



ENVIRONMENTAL LAW & POLICY CENTER
Protecting the Midwest's Environment and Natural Heritage

August 27, 2020

Elaine Cussans
Michigan Office of Administrative Hearings & Rules
611 W. Ottawa Street
Lansing, MI 48909

RE: MOAHR File No. 20-009773

Dear Ms. Cussans:

The following is attached for paperless electronic filing:

Application To Intervene In Contested Case Hearing

Appearance of Margrethe Kearney

Notice of Hearing

Proof of Service

Should you have any issues with these documents, please do not hesitate to contact me at (773) 726-8701 or mkearney@elpc.org.

Sincerely,

Margrethe Kearney, Michigan Bar #: P-80402
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BEFORE THE MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

In the matter of the Petition of the Michigan Farm Bureau, the Michigan Milk Producers Association, Michigan Pork Producers Association, Michigan Allied Poultry Industries, Foremost Farms USA, Dairy Farmers of America, Select Milk Producers, Inv. and 126 CAFO Permit Applicants) File No. 20-009773
)
) Permit No. MIG010000
)
) Part: 31, Water Resources
) Protection
)
) Agency: Department of
) Environmental, Great Lakes, and
) Energy
)
) Case Type: Water Resources
) Division

Application To Intervene In Contested Case Hearing

The Environmental Law & Policy Center (“ELPC”), the Michigan Environmental Council (“MEC”), the Environmentally Concerned Citizens of South Central Michigan (“ECCSCM”), Freshwater Future (“FWF”), For Love of Water (“FLOW”), Food & Water Watch (“FWW”), Michigan League of Conservation Voters (“MLCV”), and the Alliance for the Great Lakes (“AGL”) (collectively, the “Joint Petitioners”) by and through their attorneys ELPC and pursuant to R 792.10306(1), MCR 2.209, MCL 324.1705(1), and Michigan common law, submit this Application to Intervene in the above-captioned contested case proceeding. In support of this Petition, Joint Petitioners state the following:

BACKGROUND

1. Concentrated Animal Feeding Operations (“CAFOs”) raise large numbers of dairy cows, beef cattle, hogs, or chickens in tight confinement. CAFOs are considered point sources of pollution and are regulated under the Clean Water Act National Pollutant Discharge Elimination System (“NPDES”) permitting program. The Michigan Department of Environment, Great Lakes,

and Energy (“EGLE”) administers NPDES permitting for CAFOs, including the promulgation every five years of a “General CAFO Permit” under which certain eligible CAFOs may operate so long as they submit a “Certificate of Conformity” with that General Permit.

2. Manure from animals at CAFOs is usually stored in large lagoons, liquified, and spread on fields, ostensibly as crop fertilizer. But CAFOs typically generate far more manure – which contains far more nutrients (primarily, phosphorus and nitrogen) – than crops in surrounding fields can absorb. The excess runs off during rainstorms and/or flows through tile drainage systems into nearby streams, rivers, and lakes, and can flow into larger water bodies, such as Lake Erie and Lake Michigan. This phosphorus and nitrogen impair waterways, including by promoting overgrowth of harmful (often toxic) algae, threatening outdoor recreation, fisheries, and access to safe, clean drinking water, including in western Lake Erie. The spread of CAFO waste can also result in elevated levels of *E. coli* bacteria in nearby waterways, further threatening human health and the environment. The General CAFO Permit is a vital tool in combating excessive nutrient and bacterial loading in Michigan’s waters and ensuring that CAFOs are not just dumping hazardous waste.

3. EGLE put out for public comment a Draft General CAFO Permit in 2019. Joint Petitioners, separately and in combination, submitted comments to EGLE regarding the proposed permit. Joint Petitioners raised many of the topics at issue in this case and provided information, critiques, and suggestions in support of and to improve the corresponding permit provisions. Joint Petitioners asserted their interests in reducing excessive nutrient and bacterial loading in Michigan’s waters and explained why changes were needed to the General CAFO Permit in order to appropriately mitigate the continuing injuries to Joint Petitioners’ organizations and their members. In fact, the Joint Petitioners encouraged EGLE to make the conditions at issue in this

case significantly *more* stringent than the ones ultimately included in the General CAFO Permit. The public comment period closed on December 19, 2019.

