



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
LANSING



LIESL EICHLER CLARK
DIRECTOR

FISH WASTE EXEMPTION

This exemption pertains to fish processing wastes, fish hatchery sludges; fish offal, whole fish, and wash water from fish cleaning containing over one percent solids (collectively known as the Material).

Before transport for disposal or use, the generating and receiving facility must manage the Material to avoid releases and the creation of nuisance odor conditions. The disposal or use options chosen will determine the specific requirements needed. Either, the Michigan Department of Environment, Great Lakes, and Energy (EGLE), the Michigan Department of Agriculture and Rural Development (MDARD), or the US Environmental Protection Agency (USEPA) may oversee the requirements. Authority is conferred on EGLE from the following:

- Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA).
- Part 55, Air Pollution Control, of the NREPA.
- Part 91, Soil Erosion and Sedimentation Control, of the NREPA
- Part 115, Solid Waste Management, of the NREPA.
- Part 117, Septage Waste Servicers, of the NREPA.
- Part 121, Liquid Industrial Waste, of the NREPA.
- Hazardous Materials Transportation Act, 1998 PA 138 (Act 138).
- Michigan Right to Farm Act, 1981 PA 93 (Act 93), MCL286.471 to 286.474 and managed under the Generally Accepted Agricultural Management Practices (GAAMPs), or a Comprehensive Nutrient Management Plan approved under the Michigan Agriculture Environmental Assurance Program.

In accordance with the provisions of Section 11553(8), the Material is exempt from solid waste regulation based on the approval from the authorized representative of the Director of EGLE. This exemption amends and replaces the exemption issued on September 30, 2011.

This exemption is subject to the following:

I. Disposal in Landfill

- A. The Material may be disposed in a Type II municipal solid waste landfill (Landfill) licensed pursuant to Part 115 of the NREPA, provided the disposal is consistent with the Landfill's waste acceptance policies and the Material is solidified sufficiently to pass the paint filter test at the site of generation or at a Part 115 licensed solid waste processing plant.

- B. If solidification will occur at the landfill or at a licensed processing plant, those sites must notify the Materials Management Division (MMD) that they are an operating liquid industrial waste designated facility and meet Part 121 of the NREPA requirements.
- C. If solidification will occur at the site of generation, the generator must contact the MMD District Office before beginning operations to discuss site conditions and operations to determine if any other waste regulations may apply.
- D. Comply with Section VI, Transportation of Materials, in this document.

II. Disposal at Wastewater Treatment Plant

- A. The wastewater treatment plant authorities must approve the disposal of the Material into their system.
- B. If the Material is being transported to the wastewater treatment plant, the wastewater treatment plant must notify the MMD that they are operating a liquid industrial waste designated facility and meet Part 121, of the NREPA requirements including obtaining a site identification number. The Water Resources Division (WRD) must also be notified due to the potential adverse impact of this waste on the wastewater treatment plant.
- C. Comply with Section VI, Transportation of Materials

III. Burial of Fish Wastes

- A. No more than 1,000 gallons of Material may be buried on each acre of a site unless an alternate volume is approved, in writing, by EGLE.
- B. A site may only be used one time for the burial of Material.
- C. The Material must immediately be covered with at least two feet of soil.
- D. The Material shall not come into contact with waters of the state.
- E. The Material must be buried at least 200 feet from an existing residential well, property line, road, or surface water.
- F. The Material shall not be mixed with other wastes that are not inert as defined by Part 115 of the NREPA, or the rules promulgated under Part 115, unless appropriate approvals or permits as required by state and/or federal law are obtained.
- G. Any Material that is buried shall be managed in such a way to prevent nuisance conditions and the release of fugitive dust or visible emissions in violation of Part 55, Air Pollution Control, of the NREPA, or the rules promulgated under Part 55.
- H. Comply with Section VI, Transportation of Materials, in this document.
- I. The generator of the Material shall ensure that all Material not land applied, buried, or composted in accordance with the conditions and restrictions contained herein is

disposed at appropriately licensed solid waste disposal facility in accordance with Part 115 of the NREPA.

- J. The owner/operator of the site shall notify EGLE of the location, volume, and size of any site where fish wastes are buried. Notification shall be provided to the local MMD District Office as identified in Attachment 1.

