

FACT SHEET

State of Nebraska

National Pollutant Discharge Elimination System (NPDES) General Permit for Concentrated Animal Feeding Operations Confining Cattle

NEG012000, NEG013000, NEG014000, NEG015000

Draft NPDES General permits have been prepared for concentrated animal feeding operations (CAFOs) which only confine cattle, either in open lots or under roof. Based on Nebraska Administrative Code (N.A.C.) Title 119 - Rules and Regulations Pertaining to the Issuance of Permits under the National Pollutant Discharge Elimination System and N.A.C. Title 130 – Livestock Waste Control Regulations, the Department has determined that these types of CAFOs are suitable for coverage under a NPDES General permit.

These permits contain the same conditions and requirements except for the permit expiration date. In order to distribute the requests for permit coverage so that they don't all expire on the same date, each permit will expire in a different year. The maximum permit period is five years while the minimum will be two years. Subsequently, each permit will be eligible for an effective permit length of up to five years. The permits restrict pollutant discharges to comply with the requirements of Department regulations.

CAFOs eligible for coverage under these permits include those operations which:

1. are located within the State of Nebraska, but not on Tribal Land;
2. confine only cattle, either in open lots or under roof;
3. have constructed livestock waste control facilities (holding ponds, lagoons, or storage pits) capable of controlling all process wastewater including runoff from the 25-year, 24-hour storm event; and
4. are in compliance with N.A.C. Title 130 – Livestock Waste Control Regulations.

The application for coverage under these NPDES General permits must include a detailed site-specific nutrient management plan (NMP) that meets the requirements of Title 130. The NMP includes details of the livestock waste control facilities and the production area, details on the land application procedures that ensure appropriate agricultural utilization of the nutrients in the wastes, and record keeping requirements that document compliance with the NMP.

Prior to granting coverage under one of these permits, the Department will issue a public notice on its webpage for 15 days that identifies elements of the NMP that will become terms of the CAFO's NPDES General permit. Any changes in the NMP by the CAFO that results in a

substantial change to the terms of the permit will also be noticed on the Department's webpage in like manner. The permit terms of the NMP are the information, protocols, procedures, best management practices, and other conditions that ensure:

1. adequate storage of manure, litter, and process wastewater, including proper operation and maintenance of the storage structures;
2. proper management of mortalities;
3. diversion of clean water from the production area, as appropriate;
4. confined animals are not in contact with waters of the state;
5. chemicals and other contaminants are properly handled;
6. appropriate site specific conservation practices to be implemented are identified;
7. protocols are identified for testing of manure, litter, process wastewater, and soil;
8. protocols are identified to land apply manure, litter, or process wastewater in accordance with the site specific nutrient management practices; and
9. specific records are identified and maintained to document compliance with the NMP.

Written comments and a request for hearing may be submitted during the public notice period which ends on **July 20, 2012**.

The draft permits and other public information are available for review and copying at the Lincoln office by contacting the Records Management Unit, Nebraska Department of Environmental Quality, Suite 400, The Atrium, 1200 N Street, Lincoln, Nebraska, telephone: (402) 471-3557; FAX (402) 471-2909.

All comments received during the public comment period will be considered in the final decision on issuance of these NPDES General permits. Written public comments may be submitted to: **Dennis Heitmann, Section Supervisor, Nebraska Department of Environmental Quality, 1200 "N" St., Suite 400, The Atrium, PO Box 98922, Lincoln, NE 68509-8922** before the comment period ending date of **July 20, 2012**.