



# Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Facilities

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Michigan Commission of Agriculture & Rural  
Development  
PO BOX 30017  
Lansing, MI 48909



**In the event of an agricultural pollution emergency such as a chemical/fertilizer spill, manure lagoon breach, etc., the Michigan Department of Agriculture & Rural Development and/or Michigan Department of Environment, Great Lakes, and Energy should be contacted at the following emergency telephone numbers:**

**Michigan Department of Agriculture & Rural Development: 800-405-0101 Michigan Department of Environment, Great Lakes, and Energy: 800-292-4706**

**If there is not an emergency, but you have questions on the Michigan Right to Farm Act, or items concerning a farm operation, please contact the:**

**Michigan Department of Agriculture & Rural Development (MDARD) Right to Farm Program (RTF)**

**P.O. Box 30017 Lansing, Michigan 48909**

**517-284-5619**

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## PREFACE

The Michigan legislature passed into law the Michigan Right to Farm Act (Act 93 of 1981) which requires the establishment of Generally Accepted Agricultural and Management Practices (GAAMPs). GAAMPs for Site Selection and Odor Control for New and Expanding Livestock Facilities are written to fulfill that purpose and to provide uniform, statewide standards and acceptable management practices based on sound science. These practices can serve producers in the various sectors of the industry to compare or improve their own managerial routines. New scientific discoveries and changing economic conditions may require necessary revision of these GAAMPs.

The GAAMPs that have been developed are as follows:

- 1) 1988 Manure Management and Utilization
- 2) 1991 Pesticide Utilization and Pest Control
- 3) 1993 Nutrient Utilization
- 4) 1995 Care of Farm Animals
- 5) 1996 Cranberry Production
- 6) 2000 Site Selection and Odor Control for New and Expanding Livestock Facilities
- 7) 2003 Irrigation Water Use
- 8) 2010 Farm Markets

These practices were developed with industry, university, and multi-governmental agency input. As agricultural operations continue to change, new practices may be developed to address the concerns of the neighboring community. Agricultural producers who voluntarily follow these practices are provided protection from public or private nuisance litigation under the Right to Farm Act.

This GAAMP does not apply in municipalities with a population of 100,000 or more in which a zoning ordinance has been enacted to allow for agriculture provided that the ordinance designates existing agricultural operations present prior to the ordinance's adoption as legal nonconforming uses as identified by the Right to Farm Act for purposes of scale and type of agricultural use.

The website for the GAAMPs is <http://www.michigan.gov/righttofarm>.

## **INTRODUCTION**

Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Facilities will help determine the suitability of sites for livestock production facilities and livestock facilities and the suitability of sites to place or keep livestock. These GAAMPs provide a planning process that can be used to properly plan new and expanding facilities and to increase the suitability of a particular site thus enhancing neighbor relations.

These GAAMPs for Site Selection and Odor Control for New and Expanding Livestock Facilities are written to provide uniform, statewide standards and acceptable management practices based on sound science. They are intended to provide guidance for the construction of new and expanding livestock facilities and livestock production facilities and/or the associated manure storage facilities for the placement and keeping of any number of livestock.

### **FARM PLANNING AND SITE DEVELOPMENT**

The GAAMPs for site selection and odor control for new and expanding livestock facilities are intended to fulfill three primary objectives:

- 1) Environmental Protection
- 2) Social Considerations (neighbor relations)
- 3) Economic Viability

When all three of these objectives are met, the ability of a farm operation to achieve agricultural sustainability is greatly increased.

Farm planning involves three broad phases: Collection and analysis (understanding the problems and opportunities); decision making; and implementation. Collection and analysis includes: determining objectives, inventorying resources, and analyzing data. Decision support includes formulating alternatives, evaluating alternatives, and making decisions. The final step is implementation.

Producers should utilize recognized industry and university professionals in the evaluation of the economic viability and sustainability of constructing new or expanding existing livestock production facilities and livestock facilities. This evaluation should be comprehensive enough to consider all aspects of livestock production including economics, resources, operation, waste management, and longevity.

The decision to site a livestock production facility or livestock facility can be based on several objectives including: preserving water quality, minimizing odor, working within existing land ownership constraints, future land development patterns, maximizing convenience for the operator, maintaining esthetic character, minimizing conflicts with adjacent land uses, and complying with other applicable local ordinances.

The environmental objectives of these GAAMPs focus specifically on water quality protection and odor control, and how environmental and management factors affect the suitability of sites for livestock production. The suitability of a particular site for a livestock production facility or livestock facility depends upon a number of factors; such as the number of animal units (size); the species of animals; predominant wind directions; land base for use; topography of the surrounding land; adjacent land uses; the availability of Class A roads for feed and product movement; soil types; hydrology; and many others.

Site selection is a complex process, and each site should be assessed individually in terms of its proposed use. These GAAMPs are written in recognition of the importance of site-specificity in siting decisions. While general guidelines apply to all siting decisions, specific criteria are not equally applicable to all types of operations and all locations. In addition to the guidelines provided in these GAAMPs, the United States Department of Agriculture, Natural Resources Conservation Service (USDA-NRCS) technical references, including the Agricultural Waste Management Field Handbook (AWMFH) and the electronic Field Office Technical Guide (eFOTG), are excellent sources for information and standards related to the siting of livestock facilities.

It is recognized that there is potential risk for surface or groundwater pollution, or conflict over excessive odors from a livestock facility. However, the appropriate use of technologies and management practices can minimize these risks, thus allowing the livestock facility to operate with minimal potential for excessive odor or environmental degradation. These measures should be incorporated into a Site Plan and a Manure Management System Plan, both as defined in Section V, which are required for all new and expanding livestock facilities.

Groundwater and surface water quality issues regarding animal agriculture production are addressed in the current “Generally Accepted Agricultural and Management Practices for Manure Management and Utilization” as adopted by Michigan Commission of Agriculture & Rural Development (MCARD) and are not duplicated here. The GAAMPs for Manure Management and Utilization cover runoff control and wastewater management, construction design and management for manure storage and treatment facilities, and manure application to land. In addition, the GAAMPs for Manure Management and Utilization stress the importance of each livestock production facility developing a manure management system plan that focuses on management of manure nutrients and management of manure and odors.

These GAAMPs are referenced in Michigan's Natural Resources and Environmental Protection Act (NREPA), PA 451 of 1994, as amended. NREPA protects the waters of the state from the release of pollutants in quantities and/or concentrations that violate established water quality standards. In addition, the GAAMPs utilize the nationally recognized construction and management standard to provide runoff control for a 25-year, 24-hour rainfall event.

While these GAAMPs establish basic set-back standards for livestock facilities of all sizes, existing land uses, development patterns, the cost-benefit of an investment in animal housing, as well as the sustainability of farm animal production should all be analyzed before construction of a livestock facility and bringing farm animals to a site.

