

NEBRASKA

Good Life. Great Resources.

DEPT. OF ENVIRONMENT AND ENERGY

Agenda Item # 20 b
Date 11/17/21



COPY



Pete Ricketts, Governor

2021 NOV - 2 PM 3:46
RECEIVED
Dodge Co Highway Dept

11/2/21

Deven Ortmeier
DAO Farms
753 Co Rd I
Scribner, NE 68057

RE: DAO Farms Animal Feeding Operation
NDEE ID: 113255
Program ID: LWC 5-1104
Subject: Modified Construction and Operating Permit Issued
SE 1/4, SW 1/4, Section 06, Township 20N, Range 07E, Dodge County
Consultant: Nutrient Advisors

Dear Mr. Ortmeier:

Enclosed is your modified Construction and Operating Permit for livestock waste control facilities (LWCF) at the above animal feeding operation. This permit is issued by the Nebraska Department of Environment and Energy (Department) in response to the memo for modification received on November 1, 2021.

Your medium animal feeding operation is not required to obtain coverage under a National Pollutant Discharge Elimination System (NPDES) Permit for Concentrated Animal Feeding Operations based on your current operation. NPDES Permit coverage of your operation may be required in the future if your operation discharges into waters of the State or if required due to statutory or regulatory changes.

Department staff will conduct periodic compliance inspections of the LWCF and your operation. The issuance of this permit does not remove your responsibility to comply with any Natural Resources District, county or local zoning regulations. This animal feeding operation shall be operated and maintained according to the approved application, this Construction and Operating Permit and the requirements in Title 130, *Livestock Waste Control Regulations*. These documents include operating and maintenance requirements, best management practices for the LWCF and requirements for monitoring, reporting and land application of the waste.

Read and become familiar with these documents, as you will be held responsible for your operation's compliance with these requirements. Violation of Title 130 requirements may result in fines, penalties or removal of the livestock from the operation until compliance is met. You are responsible for preventing any runoff or discharge of livestock waste to waters of the State.

Department of Environment and Energy

P.O. Box 98922
Lincoln, Nebraska 68509-8922

Jim Macy, Director

OFFICE 402-471-2186 FAX 402-471-2909
ndee.moreinfo@nebraska.gov

If you have any questions, please contact your inspector or myself at (402) 471-4239.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cay Ewoldt', with a stylized flourish at the end.

Cay Ewoldt, Supervisor
NPDES & State Permits Section

Enclosures
cc: Nutrient Advisors



11/2/21

MODIFIED CONSTRUCTION AND OPERATING PERMIT

DAO Farms Animal Feeding Operation (NDEE ID: 113255)

Legal Description: SE 1/4, SW 1/4, Section 06, Township 20N, Range 07E, Dodge County

DAO Farms Animal Feeding Operation is issued this Modified Construction and Operating Permit with the following terms and conditions:

- 1) **This permit supersedes the Construction and Operating Permit issued on June 30, 2020.**
This Modified Construction and Operating Permit is issued for the maximum number of livestock and number of livestock waste control facilities (LWCF) as listed below.

Type(s) of Livestock	Maximum Capacity (# of head)	Existing or Proposed?
Swine \geq 55 lbs.	2,499	Existing

Type(s) of LWCF	Number of LWCF	Completion Timeline
Underfloor Deep Pit	1	July 12, 2021

- 2) The Permittee shall allow the Department access, at any reasonable time, to the operation, LWCF, and any records required under Title 130, *Livestock Waste Control Regulations* and this permit.
- 3) The Permittee shall obtain approval from the Department prior to making any modifications or changes to the design or operation of the LWCF.
- 4) The operation and LWCF shall be operated in compliance with the approved application, this permit, Title 130 regulations and the laws of the State of Nebraska. This permit may be revoked, modified or suspended as provided for in Title 130 regulations.
- 5) If changes to the nutrient management plan are substantial, a public notice will be published on the Department's webpage for a period of fifteen (15) days. The following items of the nutrient management plan in the approved application are terms of this permit:
 - a. Adequate storage of manure, litter and process wastewater, including procedures to ensure proper operation and maintenance of the storage facilities.
 - b. Proper management of mortalities to ensure that they are not disposed of in a liquid manure, storm water or process wastewater storage or treatment system that is not specifically designed to treat animal mortalities.
 - c. Clean water is diverted, as appropriate, from the production area.
 - d. Prevent direct contact of confined animals with waters of the State.

- e. Chemicals and other contaminants handled on-site are not 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.
- f. Appropriate site-specific conservation practices to be implemented, including as appropriate buffers or equivalent practices, to control runoff of pollutants to waters of the State.
- g. Protocols for appropriate testing of manure, litter process wastewater and soil.
- h. Protocols to land apply manure, litter or process wastewater in accordance with site specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter or process waste water using either a narrative rate or linear approach.
- i. Specific records that will be maintained to document the implementation and management of the elements described above.

Pursuant to a Delegation Memorandum dated July 1, 2021 and signed by the Director, the undersigned hereby executes this document on behalf of the Director.



Shelley Schneider, Division Administrator

11/2/21

Date

LIVESTOCK PROGRAM APPROVAL SLIP

TYPE OF LETTER: **MODIFIED CONSTRUCTION & OPERATING PERMIT ISSUED**

OPERATION: DAO Farms NPDES ID #: 113255

DRAFTER: Hannah Lionberger PROGRAM ID #: 5-1104

DATE: November 1, 2021

LEGAL DESCRIPTION: SE 1/4, SW 1/4, Section 06, Township 20N, Range 07E, Dodge County

REVIEWED BY:	<u>NAME</u>	<u>INITIALS</u>	<u>DATE</u>
	Cay Ewoldt	CE	11/2/21
	Shelley Schneider	SS	11/2/21

COMMENTS: (Add Comments Here)

Enclosures to Operation:

- Letter - Original
- Additional Requirements for C&O/NPDES
- Approved Application and Addendums
- BMP for Odor
- Citizenship Attestation Form
- Form E (Field Phosphorus Risk)
- Guidelines for GW Monitoring Plan
- Groundwater Monitoring Plan (Approved)
- Land Application Training Attachment
- Title 130 (10/4/2011)
- Nutrient Management Plan
- Record Keeping Guidance
- Other:
- Other:

Copy of Letter to:

Field Offices also get Addendums & Certification Form

Program Specialist

Other:

Letter
 (Name of Person or Company)
 (Street or P.O. Box)
 (City/State/Zip Code)

Copy of Letter Only:

- Dodge County Board
- Lower Elkhorn NRD
- Senator Lynne Walz

Copies to Consultant(s):

Nutrient Advisors
 449 E. Deere Street
 West Point, NE 68788

NOTES OR SPECIAL INSTRUCTIONS: