The Michigan Department of Environmental Quality (MDEQ) regulates activities that impact the state’s air, water, and land resources. This document discusses the environmental regulations that may apply to the installation and operation of an anaerobic digester (AD) on a farm or food processing facility in Michigan. It is important that you understand what regulations apply before construction begins because a permit or authorization may be required. The regulatory audit below can be used to quickly determine what regulations might apply to your AD project.

Additional information about ADs can be found at [www.michigan.gov/mda](http://www.michigan.gov/mda) (select “Farming” then “Environment”). MDEQ contact information can be found at the end of this document.

### REGULATORY AUDIT FOR ANAEROBIC DIGESTERS

The following ten questions will help you identify the environmental requirements that may apply when installing or operating an AD on a farm or food processing facility. Detailed information on these requirements can be found on the pages following the audit.

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes - Continue</th>
<th>No – Go to question 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Is the biogas generated by the AD going to a generator? (See page 2)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Is the heat input capacity of the generator greater than 10,000,000 Btu/hr? (See page 2)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Are more than two generators going to be installed? (See page 2)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Is the biogas generated by the AD going to a boiler or flare? (See page 2)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Is the SO\textsubscript{2} emission rate from the boiler or flare greater than 1 lb/hr? (See page 2)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Will material other than manure be added to the digester (e.g. food processing residuals)? (See page 3)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Is this a community AD (an AD that accepts feedstock from multiple sources)? (See page 3)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. Will construction of the AD impact a wetland area? (See page 3)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9. During AD construction, will one or more acres of earth be disturbed, or will earth be disturbed within 500 ft of a lake or stream? (See page 4)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10. Will any additional chemicals be used for the AD? (see page 4)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
AIR QUALITY REGULATIONS

In Michigan, an air permit is required for any activity that generates an air contaminant, unless that activity is specifically exempted from having to obtain an air permit in the Michigan Air Pollution Control Rules. ADs have the potential to generate air contaminants either directly via the digestion process, or indirectly via the combustion of the gas generated from the AD. Therefore, prior to constructing the AD, you will need to determine if an air permit will be required or if the activities are exempt from air permitting. Whether or not the AD requires a permit depends on what happens to the gas that is generated. Usually, gas from an AD is sent to a combustion device such as a flare, boiler, or generator. The gas may also be piped off-site. Below is a discussion of permitting requirements associated with each of these options.

- **Piping Off-site** - If the gas from the AD will be piped off-site, there are no air emissions so an air permit is not required for this activity.

- **Flare or Boiler** – If the gas from the AD is going to a flare or boiler, a permit will not be required if the actual emission rate of sulfur dioxide (SO\(_2\)) will not exceed 1 pound per hour \([R\ 336.1282(g)]\). If you do not know the actual emission rate of SO\(_2\) from the boiler or flare, you can use the SO\(_2\) Emission Rate Worksheet and example provided on page 5. If the emission rate of SO\(_2\) is greater than 1 lb/hr, you will need to obtain a Permit to Install from the MDEQ, Air Quality Division, prior to installing the flare or boiler.

- **Generator** – If the gas will be used to power a generator, you will not need to obtain an air permit if the generator has a maximum heat input capacity of less than 10,000,000 Btu/hr \([R\ 336.1285(g)]\). If the generator’s heat input capacity is greater than 10,000,000 Btu/hr, you will need to obtain a Permit to Install from the MDEQ, Air Quality Division, prior to installing the generator. **Note that 10,000,000 Btu/hr is equivalent to a 1,875 KW generator or a 1,320 brake-HP engine.**

**If several generators will be installed, they may be excluded from the exemption due to the amount of emissions generated \([R\ 336.1278]\). If more than two exempt generators will be installed, contact the appropriate MDEQ district office to determine if a permit is required (see page 6).**

The MDEQ Air Quality Division Permit to Install application can be found at [www.michigan.gov/deqair](http://www.michigan.gov/deqair). Contact the appropriate MDEQ AQS district office to verify whether or not an air permit is required. There is no fee to obtain an air permit. For assistance call (800) 662-9278.
WATER QUALITY REGULATIONS

The effluent from an AD has the potential to impact groundwater and surface water quality if improperly managed. Most farming operations will not be required to obtain any additional water discharge permits or authorizations for an AD if only manure is being managed in the AD. If the facility is currently operating under a permit issued by the MDEQ, then the AD should be included as part of the manure management system of the comprehensive nutrient management plan (CNMP).