## DEFINITIONS

### AS REFERENCED IN THESE GAAMPs:

Adjacent Property – An adjacent property is land owned by someone other than the livestock facility owner that borders the property on which a proposed new or expanding livestock facility will be located.

Animal Units - Animal units are defined as listed in (Table 1) of these GAAMPs.

Distances between a Livestock Production Facility and Non-Farm Residences - The distance from a livestock production facility and a residence is measured from the nearest point of the livestock production facility to the nearest point of the residence.

Expanding Livestock Production Facility - An addition to a livestock production facility to increase the holding capacity where animals will be confined at a site that presently has livestock production facilities contiguous to the construction site. A new or expanded manure storage structure built to accommodate an expansion in animal units within three years from construction of the manure storage will also be considered an expanding livestock production facility.

Institutional Controls - Institutional controls are those land or resource use restrictions required by state or federal environmental laws to reduce or restrict exposure to hazardous substances, to eliminate a potential exposure pathway, to assure the effectiveness and integrity of contaminant or exposure barriers, to provide for access, or to otherwise assure the effectiveness and integrity or response activities taken in response to environmental contamination. Institutional controls include, but are not limited to, local ordinances or state laws and regulations that limit or prohibit the use of contaminated groundwater, prohibit the raising of livestock, prohibit development in certain locations, or restrict property to certain uses.

Livestock – For purposes of the Site Selection GAAMPs, livestock means those species of animals used for human food, fiber, and fur, or used for service to humans. Livestock includes, but is not limited to, cattle, sheep, new world camelids, goats, bison, privately owned cervids, ratites, swine, equine, poultry, and rabbits. For the purpose of the Site Selection GAAMPs, livestock does not include dogs and cats. Site Selection GAAMPs do not apply to aquaculture and bees.

Livestock Farm Residence - A residence on land owned/rented by the livestock farm operation and those residences on farms affiliated by contract or agreement with the livestock production facility.

Livestock Facility – Any facility where livestock are kept regardless of the number of animals.

Livestock Production Facilities - All facilities where livestock are kept with a capacity of 50 animal units or greater and/or the associated manure storage facilities. Sites such as loafing areas, confinement areas, or feedlots, which have livestock densities that preclude a predominance of desirable forage species are considered part of a livestock production facility. This does not include pastureland. Any livestock production facilities within 1,000 feet of each other and under common ownership constitute a single livestock production facility.

Migrant Labor Housing Camp – For purpose of this GAAMP, a migrant labor housing camp owned by a livestock producer applying for Site Selection GAAMP approval will be considered a farm residence.

New Livestock Production Facilities - All facilities where livestock will be kept and/or manure storage structures that are built at new sites and are not part of another livestock production facility, including facilities at sites that is are 1) expanding the holding capacity for livestock by 100 percent or greater and the resulting holding capacity will exceed 749 animal units, or 2) any construction to expand existing holding capacity within three years of completion of new construction documented in an MDARD final verification letter and the resulting holding capacity will exceed 749 animal units.

Non-Farm Residence - A residence that is habitable for human occupation and is not affiliated with the specific livestock production system.

Offsite Manure Storage Facility - A manure storage facility constructed at a site that is not adjacent to a livestock production facility.

Pasture Land - Pasture land is land that is primarily used for the production of forage upon which livestock graze. Pasture land is characterized by a predominance of vegetation consisting of desirable forage.

Primarily Residential – Sites are primarily residential if there are more than 13 non-farm residences within 1/8 mile of the site or have any non-farm residence within 250 feet of the livestock facility.

Property Line Setback – Property line setback is the distance from the livestock production facility to the property line measured from the facility to the nearest point of the facility owner's property line. If a producer owns land across a road, the road or right of way does not constitute a property line. Right of way setbacks for public roads, utilities, and easements apply.



**Table 1. Animal Units**

<b>Animal Units</b>	<b>50</b>	<b>250</b>	<b>500</b>	<b>750</b>	<b>1,000</b>
<b>Animal Type<sup>1</sup></b>	<b>Number of Animals</b>				
Slaughter and Feeder Cattle	50	250	500	750	1,000
Mature Dairy Cattle	35	175	350	525	700
Swine <sup>2</sup>	125	625	1,250	1,875	2,500
Sheep and Lambs	500	2,500	5,000	7,500	10,000
Horses	25	125	250	375	500
Turkeys	2,750	13,750	27,500	41,250	55,000
Laying Hens or Broilers	5,000	25,000	50,000	75,000	100,000

<sup>1</sup>All other animal classes, types or sizes (eg. Nursery pigs) not in this table, but defined in the Michigan Right to Farm Act or described in Michigan Commission of Agriculture and Rural Development Policy, are to be calculated as one thousand pounds live weight equals one animal unit.

<sup>2</sup>Weighing over 55 pounds.

## **DETERMINING ACCEPTABLE LOCATIONS FOR LIVESTOCK FACILITIES**

All potential sites for new and expanding livestock facilities can be identified by four general categories. These are:

- Category 1. These are sites normally acceptable for livestock facilities and generally defined as areas that are highly agricultural with few non-farm residences.
- Category 2. These are sites where special technologies and/or management practices could be needed to make new and expanding livestock facilities acceptable. These areas are predominantly agricultural but also have an increased number of non-farm residences.
- Category 3. These are sites that are generally not acceptable for new and expanding livestock production facilities due to environmental concerns or other neighboring land uses.
- Category 4. These are sites that are not acceptable for new and expanding livestock facilities and livestock production facilities.

**Livestock facilities in Categories 1, 2 or 3 with less than 50 animal units are not required to go through the site review and verification process, and conform to the provisions of these GAAMPs. However, these operations are required to conform to all other applicable GAAMPs.**

Category 1 Sites: Sites normally acceptable for livestock facilities.

Category 1 sites are those sites which have been traditionally used for agricultural purposes and are in an area with a relatively low residential housing density. These sites are located where there are five or fewer non-farm residences within ¼ mile from a new livestock facility with up to 749 animal units, and within ½ mile from a new livestock facility with 750 animal units or greater.

If the proposed site is within Category 1, it is recognized that this is a site normally acceptable for livestock facilities. As shown in Table 2, if the proposed site is within Category 1 and has a capacity of 50 to 499 animal units, MDARD will review and verify the producer's plans at the producer's request. If the proposed site is within Category 1 and has a capacity of 500 or more animal units, the producer must follow the MDARD site selection review and verification process as described in Section V. Category 1 sites with less than 1000 animal units which are able to meet the property line setbacks as listed in Tables 2 and 3, as appropriate, and which meet the other requirements of these GAAMPs, are generally considered as acceptable for Site Selection Verification. An Odor Management Plan (OMP) will not be required for these sites in most circumstances. It is however, recommended that all producers develop and implement an OMP in order to reduce odor concerns for neighboring non-farm residents.