IV. Land Application of Fish Wastes

- A. The Material shall be applied only to agricultural or silvicultural lands that need fertilization as demonstrated by laboratory soil tests. These agricultural fields must currently be in use, or will be used in the next growing season, for crop production or harvest in the case of agricultural land. It is highly recommended that fall applications of the Material be restricted to fall planted crops such as winter wheat, forage stands, or for silvicultural use.
- B. Application of the Material to agricultural or silvicultural lands shall not exceed any of the following:
 - 1. The agronomic rate for the crop to be grown on the site subsequent to the application of Material to the site. The agronomic rate is defined as that rate that provides the nitrogen, phosphorus, and other nutrient needs of the crop, but does not overload the soil with nutrients or other constituents that may eventually leach to groundwater, limit crop growth, or adversely impact soil quality.
 - 2. The nitrogen and phosphorus addition recommendation as stated in the results of the soil test.
- C. The Material shall not be applied to a site used in the same year for land application of Biosolids, wastes, septage (see the Septage Hauler Directory available on the Septage Program Web site at www.michigan.gov/deqseptage by navigating to "Online Services" and clicking on the "Septage Haulers Directory" link), or wastewater from any other business or facility, without written permission of the MMD.
- D. Material that is surface applied to agricultural soil shall immediately be incorporated into the soil after application to land, unless prior to application, EGLE approves an alternate timeframe.
- E. The Material shall not be applied in a manner that adversely restricts soil permeability or causes ponding, pooling, or runoff in the area.
- F. The Material shall not be surface applied to slopes exceeding a six percent grade or injected into slopes that exceed a 12 percent grade.

- G. The Material shall not be applied within the following isolation distances for the application methodology used at the application site:

	Application Methodology Distance in Feet	
	<u>Surface Application</u>	<u>Subsurface Injection</u>
Municipal Water Supply	2,000	2,000
Domestic Wells	800	150
Homes and Commercial Buildings	800	150
Public Roads and Property Lines	200	150
Surface Water	500	150

- H. The Material shall not be applied to an application site unless the water table is at least 30 inches below the surface of the soil at the time of application.
- I. The Material or constituents contained in the Material shall not come into direct contact with surface water, groundwater, or wetland areas as defined by the NREPA, and the administrative rules promulgated hereunder, unless approved or permitted by EGLE.
- J. The application of the Material shall not cause erosion or sedimentation to occur in violation of Part 91, Soil Erosion and Sedimentation Control, of the NREPA and the rules promulgated under Part 91.
- K. Prior to application, the Material shall not be mixed with other wastes that are not inert as defined by Part 115 of the NREPA, or the rules promulgated under Part 115, unless appropriate approvals or permits as required by state and/or federal law are obtained.
- L. Any Material that is removed, stored, transported, or land applied shall be managed in such a way so as to prevent nuisance conditions and the release of fugitive dust or visible emissions in violation of Part 55 of the NREPA, or the rules promulgated under Part 55.
- M. Comply with Section VI, Transportation of Materials, in this document.
- N. The generator of the Material shall ensure that all Material not land applied, buried, or composted in accordance with the conditions and restrictions contained herein is disposed at an appropriately licensed disposal facility in accordance with the conditions of Section I.
- O. Except as provided below, land application of Material shall not occur after December 21 or before March 21.
- P. A facility that needs to apply at times prohibited by Item O. because of inadequate storage for winter, equipment failure, or unavailable alternate disposal options may do so in accordance with the following:
 - 1. The generator shall notify the MMD, in writing, 21 days in advance of the need to land apply anytime from December 21 to March 21. The

notification shall include, at a minimum, an explanation of the need to land apply, the maximum volume of the Material intended to be applied, and justification for that volume, a mass balance for the proposed application period, and an explanation of how existing storage will be utilized to the maximum extent possible in order to minimize the volume of Material to be winter applied. The generator shall also submit a plan describing the actions that will be taken to ensure that land application will not be needed for subsequent winters. The MMD will provide timely review of the notification and will approve or deny the request verbally, followed in writing.