4. The Water Resources Division of EGLE issued the final Permit No. MIG010000 on March 27, 2020, with an effective date of April 1, 2020.

5. On May 26, 2020, a variety of agricultural interests (“Industry Petitioners”) filed a Petition for a Contested Case Hearing, arguing that certain “newfangled conditions” in EGLE’s General CAFO Permit should be stricken on the grounds that they were impermissible and would adversely impact the Industry Petitioners’ interests.

6. ELPC inquired as to the docket number for this proceeding with the Michigan Office of Administrative Hearings and Rules and was informed that a Public Records Request would be necessary to obtain that information. ELPC received the response to this Public Records Request on July 10, 2020, indicating the above-captioned docket number.

7. Joint Petitioners should be granted the right to intervene in this contested case and join as a party to these proceedings in order to protect their substantial and important interests that are at risk and that are separate and apart from the interests of the general public and those of the existing parties. The intervention of Joint Petitioners in these proceedings would not conflict with the fairness, efficiency, or impartial determination of issues in this contested case, and would instead be consistent with due process as a means by which the Joint Petitioners can assert and defend their interests.

JOINT INTERVENORS

8. **ELPC** is a not-for-profit public interest environmental organization that works to protect clean water, advance clean renewable energy and energy efficiency, improve environmental quality, and preserve natural resources in Michigan and the Midwest. With offices

located in Grand Rapids, Michigan, ELPC has members throughout the state of Michigan, including members who reside on or near Michigan's inland waterways and Great Lakes and rely on Michigan's inland waters and Great Lakes for drinking water, livelihoods, scientific studies, and recreational activities. ELPC and its members have an interest in mitigating the impact of CAFOs on water quality and work to educate the public, policymakers and legislators on the impact of permit conditions on the quality of Michigan and Midwest waterways. ELPC submitted public comments on behalf of its members on the Draft General CAFO Permit. ELPC has a commitment to Michigan and the Great Lakes and works to protect special places like Lake Michigan and Lake Erie from rampant algae growth resulting from excess phosphorus loading.

9. **MEC** is a not-for-profit statewide environmental organization working to advance policies that protect air, land, and water resources that Michigan residents rely on for health and recreation. With offices in Lansing and Detroit, MEC has individual supporters and 68-member entities which represents a collective 200,000 Michiganders. For over forty years, MEC and its member groups have advocated for stronger, science-driven policies to improve and protect water quality and address threats from all sources, including agriculture. MEC has participated, and continues to participate in, several environmental oversight bodies for the agricultural industry, including serving on the Advisory Council for the Michigan Agriculture Environmental Assurance Program, as well as Generally Accepted Agricultural Management Practices Task Force(s). MEC and its members have deep institutional knowledge related to environmental oversight of agriculture in Michigan, as well as the scientific underpinnings that drive that oversight. MEC participated in the stakeholder engagement workgroups for the Draft CAFO General Permit and also submitted public comments on behalf of its members and other signatories. MEC remains

steadfastly committed on behalf of our members to ensure clean, safe waters in Michigan for current and future generation

10. **ECCSCM** is a Hudson, Michigan based organization supporting sustainable agriculture that monitors CAFOs in South Central Michigan using a variety of methods, including water and air quality tests, and ground and aerial photographs, in order to document the damage done to our environment by CAFOs. ECCSCM's members live and work near CAFOs and are directly impacted by CAFO impacts on Lake Erie, drinking water, and liquid manure that reaches other surface waters in Michigan. Some of ECCSCM's members are also family farmers who are directly injured by CAFO practices that impair Michigan's surface waters. ECCSCM educates agencies and the general public about the results of their testing and documentation, and has documented over 4,700 environmental enforcement actions, many of which are manure discharges, on 13 NPDES CAFO permitted farms in our area. ECCSCM invested significant resources in analyzing and evaluating the Draft CAFO General Permit and also submitted public comments on behalf of its members.