A request to reduce the property line setbacks, as listed in Tables 2 and 3, will require the development of an OMP for verification. All verification requests for Category 1 sites with 1000 animal units or greater will require the development and implementation of an OMP to specify odor management practices that will provide a 95 percent odor annoyance-free level of performance as determined by the Michigan Revised OFFSET 2018 odor model (Kiefer, 2018). For new livestock facilities, a property line setback reduction shall only be considered for a proposed site in advance of MDARD site suitability approval. MDARD may grant a property line setback reduction of up to fifty percent of the applicable setback distance (Tables 2 and 3) when requested based upon the Odor Management Plan. In all cases, the minimum setback will be 250 feet for new livestock facilities. Any reduction beyond this minimum will require a signed variance by the property owners within the original setback distance affected by the reduction. Factors not under direct control of the operator will be considered if an alternative mitigation plan is provided. Local land use may be considered by MDARD in granting setback reductions.

**Table 2. Category 1 Site Setbacks, Verification and Notification – New Operations**

<b>Total Animal Units <sup>1</sup></b>	<b>Number of Non-Farm Residences within Specified Distance</b>	<b>Property Line Setback<sup>2</sup></b>	<b>MDARD Site Review and Verification Process <sup>3</sup></b>
50-499	0-5 within ¼ mile	250 ft	Yes
500-749	0-5 within ¼ mile	400 ft	Yes
750-999	0-5 within ½ mile	400 ft	Yes
1000 or more	0-5 within ½ mile	600 ft	Yes

<sup>1</sup> Facilities in Category 1 with less than 50 animal units are not required to go through the site review and verification process to be considered in conformance with the provisions of these GAAMPs.

<sup>2</sup> May be reduced or increased based upon the Odor Management Plan.

<sup>3</sup> To achieve approval and MDARD verification, all livestock facilities must conform to these and all other applicable GAAMPs.

For expanding livestock facilities, a variance for property line setback reduction shall only be considered for a proposed site in advance of MDARD site suitability approval. MDARD may grant a property line setback reduction of up to fifty percent of the setback distance in the following table when requested based upon the Odor Management Plan. The minimum setback will be 125 feet for expanding livestock facilities. Any reduction beyond this minimum will require a signed variance by the property owners that are within the original setback distance affected by the reduction. Local land use may be considered by MDARD in granting setback reductions. Expanding livestock facilities cannot utilize a property line setback less than the property line setback established by structures constructed before 2000 unless the established property line setback is greater than those distances identified in Table 3, in which case setbacks identified in Table 3 and the process detailed above will be used for determining conformance for new or expanding structures.

**Table 3. Category 1 Site Setbacks, Verification and Notification – Expanding Operations**

<b>Total Animal Units <sup>1</sup></b>	<b>Number of Non-Farm Residences within Specified Distance</b>	<b>Property Line Setback<sup>2</sup></b>	<b>MDARD Site Review and Verification Process <sup>3</sup></b>
50-249	0-7 within ¼ mile	125 ft	Yes
250-499	0-7 within ¼ mile	200 ft	Yes
500-749	0-7 within ¼ mile	200 ft	Yes
750-999	0-7 within ½ mile	200 ft	Yes
1000 or more	0-7 within ½ mile	300 ft	Yes

<sup>1</sup> Facilities in Category 1 with less than 50 animal units are not required to go through the site review and verification process to be considered in conformance with the provisions of these GAAMPs.

<sup>2</sup> May be reduced or increased based upon the Odor Management Plan.

<sup>3</sup> To achieve approval and MDARD verification, all livestock facilities must conform to these and all other applicable GAAMPs.

**Category 2 Sites: Sites where special technologies and/or management practices may be needed to make new and expanding livestock facilities acceptable.**

Category 2 sites are those where site-specific factors may limit the environmental, social, or economic acceptability of the site for livestock facilities and where structural, vegetative, technological, and management measures may be necessary to address those limiting factors. These measures should be incorporated into a Site Plan and a Manure Management System Plan, both as defined in Section V, which are required for all new and expanding livestock production facilities seeking verification. Due to the increased density of non-farm residences in Category 2 sites, an OMP is required for all proposed new and expanding livestock production facilities with 50 animal units or more.

Tables 4 and 5 show how Category 2 sites are defined and lists setbacks and verification requirements. As an example, a proposed site for an expanding livestock facility (Table 5) with 500 animal units and between eight and 20 residences within ¼ mile of the facility, would have a setback of 200 feet from the owner's property line, and would be required to have a site verification request approved by MDARD. For new livestock facilities, a property line setback reduction shall only be considered for a proposed site in advance of MDARD site suitability approval. MDARD may grant a property line setback reduction of up to fifty percent of the setback distance in the

following table when requested based upon the Odor Management Plan. The minimum setback will be 250 feet for new livestock facilities. Any reduction beyond this minimum will require a signed variance by the property owners that are within the original setback distance affected by the reduction. Local land use may be considered by MDARD in granting setback reductions.

**Table 4. Category 2 Site Setbacks, Verification and Notification – New Operations**

<b>Total Animal Units<sup>1</sup></b>	<b>Number of Non-Farm Residences within Specified Distance</b>	<b>Property Line Setback <sup>2</sup></b>	<b>MDARD Site Review and Verification Process <sup>3</sup></b>
50-249	6-13 within ¼ mile	250 ft	Yes
250-499	6-13 within ¼ mile	300 ft	Yes
500-749	6-13 within ¼ mile	400 ft	Yes
750-999	6-13 within ½ mile	500 ft	Yes
1000 or more	6-13 within ½ mile	600 ft	Yes

<sup>1</sup> Facilities in Category 2 with less than 50 animal units are not required to go through the site review and verification process to be considered in conformance with the provisions of these GAAMPs.

<sup>2</sup> May be reduced or increased based upon the Odor Management Plan.

<sup>3</sup> To achieve approval and MDARD verification, all livestock facilities must conform to these and all other applicable GAAMPs.

For expanding livestock facilities, a property line setback reduction shall only be considered for a proposed site in advance of MDARD site suitability approval. MDARD may grant a property line setback reduction of up to fifty percent of the setback distance in the following table when requested based upon the Odor Management Plan. The minimum setback will be 125 feet for expanding livestock facilities. Any reduction beyond this minimum will require a signed variance by the property owners that are within the original setback distance affected by the reduction. Local land use may be considered by MDARD in granting setback reductions. Expanding livestock facilities cannot utilize a property line setback less than the property line setback established by structures constructed before 2000 unless the established property line setback is greater than those distances identified in Table 5, in which case setbacks identified in Table 5 and the process detailed above will be used for determining conformance for new or expanding structures.

