



# NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

## ENVIRONMENTAL FACT SHEET

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05-134

February 2005

### **Additional Requirements for a Construction Approval or NPDES Permit for a Livestock Waste Control Facility**

#### **Large Dam Requirements**

If the livestock waste control facility (LWCF) dam height exceeds 25 feet or the storage capacity is greater than 50 acre-feet, you will need to contact:

Dam Safety Division  
Nebraska Department of Natural Resources (NDNR)  
P.O. Box 94676  
Lincoln, NE 68509-4676  
Tel: (402) 471-2363

to discuss any permit requirements the NDNR might have regarding this control structure. NDEQ cannot review an application for construction approval until the operation has received all approvals from NDNR.

#### **Non-Feedlot Contributing Drainage Exceeding 25 Acres**

If the non-feedlot contributing drainage area (i.e., non-feedlot collected runoff area) is 25 acres or more for a waste impoundment (lagoon, holding pond, etc.), the NDNR has storage permit requirements that apply and must be contacted. NDEQ cannot review an application for construction approval until the operation has received all approvals from NDNR.

#### **Wetlands**

Contact your local USDA Natural Resources Conservation Service office to determine if the location for a planned LWCF or livestock waste application site includes wetlands. Additional restrictions or permits may apply.

#### **NPDES Storm Water Discharge Permit**

If the construction of the facility will involve clearing, grading or excavating an area of one (1) acre or more, a National Pollutant Discharge Elimination System (NPDES) storm water permit will need to be obtained. Prior to construction, a NPDES Storm Water Pollution Prevention Plan will need to be implemented to control erosion and sediment run-off during construction. The state has a general permit, which covers storm water activities. To obtain coverage under this general permit, submit an application form. Questions concerning the NPDES storm water

permit or the Storm Water Pollution Prevention Plan should be directed to the Storm Water Permit Program at (402) 471-4220.

### **NPDES Permit for Concentrated Animal Feeding Operations (CAFO)**

If you confine animals for at least 45 days within a 12-month period, and no grass or other vegetation (including post-harvest plant residue) exists in the confinement area, you may need to submit an application for a NPDES – CAFO permit. For more information, contact the NDEQ Agriculture Section at P. O. Box 98922, Lincoln, NE 68509-8922, or (402) 471-4239 or [www.deq.state.ne.us](http://www.deq.state.ne.us).

### **Dredge and Fill Activities**

Contact the U.S. Army Corps of Engineers regarding possible Section 404 permit requirements for proposed construction that might impact waterways, drainage ways, headwaters, wetlands or other waters of the United States. For more information, contact: Regulatory Branch, 1430 Central Ave., Kearney, NE 68847, (308) 234-1403.

### **Utilities, Buried Pipelines and the Digger’s Hotline**

Contact the statewide one-call notification center – (800) 331-5666 – before commencing any excavation or digging. State law requires you to notify the one-call notification center of any excavating or digging a minimum of two full business days before commencing the excavation (Neb. Rev. Stat. §76-2301, et seq.).

### **Animal Incinerators**

If your animal feeding operation will operate an incinerator for the disposal of animal remains, an operating permit must be obtained from the NDEQ Air Quality Division. If the incinerator meets the specifications for a permit-by-rule (Title 129, Ch. 42, Sections 012-012.13B), you can simply register by completing and submitting a Notice of Intent form, available from the Permitting Section of the Air Quality Division. If the incinerator does not meet the permit-by-rule specifications, you must apply for an operating permit through the regular Air Quality Division permitting process. Questions concerning incinerator permits should be directed to the Permitting Section of the Air Quality Division at (402) 471-4204.

### **Composting**

If you are proposing to compost carcasses, you are required to comply with the Nebraska Department of Agriculture Title 23, “*Livestock Composting Regulations*,” Chapter 17. Any questions concerning composting regulations should be directed to:

Nebraska Department of Agriculture  
301 Centennial Mall South – 4<sup>th</sup> Floor  
Lincoln, NE 68509-4947  
Tel: (402) 471-2351

### **Local Zoning**

You are responsible for complying with all local laws and for obtaining all local, county and other applicable permits.