11. **FWF** serves as a catalyst for community action that strengthens policies designed to safeguard the waters of the Great Lakes region. For 25 years, Freshwater Future has provided funding, professional capacity-building assistance, and a rich network of support to over 2000 citizens' groups in both urban and rural communities across the Great Lakes region. Freshwater Future has provided \$4.5 million in funding through 1,145 grants, resulting in the protection of thousands of acres of wetlands, miles of restored shorelines, steps toward safe and affordable drinking water, and communities made more resilient to the impacts of climate change. By elevating the voices of many communities, FWF also changes policy at the state and federal levels. Drawing on policy and community organizing skills, as well as its broad Michigan network,

consisting of 625 organizations and 5,585 individuals, FWF has supported numerous community groups and organizations in efforts to reduce phosphorus pollution that causes harmful algal blooms in Lake Erie and across the state. The adoption of data-driven permit conditions for CAFOs reduces the impact of phosphorus pollution on FWF's organizational and individual members, who work, recreate, and rely on access to clean, safe, and affordable drinking water. Freshwater Future submitted comments on the Draft General CAFO Permit.

12. **FLOW** is a Great Lakes law and policy nonprofit corporation incorporated under the laws of the State of Michigan. FLOW's mission is to educate government officials, communities, landowners, and citizens in the Great Lakes region about the nature, scope, and principles of the public trust doctrine applicable to the waterbodies of the Great Lakes Basin. FLOW's ultimate purpose is to protect, conserve, and restore (1) the integrity and sustainability of Great Lakes Basin waters, bottomlands, tributary groundwater and related natural resources, and (2) the protected public trust uses that depend on these common waters, bottomlands, tributary groundwater and resources. FLOW is supported by persons, communities, foundations, businesses, and other organizations throughout Michigan and the Great Lakes region. FLOW's supporters include members of the public, citizens, littoral or riparian property owners who enjoy and use the public trust waters of the Great Lakes, the bottomlands and soils beneath these waters and tributary groundwater. FLOW's supporters have an interest in the health and safety of Michigan's waterways and are injured by excessive releases of pollution from agricultural facilities and practices. FLOW has prepared, submitted, and presented numerous reports, papers, and presentations to State of Michigan officials and international organizations regarding the overarching framework and application of public trust principles to assure protection of the

integrity and sustainability of the waters, environment and quality of life in Michigan's waters and the waters of the Great Lakes basin.

13. **FWW** is a national, nonprofit membership organization that mobilizes regular people to build political power to move bold and uncompromised solutions to the most pressing food, water, and climate problems of our time. FWW uses grassroots organizing, media outreach, public education, research, policy analysis, and litigation to protect people's health, communities, and democracy from the growing destructive power of the most powerful economic interests. FWW has approximately 88,770 members and supporters in Michigan, many of whom depend on the Great Lakes for their drinking water and suffer direct injury as the result of excessive nutrient loading in the Great Lakes from CAFOs. Many of FWW's Michigan members live and recreate near or on Michigan waterways. Excessive nutrient loading from CAFOs into those waterways prevent members from participating in recreational activities on Michigan waterways. FWW submitted comments on the Draft General CAFO Permit.