**Table 5. Category 2 Site Setbacks, Verification and Notification – Expanding Operations**

<b>Total Animal Units <sup>1</sup></b>	<b>Number of Non-Farm Residences within Specified Distance</b>	<b>Property Line Setback <sup>2</sup></b>	<b>MDARD Site Review and Verification Process <sup>3</sup></b>
50-249	8- 20 within ¼ mile	125 ft	Yes
250-499	8- 20 within ¼ mile	200 ft	Yes
500-749	8- 20 within ¼ mile	200 ft	Yes
750-999	8- 20 within ½ mile	250 ft	Yes
1000 or more	8- 20 within ½ mile	300 ft	Yes

<sup>1</sup> Facilities in Category 2 with less than 50 animal units are not required to go through the site review and verification process to be considered in conformance with the provisions of these GAAMPs.

<sup>2</sup> May be reduced or increased based upon the Odor Management Plan.

<sup>3</sup> To achieve approval and MDARD verification, all livestock facilities must conform to these and all other applicable GAAMPs.

**Category 3 Sites: Sites generally not acceptable for new and expanding livestock production facilities.**

Category 3 sites are generally not suitable for livestock production facilities. They may be suitable for livestock facilities with less than 50 animal units. Any proposed site with more than the maximum number of non-farm residences specified in Table 4 for a new operation, and Table 5 for an expanding operation is a Category 3 or a Category 4 site. New livestock production facilities are not acceptable for that site. However, expanding livestock production facilities may be acceptable if the farm submits an Odor Management Plan and site verification approval is determined by MDARD. Additional odor reduction and control technologies, and management practices may be necessary to obtain site verification approval.

**Category 4 Sites: Sites not acceptable for new and expanding livestock facilities and livestock production facilities under the Siting GAAMPs.**

Category 4 Sites are locations that are primarily residential and are not acceptable under the Siting GAAMPs for livestock facilities or livestock production facilities regardless of the number of animal units. However, the possession and raising of animals may be authorized in such areas pursuant to a local ordinance designed for that purpose.

### **Additional Considerations for all Livestock Facilities**

1. Sites where institutional controls have been adopted to prohibit livestock agriculture are not acceptable for new and expanding livestock facilities if all of these are true:
  - a) The institutional controls were approved by the Michigan Department of Environment, Great Lakes, and Energy pursuant to the Natural Resources and Environmental Protection Act (NREPA), MCL 324.101 et seq., or the United States Environmental Protection Agency pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act or the Resource Conservation and Recovery Act; and
  - b) The institutional controls are necessary to protect human or animal health.
  - c) Unacceptability has been confirmed by a vote of the Michigan Commission of Agriculture and Rural Development.

### **Additional Considerations for all Livestock Production Facilities**

The following circumstances or neighboring land uses constitute conditions that are considered unacceptable for construction of new and expanding livestock production facilities or may require additional setback distances or approval from the appropriate agency, as indicated, to be considered acceptable.

1. Wetlands - New and expanding livestock production facilities shall not be constructed within a wetland as defined under MCL 324.30301 (NREPA, PA 451 of 1994, as amended).
2. Floodplain - New and expanding livestock production facilities and manure storage facilities shall not be constructed in an area where the facilities would be inundated with surface water in a 25-year flood event.

*The following circumstances require minimum setback distances in order to be considered acceptable for construction of category 1, 2 or 3 new livestock production facilities. In addition, review and approval of expansion in these areas is required by the appropriate agency, as indicated.*

#### **3. Drinking Water Sources**

Groundwater protection - New livestock production facilities shall not be constructed within a ten-year time-of-travel zone designated as a wellhead protection area as recognized by the Michigan Department of Environment, Great Lakes, and Energy (EGLE), pursuant to programs established under the Michigan Safe Drinking Water Act, PA 399 of 1976, as amended.

An expanding livestock production facility may be constructed with review and approval by the local unit of government administering the Wellhead Protection Program.

Where no designated wellhead protection area has been established, construction of new and expanding livestock production facilities shall not be closer than 2000 feet to a Type I or Type IIa public water supply and shall not be closer than 800 feet to a Type IIb or Type III public water supply. A new or expanding livestock production facility may be located closer than these distances, upon obtaining a deviation from well isolation distance through EGLE or the local health department. New and expanding livestock production facilities should not be constructed within 75 feet of any known existing private domestic water supply (wellhead).

Surface water protection - New and expanding livestock production facilities shall not be constructed within the 100-year flood plain of a stream reach where a community surface water source is located, unless the livestock production facility is located downstream of the surface water intake.

4. High public use areas - Areas of high public use or where a high population density exists, are subject to setbacks to minimize the potential effects of a livestock production facility on the people that use these areas. New livestock production facilities should not be constructed within 1,500 feet of hospitals, churches, licensed commercial elder care facilities, licensed commercial childcare facilities, school buildings, commercial areas, parks, or campgrounds. Existing livestock production facilities may be expanded within 1,500 feet of high public use areas with appropriate MDARD review and verification. The review process will include input from the local unit of government and from people who utilize those high public use areas within the 1,500 foot setback.
5. Migrant Labor Housing Camp – New and expanding livestock production facilities shall be located a minimum of 500 feet from any existing migrant labor housing facilities, unless a variance is obtained from the United States Department of Labor.



## OFFSITE MANURE STORAGE FACILITIES

**Table 6. Site Setbacks, Verification, and Notification – New or Expanding Operations**

Storage Surface Area at Operational Volume Elevation, sq. ft.			Property Line Setback, ft.	MDARD Site Review and Verification Process
Liquid Manure		Solid Manure		
Pond-type storage	Fabricated structure-type storage, i.e. reinforced concrete or steel			
≤4,200	≤2,000	≤26,000	250 <sup>1</sup>	Upon Producer Request
>4,200	>2,000	>26,000	TBD <sup>2</sup>	Yes

<sup>1</sup>May be reduced up to 50% or increased based upon the Odor Management Plan.

<sup>2</sup>Distance to be determined based upon the Odor Management Plan but no less than 250 feet.

## DEVELOPING A SITE PLAN AND A MANURE MANAGEMENT SYSTEM PLAN

### Site Plan

A Site Plan is a comprehensive layout for a livestock production facility, and includes:

- A site map, including the following features (to scale):
  - ~ Property lines, easements, rights-of-way, and any deed restrictions.
  - ~ Public utilities, overhead power lines, cable, pipelines, and legally established public drains.
  - ~ Positions of buildings, wells, septic systems, culverts, drains and waterways, walls, fences, roads, and other paved areas.
  - ~ Location, type, and size of existing utilities.
  - ~ Location of wetlands, streams, and other bodies of water.
- Existing land uses for contiguous land.
- Names and addresses of adjacent property owners.
- Basis of livestock production facility design.
- Size and location of structures.

- A soils map of the area where all livestock production facilities are located.
- Location and distance to the non-farm residences within ½ mile.
- Location and distance to the nearest primarily residential area.
- Topographic map of site and surrounding area.
- Property deed restrictions.

