STATE OF NEBRASKA

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) GENERAL PERMIT FOR CONCENTRATED ANIMAL FEEDING OPERATIONS CONFINING CATTLE

Pursuant to the provisions of the Federal Clean Water Act, as amended (33 U.S.C. 466 et. seq.), the National Pollutant Discharge Elimination System, and the Nebraska Environmental Protection Act (Neb. Rev. Stat. §81-1501 et. seq. (Reissue 2008 & Cum. Supp. 2010, Supp. 2011)), the Director of the Department of Environmental Quality has issued this NPDES General Permit (permit) for cattle concentrated animal feeding operations in open lots or in confinement buildings.

This permit establishes operational requirements, effluent limitations, monitoring requirements, record keeping and other conditions pertaining to cattle concentrated animal feeding operations. This permit is issued for livestock waste control facilities within the State of Nebraska to prevent discharges to surface waters within the State of Nebraska. This permit incorporates the submitted application for coverage under this NPDES permit, the permit terms of the submitted Nutrient Management Plan, and the Attachments to this permit (A, B, C, D, and E).

This permit shall become effective on: **April 01, 2013**

This permit shall expire at midnight: **March 31, 2015**

An application for renewal of NPDES permit coverage shall be received before: **October 01, 2014**

Pursuant to a Delegation Memorandum dated January 12, 1999, and signed by the Director, the undersigned hereby executes this document on behalf of the Director.

Signed this _____day of _____, _____.

_____

Marty Link, Acting Water Quality Division Administrator

NPDES GENERAL PERMIT FOR CATTLE CONCENTRATED ANIMAL FEEDING OPERATIONS

TABLE OF CONTENTS

Part I. PERMIT COVERAGE

A) General Provisions **5**
- *1) Permit Coverage* *5*
- *2) Nutrient Management Plan* *5*
- *3) Limitations on Coverage* *5*
- *4) Permit Expiration* *5*

Part II. PERMIT REQUIREMENTS

A) Effluent Limitations **6**
- *1) Production Area Requirements* *6*
- *2) Land Application Areas* *8*

B) Permit Terms of the Nutrient Management Plan **9**

C) Discharge Notification and Reporting Requirements **9**
- *1) Notification* *9*
- *2) Notification of Local Officials* *9*
- *3) Discharge Information Required* *9*
- *4) Sampling* *9*

D) Inspections **9**
- *1) Routine Inspections* *10*
- *2) Application Equipment Inspections* *10*

E) Record Keeping **10**

F) Monitoring and Operational Requirements **11**
- *1) Markers and Measurements* *11*
- *2) Holding Pond Operation* *12*
- *3) Lagoon Operation* *12*
- *4) Liquid Manure Storage Pit Operation* *13*

G) Annual Report Requirements **14**

H) Modification to Nutrient Management Plan and Public Participation **15**
- *1) No Change to Terms of NMP* *15*
- *2) Change to Terms of NMP* *15*

I) Other Requirements **16**
- *1) Security Devices and Methods* *16*
- *2) Notice of Major Modification* *16*
- *3) Compliance with Laws* *16*

Part III. BEST MANAGEMENT PRACTICES

A) Prevent Water Pollution 16
1) Permittee Responsibility 16
2) Most Effective Methods 16
3) Handling Waste 16
4) Accidents or Emergencies 16

B) Waste Handling Equipment 16

C) Livestock Waste Storage 16
1) Proper Operating Condition 16
2) Winter Storage 17

D) Chemical Disposal 17

E) Closure of Operation 17
1) Waste Removal 17
2) Agronomic Practices 17

F) Removal of Livestock Wastes 17
1) Compliance with NMP 17
2) Pumping Requirements 17
3) Sludge Accumulation 17

G) Land Application 18
1) Area Availability 18
2) Waste from Confined Operations 18
3) Waste Storage Restriction 18
4) High Phosphorus Areas 18

H) Prevent Discharge from Land Application 18
1) Discharge Prevention Methods 18

Part IV. STANDARD PERMIT REQUIREMENTS

A) General Requirements 18
1) Duty to Comply 18
2) Inspection and Entry 19
3) Penalties for Violations 19
4) Need to Halt or Reduce Activity Not a Defense 19
5) Duty to Mitigate 19
6) Proper Operation and Maintenance 19
7) Penalties for Falsification of Monitoring Systems 19
8) Property Rights 20
9) Severability 20
10) Permit Actions 20

B) Management Requirements 20
1) Duty to Provide Information 20
2) Duty to Reapply 20

3) Employee Training *20*
4) Other Information *20*
5) Signatory Requirements *20*

C) Monitoring and Reporting Requirements **21**
1) Availability of Reports *21*
2) Penalties for Falsification of Reports *21*
3) Transfer of Permit *21*
4) Termination of Permit *21*

Part V. ATTACHMENT A -- DEFINITIONS AND ABBREVIATIONS **22**

Part VI. ATTACHMENT B -- CLOSURE REQUIREMENTS FORM **27**

Part VII. ATTACHMENT C -- MONITORING REPORT FORM **29**

Part VIII. ATTACHMENT D – DISCHARGE WRITTEN NOTIFICATION FORM **30**

Part IX. ATTACHMENT E -- MAP OF 25-YEAR/24-HOUR RAINFALL EVENTS **33**

PART I. PERMIT COVERAGE

A) General Provisions - Concentrated Animal Feeding Operations (CAFOs) need a NPDES permit when required by Nebraska rules and regulations under the Nebraska Environmental Protection Act (NEPA) and the Livestock Waste Management Act (LWMA).

1) Permit Coverage -- This general permit applies to point source discharges from CAFOs with cattle in open lots or in confinement buildings that are required to have a permit under Nebraska Administrative Code Title 130, "Livestock Waste Control Regulations." Cattle, as used in this permit, means cattle other than veal calves including, but not limited to, dairy cows, heifers, steers, bulls, and cow/calf pairs.

2) Nutrient Management Plan – The owner or operator of the CAFO is required to submit a Nutrient Management Plan (NMP) with its application to the Department for coverage under this NPDES General permit. If the provisions of the Nutrient Management Plan conflict with conditions of this permit, the conditions specified in this permit shall take precedence. See PART II, Section (B) for terms of the NMP that are terms of this permit.

3) Limitations on Coverage

(a) This permit applies only to cattle CAFOs and does not exclude new sources or new dischargers.

(b) This permit applies only to the livestock NPDES requirements under the NEPA, LWMA, and Federal Clean Water Act (FCWA) regulations and does not apply to other environmental laws and regulations.

(c) This permit does not supersede or remove liability from compliance with county and other local ordinances or other state laws.

(d) This permit does not authorize a discharge associated with a CAFO that would adversely affect a listed endangered or threatened species or its critical habitat.

4) Permit Expiration

(a) The expiration date of this permit is listed on Page 1. The permitted concentrated animal feeding operations are subject to the conditions of the expired permit until the effective date of a new permit, unless the permittee has complied with Section (A)(4)(c) below.

(b) The permittee is required to submit an application to renew coverage under a general permit or request coverage under an individual NPDES permit no later than 180 days before the expiration of this permit, unless permission for submittal at a later date has been granted by the Director. The application shall be as required in Title 130.

(c) The permittee does not need to apply to renew a permit or seek coverage if:

(01) The animal feeding operation is no longer a concentrated animal feeding operation; or

(02) The animal feeding operation has permanently ceased operation; and the permittee has demonstrated to the satisfaction of the Director that:

(i) any required corrective action has been completed;

(ii) all manure, litter, and process wastewater has been removed from the operation and land applied at agronomic rates; and

(iii) there will be no further discharge of manure, litter, or associated process wastewater that was generated while the operation was a concentrated animal feeding operation, other than agricultural storm water discharge from land application areas. Where manure, litter, or process wastewater has been applied in accordance with a site-specific NMP approved by the Department, a precipitation related discharge of manure, litter, or process wastewater from land areas under the control of the CAFO is considered to be an agricultural storm water discharge.