14. **MLCV** is dedicated to protecting the air, land, and water of Michigan residents. Nutrient runoff from CAFOs is an immediate threat to Michigan's water resources and MLCV and its members have an interest in state policy, rules, regulations and laws that serve to mitigate that threat. CAFOs produce an enormous amount of waste and are one of the main contributors to nutrient runoff pollution in Michigan, releasing excess nutrients like phosphorus and nitrogen that end up in our lakes, streams, and rivers. MLCV recognizes that an overabundance of these nutrients degrades water quality and can cause toxic algae blooms in adjacent bodies of water like the August 2014 bloom in Lake Erie that led to a water crisis in the city of Toledo. The General CAFO Permit is one of the only tools available to quickly diminish agriculture pollution entering Michigan's surface waters from these significant sources.

15. **AGL** is a nonpartisan, nonprofit organization working across the Great Lakes region to protect the natural waters of the Great Lakes. AGL engages in advocacy through partnering with communities and decision makers to develop actionable solutions that protect the Great Lakes and the surrounding communities. Through education and action-oriented information and programs, AGL empowers people and communities to protect the Great Lakes. A number of the conditions challenged by the Industry Petitioners are conditions that AGL will utilize to help its supporters and engaged community members protect their unique interests in the health and safety of Great Lakes waters.

STANDARD FOR INTERVENTION

16. Michigan's Administrative Procedures Act (Act 306 of 1969; MCL 24.201 et seq) and its affiliated rules govern the procedures for applications for intervention in contested case proceedings. These affiliated rules include both the "General" Administrative Hearing Rules (R 792.10101 et seq.) and those in Part 3: Department of Environmental Quality and Department of Natural Resources.

17. Michigan's General Administrative Hearing Rule 792.10306 ("Rule 306") allows "a person who has legal standing" to intervene as a party in a contested case. Rule 306 states that "the applicable statute and rules shall govern the issue of standing in a contested case hearing." Mich. Admin. Code, R 792.10303(4).

18. Michigan Court Rule ("MCR") 2.209 establishes standards for both intervention of right and permissive intervention in contested cases. Under MCR 2.209(A), a person has a right to intervene in an action when the applicant claims an interest relating to the property or transaction which is the subject of the action and is so situated that the disposition of the action may as a practical matter impair or impede the applicant's ability to protect that interest, unless the applicant's interest is adequately represented by existing parties. Under MCR 2.209(B),

permissive intervention is appropriate (1) when a Michigan statute or court rule confers a conditional right to intervene, or (2) when an applicant's claim or defense and the main action have a question of law or fact in common.

19. The Michigan Environmental Protection Act (Part 17 of NREPA, MCL 324.1705(1), *et seq.*, hereinafter "MEPA") specifically provides for intervention in administrative proceedings where environmental harm is likely.

20. Section 1705(1) of MEPA provides for intervention where likely pollution, impairment or destruction of natural resources or impairment of public trust resources is alleged.

Section 1705(1) states:

If administrative, licensing, or other proceedings and judicial review of such proceedings are available by law, the agency or the court may permit the attorney general or any other person to intervene as a party on the filing of a pleading asserting that the proceeding or action for judicial review involves conduct that has, or is likely to have, the effect of polluting, impairing, or destroying the air, water, or other natural resources or the public trust in these resources.

21. The Petition filed by the Industry Petitioners seeks to remove essential conditions of the General CAFO Permit. Removal of such conditions will or are likely to have the effect of causing pollution and injury to the air, water and other natural resources as well as the public trust in those resources.

ARGUMENT

22. Joint Intervenors are allowed to intervene in this contested case proceeding under Rule 306 because they have legal standing under applicable statutes and rules. Joint Intervenors have standing under Michigan law because they have a special injury or right, or substantial interest, that will be detrimentally affected in a manner different from the citizenry at large. Joint

Intervenors have legal standing under applicable statutes because the Legislature intended to confer standing on parties such as Joint Intervenors through MEPA.

23. Joint Intervenors meet the standards for both intervention of right and for permissive intervention in contested cases under MCR 2.209.

24. Joint Intervenors have a right to intervene in the contested case because they have an interest in the General CAFO Permit that is the subject of the action and are so situated that the disposition of this contested case may as a practical matter impair or impede Joint Intervenors' ability to protect those interests. Furthermore, Joint Intervenors' interests are not adequately represented by existing parties.