### Manure Management System Plan<sup>1</sup>

The Manure Management System Plan (MMSP) describes the system of structural, vegetative, and management practices that the owner/operator has chosen to implement on the site for all proposed new and existing facilities. Items to address in the MMSP are described in the GAAMPs for Manure Management and Utilization. The MMSP for a site verification request will include these additional components:

- Planning and installation of manure management system components to ensure proper function of the entire system.
- Operation and Maintenance Plan: This written plan identifies the major structural components of the manure management system, and includes inspection frequency, areas to address, and regular maintenance records.
- Odor Management: Odor management and control is a primary focus relating to the social consideration objectives of these GAAMPs. For new and expanding livestock production facilities, an Odor Management Plan may be required (refer to Category 1 and Category 2 to determine whether an OMP is required for your facility) as part of the Manure Management System Plan for conformance with these GAAMPs. Appendix A includes a detailed outline for development of an effective OMP.
- Manure Storage Facility Plan: Construction plans detailing the design of manure storage components must be submitted to MDARD for review and approval. Structures should be designed in accordance with appropriate design standards. Construction plans should include the design standards utilized, design storage volume, size, and layout of the structure, materials specifications, soil conditions in the structure area, site suitability, subsurface investigation, elevations, installation requirements, and appropriate safety features. The plans will be reviewed for conformance with appropriate specifications. Structures should be designed and constructed by competent individuals or companies utilizing generally accepted standards, guidelines, and specifications (e.g. NRCS, Midwest Plan Service.).

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<sup>1</sup> Due to your particular circumstances, a Comprehensive Nutrient Management Plan (CNMP) may be required, as referenced in Appendix C.

Other items that may accompany the Manure Management System Plan include the following:

- Emergency Action Plan - Through development of an Emergency Action Plan, identify the actions to take and contacts to be made in the event of a spill or discharge.
- Veterinary Waste Management Plan - Identify the processes and procedures used to safely dispose of livestock-related veterinary wastes produced on the farm.
- Conservation Plan - Field-specific plan describing the structural, vegetative and management measures for the fields where manure and other by-products will be applied.
- Mortality Management Plan - Identify the processes and procedures used to safely dispose of the bodies of dead animals (Bodies of Dead Animals Act, PA 239 of 1994, as amended).

## **SITE REVIEW AND VERIFICATION PROCESS**

Producers with facilities that require MDARD verification in Categories 1, 2, or 3 should contact the MDARD and begin the site selection review and verification process prior to the construction of new livestock facilities or livestock production facilities, and expansion of existing livestock facilities or livestock production facilities. Producers with new and expanding livestock facilities that have a total capacity less than 50 animal units may also request siting verification from MDARD. The MDARD site review and verification process will use criteria applicable to the holding capacity for the number of animal units of the proposed facility. The references to local unit of government in this section are intended to notify the township and county in which the farm operation is located.

To begin the review and verification process, contact the Michigan Department of Agriculture & Rural Development, Right to Farm Program at (877) 632-1783. This toll free number is operational during normal business hours. The following steps outline this process:

### **1) Application for Siting Verification:**

A request to begin the site review and verification process can be made by submitting a letter from the responsible party to the MDARD, Right to Farm Program. This letter should outline the proposed new construction or expansion project, any areas of concern, agencies and individuals the producer is already working with, and the proposed timeline. The responsible party must also submit a complete site verification request. A request application and a checklist are available at [www.michigan.gov/gaamps](http://www.michigan.gov/gaamps). The checklist will assist you in identifying environmental or social areas of concern. If special technologies or management practices are to be implemented for the successful operation of the livestock production facility, these must be included in the siting request package.

Producers may also utilize recognized industry, university, and agency professionals in the development of their siting request, site plan, and manure management system plan.

Upon submitting a site verification request to MDARD, the producer must individually notify all non-farm residences identified in Tables 2 through 5 and listed in the Site Selection GAAMPs verification checklist (available at: [http://www.michigan.gov/documents/MDA\\_SitingChecklist\\_116499\\_7.pdf](http://www.michigan.gov/documents/MDA_SitingChecklist_116499_7.pdf)) under Appendix A “Certification of Notification of Non-Farm residences that the producer has made application for site verification with MDARD. Documentation that notification has occurred is required as part of the site verification request application.

2) Siting Request Review:

Upon receipt of the siting request package, MDARD will send an acknowledgement letter to the producer. This acknowledgement letter will also be sent to the local unit of government to inform them of the proposed livestock production facility siting request.

MDARD will review the completed siting requests upon receipt. The review will determine whether the siting request information submitted conforms to these GAAMPs. MDARD will conduct preliminary site visits to proposed new and expanding livestock production facilities. This site visit will take place upon receipt of the complete siting request package and will focus on addressing conformance with the plan components, identifying areas of concern, and verifying information submitted in the siting request. If deficiencies in the siting request are identified, MDARD will communicate those to the producer for further modification. At the request of the producer, a preliminary site visit could be conducted prior to submission of the complete siting request package.

3) Site Suitability Determination:

MDARD will determine if the siting request is in conformance with the GAAMPs for Site Selection and Odor Control for New and Expanding Livestock Production Facilities. This determination will be conveyed to the responsible party on MDARD letterhead and will be known as “Site Suitability Approval.” This approval will also be copied to the local unit of government, and construction must begin within three years from the date of approval by MDARD. The start of construction is defined as the physical movement of soil or installation of permanent structures. An additional two-year extension to begin construction after three years from the date of the initial approval may be requested in writing to MDARD.

4) Construction Plan Submittal and Review:

Design plans for the manure storage structures must be submitted to MDARD for review and approval and should be submitted prior to construction.

If the plans are found to be in accordance with the required specifications, a letter indicating “Approval of Design Plans” will be sent to the owner. MDARD

will conduct construction site inspections for quality assurance as needed to determine whether the structures are being built according to the accepted plans. The owner should notify MDARD one month prior to beginning the installation of the manure storage facility.

5) Final Inspection:

MDARD will conduct a final inspection, preferably, prior to animal population. The completed project must be reviewed by MDARD to assure conformance with these GAAMPs. The facility must be completed in conformance with the verification request that has been approved by MDARD. Once the facility has been constructed and found in conformance with these GAAMPs, a final verification letter will be sent to the producer. This letter will be copied to the local unit of government.

Appeal of Site Suitability Approval Determination:

The Site Suitability Determination decision by the Michigan Department of Agriculture and Rural Development may be appealed as per Michigan Department of Agriculture and Rural Development Commission Policy number 12. This policy can be found at [http://www.michigan.gov/mdard/0,4610,7-125-1572\\_2878---,00.html](http://www.michigan.gov/mdard/0,4610,7-125-1572_2878---,00.html) or in Appendix E.