PART II. PERMIT REQUIREMENTS

A) Effluent Limitations For Large Cattle Concentrated Animal Feeding Operations

1) Production Area Requirements

(a) Cattle CAFOs are not allowed to discharge manure, litter, or process wastewater pollutants into waters of the state from the production area, except when precipitation causes an overflow of manure, litter, or process wastewater. The overflow may be discharged into waters of the state, provided:

(01) The production area for open lots is designed, constructed, operated, and maintained to contain all manure, litter, and process wastewater, including the runoff and the direct precipitation, from a 25-year, 24-hour rainfall event (see Attachment E);

(02) The production area for confinement buildings is designed, constructed, operated, and maintained to contain all manure, litter, and process wastewater, including the runoff and the direct precipitation, from a 25-year, 24-hour rainfall event, plus storage capacity for a minimum of 180 days, except as provided for in Title 130;

(03) Such discharge was the result of the 25-year, 24-hour rainfall event(s);

(04) No feasible alternative to discharging existed;

(05) Only waste in excess of the storage capacity of the Livestock Waste Control Facility (LWCF) was discharged;

(06) The discharge was conducted under such conditions to minimize any adverse effects to waters of the State; and

(07) The Department received notification of the discharge as set out in this permit.

(b) A permanent marker (staff gauge or marking device) is required in each LWCF to measure the liquid depth in increments of one foot or less and to measure accumulations of manure, litter, and process wastewater. Permanent markers must

comply with the following:

(01) Be made of durable material;

(02) Permanently fixed and referenced to a permanently fixed benchmark or fixed elevation reference point adjacent to, and outside of, the waste containment area;

(03) Located where the depth marks can be easily and safely viewed for facility management and inspections; and

(04) Be clearly marked with the following levels:

(i) Freeboard level (Freeboard is the elevation difference between the designed full depth and the overflow depth.).

(ii) The "Must Pump" level, indicating the volume needed to contain the runoff and direct precipitation of the 25-year, 24-hour rainfall event.

(iii) The "Winter Pump Down" level, indicating the volume needed for the minimum design storage capacity, which must be available prior to the start of the storage period. The minimum storage period volume shall not be less than that needed to provide adequate storage through the winter months.

(iv) For lagoons, the "Minimum Treatment Volume" level must be clearly marked, indicating the amount of liquid needed to maintain proper lagoon function. This volume must be maintained above any sludge accumulations.

(05) For underfloor pits, tanks, and similar storage devices or structures with limited access, the permittee may propose an alternate method for measuring accumulation of manure, litter, or process wastewater in these devices, subject to the Department's approval.

(c) Inspections at the stated intervals are required and records maintained of the inspections:

(01) Weekly visual inspections of all stormwater diversion devices, runoff diversion structures, and devices channeling contaminated stormwater to the livestock waste control facilities.

(02) Weekly inspections of the manure, litter, and process wastewater impoundments noting the level as indicated by the depth marker. Records of the depth of the manure and process wastewater must be maintained.

(03) Daily visual inspections of all water lines, including drinking water and cooling water lines.

(d) Any deficiencies that are identified in daily and weekly inspections must be corrected in a timely manner. Records documenting any actions taken to correct deficiencies must be maintained. Deficiencies not corrected within 30 days must be accompanied by an explanation of the factors preventing immediate correction.

(e) Dead animals must not be disposed of in any liquid manure, storm water, or process wastewater system not specifically designed to treat animal mortalities. These

mortalities must be handled so as to prevent the discharge of pollutants to surface water, in compliance with Nebraska Department of Agriculture regulations and any applicable state statutes on animal mortalities. Records must be maintained documenting compliance with the applicable regulations and statutes.

(f) Clean water must be diverted, as appropriate, from the production area.

(g) Take measures to prevent direct contact of livestock with waters of the state.

(h) Chemicals and other contaminants handled on-site must not be disposed of in any manure, litter, process wastewater, or storm water storage or treatment system unless specifically designed to treat such chemicals and other contaminants.

(i) Complete and maintain for five (5) years all production area records including records required in Part II, Section E - Record Keeping, Table A.

2) *Land Application Areas*. Permittees that apply manure, litter, or process wastewater to land under the permittee's control must implement a NMP in compliance with the technical standards established in Title 130 and in accordance with the requirements listed below and in Part II, Section B. Permittees are not allowed to discharge manure, litter, or process wastewater except in compliance with the NMP.

(a) Application must be at rates that minimize phosphorus and nitrogen transport from the field to waters of the state in compliance with the technical standards established in Title 130.

(b) Manure, litter, and process wastewater shall be analyzed at least once a year for nitrogen and phosphorus content.

(c) Soil at each application site shall be analyzed for nitrogen content prior to the first application of any manure, litter, or process wastewater and then at least annually thereafter when used for land application.

(d) Soil at each application site shall be analyzed for phosphorus content prior to the first application of any manure, litter, or process wastewater, and then at least once every 5 years thereafter if used anytime in the 5 years for land application. A field phosphorus risk assessment must be conducted on any land application site prior to use in accordance with Title 130.

(e) The results of these above-listed analyses shall be used in determining application rates that ensure manure, litter, and other process wastewater are applied based on agronomic needs for the crops or vegetation being grown and ensure agricultural utilization of the nutrients.

(f) Equipment used for land application of manure, litter, or process wastewater shall be inspected periodically for leaks.

(g) Setback distances during land application practices shall be maintained in compliance with Title 130.

(h) Records shall be maintained onsite for 5 years, as specified in Title 130 and made available to the Department upon request.

(i) Land considered as under the permittee's control includes:

(01) Areas owned by the permittee;

(02) Rented or leased areas, including land rented or leased by the permittee solely for land application area; and

(03) Any area where the permittee stockpiles, spreads, or delivers waste to, or otherwise controls the timing, amount, or rate of waste application.

B) Permit Terms of the Nutrient Management Plan – This permit authorizes the CAFO to discharge when the CAFO is operated in compliance with the permit terms and conditions set forth in Part II.A of this permit. Where the NMP has provided additional site-specific information that is necessary to implement Part II.A the permit terms are supplemented with Attachment 1 to the cover letter to this permit.

C) Discharge Notification and Reporting Requirements

1) Notification - The permittee shall verbally notify the Department at (402) 471-4239 within 24 hours, and submit written notification within five (5) days of a discharge.

2) Notification of Local Officials – In the event of an immediate safety hazard, the permittee must also notify the appropriate local official, such as the county sheriff.

3) Discharge Information Required -- The permittee shall document and submit the following information to the Department within five (5) days of the discharge (Attachment D):

(a) A description and cause of the discharge, including a description of the flow path;

(b) An estimation of the flow rate and total volume discharged;

(c) The period of the discharge, including starting dates and times, and if not corrected, the anticipated time the discharge is expected to cease, and the steps being taken to reduce, eliminate, and prevent reoccurrence of the discharge; and

(d) If caused by precipitation event(s), the amount of precipitation as measured by the on-site rain gauge.

4) Sampling -- When sampling is required by the Department, sampling shall comply with the following:

(a) Consist of grab samples taken from the overflow or discharge(s) from the LWCF;

(b) Be taken and analyzed in accordance with approved methods for water analysis. Measurements taken for the purpose of monitoring shall be representative of the monitored discharge; and

(c) Analysis of the discharge shall, at a minimum, include the following: 5-day Biochemical Oxygen Demand (BOD5), ammonia-nitrogen, nitrate-nitrogen, conductivity, pH, and temperature.