25. Joint Intervenors also qualify for permissive intervention because MEPA confers a right to intervene and because Joint Intervenors' claims and the main action have a question of law or fact in common.

Joint Intervenors' Are Entitled To Intervention Of Right

26. Joint Intervenors should be allowed to intervene in this case as of right because they have standing under Michigan law, the disposition of the contested case may as a practical matter impede their ability to protect their interests, and their interests are not adequately represented by existing parties.

27. In *Lansing Schools Education Ass'n v Lansing Board of Education*, the Michigan Supreme Court established that a party has standing if it has a special injury or right, or substantial interest, that will be detrimentally affected in a manner different from the citizenry at large or if the statutory scheme implies that the Legislature intended to confer standing on the litigant. 487 Mich 349, 372; 792 NW2d 686 (2010). "[W]hether a party has standing is generally a question of law ... [and] the general principal of standing is that a party 'must demonstrate a legally protected

interest that is in jeopardy of being adversely affected and must allege a sufficient personal stake in the outcome of the dispute to ensure that the controversy to be adjudicated will be presented in an adversarial setting that is capable of judicial resolution.” *Taylor v. Blue Cross & Blue Shield of Michigan*, 205 Mich App 644, 655-656; 517 NW2d 864 (1994).

28. Joint Intervenors are all 501(c)(3) organizations with members or supporters who have an interest in, among other things, protecting Michigan’s inland waterways and the Great Lakes from excessive nutrient and bacterial loading. Joint Petitioners’ interests are different from those as the citizenry at large because their members recreate on and near waterways that are being impacted by excessive nutrients and bacteria that originate from CAFO operations in Michigan. Joint Petitioners’ members in particular are at risk of personal injury and bodily harm from exposure to dangerous bacteria and harmful, often toxic, algae that are the product of pollutants generated by CAFOs in Michigan. Joint Petitioners’ have a specific interest in the use and enjoyment of Michigan waters, which is currently restricted and impaired as a result of CAFO operations permitted under the 2015 General CAFO Permit, which does not include sufficient provisions to protect Joint Petitioners’ interests.

29. Michigan courts have long recognized that environmental injuries are sufficient to establish standing. *See, e.g., Trout Unlimited, Muskegon White River Chapter v. City of White Cloud*, 195 Mich. App. 343, 349; 489 NW2d 188 (1992) (plaintiffs had standing to challenge construction of dam because it would impact the plaintiffs’ interests in the river’s fish population). Even during the decade when Michigan applied a more restrictive prudential standing test—between *Lee v. Macomb Co Bd of Comm’rs*, 464 Mich. 726 (2001), and *Lansing Schools*—the Michigan Supreme Court recognized allegations of environmental injuries could establish standing where plaintiffs “aver[red] that they use the affected area and are persons for whom the aesthetic

and recreational values of the area will be lessened by the challenged activity.” *Nat’l Wildlife Fed’n v. Cleveland Cliffs Iron Co.*, 471 Mich. 608, 629 (2007) (internal quotation and citation omitted), *overruled on other grounds by Lansing Schools*, 487 Mich. at 371 n.18. For example, an organization’s members had standing where they “alleged [that] they bird-watched, canoed, bicycled, hiked, skied, fished, and farmed in the area, they plan[ned] to continue to do so as long as the area remain[ed] unspoiled, and they [we]re concerned that the [expansion of a mine would] irreparably harm their recreational and aesthetic enjoyment of the area.” *Nat’l Wildlife Fed’n*, 471 Mich. at 630.