## APPENDICES

### **Appendix A: Michigan Odor Management Plan**

The goal of an effective Odor Management Plan is to identify opportunities and propose practices and actions to reduce the frequency, intensity, duration, and offensiveness of odors that neighbors may experience, in such a way that tends to minimize impact on neighbors and create a positive attitude toward the farm. Because of the subjective nature of human responses to certain odors, recommending appropriate technology and management practices is not an exact science. Resources to help identify appropriate management practices to minimize odors are available at:  
<http://www.animalagteam.msu.edu>

An Odor Management Plan shall include these six basic components:

1. Identification of potential sources of significant odors.
2. Evaluation of the potential magnitude of each odor source.
3. Application and evaluation of odor nuisance potential using Michigan Revised OFFSET 2018 (Kiefer, 2018).
4. Identification of current, planned, and potential odor control practices.
5. A plan to monitor odor impacts and respond to odor complaints.
6. A strategy to develop and maintain good neighbor and community relations.

Note that items 1, 2, and 4 of the Odor Management Plan components may be addressed in tabular format as demonstrated in the example Odor Management Plan (Appendix B).

#### Component Details:

1. Identify and describe all potential significant sources of odor associated with the farm. Odor sources may include:
  - Animal housing
  - Manure and wastewater storage and treatment facilities
  - Feed storage and management
  - Manure transfer and agitation

Land application areas are addressed in the MMSP.

2. Evaluate the magnitude of each odor source in relation to potential impact on neighbors and other community members.

Odor magnitude is a factor of both the type and size of the source.

Michigan Revised OFFSET 2018 is one means of estimating odor source magnitudes and potential impacts from animal production facilities. Use the Michigan Revised OFFSET 2018 odor emission values to rank each potential odor source on your farm. Note that some odor sources are not considered in this tool.

For odor sources not addressed by Michigan Revised OFFSET 2018, a subjective potential odor magnitude evaluation of high, medium, or low, relative to other odor sources on the farm should be conducted.

3. Analyze potential odor impact on neighboring residences and other non-farm areas with Michigan Revised OFFSET 2018, utilizing the 95 percent odor annoyance-free level. The intent of utilizing the model is to have no non-farm residences for new facilities or no new non-farm residences for expanding facilities to fall within the 5% odor footprint. Evaluate the conclusions as follows:
  - Identify specific odor impact on neighboring residences, utilizing Michigan Revised OFFSET 2018 results and other site-specific odor impact considerations.
  - Assess the magnitude of potential odor-based conflict.
  - Develop an appropriate conflict abatement strategy for each odor-sensitive area of concern which may include:
    - Signed letter from property owner consenting to approval of the new or expanded facility.
    - Description of intensified community relations practices for these homes or other odor sensitive areas.
    - Explanation of specific variables in Michigan Revised OFFSET 2018 that may reduce the concern, such as, variables in terrain, wind velocity, facility layout, variation of facility from typical, and odor management practices not credited in Michigan Revised OFFSET 2018.
4. Identify management systems and practices for odor control including:
  - Practices currently being implemented.
  - New practices that are planned for implementation.
  - Practices that will be considered, if odor concerns arise.

There are numerous odor reduction practices available; however, not all have been proven equally effective. Some practices may reduce odor from one part of the system, but increase it in another. For example, long-term manure storage will reduce the frequency of agitation of the storage thus producing less frequent odor events, but will likely result in greater intensity and offensiveness of each odor event.

Each farm situation is unique and requires site-specific identification and implementation of odor reduction practices to suit the practical and economic limitations of a specific farm. MDARD will consider mitigating factors that are under the direct control of the operator. Factors not under direct control of the operator will be considered if an alternative mitigation plan is provided.

Simple changes in management, such as, but not limited to, improving farmstead drainage, collecting spilled feed, and regular fan maintenance will reduce overall farmstead odor.

“Practices that will be considered, if odor concerns increase” should include only those odor management practices that the producer would seriously consider implementing, if the need arose.

Improved management, as well as, the adoption of new technologies to control odor offer a means for reducing odor from livestock production facilities and manure storage facilities, thus broadening the potential area within which livestock production facilities may be appropriately sited. Odor reduction technologies continue to evolve. Current technologies include, but are not limited to, vent bio-filters, manure storage covers, and composting.

Each technology presents different challenges and opportunities. These should be considered during the planning process for a new or expanding animal livestock facility.

5. Describe the plan to track odor impact and the response to odor concerns as they arise.
  - Outline how significant odor events will be recognized and tracked including potential impact on neighbors and others. For example, one could record odor events noticed by those working on and/or cooperating with the farm. If odor is noticeable to you, your family, or employees, then it is likely noticeable to others.
  - Explain how an odor complaint will be addressed.
  - Indicate the point at which additional odor control measures will be pursued.
6. Identify the strategy to be implemented to establish and maintain a working relationship with neighbors and community members.

Elements of a community relations plan may include:

- Conducting farming practices that result in peak odor generation at times that will be least problematic for neighbors.
- Notifying neighbors of when there will be an increase in odors.
- Hosting an annual neighborhood farm tour to provide information about your farm operation.
- Sending a regular farm newsletter to potentially affected community members.
- Keeping the farmstead esthetically pleasing.
- Supporting community events and causes.



## **Appendix B: Example Dairy Odor Management Plan**

*The Odor Management Plan includes the following text and tables and output from Michigan Revised OFFSET, which is not shown here.*

### **Overview**

The existing 1,200 cow facility is expanding to 1,700 cows. The proposed expansion involves the addition of another 500 cow freestall barn, expansion of the primary sand- laden manure storage, and the addition of another earthen storage for milking center wastewater. All of the additional facilities are located to the south and west of the existing facility.

### **Odor Source Identification & Assessment**

Refer to attached Odor Source Assessment table.

### **Odor Management Practices**

Refer to attached Odor Management Practices table.

### **Potential Odor Impact Analysis**

Michigan Revised OFFSET 2018 has identified two non-farm residences that are definitely within the odor impact zone prior to the expansion and three additional homes that are likely impacted (see Michigan Revised OFFSET 2018 output). An additional five homes are added to the odor awareness zone as a result of the proposed expansion.

The potentially odor-impacted homes are at the following addresses:

(List addresses and homeowner names in order of proximity to odor source.)

All homeowners, with the exception of one, have signed a letter acknowledging the proposed expansion and indicating that they do not object to it proceeding. The lone exception is the residence at *(list address)*. This resident was reluctant to sign a letter, but has verbally accepted the expansion. He is also a livestock producer whose odor awareness zone from Michigan Revised OFFSET 2018 would likely overlap the dairy farms. He also has a working relationship with the Example Dairy as a producer of corn grain for dairy feed.

Of the other homes in the odor awareness zone, three are currently or very recently have been active dairy farmers themselves. Another is a landlord of property that is rented and included in the farm CNMP/MMSP.

The three remaining homes are the most distant from the center of the odor awareness zone and furthest from the specific area of the facility expansion.