D) Inspections

1) *Routine Inspections* -- The permittee is required to have routine inspections conducted of the production area, irrigation distribution system, and land application areas as follows:

(a) Daily inspections at the production area of water lines, including drinking water or cooling water lines (Daily inspections shall be recorded at least weekly);

(b) Weekly inspections at the production area of the manure, litter, and process wastewater impoundments. The inspection record shall note the level in liquid impoundments as indicated by the depth marker;

(c) Weekly inspections at the production area of all storm water diversion devices, runoff diversion structures, and devices channeling contaminated storm water to the facilities; and

(d) Inspections at least once a year to determine the sludge and sediment accumulation level in liquid impoundments.

2) *Application Equipment Inspections*

(a) Inspections are required prior to operation of the equipment used to apply manure, litter, or process wastewater, including the irrigation distribution system and the water source protection equipment.

(b) The irrigation system and other application equipment shall be monitored while in use to insure proper operation.

E) Record Keeping

1) The permittee shall inspect, monitor, and record the results of inspections and monitoring in accordance with Table A below.

Table A - Record-Keeping Requirements

Parameter	**Units (e.g.)**	**Frequency**
Permit and Nutrient Management Plan		
The CAFO must maintain on-site a copy of the current NPDES permit and cover letter granting coverage.	N/A	Maintain at all times
The CAFO must maintain on-site a current, site-specific NMP that reflects existing operational characteristics. The operation must also maintain on-site all necessary records to document that the NMP is being properly implemented with respect to manure and wastewater generation, storage and handling, and land application.	N/A	Maintain at all times
Soil, Irrigation Water, and Manure/Wastewater Nutrient Analysis		
Analysis of manure, litter, and process wastewater to determine nitrogen and phosphorus content	ppm pounds/ton	At least annually after initial sampling
Analysis of soil in all fields where land application activities are conducted to determine nitrogen content	ppm	Annually after initial sampling
Analysis of soil in all fields where land application activities are conducted to determine phosphorus content	ppm	At least once every 5 years after initial sampling
Analysis of water used for irrigation purposes on application fields to determine nitrogen content	ppm	At least once every 5 years after initial sampling
Inspection Documentation		

Visual inspection of all water lines	N/A	Daily
Precipitation events	Inches	Daily
Depth of manure and process wastewater in all liquid impoundments	Feet	Weekly and after precipitation events
Storm water diversion devices, runoff diversion structures, and devices channeling contaminated storm water to the facilities	N/A	Weekly
Sludge and sediment accumulation in liquid impoundments	Feet	Annually
Irrigation distribution system and water source protection equipment	N/A	Prior to each operation and during use
Documentation of all corrective actions taken. An explanation of the factors preventing correction within 30 days	N/A	As necessary
Operation and Maintenance		
Documentation of animal mortality handling practices	N/A	As necessary
Documentation of chemical handling practices	N/A	As necessary
Documentation of current design of manure, litter, and process wastewater facilities including: • Volume for solids accumulation • Design treatment volume • Total design storage volume • Days of storage capacity	 Cubic yards / gallons Cubic yards / gallons Cubic yards / gallons Days	 Once in the permit term unless revised
Documentation of overflows from all manure and wastewater facilities: • Date and time of overflow • Estimated volume of overflow • Analysis of overflow (when required)	 Month/day/year Total gallons To be determined	 Per event Per event Per event
Land Application		
For each application event where manure, litter, or process wastewater is applied, document the following for each field: • Date of application • Method of application • Weather conditions at the time of application and for 24 hours before and after application • Total amount of nitrogen and phosphorus applied	 Month/Day/Year N/A N/A Pounds/acre	 Daily Daily Daily Daily
Documentation of the crop and expected yield for each field	Bushel/acre	Seasonally
Documentation of the actual crop planted and actual yield for each field	Crop Bushel/acre	Seasonally
Documentation of test methods and sampling protocols used to sample and analyze manure, litter, and wasters and soil	N/A	Once in the permit term unless revised
Documentation of the basis for the application rates used for each field where manure, litter, or wastewater is applied	N/A	Once in the permit term unless revised
Documentation showing the total nitrogen and phosphorus to be applied to each field including nutrients from the application of manure, litter, and wastewater and other sources	Pounds/acre	Once in the permit term unless revised
Documentation of manure application equipment inspection	N/A	Seasonally
Manure Transfer		
• Date of transfer • Name and address of recipient • Approximate amount of manure, litter, or process wastewater transferred • Nutrient analysis results	Month/Day/Year N/A Tons / gallons ppm	As necessary As necessary As necessary For each transfer

F) Monitoring and Operational Requirements

1) Markers and Measurements

(a) A rain gauge shall be kept on site and properly maintained. All precipitation events shall be recorded as required above (see example in Attachment C).

(b) Maintenance of a permanent marker (staff gauge or marking device) is required in the LWCF to measure the liquid depth in increments of one foot or less and to measure accumulations of manure, litter, and process wastewater.

2) Holding Pond Operation

(a) Dewatering of holding ponds shall begin on the first dewatering day following a precipitation event and continue on all subsequent dewatering days until the "Must Pump" level is reached (see Mark A on Figure 1 below).

(b) The holding pond shall be dewatered prior to the winter months to provide capacity indicated by the "Winter Pump Down" level (see Mark B on Figure 1below).

(c) The minimum capacity provided for by the "Winter Pump Down" level shall allow for storage of the expected runoff from the 25-year/24-hour storm event, plus the greater of the expected runoff from the month of June average precipitation, or the maximum runoff expected between land application or disposal events (Title 130).

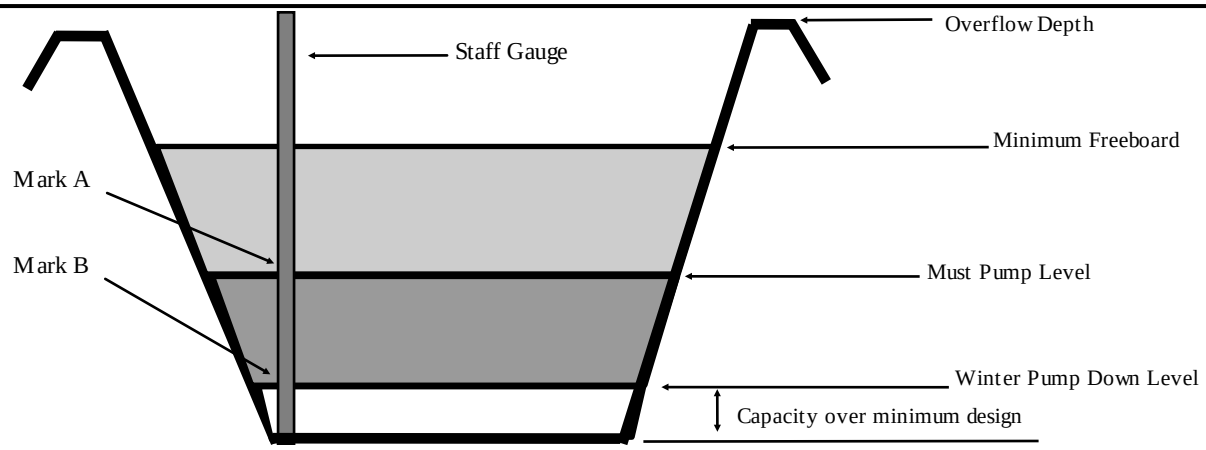


Figure 1

HOLDING POND

3) Lagoon Operation

(a) Initial Start-Up -- On initial start-up of a lagoon, fresh water shall be added to a depth of at least four feet, prior to adding any manure, litter, or process wastewater. Additional water must be added as needed for the minimum treatment volume to be attained within six months. Slug loading shall be avoided and the minimum treatment volume maintained.

(b) Livestock wastes collected in the facilities for totally housed animal feeding operations shall be land applied onto application areas on dewatering days at a rate to prevent a discharge from the facilities or any time the waste storage volume in the LWCF exceeds the "must-pump level" (See Mark A on Figure 2 below). Pumping must begin as soon as possible anytime this storage level is exceeded.

(c) A minimum of 180 days of storage shall be provided prior to the winter months, except as provided for in Title 130.