2. All Material that is winter applied shall be subsurface injected, such that no Material is present on the land surface or in the injection furrow in contact with ambient air. The Material must be completely covered by soil in the injection furrow to minimize odors related to the Material, to reduce the potential for vector attraction, and to eliminate the possibility of off-site movement of the Material via surface runoff.
 3. The slope of winter application sites shall not exceed six percent. All injection applications shall occur perpendicular to the slope to minimize rill erosion in the ejection furrows from melt waters and precipitation events.
 4. Soil frost shall not exceed three inches in depth.
 5. Winter application of the material shall be in compliance with Part 31, of the NREPA.
- Q. For each application site, the owner/operator of a site shall submit the information included in the Site Identification Form (SIF) as contained in Attachment 2. The completed SIF shall be received by the MMD at least three weeks prior to winter application, unless the MMD approves an alternate timeframe due to unforeseen circumstances. At the end of the three-week period, if the MMD has not identified the reasons that a site should not be used, the site may be used by the facility for winter application.
- R. The generator of the Material shall maintain records on the amount of the Material applied at each application site, site identification, and property description of each application site used. The generator of the Material shall maintain all records for five years after the Material was last applied and shall make them available for review by the Director of EGLE, or his/her authorized representative, upon request.
- V. Composting of Fish Wastes
- A. The generator of the Material shall ensure that all Material not land applied, buried, or composted in accordance with the conditions and restrictions contained herein is disposed at an appropriately licensed disposal facility in accordance with the conditions of Section I in this document.

- B. The Material shall be separated from other solid waste and maintained separately until used to produce compost.
- C. The Material shall be managed as a product or resource in a manner that does not violate Part 31 or Part 55 of the NREPA during composting, storage, or use.
- D. Composting shall be performed in a manner that prevents standing water and the attraction, harborage, or production of insects, rodents, or other vectors.
- E. The operator of the composting facility shall notify the Director of EGLE of the location of the composting operation and the type and amount of Material to be composted.
- F. The compost facility shall be properly sloped and graded to efficiently handle storm water.
- G. Nothing in this approval shall be construed to prevent the need for a facility operating pursuant to this approval to comply with local zoning requirements.
- H. The Material shall be incorporated into the compost pile immediately.
- I. The carbon-to-nitrogen ratio of the compost pile shall be maintained between 20 to 1 and 40 to 1.
- J. The windrow or pile edges and/or any processing or staging area of the composting facility shall meet the following location standards, unless alternate criteria are approved by the Director of EGLE:
 - 1. Not placed in a wetland.
 - 2. Not placed in a floodplain.
 - 3. Placed in compliance with one of the following:
 - a. at least four feet above groundwater level;
 - b. on a liner or pad meeting the requirements of R 299.4130; or
 - c. in another manner approved by the Director.
 - 4. Placed at least 50 feet from adjacent property lines or surface water.
 - 5. Placed at least 200 feet from a residential drinking water well.
 - 6. Placed at least 2,000 feet from a Type I or Type IIa water supply well.
 - 7. Placed at least 800 feet from a Type IIb or Type III water supply well.
 - 8. Placed at least 500 feet from a licensed day care center or other receptors likely to be sensitive to any odors generated during composting.

- K. Comply with Section VI, Transportation of Materials, in this document. The Material shall be covered so as to prevent loss to the environment during transport and delivery to application sites.

VI. Transportation of Material

The transportation of Material must meet all of the following conditions.

- A. All vehicles used in the transportation of the Material shall comply with the Michigan Vehicle Code, 1949 PA 300, as amended (MVC), and the rules promulgated under MVC.
- B. The vehicle must be designed and loaded to avoid spillage of waste. All openings must be closed and doors or covers must be secured by an adequate latch or restraining mechanism to keep them closed while transporting solid waste that may blow or fall off the vehicle.
- C. The hauler must maintain a record during transportation of what the Material is, where it is from, how much is on the truck, and where it is being taken for disposal. The transporter must provide a copy of the record to the generator and both the generator and the transporter must keep the record at least 5 years from the date of shipment. The record must satisfy the manifest and recordkeeping requirements under Part 121, as applicable.
- D. No vehicle shall be parked in a residential area longer than necessary to collect the Material, unless it is parked more than 500 feet from adjacent residences. The unit must not be parked, stored, or established at any location where it can cause a hazard to health or at any residentially zoned location to cause a nuisance.
- E. Any spillage must be picked up as soon as possible and the area cleaned.
- F. If the Material contains free liquids, as demonstrated by the paint filter test, it must be transported in compliance with one of the following:
 - 1. By a vehicle licensed under Part 121 of the NREPA, if the Material is being managed under Sections I, II, III, IV, and V. This requires both the generating facility and transporter to obtain a site identification number and to follow the manifest requirements. A municipally owned vehicle used to transport the Material is not required to be permitted and registered.
 - 2. By a vehicle licensed under Part 117, of the NREPA, if the Material is being disposed under Sections I or II above.
 - 3. By a vehicle licensed under Part 117, of the NREPA, if the Material is being managed under Sections III, IV, or V, provided the following conditions are met:
 - a. The Material may not be buried, or land applied upon a Part 117 of the NREPA, licensed land disposal site.

