, conveyances, and agitation and waste removal areas are structurally sound and the liner is properly protected from the damaging action of these activities.

Comments:

Guidance: The entire structure shall be inspected for evidence of structural failure or liner damage from these and other similar activities (past or present). Any signs of excessive or repeated liner damage or erosion (even if repaired), require the addition of permanent protective measures; this may include a fence, concrete, soil, or any environmentally sound materials that protects the liner. The permanent measures should be identified in the submitted drawings or plans.

3.13

Criterion: The pond liner is protected with at least one (1) foot of compacted soil material or appropriate alternative. (Page 6 - November 2005 or Page 4 - August 2014 of NRCS 313 Standard.)

Comments:

Guidance: Soils evaluations shall be conducted at least every 100 linear feet of side slope, which demonstrate that the liner is protected by a minimum of 12 inches of compacted earth, measured perpendicular to the finished pond surface. Soils evaluations must be included with the evaluation. Some alternative liner protection materials may be acceptable. If alternative liner protection is installed, a technical justification must be provided. Historical investigations can be utilized, provided that they were performed by individuals trained in soils science, engineering, geology, or a related field, and meet either the NRCS 313 Standard and/or the guidance above.

3.14

Criterion: The liner is the proper thickness (Page 5 & 6 - November 2005 or Page 4 - August 2014 of NRCS 313 Standard.).

Comments:

Guidance: Soils evaluations shall be conducted at least every 100 linear feet of side slope, which demonstrate that the liner thickness is at least 12 inches (not including the minimum 1 foot of protective soil or other cover). Soils evaluations must be included with the evaluation. Historical investigations can be utilized, provided that they were performed by individuals trained in soils science, engineering, geology, or a related field, and meet either the NRCS 313 Standard and/or the guidance above.

3.15

Criterion: Laboratory or field permeability tests have been performed to demonstrate that the liner meets the 2005 NRCS 313 Standard permeability of 0.0028 ft./day (1 x 10^{-6} cm/sec), or less. For ponds with greater than 10 feet of liquid storage depth, calculations shall be presented demonstrating, based on permeability and/or liner thickness, that the required specific discharge of 0.028 ft./day (1 x 10^{-5} cm/sec), or less has been achieved. Field tests (exfiltration tests or seepage analysis) of the specific discharge of the entire pond may be made if the test procedure is determined to be acceptable by the MDEQ (Page 5 - November 2005 or Page 4 - August 2014 of NRCS 313 Standard).

Comments:

Guidance: In-situ or undisturbed core lab sampling will be accepted. The tests must show the permeability is acceptable. A minimum of one (1) permeability test shall be taken from at least two (2) side slopes to demonstrate liner permeability. Undisturbed core samples shall be taken from the middle third of the side slopes. Historical testing can be utilized, provided that it was performed by individuals trained in soils science, engineering, geology, or a related field, and meet either the NRCS 313 Standard and/or the guidance above. For the seepage analysis please utilize the MAEAP Criteria for Seepage Analysis Procedure.

List of References

1976 PA 399 Michigan's Safe Drinking Water Act, as Amended, and the Administrative Rules

Comprehensive Nutrient Management Plan (CNMP) MAEAP Guidance Document for Comprehensive Nutrient Management Plans. Michigan Agriculture Environmental Assurance Program, MAEAP CNMP Committee, April 20, 2015. <www.maeap.org>

Guidance for the Evaluation of Existing Storage Structures. Michigan Department of Environmental Quality, Water Bureau. December 2, 2005. [Online] <www.michigan.gov/deq/0,1607,7-135-3313_3682_3713-96774--,00.html>

Manure storage review sheets. Michigan Agriculture Environmental Assurance Program, Josh Appleby. 2-28-08. [Online] <www.maeap.org>

MEAEP Criteria for Seepage Analysis Procedure. Michigan Agriculture Environmental Assurance Program. April 2015. [Online] <www.maeap.org>

Part 127 Michigan's Well Construction Code, of 1978 PA 368 Public Health Code, as amended, and the Administrative Rules.

Natural Resources Conservation Service (NRCS) Documents

NRCS-Michigan Well Isolation Distance Worksheet for Major and Potential Sources of Contamination, June 2014.

NRCS-Michigan, Subsurface Investigations for Waste Storage Facilities; Frequently Asked Questions, April 22, 2009, NRCS website: < http://www.nrcs.usda.gov/wps/portal/nrcs/main/mi/technical/ecoscience/manure/>

Pond Sealing or Lining – Compacted Clay Treatment, NRCS-Michigan Conservation Practice Standard No. 521-D, November 2014, <http://www.mi.nrcs.usda.gov>

Pond Sealing or Lining – Compacted Clay Treatment, Code 521-D, NRCS-Michigan Operation and Maintenance Plan, November 2014, <http://www.mi.nrcs.usda.gov>

Waste Storage Facility, NRCS-Michigan Conservation Practice Standard No. 313, August 2014, <http://www.nrcs.usda.gov/technical/efotg/>

Waste Storage Facility, NRCS-Michigan Conservation Practice Standard No. 313, November 2005, <http://www.nrcs.usda.gov/technical/efotg/>

Waste Storage Facility – Pond, Code 313, NRCS-Michigan Operation and Maintenance Plan, September 2014, <http://www.nrcs.usda.gov/technical/efotg/>