



Ensuring the Waters of the Great Lakes Basin
Are Healthy, Public, and Protected for All

February 22, 2022

ODNR Division of Water Resources
Water Inventory and Planning Division
2045 Morse Road, Building B-3
Columbus OH 43229

Via Online Portal & Mail: [AquaBounty 90-day Review and Comment Period | Ohio Department of Natural Resources](#)

Comments Regarding AquaBounty Farm Ohio LLC Water Withdrawal and Consumptive Use Permit Application

For Love of Water (“FLOW”) submits the following comments for the public record regarding the AquaBounty water withdrawal and consumptive use permit application.

As a threshold matter, we request a 90-day extension of the public comment period. The 30-day period to date is insufficient to allow the analysis required for a proposed permit of this complexity and potential impact on important Great Lakes tributary groundwater resources. In particular, a full review of the applicant’s groundwater model is essential to assure unsustainable withdrawal of groundwater does not occur. Moreover, this is the [first permit application](#) the Ohio Department of Natural Resources has ever received and evaluated under the strict criteria of the Great Lakes-St. Lawrence River Basin Water Resources Compact.

As currently submitted, the proposed groundwater water withdrawal and consumptive use permit application raises a number of grave concerns and fails to meet the strict statutory and regulatory criteria as outlined below.

Groundwater Mining Concern Given Insufficient Aquifer Data: As the US Geological Survey has observed in reference to the Michindoh Aquifer, “Long-term understanding of the water budget of the region is of critical interest to residents, agriculture, commerce, and future development as the aquifer is the only source of drinking water to this area. Improved mapping of the extent of aquifer deposits is of critical need to assess water resources.” In the absence of

such understanding, the applicant proposes to withdraw nearly 1.1 billion gallons of groundwater annually and discharge it to a surface water body which in turn flows into Lake Erie. This is, in effect, groundwater mining, since the water withdrawn will not be returned directly to the aquifer. Without clear and convincing data to demonstrate that such mining will not adversely affect the sole source of drinking water for multiple communities in three states, the permit should not be issued.

Sustainable Permit Standard for Quality and Quantity Needed: The regulations state that the permit can be "suspended or revoked for irreparable damage" to the aquifer. That standard is unacceptable, especially given the importance of the aquifer as just discussed. A special condition should be attached to the permit, if it is issued, allowing the Ohio DNR to suspend the permit if it has reason to believe the applicant's withdrawal is unsustainably affecting the quality or quantity of the aquifer.

Concern about Replacement Wells: The applicant has indicated it is planning to replace some neighbor wells. Of what quality will the replacement wells be? The applicant should assure the wells meet or exceed the quality of current wells' potable and palatable parameters.

Lack of Monitoring Groundwater Levels: The applicant states that it will "monitor" groundwater water levels. Where, and how often? Will there be ongoing monitoring of the wetland to the east, the nearby small gravel pit lake, or the river itself? These questions must be fully addressed and understood by ODNR prior to the issuance of any groundwater water withdrawal permit.

A Showing of No Significant Adverse Impact to St. Joseph River: The proposed peak flow of treated wastewater to the east branch of the St. Joseph River is 5.2 mgd, or 8 cfs. The current river's monthly average flow is 18 to 213 cfs. The applicant should be required to demonstrate no significant adverse impact on the physical and biological integrity of the river during the lower end of these daily flows, where wastewater effluent may be most of the flow in the stream.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in blue ink that reads "Liz Kirkwood". The signature is written in a cursive, flowing style.

Liz Kirkwood
Executive Director