- b. Only a dedicated vehicle or one that has been decontaminated of human pathogens by lime stabilization between loads of the Material and other wastes. This requires that the pH of the material must be maintained above 12 for a minimum of 30 minutes.
- G. If the Material does not contain free liquids (i.e. passes the paint filter test), the transporter must meet the requirements for solid waste transportation per Part 6 of the solid waste management act administrative rules and any applicable local requirements for permits or registration for solid waste transportation (EGLE does not license solid waste transporters).

VII. Approval Withdrawal

This approval shall immediately become void for any of the following reasons:

- A. The generator, transporter or receiving (disposal) facility of the Material does not comply with the conditions of this approval.
- B. Additional information demonstrates that the Material is not appropriate for agricultural or silvicultural use.
- C. Additional information demonstrates that the Material is causing environmental contamination.
- D. New state or federal regulations are promulgated that would cause this approval to be invalid.

Violation of the conditions of this approval is subject to enforcement provisions of Part 31, Part 55, Part 91, Part 115, Part 117, Part 121 of the NREPA; Act 138; and Act 93 or other applicable state and federal laws/statutes.

STATE OF MICHIGAN
Department of Environmental Quality

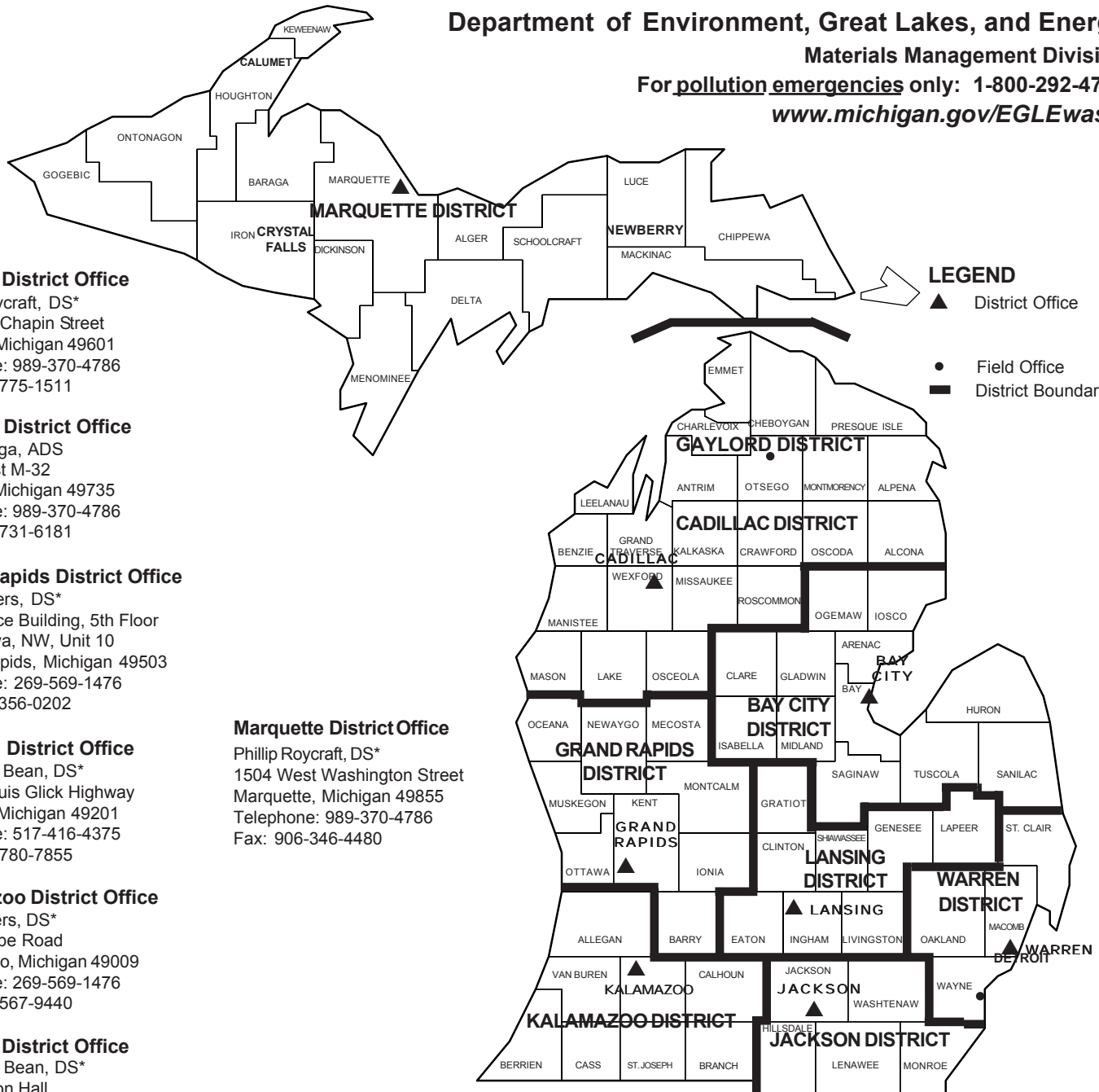
By: 
Rhonda S. Oyer, Manager
Solid Waste Section
Materials Management Division