30. Organizations may be granted intervention to advocate for the interests of the members that they represent. *Lansing Schools*, 487 Mich. At 373 (“It is not disputed that, under Michigan law, an organization has standing to advocate for the interests of its members if the members themselves have a sufficient interest.”), *citing Trout Unlimited*, 195 Mich.App. at 348; *see also Drake v. Detroit Edison*, 453 F. Supp. 1123, 1129 (W.D. Mich. 1978) (noting that “a plaintiff may be granted standing when he asserts interests not of his own but of a third party that meet the zone of interests test.”).

31. Joint Petitioners and their members are directly affected and injured by excessive nutrient loading and bacteria caused by CAFOs under the 2015 General Permit. These injuries are distinct from those suffered by the citizenry at large. Joint Petitioners’ members recreate in and around Michigan’s surface waters, and as a result face increased risk of injury from contact with water that has elevated levels of bacteria from CAFO operations or is impaired as a result of excessive nutrient loading. Joint Petitioners’ members have been advised not to swim in or have contact with waters containing high levels of dangerous bacteria, such as *E. coli*, which are present in agricultural runoff. Many of Joint Petitioners’ members rely on the Great Lakes for drinking

water and risk injury from the inability to rely on the Great Lakes as a safe drinking water source due to toxic algae blooms caused by excessive nutrient loading from CAFOs. Joint Petitioners' members need to conduct consistent testing on the waters in which they recreate in order to evaluate the safety of those waters. Joint Petitioners' members' interests are distinct from the interests of the general public and would be harmed by removal of the conditions challenged by the Industry Petitioners from the General CAFO Permit.

32. Joint Petitioners suffer and/or are threatened with an injury in fact because the conditions challenged by the Industry Petitioners reduce the pollution impact of CAFO operations on Michigan's waters, and striking those conditions will result in further impairment of the waters in which Joint Petitioners' members recreate and rely on for drinking water. Joint Petitioners also have organizational interests, described above, that will be injured by the removal of the permit conditions.

33. No existing party adequately represents Joint Intervenors' interests in this case. The burden of showing that an intervenor's interests are not adequately represented by existing parties is minimal. *See Karrip v Township of Cannon*, 115 Mich App 726; 321 NW2 690 (1982); *see also D'Agostini v Rosevte*, 396 Mich 185; 240 NW2d 252 (1976). Here, as in *Karrip*, the Joint Petitioners' interests' are much narrower than those of EGLE, which serves all of the people of the state – including regulated CAFOs – along with their many and diverse interests in this action. EGLE may find itself unable to be guided by Joint Petitioners' interests, which are different from those of the public at large. As in *D'Agostini*, the “legitimate objects and purposes of” EGLE “could well result in compromises to the detriment of individual rights” such as those of Joint Petitioners' and their members. That risk is particularly salient here because the Industry Petitioners have challenged multiple aspects of the General CAFO Permit, creating numerous

opportunities for potential compromise or settlement that would expose Joint Petitioners to substantial risk of injury.

Joint Intervenors' Are Also Entitled To Permissive Intervention

34. In addition to establishing standing and intervention as a matter of right under MCR 2.209(A)(3)23 and MEPA, the Joint Petitioners also fulfill both of the grounds for permissive intervention under MCR 2.209(B)(1) and (B)(2). Under MCR 2.209(B), permissive intervention is appropriate (1) when a Michigan statute or court rule confers a conditional right to intervene, or (2) when an applicant's claim or defense and the main action have a question of law or fact in common.

35. MEPA Section 1705(1) confers a right to intervene in an administrative proceeding "on the filing of a pleading asserting that the proceeding or action for judicial review involves conduct that has, or is likely to have, the effect of polluting, impairing, or destroying the air, water, or other natural resources or the public trust in those resources." MCL 324.1705(1).

36. As described more fully above, the continued operation of CAFOs without the conditions the Industry Petitioners seek to strike will pollute and impair Michigan waters.

37. Joint Intervenors' claims in this contested case proceeding have questions of law and fact in common with the Industry Petitioners' filing because removal of the conditions challenged by the Industry Petitioners will cause injury to Joint Intervenors, who expressly supported many of those conditions in their comments on the Draft General CAFO Permit.