If an operation will be combining different types of material in the AD and then land applying the effluent, additional requirements may apply. For example, if a farming operation will add material other than manure to the AD, such as food processing residuals or other wastes, a permit or authorization may be required to land apply the effluent. If the AD will process combined materials, it is recommended that the MDEQ Water Bureau and the Waste and Hazardous Materials Division (WHMD) be contacted to discuss the requirements that may apply prior to land application. A list of MDEQ district offices can be found on page 6. For specific questions about obtaining authorization to land apply mixed materials, contact Mr. Duane Roskoskey, MDEQ, WHMD, at (517) 335-4712.

Farming operations that wish to install an AD are not required to obtain any additional surface or ground water permits for the AD as long as only manure is processed in the AD.

WETLANDS REGULATIONS

The MDEQ, Land and Water Management Division (LWMD) regulates activities that may affect wetland areas. Part 303 of the Natural Resources and Environmental Protection Act defines a wetland as “land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh.” The definition applies to public and private lands regardless of zoning or ownership. The following activities are prohibited in wetlands unless a Part 303 permit has been obtained from the MDEQ:

- Deposit or permit the placing of fill material in a wetland.
- Dredge, remove, or permit the removal of soil or minerals from a wetland.
- Construct, operate, or maintain any use or development in a wetland.
- Drain surface water from a wetland.

If you believe the construction of an AD may impact a wetland area, contact the MDEQ, LWMD for guidance at (800) 662-9278 or go to [www.michigan.gov/deqwetlands](http://www.michigan.gov/deqwetlands). The Part 303 application fee is $100.

The MDEQ, LWMD Wetland Assessment Program offers a service to help businesses and the public identify wetland and upland areas on their properties. Individuals interested in assessment services must submit an assessment application to the LWMD, Wetlands and Submerged Lands Unit.

For information call (517) 373-1746. The wetland assessment application and a list of associated fees can be downloaded at [www.michigan.gov/deqwetlands](http://www.michigan.gov/deqwetlands).
SOIL EROSION AND SEDIMENTATION CONTROL REGULATIONS

A soil erosion and sedimentation control permit will be required for any earth change that disturbs one or more acres, or is within 500 feet of a lake or stream. Counties have the primary responsibility for issuing permits. In some cases, cities, villages, and townships have assumed permitting responsibility within their jurisdictions. Permit applications can be obtained from the respective county or municipal agencies. A list of county and municipal enforcing agencies can be found on the Soil Erosion and Sedimentation Control (SESC) website at [www.michigan.gov/deqland](http://www.michigan.gov/deqland) (select “Soil Erosion and Sedimentation Control”). Fees for soil erosion and sedimentation control permits are established by the county or local agency issuing the permit.

PLANNING AND REPORTING REQUIREMENTS

If additional chemicals will be used for the AD, they may need to be reported under SARA Title III. These chemicals should also be considered when updating the Emergency Management Plan. Information about SARA Title III reporting requirements and emergency planning can be found at [www.michigan.gov/deqsara](http://www.michigan.gov/deqsara) and [www.michigan.gov/deqemergencyplan](http://www.michigan.gov/deqemergencyplan) or by calling the Environmental Assistance Center at (800) 662-9278.

SOLID WASTE REGULATIONS

If material other than manure will be added to the AD, authorization may be required from the MDEQ, WHMD, prior to composting any of the solid “biofibers” (R 299.4121) or land applying the liquid effluent as explained on page 3. If the AD will process material other than manure, it is recommended that the MDEQ be contacted to discuss the specific requirements that may apply regarding composting and land application. For information, contact Mr. Duane Roskoskey MDEQ, WHMD, at (517) 335-4712.
SO₂ Emission Rate Worksheet

As discussed on page 2, an air permit may be required if the gas from the AD will be combusted in a flare or boiler. Whether or not an air permit is required depends on the emission rate of sulfur dioxide (SO₂). Use this worksheet to determine the emission rate of SO₂ from a flare or boiler. You will need to know the heat input capacity of the boiler (Btu/hr), the heat content of the biogas (Btu/ft³), as well as the approximate concentration of hydrogen sulfide (H₂S) contained in the gas (ppm), which the vendor should be able to provide. The concentration of H₂S in an AD is typically 1,500 to 3,500 ppm. If you do not know the H₂S concentration, use 3,500 ppm.