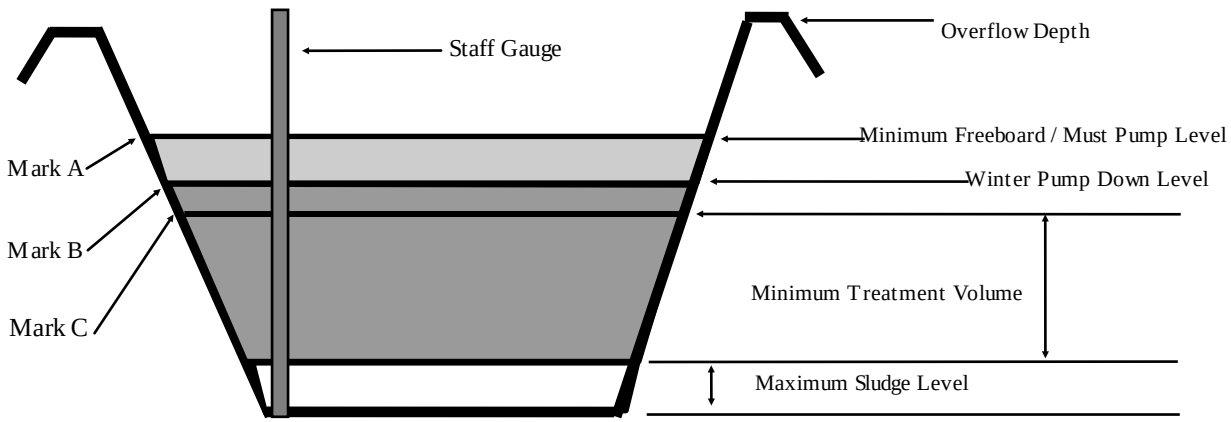


Figure 2

LAGOON

4) Liquid Manure Storage Pit Operation

(a) The minimum design storage capacity for the CAFO shall provide adequate storage capacity for all manure, litter, and process wastewater (including runoff that has come into contact with animal waste) generated during the storage period.

(b) Livestock wastes collected in the facilities for totally housed animal feeding operations shall be land applied onto application areas on dewatering days at a rate to prevent a discharge from the facilities or any time the waste storage volume in the LWCF exceeds the "must-pump level" (See Mark A on Figure 3 below). Pumping must begin as soon as possible anytime this storage level is exceeded.

(c) A minimum of 180 days of storage shall be provided prior to the winter months, except as provided for in Title 130.

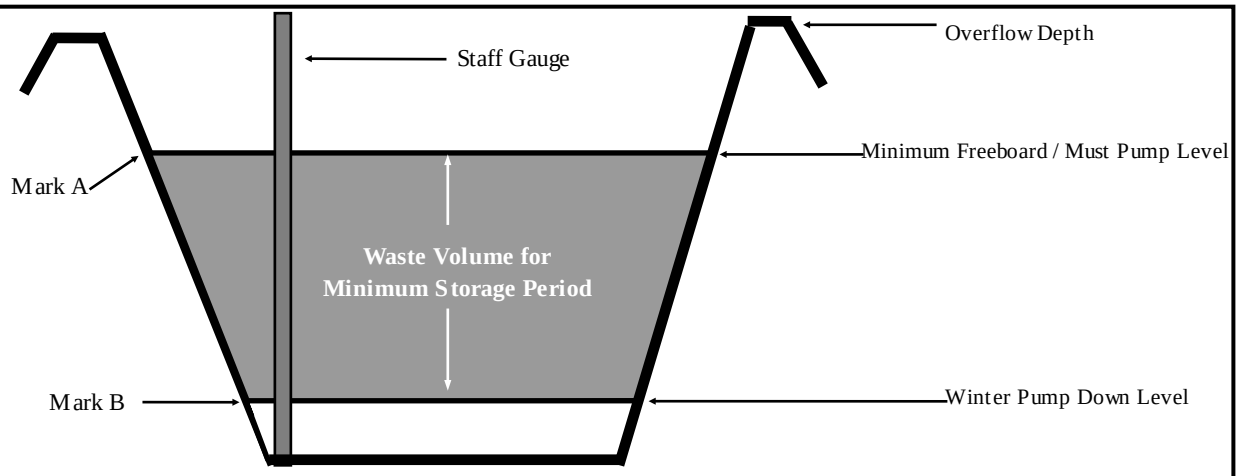


Figure 3

LIQUID MANURE STORAGE PIT

(Only processed wastewater from a totally housed operation or the totally housed portion of the operation)

G) Annual Report Requirements - The permittee shall submit an annual report for the previous calendar year to the Department by March 1. The annual report shall include the following:

1) The maximum number and type of animals at the operation at any one time, whether in pen confinement or housed under roof;

2) Estimated amount of total manure, litter, and process wastewater generated by the operation in the previous calendar year reported in tons or gallons, as appropriate;

3) Estimated amount of total manure, litter, and process wastewater transferred to other persons from the operation in the previous calendar year reported in tons or gallons, as appropriate;

4) Total number of acres for land application covered by the nutrient management plan;

5) Total number of acres under control of the operation that were used for land application of manure, litter, and process wastewater in the previous calendar year;

6) Summary of all manure, litter, and process wastewater discharges from the production area that occurred in the previous calendar year, including the date, time over which the discharge occurred, and the approximate volume discharged with supporting figures;

7) The name, address, and telephone number of the person who is primarily responsible for land application practices at the operation, whether that person is an authorized representative or employee of the operation, and the date that land application training was last completed;

8) A statement indicating whether the current version of the operation's nutrient management plan was developed and approved by a certified nutrient management planner;

9) The actual crop(s) planted and actual yield(s) for each field.

10) The actual nitrogen and phosphorus content of the manure, litter, and process wastewater.

11) The results of calculations conducted in accordance with a linear or narrative rate of application.

12) The amount of manure, litter, and process wastewater applied to each field during the previous 12 months.

13) If using the narrative rate approach, the results of any soil testing for nitrogen and phosphorus taken during the previous 12 months, the data used in calculations conducted in accordance with the NMP, and the amount of any supplemental fertilizer applied during the previous 12 months.

H) Modification to Nutrient Management Plan and Public Participation – The permittee shall notify the Director of any proposed changes to the nutrient management plan on file with the Department. The Department will review the proposed changes to determine if revision to the permit terms of the NMP is necessary.

1) *No change to terms of NMP* – If revision to the permit terms of the NMP is not necessary, the Director shall notify the permittee and upon such notification the CAFO may implement the revised NMP.

2) *Change to terms of NMP* – If revision to the permit terms of the NMP is necessary, the Director shall determine whether such changes are substantial changes.

(a) *Not substantial change* – If changes to the terms of the NMP are not substantial, the Director shall make the revised NMP available to the public via the Department's webpage, include it in the permit record, revise the terms of the NMP in this permit, and notify the permittee and the public of any changes incorporated into the permit terms of the NMP.

(b) *Substantial change* – If changes to the terms of the NMP are substantial, the Director shall notify the public and make the proposed changes and the information submitted by the CAFO available for public review and comment according to the following:

(01) A public notice will be published on the Department's webpage for a period of 15 days.

(02) The public may submit comments and request a hearing on the proposed changes.

(03) If a hearing is granted, the hearing process will follow the requirements in Title 119 – Rules and Regulations Pertaining to the Issuance of Permits under the National Pollutant Discharge Elimination System.

(04) The Department will respond to all significant comments received during the comment period and the public hearing, if held, and require the CAFO to amend the proposed revisions to the NMP when necessary.

(05) The Director shall notify the CAFO and inform the public of the final decision concerning revisions to the terms and conditions of this permit.

I) Other Requirements

1) *Security Devices and Methods* – These are required to be installed to prevent tampering with gravity drain valves, where such valves are used on irrigation distribution systems or equipment loading areas.