38. EGLE and the Industry Petitioners are not prejudiced, and there will be no undue delay by the mere granting of this Petition to Intervene. No significant hearings have taken place in this case as of yet, no schedule has been set, and this application is within the reasonable amount of time for intervention under Michigan law.

RELIEF REQUESTED

Joint Intervenors respectfully request that this tribunal grant the Joint Intervenors' Application for Intervention and afford the Joint Intervenors party status in these contested case proceedings. In the alternative, this tribunal should grant the Joint Intervenors permissive intervention in this contested case.

Respectfully submitted,



August 27, 2020

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Central Michigan, Freshwater Future, For Love of
Water, Food & Water Watch, Michigan League of
Conservation Voters, and the Alliance for the Great
Lakes*

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APPEARANCE OF MARGRETHE KEARNEY

NOW COMES Margrethe Kearney, of the ENVIRONMENTAL LAW & POLICY CENTER, and hereby enters her appearance in this matter on behalf of the Environmental Law and Policy Center, Michigan Environmental Council, the Environmentally Concerned Citizens of South Central Michigan, Freshwater Future, For Love of Water, Food & Water Watch, Michigan League of Conservation Voters, and the Alliance for the Great Lakes in the above-captioned cause.

Dated: August 27, 2020

Respectfully submitted,



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THIS FILING IS SUBMITTED ELECTRONICALLY

BEFORE THE MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

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CERTIFICATE OF SERVICE

The undersigned, Margrethe Kearney, an attorney, certifies that I have served by email the Clerk a true and correct copy of **APPEARANCE OF MARGRETHE KEARNEY** on August 27, 2020.

Respectfully submitted,



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NOTICE OF HEARING

PLEASE TAKE NOTICE that the Environmental Law & Policy Center, the Michigan Environmental Council, the Environmentally Concerned Citizens of South Central Michigan, Freshwater Future, For Love of Water, Food & Water Watch, Michigan League of Conservation Voters, and the Alliance for the Great Lakes respectfully request that their Application To Intervene In Contested Case Hearing, filed this day, August 27, 2020, be heard before the Honorable Daniel L. Pulter at the Pre-Hearing Conference scheduled to be held on September 16, 2020, at 10:00 a.m.

Mich. Admin. Code R. 792.10306 states that all parties must have an opportunity to answer this application in writing. The deadline for such answer is September 10, 2020, unless otherwise ordered by this Court.

Respectfully submitted,



August 27, 2020

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PROOF OF SERVICE

On the date below, an electronic copy of the **APPLICATION TO INTERVENE IN CONTESTED CASE HEARING, NOTICE OF HEARING, AND APPEARANCE OF MARGRETHE KEARNEY**, were served electronically upon the following:

Name/Party	E-mail Address
<p><i>Michigan Office of Administrative Hearings & Rules</i></p> <p>Elaine Cussans</p> <p>Legal Secretary Ottawa Building – 2nd Floor 611 Ottawa Street Lansing, MI 48909</p>	<p>MOAHR-GA@michigan.gov Cussanse@michigan.gov</p>
<p><i>Counsel for the Petitioners</i></p> <p>Michael Pattwell Zachary C. Larsen</p> <p>Clark Hill PLC 212 E. Grand River Ave. Lansing, MI 48906</p>	<p>MPattwell@ClarkHill.com ZLarsen@ClarkHill.com</p>

<p><i>Counsel for the Attorney General</i></p> <p>Elizabeth Morrisseau Jennifer A. Rosa</p> <p>Department of Attorney General P.O. Box 30755 Lansing, MI 48909</p>	<p>MorrisseauE@michigan.gov RosaJ4@michigan.gov</p> <p>Carbon Copy to:</p> <p>PerkinsJ5@michigan.gov</p>
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Dated: August 27, 2020

Respectfully submitted,



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