## **Odor Tracking and Response**

Tracking of odor concerns includes two approaches:

1. All farm employees and some routine farm service providers will be asked to report noticeable offensive odor events as they come and go from the farm and travel the community.
2. The intent is to establish and maintain an effective, open line of communication with immediate neighbors so that they too will be comfortable reporting odor events to example dairy.
3. Response to odor complaints or events reported by neighbors will include investigation of the primary odor incident source on the farm. For example, is it associated with storage agitation, field application, or no specific farm activity? The farm will report back to the person reporting the odor event within 24 hours, or as soon as possible thereafter. Included in the response will be the reason for the odor event, an acknowledgement of the concern, steps – if any – to be taken to prevent it in the future, and a thank you for bringing it to the farm's attention.

If a pattern is identified among odor event complaints by neighbors, an outside observer, such as MSU Extension or MDARD, will be asked to provide an objective analysis of the situation. If the concern is confirmed to be legitimate by a second objective observer, actions will be taken to further control odor per, or comparable to, odor management practices identified in the Odor Management Plan.

## **Community Relations**

In order to develop and maintain a positive relationship with the entire community, the following steps are planned:

1. Keeping the farmstead area esthetically pleasing will continue to be a high priority.
2. Each spring, a farm newsletter will be sent to all appropriate community members describing farm activities, personnel, and management.
3. A community picnic and farm tour will be held at least semi-annually for all in the immediate community and manure application areas.
4. Example Dairy Farm will make itself available to local schools for farm visits as field trips or school projects as appropriate.
5. We will seek to participate in local community events and youth activities, such as the local town festival and youth athletic teams.
6. Additional opportunities to strengthen community relations will be considered whenever they arise.
7. Notify potentially impacted neighboring residences at least 24 hours in advance of manure application.

(The above list of community relations practices may be longer than most farms find necessary, but it provides several examples that farms might consider.)

### Odor Source Assessment – proposed facility

Potential Odor Source	Description	Odor Emission Number <sup>1</sup>	Odor Control Factors <sup>2</sup>			Odor Emission Factors <sup>1,3</sup>		
			current	planned	potential	current	planned	potential
Large Manure Storage	Sand Land Manure storage for center-drive through barns (170 x 340)	13	0.5 + NV			168.9		
Freestall Barns	Freestall barns (187,104 sq. ft.)	6		NV		112.3		
Milking Center Wastewater	Earthen storages for milking center wastewater. Is recycled to flush holding and treatment areas (49,600 sq. ft.)	13	NV		0.1	50.4		5.0
Run Off Storage	Collects rain runoff from open lot and silage pads (90 x 120)	13	NV			14		
Outside Lots	Outside concrete housing lot (16,200 sq. ft.)	4			NV	6.5		
Settling Basins	Holding area flushed material settling area prior to pumping of liquid to milking center wastewater storage (30 x 60)	28	NV	NV	NV	5		
Bedded Open Housing Barns	Maternity & sick pens (22,620 sq. ft.)	2				4.5		
Open Lot Manure storage	Short-term manure storage (70 x 20)	13	0.5 + NV			.9		
Agitation	Agitation of manure storages	Medium				M	M	M
Land Application	Field application of liquid manure	High	NV			M	M	M
Silage & Feed Storage	Concrete pad and bunker silos (300 x 350)	Medium	NV			L	L	L

1. Michigan Revised OFFSET value if available or High, Medium, Low for sources not addressed in Michigan Revised OFFSET

2. NV = No Value available in Michigan Revised OFFSET; however, a defensible odor control factor is applicable per Odor Management Practices table.

3. Odor Emission Factors are equal to the odor emission number, multiplied by the surface area (ft<sup>2</sup>) and odor control factor, divided by 10,000.

## Odor Management Practices

Odor Source	Odor Management Practices & Reduction Factor		
	Current	Planned	Potential
Large Manure Storage	<ol style="list-style-type: none"> <li>1. Approximately eight months of potential storage results in agitation being required only 2-3 times per year.</li> <li>2. The natural plant fiber in the manure results in a crusting of the manure. (OCF = 0.5)</li> </ol>		
Freestall Barns		1. Plans include the planting of a tree shelterbelt the length of the freestall barns, parlor, and treatment area.	
Milking Center Wastewater	<ol style="list-style-type: none"> <li>1. Fills from bottom</li> <li>2. Long term storage facilitates minimal disturbance of only about two times per year.</li> </ol>		3. Impermeable synthetic cover (OCF = 0.1)
Run Off Storage	1. Long-term storage, disturbed only 1-2 times per year		
Outside Lots			1. Lot could be reduced in size.
Settling Basins	1. Cleaned out frequently, about every ten days, minimizing anaerobic production of odors.	2. Plans include the planting of tree shelterbelt between the basins and the road/property line.	
Bedded Barns			
Open Lot Manure Storage	<ol style="list-style-type: none"> <li>1. Storage is emptied frequently so that anaerobic activity is limited.</li> <li>2. Storage crusts (OCF = 0.5)</li> </ol>		
Agitation			
Land Application	<ol style="list-style-type: none"> <li>1. Manure is injected or incorporated whenever field conditions permit.</li> <li>2. Weekend and holiday application is avoided.</li> </ol>		
Silage & Feed Storage	<ol style="list-style-type: none"> <li>1. Silage piles are covered with plastic with clean water diverted off of the pile.</li> <li>2. Forages harvested at recommended moisture.</li> <li>3. Concrete pad is mechanically swept at least once per week.</li> </ol>		

## **Appendix C: Comprehensive Nutrient Management Plan**

A Comprehensive Nutrient Management Plan (CNMP) is the next step beyond a Manure Management System Plan (MMSP). All efforts put towards an MMSP may be utilized in the development of a CNMP as it is founded on the same eight components as the MMSP, with a few significant differences. Some of the “optional” sub-components of an MMSP are required in a CNMP. Examples include veterinary waste disposal and mortality management. In addition, the “production” component is more detailed regarding management of rainwater, plate cooler water, and milk house wastewater. Thorough calculations are also needed to document animal manure production.

Another difference between an MMSP and a CNMP is in the “Utilization” component. With an MMSP, nutrients need to be applied at agronomic rates and according to realistic yield goals. However, with a CNMP, a more extensive analysis of field application is conducted. This analysis includes the use of the Manure Application Risk Index (MARI) to determine suitability for winter spreading, and the Revised Universal Soil Loss Equation (RUSLE) to determine potential nutrient loss from erosive forces, and other farm specific conservation practices. More detail regarding the timing and method of manure applications and long term cropping system/plans must be documented in a CNMP.

Additional information on potential adverse impacts to surface and groundwater and preventative measures to protect these resources are identified in a CNMP. Although the CNMP provides the framework for consistent documentation of a number of practices, the CNMP is a planning tool not a documentation package.

Odor management is included in both the MMSP and CNMP.