<table>
<thead>
<tr>
<th>A. Boiler/Flare Heat Input Capacity (Btu/hr):</th>
<th>B. Heat Content of Biogas (Btu/ft³):</th>
<th>C. H₂S Concentration (ppm):</th>
</tr>
</thead>
<tbody>
<tr>
<td>________ Btu/hr</td>
<td>________ Btu/ft³</td>
<td>________ ppm</td>
</tr>
</tbody>
</table>

D. Biogas emission rate (ft³/hr):

\[
\frac{(A)}{(B)} = \text{_____ ft}^3/\text{hr}
\]

E. H₂S emission rate (lbs/hr):

\[
(D) \times \left(\frac{C}{1,000,000 \text{ ft}^3 \text{biogas}}\right) \times \left(0.088 \text{ lb H}_2\text{S} / \text{ft}^3 \text{H}_2\text{S}\right)^* = \text{_____ lbs H}_2\text{S} /\text{hr}
\]

F. SO₂ emission rate (lbs/hr)

\[
(E) \times (1.88 \text{ lbs SO}_2/\text{lb H}_2\text{S})^{**} = \text{_____ lbs SO}_2/\text{hr}
\]

* (1 lb.-mole H₂S/387 ft³ H₂S) x (34 lb. H₂S/1 lb.-mole H₂S) = 0.088 lbs H₂S/ft³ H₂S

** (1 lb.-mole H₂S/34 lb. H₂S) x (1 lb.-mole SO₂/1 lb.-mole H₂S) x (64 lbs. SO₂/1 lb.-mole SO₂) = 1.88 lbs SO₂/lb H₂S

EXAMPLE

An AD project involves a large dairy farm with an AD and a 3,000,000 Btu/hr hot water heater/boiler. The biogas heat content was estimated to be 600 Btu/ft³, with an H₂S concentration of approximately 1,500 parts per million (ppm).

<table>
<thead>
<tr>
<th>A. Boiler/Flare Heat Input Capacity (Btu/hr):</th>
<th>B. Heat Content of Biogas (Btu/ft³):</th>
<th>C. H₂S Concentration (ppm):</th>
</tr>
</thead>
<tbody>
<tr>
<td>3,000,000 Btu/hr</td>
<td>600 Btu/ft³</td>
<td>1,500 ppm</td>
</tr>
</tbody>
</table>

D. Biogas emission rate (ft³/hr):

\[
\frac{(3,000,000 \text{ Btu/hr})}{(600 \text{ Btu/ft}^3)} = \text{5,000 ft}^3/\text{hr}
\]

E. H₂S emission rate (lbs/hr):

\[
\left(5,000 \text{ ft}^3/\text{hr}\right) \times \left(1,500/1,000,000 \text{ ft}^3 \text{biogas}\right) \times \left(0.088 \text{ lb H}_2\text{S} / \text{ft}^3 \text{H}_2\text{S}\right) = 0.66 \text{ lbs H}_2\text{S} /\text{hr}
\]

F. SO₂ emission rate (lbs/hr)

\[
(0.66 \text{ lbs H}_2\text{S/hr}) \times (1.88 \text{ lbs SO}_2/\text{lb H}_2\text{S}) = 1.24 \text{ lbs SO}_2/\text{hr}
\]

SO₂ emission rate is greater than 1 lb/hr; therefore, the boiler is not exempt from air permitting. A Permit to Install application must be submitted prior to installing the boiler.
The Michigan Department of Environmental Quality (MDEQ) will not discriminate against any individual or group on the basis of race, sex, religion, age, national origin, color, marital status, disability or political beliefs. Questions or concerns should be directed to the MDEQ Office of Personnel Services, P.O. Box 30473, Lansing, MI 48909.