2) *Notice of Major Modification* -- The permittee shall notify the Department prior to any planned physical alterations or additions to the permitted operation. Any major modification will require the submission of a new application.

3) *Compliance with Laws* -- No condition of the permit shall release the permittee from any responsibility or requirements under federal, state, or local law.

PART III. BEST MANAGEMENT PRACTICES

A) Prevent Water Pollution

1) *Permittee Responsibility* -- The permittee shall implement best management practices, as well as operating and maintaining the animal feeding operation and the livestock waste control facilities to prevent water pollution and protect the environment of the State.

2) *Most Effective Methods* -- Implementation of the best management practices shall use the most effective methods, based on the best technology available for specific sites, in order to control odors where appropriate, and to prevent or reduce the discharge of pollutants to waters of the State.

3) *Handling Waste* -- All livestock wastes removed from the LWCF or the operation itself shall be handled in a manner that will not contribute to water pollution.

4) *Accidents or Emergencies* -- In the event of an accident or emergency, such as a spill, release or discharge of animal waste due to such events as power failures, large storms, leaks or breaks in water supply systems, component failure of the waste control facilities, and any releases during land application due to equipment failure, accidents, or irrigation equipment failure, the permittee will take actions as needed to stop the cause, contain and control any release, and cleanup any affected areas.

B) Waste Handling Equipment -- The permittee shall have available appropriate waste handling equipment for dewatering and cleaning the LWCF and to operate and maintain the LWCF to meet capacity and storage requirements.

C) Livestock Waste Storage

1) *Proper Operating Condition* -- Livestock waste control facilities must be maintained in proper operating condition, including:

(a) Weed growth that prevents or limits facility inspections shall be routinely removed;

(b) Animals shall not be allowed access to livestock waste control facility liners or allowed to otherwise compromise liner integrity. Animal contact with facility structures,

including berms and diversions, shall be prevented or minimized to avoid damage to these structures; and

(c) Structures subject to animal contact shall be included in routine inspections. Structures shall be maintained to prevent the growth of trees and shrubs and any such growth routinely removed.

2) *Winter Storage* -- Adequate storage shall be provided by removal of waste to the winter pump down level or below (see Mark B in Figures 1, 2, & 3 above) prior to winter months to accommodate subsequent snow melt, early spring precipitation runoff, and process wastewater generated during winter months.

D) Chemical Disposal -- Livestock waste control facilities shall not be used for the disposal of chemicals except for trace amounts normally found in process wastewater, such as spent foot bath water. Chemicals and chemical rinsates shall be properly used and disposed of according to label directions and any applicable regulations.

E) Closure of Operation -- The owner of an animal feeding operation must maintain the production area for periods of time when it is not in operation. If the operation has been discontinued and ceased operation, the following minimum closure requirements must also be followed:

1) *Waste Removal* – Remove all accumulated manure, litter, and process wastewater, including any sludge and sediment; and

2) *Agronomic Practices* -- Follow agronomic practices, including the sampling and testing of any wastes removed, and land apply at agronomic rates.

F) Removal of Livestock Wastes

1) *Compliance with NMP* -- Waste material shall be removed or mounded within the lots in accordance with the Nutrient Management Plan when necessary for maintenance and/or proper operation of the LWCF. Livestock wastes may be land applied or stockpiled in a manner that will not contribute to water pollution.

2) *Pumping Requirements* -- Any time the waste storage volume in the livestock waste control facility exceeds the "Must Pump" level (see Mark A in Figures 1, 2, & 3 above), pumping shall begin as soon as possible, and livestock wastes shall be land applied on all available dewatering days until adequate storage is restored.

3) *Sludge Accumulation*

(a) Sludge accumulation levels shall not exceed the maximum sludge depth identified in the facility design.

(b) When sludge, sediment, or other solid or liquid accumulations are removed from the facilities, the equipment used for the removal shall not be allowed to impact the integrity of the liner or compromise the structure of the facility.

(c) Sludge or solids shall not be allowed to accumulate such that it cannot be utilized at agronomic rates as provided for in Title 130. Any removed accumulations shall not be stockpiled where it is likely to reach waters of the State.

G) Land Application

1) *Area Availability* -- Adequate land application area shall be available at all times when land application is necessary.

2) *Waste from Confined Operations* -- Livestock wastes collected in the LWCF for totally housed concentrated animal feeding operations shall be land applied onto application areas on dewatering days at a rate to prevent a discharge from the facilities.

3) *Waste Storage Restriction* -- All livestock wastes removed from the facility and the animal feeding operation itself shall be land applied or stockpiled in a manner which will not contribute to water pollution. The permittee shall remain responsible for wastes removed from the operation and applied to land under his or her control.

4) *High Phosphorus Areas* -- For a field or field segment with a high or very high phosphorus risk assessment rating, there shall be no application of manure, litter, or process wastewater when the soil is frozen, or snow or ice covered. For a field with a very high phosphorus risk assessment rating, there shall be no application of manure, litter, or process wastewater.

H) Prevent Discharge From Land Application

1) *Discharge Prevention Methods* -- The permittee shall prevent a discharge of livestock waste into waters of the State resulting from land application by*:*

   (a) Utilizing application sites that are under proper conservation treatment to prevent runoff into waters of the State;

   (b) Applying livestock wastes at a rate and in such a manner that will not produce runoff into waters of the State;

   (c) Utilizing suitable application methods and equipment;

   (d) Monitoring and maintaining the land application equipment to ensure that the equipment operates as intended; and

   (e) Managing land application irrigation practices to prevent runoff and to reduce or minimize ponding of livestock waste on application area.

PART IV. STANDARD PERMIT REQUIREMENTS

Standard conditions for this NPDES General Permit for a Nebraska Concentrated Animal Feeding Operation are listed below. These conditions are applicable to the livestock waste control facilities at the CAFO to which this permit is issued. These conditions shall not preempt more stringent requirements found in Parts I, II, and/or III of this permit.

A) General Requirements

1) *Duty to Comply* -- The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the NEPA and is grounds for:

   (a) Enforcement action;

   (b) Termination of permit coverage; and

(c) Denial of a permit renewal application.

2) *Inspection and Entry* -- The permittee shall allow an authorized representative of the Department to:

(a) Enter upon the permittee's premises where a regulated LWCF or activity is located or conducted, or where records are kept under the conditions of this permit;

(b) Have access to and copy, at reasonable times, any records required under this permit;

(c) Inspect at reasonable times any LWCF, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

(d) Sample or monitor at reasonable times, any substances or parameters at any location, for the purpose of assuring permit compliance or as otherwise authorized by the Act.

3) *Penalties for Violations of this NPDES Permit*

(a) Violations of this permit may result in administrative actions by the Department.

(b) Violations of the terms and conditions of this permit may also result in the initiation of criminal and/or civil actions.

(c) Civil penalties can result in fines of up to $10,000 per day (Neb. Rev. Stat. §81-1508.02(2), as amended) for each violation.

(d) Criminal penalties for violations of this permit can result in a maximum five years imprisonment or $10,000 fine or both (Neb. Rev. Stat. §81-1508.01, as amended) for each violation.

4) *Need to Halt or Reduce Activity Not a Defense* -- It shall not be a defense for a permittee in an enforcement action to plead that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

5) *Duty to Mitigate* -- The permittee shall take all reasonable steps to minimize or prevent any discharge which is in violation of this permit and/or which has a reasonable likelihood of adversely affecting human health or the environment.

6) *Proper Operation and Maintenance*

(a) The permittee shall properly operate and maintain all facilities and systems of treatment and control (and related appurtenances), which are installed or used by the permittee to achieve compliance with the conditions of this permit.

(b) The permittee shall have backup auxiliary facilities or emergency systems as necessary to achieve compliance with the conditions of this permit.

(c) The permittee shall provide duly qualified staff to carry out operation, maintenance and testing functions required to insure compliance with the conditions of this permit.