Dated: April 30, 2020

Attachments

DISTRICT LOCATIONS & BOUNDARIES

Department of Environment, Great Lakes, and Energy
 Materials Management Division
 For pollution emergencies only: 1-800-292-4706
www.michigan.gov/EGLEwaste



LEGEND
 ▲ District Office
 ● Field Office
 ■ District Boundaries

Cadillac District Office

Philip Roycraft, DS*
 120 West Chapin Street
 Cadillac, Michigan 49601
 Telephone: 989-370-4786
 Fax: 231-775-1511

Gaylord District Office

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Grand Rapids District Office

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 Fax: 616-356-0202

Jackson District Office

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 Warren, Michigan 48092
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Bay City District Office

John Ozoga, ADS
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MAIN OFFICE

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*DS = District Supervisor
 **ADS = Assistant District Supervisor

MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY
MATERIALS MANAGEMENT DIVISION



AGRICULTURAL USE APPROVAL SITE IDENTIFICATION FORM

Applicable Rule: Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and the rules promulgated pursuant to Part 115; specifically, R 299.4111 of the Part 115 administrative rules.

Complete the following information and provide the attachments listed below for each new site or existing site that has not had a Site Identification Form with attachments submitted to the EGLE since January 1, 2019. Please amend any previous Site Identification Forms when it becomes known that any of the information requested below has changed (i.e., new landowner).

FACILITY NAME		AGRICULTURAL USE APPROVAL NUMBER			
SITE IDENTIFICATION FORM					
A. Site ID (Assigned by generator)	Waste Data System ID#	Street or Route #			
B. County/Township:	County		Township		
C. State Planar Coordinates:	1/4	1/4	Section	Town	Range
D. Lat/Long (5 numbers past decimal point):	Latitude	Longitude		Method Used (i.e., GPS, topo)	
E. Site Ownership	Name of Owner			Phone	
	Street or P.O. Box				
	City or Town			State	Zip
	A written agreement from the owner to land apply is required. Do you have one? <input type="checkbox"/> Yes <input type="checkbox"/> No. One will be obtained.		Describe how to find the site. Will the site be used for winter application? <input type="checkbox"/> Yes <input type="checkbox"/> No		
	Name of Lessee (if different)			Phone	
	Street or P.O. Box				
	City or Town			State	Zip
F. Site Characteristics	Site Type <input type="checkbox"/> Agricultural <input type="checkbox"/> Forest		<input type="checkbox"/> Reclamation Site <input type="checkbox"/> Lawn/Home Garden		Soils Information Date of last soils analysis ____ *Phosphorous ____ units ____ Potassium ____ units ____ pH ____ Soil type(s) ____ <small>*300 lb/ac Bray P1 maximum</small>
	Expected crops/vegetation to be grown				
	Crop/Vegetation	Nitrogen Requirement			
	____	____ lbs. N/acre			
	____	____ lbs. N/acre			
	____	____ lbs. N/acre			
	Total acreage of site		____		
	Acreage allowed for land application		____		
	<small>(Total acreage minus any setback for property lines, homes, water bodies, etc.)</small>				
	Application Rate		____ <input type="checkbox"/> gal/acre <input type="checkbox"/> ton/acre		
	Application Method				
	<input type="checkbox"/> Surface Spreading		<input type="checkbox"/> Subsurface Injection		
	If agricultural, is the site tilled? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA				
<p>On an attached sheet provide a copy of the following:</p> <ul style="list-style-type: none"> A Farm Services Agency map (formerly ASCS) of the proposed application site with property boundaries, setback distance for application, surface waters, and discharge location of field tiles when present. A copy of the soil test analysis that is no older than 2 years old at the time of land application. A copy of the plat map (or other map showing property dimensions) with the proposed land application site highlighted. A soil survey map with the land application site identified. 					