Implementation of an MMSP is ongoing. A CNMP implementation schedule typically includes long-term changes. These often include installation of new structures and/or changes in farm management practices that are usually phased in over a longer period of time. Such changes are outlined in the CNMP implementation schedule, providing a reference to the producer for planning to implement changes within their own constraints.

As is described above, a producer with a sound MMSP is well on their way to developing a CNMP. Time spent developing and using a MMSP will help position the producer to ultimately develop a CNMP on their farm, if they decide to proceed to that level or when they are required to do so.

## WHO NEEDS A CNMP?

1. Some livestock production facilities receiving technical and/or financial assistance through USDA-NRCS Farm Bill program contracts.
2. A livestock production facility that a) applies for coverage with the MDEQ's National Pollutant Discharge Elimination System (NPDES) permit, or b) is directed by MDEQ on a case by case basis.
3. A livestock farm that is required to have a CNMP as a result of NPDES permit coverage that desires third party verification in the MDARD's Michigan Agriculture Environmental Assurance Program (MAEAP) Livestock System verification.

For additional information regarding the permit, go to: [www.michigan.gov/deq](http://www.michigan.gov/deq).

For additional information regarding MAEAP, go to: [www.maeap.org](http://www.maeap.org) or telephone 517-284-5609.

## **Appendix D: Manure Storage Facility Plan**

Construction plans detailing the design of manure storage components must be submitted to MDARD for review and approval. Structures must be designed and constructed in accordance with appropriate design standards (e.g. Michigan NRCS eFOTG Waste Storage Facility (No.) 313 or Midwest Plan Service MWPS-36 Concrete Manure Storages Handbook), that are current at the time of approval of this GAAMP.

Plans must include the following information:

- Design Standards utilized.
- Design storage volume as justified by nutrient utilization plan, runoff volume, precipitation volume, and freeboard.
- Size of structure, including length, width, and depth.
- Materials to be utilized for the construction of the structure, this should include specifications for concrete mixes, flexible membranes, and soil data, as appropriate.
- Subsurface Investigation information to include an adequate representation of soil borings based upon the surface area of the structure. The borings must extend to a depth of at least two feet below the bottom of the structure, and must indicate the depth to high water and any seeps encountered. The soils must be classified according to the Unified Soil Classification System (ASTM D2487 or ASTM D2488).
- For a compacted earth-lined structure permeability test or Plasticity Index (PI) and Atterberg Limits must be submitted for the soil samples.
- Isolation distance from the structure to the drinking water well and isolation reduction criteria worksheet if applicable.
- Method of solids removal to be utilized.
- Elevation of structure relative to surrounding area must be included.
- Construction requirements.
- Appropriate safety features (e.g. fencing, safety signs, ladders, or ropes).
- If a treatment system (e.g. anaerobic digester or gasification) will be utilized, all associated design plans and specifications must be submitted.
- Where substantial changes to the original plans occurred during construction, as built plans must be submitted for review.

Structures should be designed and constructed by individuals or companies qualified in the appropriate area of expertise for that work.

## **Appendix E: Michigan Commission of Agriculture and Rural Development Policy No. 12**

Policy Title: **APPEALS FROM MDARD'S SITE SUITABILITY DETERMINATIONS**

Under the Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Facilities (Site Selection GAAMP), farms may request a site suitability determination from MDARD. MDARD's site suitability determinations are sent to the farmer and the local unit of government and posted on MDARD's RTF website. MDARD's site suitability determination can be appealed to MDARD's Director as provided below.

### **A. Who can request to appeal MDARD's site suitability determination**

The following people or entities can request to appeal MDARD's site suitability determination:

- The owner of the proposed livestock facility.
- A person with property within one-half mile of the site of the proposed livestock facility.
- The local unit of government in which the site for the proposed livestock facility is located.
- Local unit of government which is within one-half mile of the proposed livestock facility.

### **B. Timing of a request to appeal**

A request to appeal must be filed within 30 days from the date MDARD's site suitability determination is posted on MDARD's Right to Farm Siting website.

### **C. Contents of a request to appeal**

A request to appeal MDARD's site suitability determination is made by sending a written description of the appeal including all documentation supporting the appeal to MDARD's Director through the Commission email at [MDA-Ag-Commission@michigan.gov](mailto:MDA-Ag-Commission@michigan.gov).

The request to appeal must identify with specificity the section or requirement in the Site Selection GAAMPs that the requestor believes MDARD failed to or improperly applied when it made its site suitability determination.

The request for appeal must include relevant facts, data, analysis, and supporting documentation for the appellant's position.



A request to appeal that does not identify with specificity the manner in which MDARD failed to or improperly applied the Site Selection GAAMPs or does not provide supporting documentation will be denied. The Director will notify the Site Selection GAAMPs Chair, as well as the Commission of Agriculture and Rural Development of this decision. MDARD will send a letter to the entity who submitted the request to appeal stating the reason the request has been denied. A denial of a request to appeal is a final agency decision on MDARD's site suitability determination.

A request to appeal that meets the requirements of this section will be approved and will proceed through the appeal process outlined below. MDARD shall make all determinations regarding requests to appeal within 14 days after the close of the 30-day appeal window.

#### **D. Appeal process**

Once MDARD approves a request to appeal, the following process will be initiated:

1. MDARD will ask the Chairperson of the Site Selection GAAMPs Committee to convene a panel of recognized professionals to review MDARD's site suitability determination. The panel of recognized professionals may include, but are not limited to, personnel from the following: conservation districts, industry representatives, Michigan Department of Environment, Great Lakes, and Energy, professional consultants and contractors, professional engineers, the United States Department of Agriculture - Natural Resources Conservation Service, university agricultural engineers, and other university specialists and shall contain no less than three recognized professionals.
2. Within 28 days, the panel of recognized professionals shall review MDARD's site suitability determination and consider the information provided by the Appellant. The panel of recognized professionals shall create a written report to be considered at the Commission's next scheduled public meeting.
3. The Commission will consider the panel of recognized professionals report, oral or written comments from the appellant(s), and other public comments regarding MDARD's site suitability determination.
4. The Commission shall make a recommendation to the MDARD Director. The Commission's recommendation can take one of three forms: (i) approve MDARD's site suitability determination; (ii) reverse MDARD's site suitability determination; or (iii) send the case back to the panel of recognized professionals or MDARD staff with instructions to consider certain factors or issues that were not sufficiently considered during the panel's initial review, including a timeframe for providing the information to the Commission. In the event of a tie vote by the Commission, the matter

- shall be submitted to the Director without a recommendation from the Commission.
5. The Director shall issue a written final decision regarding the site suitability determination within 14 days of the Commission's recommendation/ submission.
  6. Following the Director's final decision, the farmer, appellant, and local unit of government will be sent MDARD's final decision and the final decision will be posted on the MDARD RTF Siting website.

Approved in St. Johns, Michigan

May 15, 2019

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