7) *Penalties for Falsification of Monitoring Systems* -- The Nebraska Environmental Protection Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit may

upon conviction, be punished by fines and imprisonment described in Part IV(A)(3) of this permit.

8) *Property Rights* -- The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

9) *Severability* -- The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

10) *Permit Actions* -- This permit or coverage under this permit may be modified, revoked and reissued, or terminated for cause by the Department. The filing request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated non-compliance does not stay any permit condition.

B) Management Requirements

1) *Duty to Provide Information* -- The permittee shall furnish, within reasonable time, any information, which may be requested to determine compliance with this permit. The permittee shall also furnish, upon request, copies of records kept as a requirement of this permit.

2) *Duty to Reapply* -- The permittee shall apply for coverage under a NPDES permit if an activity regulated by this permit is to be continued after the expiration date of this permit. The application shall be submitted at least 180 days before the expiration of this permit on an application form supplied by the Department.

3) *Employee Training* -- The permittee shall ensure that the permittee, authorized representative, or employee of the operation has attended and completed a land application training approved by the Department and shall maintain training records as required in Title 130. Where employees are responsible for work activities that relate to permit compliance, those employees shall be trained or informed of any information pertinent to the proper operation and maintenance of the LWCF and waste application. Training should include appropriate topics such as: proper operation and maintenance of the LWCF; best management practices for land application of the livestock waste; necessary record keeping requirements; and spill response and clean up. The permittee is responsible for determining appropriate training frequency.

4) *Other Information* -- When the permittee becomes aware of a failure to submit any relevant facts or the submittal of incorrect information in the NPDES permit application or in any other report to the Department, the permittee shall promptly submit such facts or information.

5) *Signatory Requirements* -- All reports or information submitted to the Department shall be signed and certified in the following manner:

(a) The authorized representative shall sign all reports, applications, notices, or information required by this permit.

(b) Certification – All documents signed under this section shall have the following certification :

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Further, I certify that, under the laws of the State of Nebraska, I have the authority to sign on behalf of the concentrated animal feeding operation for which this document is being submitted."

C) Monitoring and Reporting Requirements

1) Availability of Reports -- The Department will make a decision on any claim that information is confidential. If no claim is made at the time of submission, the Department may make any information available to the public without further notice. The application for a NPDES permit, the NPDES permit, and any reports made pursuant to this permit are public records and are not confidential.

2) Penalties for Falsification of Reports -- The NEPA provides that it is unlawful for any person knowingly to make any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including reports of compliance or noncompliance, and that any person who knowingly does so shall upon conviction be punished as described in Part IV.A.3.

3) Transfer of Permit -- This permit may be transferred to another person only after receipt of approval from the Director. The written transfer request shall be submitted to the Department at least 30 days prior to the proposed transfer. The transfer request shall include the following:

(a) A completed transfer form (Title 130), signed and dated by the current permit holder or the authorized representative and the proposed permit holder or the authorized representative, which includes:

(01) The planned date for the transfer of permit responsibility; and

(02) A certification by the proposed permit holder or authorized representative that the information contained in the transfer request is accurate to the best of their knowledge and belief and that they have the authority under the laws of the state of Nebraska to sign the transfer request.

(b) An applicant disclosure form (Title 130), completed by the new applicant.

4) Termination of Permit -- When activities covered by this permit have ceased and the facility has been closed in accordance with Title 130 regulations and Parts I(A)(4)(c) and III(E) of this permit, the permittee shall certify closure and request permit termination in writing (see Attachment B).

PART V. ATTACHMENT A - DEFINITIONS AND ABBREVIATIONS

1) **AFO "Animal Feeding Operation"** shall mean a location where beef cattle, dairy cattle, horses, swine, sheep, poultry, or other livestock have been, are, or will be stabled or confined and fed or maintained for a total of forty-five days or more in any twelve-month period and crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the location. Two or more animal feeding operations under common ownership are deemed to be a single animal feeding operation if they are adjacent to each other or if they utilize a common area or system for the disposal of livestock waste. Animal feeding operation does not include aquaculture as defined in Nebr. Rev. Stat. 2-3804.01.

2) **Agronomic rates** shall mean the application of livestock wastes and process wastewater at rates that meet crop needs for nitrogen and phosphorus, while taking into account other sources of nutrients, and without leading to or causing water quality impairment due to over application.

3) **Application Area** shall mean land utilized for the land application of livestock wastes.

4) **Authorized representative** shall mean:

   a) In the case of a corporation, a principal executive officer in charge of a principal business function and of at least the level of vice president; or
   b) In the case of a limited liability company, a manager, or a person as described in Nebr. Rev. Stat. 21-2606 (1)(g), or a principal executive officer; or
   c) In the case of a partnership, a general partner; or
   d) In the case of a sole proprietorship, the proprietor; or
   e) In the case of a municipal, state or other public entity, a principal executive officer or ranking elected official.

5) **Best Management Practices (BMPs)** shall mean schedules of activities, prohibitions, maintenance procedures, and other management practices found to be the most effective methods based on the best available technology achievable for specific sites to prevent or reduce the discharge of pollutants to waters of the state and control odor where appropriate. Best Management Practices also include operating procedures and practices to control site runoff, spillage, leaks, sludge or waste disposal, or drainage from raw material storage.

6) **Concentrated Animal Feeding Operation (CAFO)** shall mean an animal feeding operation that is**:**

   a) Defined as a large concentrated animal feeding operation because of size;
   b) Defined as a medium concentrated animal feeding operation because of size and because animals are in direct contact with waters of the State or waste is discharged to waters of the state through a man-made conduit; or
   c) Designated as a medium or small concentrated animal feeding operation by the Director.

7) **Contributing Drainage Area** shall mean surface area, other than the production area, from which runoff cannot be diverted around the animal feeding operation and/or the livestock waste control facility.

8) **Department** shall mean the Nebraska Department of Environmental Quality.

9) **Dewatering Days** shall mean those days, which have suitable weather and soil conditions for land application of accumulated livestock wastes.

10) **Director** shall mean the director of the Nebraska Department of Environmental Quality.

11) **Discharge** shall mean the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying, or dumping of pollutants into any waters of the state or in a place which will likely reach waters of the state.

12) **Holding Pond** shall mean an impoundment made by constructing an excavated pit, dam, embankment or combination of these for temporary storage of liquid livestock wastes, generally receiving runoff from open lots and contributing drainage area.

13) **Irrigation Distribution System** shall mean any device or combination of devices having a hose, pipe, or other conduit, which connects directly to any source of groundwater or surface water, through which livestock wastes or a mixture of water and livestock wastes is drawn and applied for agricultural or horticulture purposes.

14) **Large Concentrated Animal Feeding Operation** shall mean an animal feeding operation that stables or confines as many as or more than the number of animals specified in any of the following categories:

    a) 700 mature dairy cows, whether milked or dry;
    b) 1,000 veal calves;
    c) 1,000 cattle other than mature dairy cows or veal calves and including but not limited to heifers, steers, bulls, and cow/calf pairs;
    d) 2,500 swine each weighing 55 pounds or more;
    e) 10,000 swine each weighing less than 55 pounds;
    f) 500 horses;
    g) 10,000 sheep or lambs;
    h) 55,000 turkeys;
    i) 30,000 laying hens or broilers, if the animal feeding operation uses a liquid manure handling system;
    j) 125,000 chickens, other than laying hens, if the animal feeding operation uses other than a liquid manure handling system;
    k) 82,000 laying hens, if the animal feeding operation uses other than a liquid manure handling system;
    l) 5,000 ducks, if the animal feeding operation uses a liquid manure handling system; or
    m) 30,000 ducks, if the animal feeding operation uses other than a liquid manure handling system.

15) **Liquid Manure Storage Pit** shall mean an earthen or lined pit located wholly or partially beneath a semi- or totally housed animal feeding operation or at some removed location used to collect waste production.

