



June 22, 2020

Chairman Gary Howell  
Michigan Natural Resources and Outdoor Recreation Committee  
Anderson House Office Building, Room 326  
124 North Capitol Avenue  
Lansing, MI 48933  
VIA email: [arostkowycz@house.mi.gov](mailto:arostkowycz@house.mi.gov)

**RE: Revised Amendment Language Pertaining to Land Application of Liquid Digestate--Part 115 of Michigan's Solid Waste Act, House Bill No. 5816**

Dear Chairman Howell:

This letter follows up to our letter to you dated June 16 "RE: SUPPORT IF AMENDED--Part 115 of Michigan's Solid Waste Act, House Bill No. 5816."

Thank you for the opportunity to testify last week. As a result, I'm happy to report to you and the NROR Committee that regarding the digestate language concerns in House Bill No. 5816, Section 11568(4)(d) we have collaborated with the Michigan Department of Environment, Great Lakes, and Energy (EGLE) and now have a revised amendment which EGLE and the American Biogas Council (ABC) propose to you. I hope you all will be pleased to know that a number of fruitful conversations have transpired over the last week between the ABC, our member companies and Duane Roskoskey and Elizabeth Browne at EGLE, and I think we now have a much greater understanding of each other's concerns and are all pleased that we've been able to reach an agreement to move forward.

**PROPOSED AMENDMENT**

We propose the following additional language to Section 11568(4)(d), highlighted in **CAPITAL LETTERS** below:

- (d) Liquid digestate that is generated by the anaerobic digester shall be managed by 1 **OR MORE** of the following:
- i. On-site treatment and discharge by a facility that is permitted under part 31 or is otherwise approved by the department.
  - ii. Discharge, by sewer or pipeline, to an off-site publicly owned treatment works or other facility that is permitted under part 31 or is otherwise approved by the department.
  - iii. Discharge, by pumping and hauling, to an off-site publicly owned treatment works or other facility that is permitted under part 31 or is otherwise approved by the department.
  - iv. **MINIMUM OF SIX MONTHS OF COVERED, ON-SITE STORAGE CAPACITY AND LAND APPLICATION PER R299.4111 OF THE PART 115 RULES.**

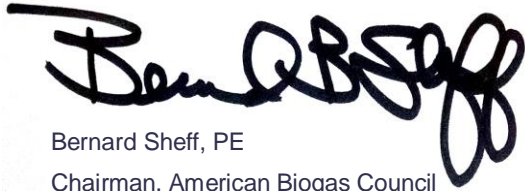
This language, which has been vetted by our contacts in EGLE, allows flexibility in digestate management which is important to industry, and adds in a requirement for covered, on-site storage for new facilities which addresses EGLE's concerns. It's important that biogas systems have the option to sell and land apply liquid digestate to fields rather than only having options

which require paying for costly disposal which also destroys valuable nutrients that could be recycled, thus creating a more financially viable project. Requiring covered storage will make sure any potential odors from incompletely digested material will be contained. Requiring on-site storage will ensure a biogas system has a place to safely contain the digestate within the overall system without requiring transport. It should be noted that with a well-operating biogas system, these elements shouldn't be needed. They are an extra precaution to help lower the risk that any offensive odors might travel outside the property.

To refresh your memory, our organization, the American Biogas Council, is the only national trade association which represents the entire biogas industry in the U.S. We represent 230 companies and over 2,000 individuals who are dedicated to maximizing the production and use of biogas from organic waste including half a dozen companies based in Michigan (including my office) and dozens more interested in doing business in the state. Biogas systems recycle the organic material in solid waste like food scraps plus animal waste and wastewater sludge into renewable energy and soil products (digestate) using anaerobic digestion.

Finally, overall, we support the mission and stated goals of Part 115 of Michigan's Solid Waste Act. The mission and stated goals of this package of bills are tremendous. Achieving a 45% municipal solid waste recycling rate and environmentally sound measures to prevent materials from entering the waste stream are goals we stand firmly behind and we want to be a part of their implementation. We look forward to working with you in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Bernard Sheff". The signature is stylized and cursive, with a large, looping flourish at the end.

Bernard Sheff, PE

Chairman, American Biogas Council

Vice President of Biogas Engineering, Montrose Environmental Group, Inc.