



NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

ENVIRONMENTAL FACT SHEET

05-006

Revised January 2011

AFO Categories and Fees

AFO and CAFO Categories – Under the Livestock Waste Management Act and the Title 130, “Livestock Waste Control Regulations,” animal feeding operations (AFO) are classified as small, medium or large, according to the number of animals in any of the species confined (*See Chapter 1, 002, 024, 031, 045*). The table below lists the AFO sizes by species.

Species	Large AFO (No. of head)	Medium AFO (No. of head)	Small AFO
Cattle/Veal Calves	1,000	300-999	Small AFOs are those operations with less than the number of animals at a Medium AFO
Dairy Cows (mature)	700	200-699	
Swine ≥ 55 lbs.	2,500	750-2,499	
Swine < 55 lbs.	10,000	3,000-9,999	
Sheep/Lambs	10,000	3,000-9,999	
Chickens – Laying Hens, Broilers With liquid manure system	30,000	9,000-29,999	
Chickens – Laying Hens No liquid manure system	82,000	25,000-81,999	
Chickens – Other than layers No liquid manure system	125,000	37,500-124,999	
Turkeys	55,000	16,500-54,999	
Horses	500	150-499	

FEES – Livestock Waste Management Act provisions and Title 130 regulations allow the Department’s Livestock Waste Control Program to require animal feeding operations to pay any or all of four types of fees – inspection fees, late fees, application fees, and annual permit fees.

Inspection Fees – Anyone owning or operating an existing animal feeding operation (AFO) that had not been issued a permit or exempted by the Department must have requested an inspection prior to January 1, 2000. Title 130 regulations require the submission of a Request for Inspection form to the Department, and an inspection conducted before starting any construction or expansion at an AFO, unless previously exempted from inspection requirements. (*Chapter 2, 008.06*)

Late Fees – The Livestock Waste Management Act, requires a late fee to be assessed anyone owning or operating an AFO that has not submitted a “Form A-Request for Inspection of Animal Feeding Operation” by the date required in §54-2423(3) of the Act.

The late fee will be assessed for each violation. Each month that the required Request for Inspection Form is not received constitutes a separate violation. (*Title 130, Chapter 3*). The table below lists the inspection fees and late fees by AFO category.

AFO Size	Inspection Fee	Late Fee (Per Violation)
Large	\$500	\$500
Medium	\$200	\$ 50
Small	\$100	\$ 50

Application Fees – The owner or operator of any animal feeding operation required to obtain a Construction and Operating Permit or coverage under a National Pollutant Discharge Elimination System (NPDES) permit must submit an application and an application fee of **\$200** for each new or modified permit requested. Any major modification requires a new application and an application fee. (*For definition of “major modification” see Title 130, Chapter 1, 029.*)

Annual Permit Fees – The owner or operator of any Large Concentrated Animal Feeding Operation (CAFO), holding a valid Construction Approval, State Operating Permit, or Construction and Operating Permit -- or any operation with NPDES permit coverage – is required to pay an annual fee. The fee is based on the AFO's permitted animal capacity as of December 31 of each year. The fee is due on or before March 1 of each year. (*For definition of a CAFO, see Title 130, Chapter 1, 008.*) The current annual fee rates are listed in the table below. The Department reviews the fee rates annually to determine if adjustments should be made.

Species	Annual Fee (Per Head, or as Specified)
Cattle/Veal Calves	\$0.075
Dairy Cows	\$0.113
Swine ≥ 55 lbs.	\$3.00/hundred*
Swine < 55 lbs.	\$0.75/hundred*
Sheep/Lambs	\$0.75/hundred*
Chickens – with liquid manure facility	\$2.25/thousand*
Chickens – no liquid manure facility	\$0.75/thousand*
Turkeys	\$1.50/thousand*
Horses	\$0.15

** or fraction thereof*