16) **Livestock Waste Control Facility Or "Facility" Or "Facilities" (LWCF)** shall mean any structure or combination of structures utilized to control livestock waste until it can be used, recycled, or disposed of in an environmentally acceptable manner. Such structures include, but are not limited to, diversion terraces, holding ponds, settling basins, liquid manure storage pits, lagoons, and other such devices utilized to control livestock wastes.

17) **Livestock Wastes** shall mean animal and poultry excreta and associated feed losses, bedding, spillage or overflow from watering systems, wash and flushing waters, sprinkling waters from livestock

cooling, precipitation polluted by falling on or flowing onto an animal feeding operation, and other materials polluted by livestock wastes.

18) **LWMA** shall mean the Livestock Waste Management Act.

19) **Major Modification** shall mean an expansion or increase to the lot area or feeding area; change in the location of the animal feeding operation; change in the methods of waste treatment, waste storage, or land application of waste; increase in the number of animals; change in animal species; or change in the size or location of the livestock waste control facility.

20) **Medium Concentrated Animal Feeding Operation** shall mean an animal feeding operation with the type and number of animals that fall within any of the ranges listed in this definition and which has been defined or designated as a concentrated animal feeding operation. An animal feeding operation is defined as a medium concentrated animal feeding operation if:

    a) The type and number of animals that it stables or confines falls within any of the following ranges:

        i. 200 to 699 mature dairy cows, whether milked or dry;
        ii. 300 to 999 veal calves;
        iii. 300 to 999 cattle other than mature dairy cows or veal calves. Cattle include but are not limited to heifers, steers, bulls, and cow/calf pairs;
        iv. 750 to 2,499 swine each weighing 55 pounds or more;
        v. 3,000 to 9,999 swine each weighing less than 55 pounds;
        vi. 150 to 499 horses;
        vii. 3,000 to 9,999 sheep or lambs;
        viii. 16,500 to 54,999 turkeys;
        ix. 9,000 to 29,999 laying hens or broilers, if the animal feeding operation uses a liquid manure handling system;
        x. 37,500 to 124,999 chickens, other than laying hens, if the animal feeding operation uses other than a liquid manure handling system;
        xi. 25,000 to 81,999 laying hens, if the animal feeding operation uses other than a liquid manure handling system;
        xii. 1,500 to 4,999 ducks, if the animal feeding operation uses a liquid manure handling system; or
        xiii. 10,000 to 29,999 ducks, if the animal feeding operation uses other than a liquid manure handling system; and

    b) Either one of the following conditions is met:

        i. Pollutants are discharged into waters of the state through a man-made ditch, flushing system, or other similar man-made device; or
        ii. Pollutants are discharged directly into waters of the state that originate outside of and pass over, across, or through the animal feeding operation or otherwise come into direct contact with the animals confined in the operation.

21) **Minimum Design Storage Capacity** shall mean the capacity required to contain all manure, litter, and process wastewater (process wastewater includes runoff which has come into contact with animal waste) generated during the storage period; all runoff or the runoff from a 25-year, 24-hour rainfall event, whichever is applicable as identified in Title 130, Chapter 7; any net positive amount from normal precipitation less evaporation during the storage period; and any additional storage needed

to meet management goals or other regulatory requirements. The storage period shall be no less than the maximum length of time between each planned land application or disposal events.

22) **NEPA** shall mean the Nebraska Environmental Protection Act.

23) **Nebraska National Pollutant Discharge Elimination System (NPDES) Permit** shall mean a permit issued pursuant to Title 119 (NAC) & Title 130 controlling discharges of livestock wastes into waters of the state.

24) **Open Lot Animal Feeding Operations** shall mean pens or similar concentrated areas, including small shed-type areas or open-front buildings, with dirt, or concrete (or paved or hard) surfaces, wherein animals or poultry are substantially or entirely exposed to the outside environment except for possible small portions affording some protection by windbreaks or small shed-type areas.

25) **Operator** shall mean the person responsible for the overall operation of an animal feeding operation.

26) **Owner** shall mean the person who owns an animal feeding operation or part of an animal feeding operation.

27) **Permittee** shall mean a person to whom a NPDES permit is issued by the Department.

28) **Person** shall mean any individual; partnership; limited liability company; association; public or private corporation; trustee; receiver; assignee; agent; municipality or other governmental subdivision; public agency; other legal entity; or any officer or governing or managing body of any public or private corporation, municipality, governmental subdivision, public agency, or other legal entity.

29) **Point Source** shall mean any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, animal feeding operation or vessel or other floating craft, from which pollutants are or may be discharged.

30) **Process Wastewater** shall mean water directly or indirectly used in the operation of the animal feeding operation for any or all of the following: spillage or overflow from animal or poultry watering systems; washing, cleaning, or flushing pens, barns, manure pits, or other animal feeding operation facilities; direct contact swimming, washing, or spray cooling of animals; or dust control. Process wastewater also includes spent foot bath water and any water that comes into contact with any raw materials, products, or byproducts including manure, litter, feed, milk, eggs or bedding.

31) **Production Area** shall mean that part of an animal feeding operation that includes the animal confinement area, manure storage area, raw materials storage area, and the waste containment area. The animal confinement areas includes but is not limited to open lots, housed lots, feedlot, confinement houses, stall barns, free stall barns, milkrooms, milking centers, cowyards, barnyards, medication pens, walkers, animal walkways, and stables. The manure storage area includes but is not limited to lagoons, runoff ponds, storage sheds, stockpiles, under-house or pit storages, liquid impoundments, static piles, and composting piles. The raw materials storage area includes but is not limited to feed silos, sileage bunkers, and bedding materials. The waste containment area includes, but is not limited to, settling basins, and areas within berms and diversions that separate uncontaminated storm water. Also included in the definition of production area is any egg washing or egg processing facility, and any area used in the storage, handling, treatment or disposal of mortalities.

32) **Settling Basin** shall mean an individually designed low gradient, broad, flat channel with a supporting ridge on the lower side, which functions to trap and store settleable solids, both manure and sediment, for subsequent removal.

33) **Small Concentrated Animal Feeding Operation** shall mean an animal feeding operation that is designated as a concentrated animal feeding operation and is not a medium concentrated animal feeding operation.

34) **Surface Water** shall mean all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, springs, canal systems, drainage systems, and all other bodies or accumulations of water, natural or artificial, public or private, situated wholly or partly within, or bordering upon, the State. Impounded waters in this definition do not include areas designated by the Department as wastewater treatment or wastewater retention facilities or irrigation reuse pits.

35) **Totally Housed Animal Feeding Operation** shall mean an operation that is totally under roof where animals are housed, rainfall is prevented from becoming process wastewater, and all manure, litter, and process wastewater is contained. The roofed structure may or may not be enclosed on the sides.

36) **25-Year, 24-Hour Rainfall Event** shall mean a rainfall event with a probable recurrence interval of once in twenty-five years. The map provided on Attachment E will help calculate the 25-year, 24-hour rainfall event for more specific areas.

37) **Water Pollution** shall mean the man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of water.

38) **Waters of the State** shall mean all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, situated wholly or partly within or bordering upon the state.

PART VI. ATTACHMENT B – CLOSURE REQUIREMENTS FORM (EXAMPLE)

Termination of Coverage Under a NPDES Permit
For Concentrated Animal Feeding Operations

NPDES Permit Number: _____

Name of the animal feeding operation:_____

Name of Operator:_____

Legal Description of animal feeding operation and LWCF: _____ ¼ or ½, ____ ¼ or ½, Section ___,

Township ____N, Range ____ E or W, _____ County

Address of animal feeding operation: _____

City: _____ State: _____ Zip Code: _____-_____

Telephone Number:_____

Reasons for termination of permit coverage:
_____

_____
_____

_____
_____

_____
_____

Certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Further, I certify that, under the laws of the State of Nebraska, I have the authority to sign on behalf of the concentrated animal feeding operation for which this document is being submitted.

