



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

September 16, 2022

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

*SENT VIA ONLINE PORTAL*

**RE: AquaBounty Water Withdrawal and Consumptive Use Permit Application – East Well Field**

Dear Mr. Lodge,

Thank you for the opportunity to comment on this precedent-setting permit application. For Love of Water (“FLOW”), a Great Lakes law and policy center located in Traverse City, Michigan, has grave concerns about this project. The applicant’s proposal to mine up to 5.25 million gallons of drinking water each day to support a salmon production facility in the middle of Ohio is contrary to the public interest. So too is the wholly avoidable impact on local residents whose groundwater supply would be adversely affected by the proposed project.

As AquaBounty acknowledges, the Ohio Department of Natural Resources (“ODNR”) may not issue a permit for this project unless the project complies with requirements of the Great Lakes Compact, including the mandatory criteria set forth in Section 4.11 and codified in ORC 1522.13(B), (C), and 1522.17. It is presently impossible to determine whether these strict criteria have been met because AquaBounty has not provided sufficient information. The concerns set forth below must be addressed before ODNR makes a decision.

**Groundwater Mining Concern Given Insufficient Aquifer Data:** As we noted in our comments on what became Permit 2022-001, the U.S. Geological Survey (“USGS”) 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 up to 1.9 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 – and a consumptive use of groundwater – 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withdrawn will not be returned directly to the aquifer.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. It is critical that the USGS be involved in this assessment because it is the one agency that has the data and expertise to consider the effects of this withdrawal on groundwater resources in Ohio, Michigan, and Indiana.

**Impacts on Michigan:** The location of the purge wells proposed in the new application has moved closer to Michigan, and the 10-foot drawdown cone now clearly extends into Michigan, impacting Michigan wells and groundwater resources. Due to this impact, ODNR should coordinate with the appropriate Michigan state officials to hold a public meeting in or close to the area affected by the proposed withdrawal. We urge ODNR to give special consideration to concerns raised by Michigan state agencies and Michigan residents who would be harmed by the issuance of a permit. There are multiple statutory and common law causes of action available to Michiganders to address injuries resulting from ODNR's permitting decisions and the applicant's actions.

**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. Many wells will be impacted by lower groundwater levels. Some may go dry and will require affected homeowners to use more energy to pump water from the lower groundwater levels. It does not appear residents outside of the 10-foot contour interval can easily get relief.

**Lack of Monitoring of Groundwater and Surface Water Levels:** The applicant states that it will "monitor" groundwater water levels. Where, how, and how often? Will there be ongoing monitoring of surface water levels in the river itself? These questions must be fully addressed and understood by ODNR prior to the issuance of any groundwater water withdrawal permit. In addition to the St. Joseph River, the applicant should monitor Laird Creek, Silver Creek, Clear Fork, and several nearby lakes and wetlands.

**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 5.25 mgd, or 8.2 cfs. The river's current monthly average flow is 29 to 178 cfs. The applicant should be required to demonstrate no significant adverse impact on the physical, chemical, and biological integrity of the river during the lower end of these daily flows, where wastewater effluent may be much of the flow in the stream.

**Sustainable Permit Standard for Quality and Quantity Needed:** The pertinent statute now states that ODNR may revoke a Permit "if a withdrawal or consumptive use will result in irreparable damage or destruction to an aquifer." The Michindoh aquifer is of critical importance in three states. ODNR should work in good faith with the applicant to attach a special condition to the permit, if it is issued, allowing ODNR to suspend or revoke the permit if

it has reason to believe the applicant's withdrawal is unsustainably affecting or is likely to affect the quality or quantity of the aquifer.

Thank you again 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  
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