_____

Printed or Typed Name of Authorized Representative

_____ _____

Signature of Authorized Representative *Date Signed*

PART VII. ATTACHMENT C – MONITORING REPORT FORM (EXAMPLE)

Recording form for precipitation, land application events, and holding pond liquid levels. A record shall be maintained to show holding pond liquid level after each of the following: a) A precipitation event; b) Land application from the LWCF; and c) Weekly.

Month and Year: _____Holding Pond ID _____

Day	Precipitation (inches)	Hour/Minute Pumping Started	Hour/Minute Pumping Stopped	Pump Flow Rate (gpm)	Location or Field Used for Application	Total Volume Pumped (gallons)	Check If Discharge[1]	Pond Liquid Level [2]
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								
19								
20								
21								
22								
23								
24								
25								
26								
27								
28								
29								
30								
31								

1 This column should be checked if a discharge occurs. NDEQ shall be notified by phone within 24 hours. Review and follow NDEQ reporting requirements as outlined in Attachment D.

2 Liquid level is measured from: ____ Low point at top of berm, dam, or spillway
____ Start Pumping Point mark on liquid level indicator
(measure to the nearest one foot) ____ Bottom of storage

PART VIII. ATTACHMENT D – DISCHARGE WRITTEN NOTIFICATION FORM

If, for any reason, there is a discharge to waters of the State, the permittee is required to do the following:

A. The owner or operator shall verbally notify NDEQ within 24 hours of the discharge at (402) 471-4239, or the appropriate field office: Central Field Office, Holdrege at (308) 995-3150 or 995-3944: Northeast Field Office, Norfolk at (402) 370-4427 or 370-3173; West Central Field Office, North Platte at (308) 535-8142; or Northwest Field Office, Scottsbluff at (308) 633-0731.

B. The owner or operator shall complete a discharge notification form & submit it to the NDEQ/Agriculture Section, P.O. Box 98922, Lincoln, NE 68509-8922, within five (5) working days of the discharge.

<u>If you have any questions, please contact the Agriculture Section at (402) 471-4239.</u>

NAME _____
Permitted Operation Name

OWNER/MANAGER _____

ADDRESS _____
P.O. Box, Street Address

_____
City, State and Zip Code

Telephone Number: _____

Legal Description of Operation:

_____, _____, of _____, _____N, _____ E or W,
_____County
1/4 1/4 Section Township Range

Complete the following questions:

1. The discharge was due to: _____

_____

(If rainfall event(s), list days and amount of rain received):

1) _____

2) _____

3) _____

2. The discharge flowed into _____
(ditch, drainage way, stream name)

3. *Did the discharge flow directly into surface water or did the discharge flow over cropland prior to discharging to surface water?* _____

4. *The approximate width & depth of the surface water (which the discharge entered):*

   _____*(width in feet)* & _____*(depth in feet)*

5. The discharge started on (date & time): _____

   Please indicate whether this was the actual time of the discharge or if it was the time when the discharge was discovered.
   _____

6. The discharge ended on (date & time):
   _____

   Please indicate if this was the actual time or estimated time._____

7. *Estimated* average flow of the discharge was: _____(gallons/minute)

   or, _____(cubic ft./sec)

8. Estimated total volume of discharge: _____(gal) or _____(cu. Ft.)

9. Describe any damage to the Waste Control Facility:
   _____

---

10. *If the Department requires sampling of the wastewater and receiving waters upstream and downstream of the discharge, the sample shall be analyzed for the following and a copy of the analysis submitted to the NDEQ:*

    a) 5-day Biochemical Oxygen Demand (BOD-5);
    b) ammonia-nitrogen;
    c) nitrate-nitrogen;
    d) Ph:
    e) conductivity:
    f) temperature of the effluent and receiving stream; and
    g) e-coli bacteria (only if requested by the NDEQ due to the potential to impair recreational waters)

Certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

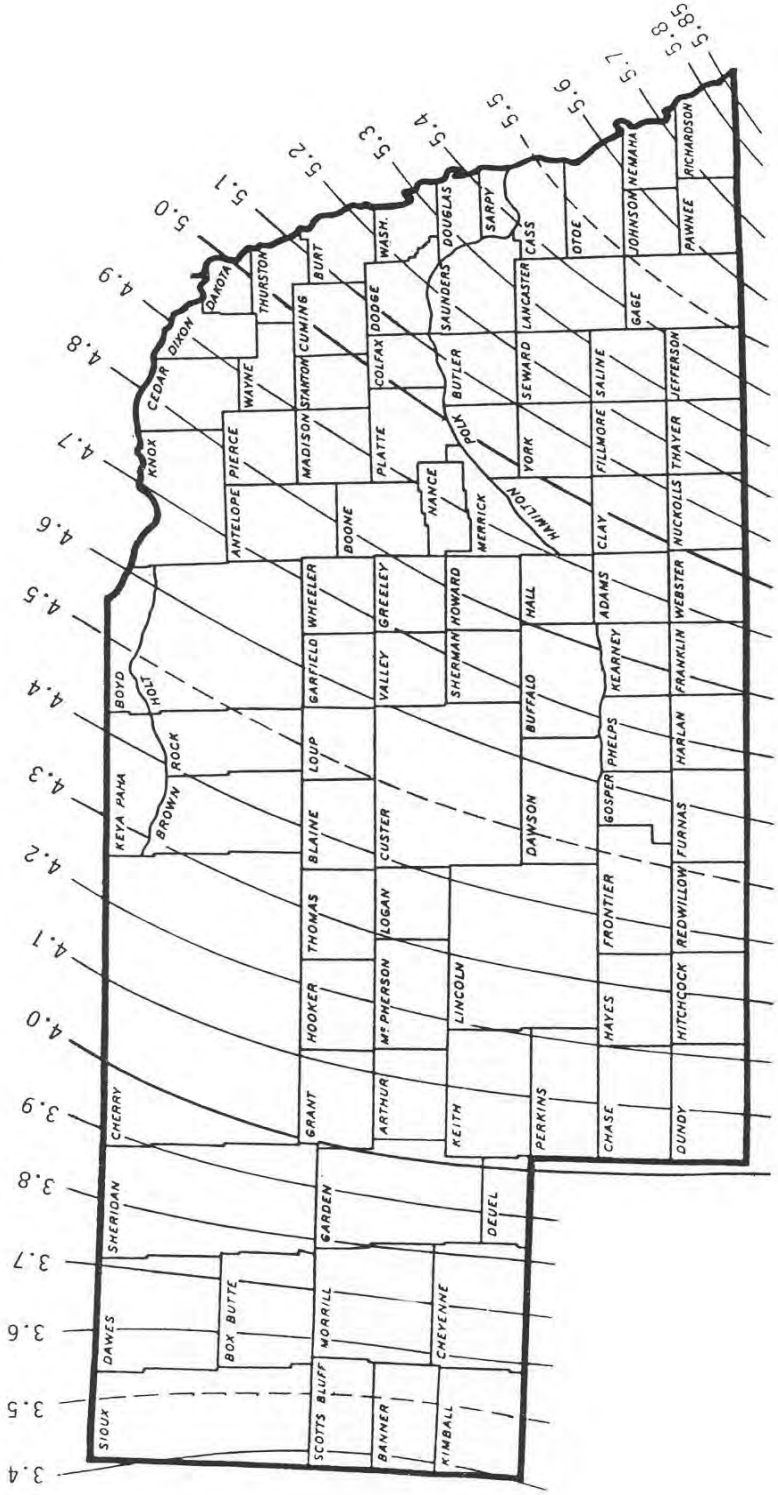
Further, I certify that, under the laws of the State of Nebraska, I have the authority to sign on behalf of the concentrated animal feeding operation for which this document is being submitted

_____ _____

Signature of Authorized Representative *Date Signed*

_____

Printed or Typed Name of Authorized Representative

PART IX. ATTACHMENT E

Nebraska 25-Year, 24-Hour Rainfall Events in Inches