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RECEIVED
Boyle: Ca Highway Dept



Pete Ricketts, Governor

1/18/22

Garret Hetzel
Maple Creek Poultry, LLC
1224 Co Rd 6
North Bend, NE 68649

RE: Maple Creek Poultry, LLC Concentrated Animal Feeding Operation
NDEE ID: 111131
Program ID: LWC 5-1097
Subject: **Modified Construction and Operating Permit Issued – Approval to Operate**
Pt. 1/2, NW 1/4, Section 36, Township 19N, Range 05E, Dodge County
Consultant: Nutrient Advisors

COPY

Dear Mr. Hetzel:

Enclosed is your modified Construction and Operating Permit for structures at the above concentrated animal feeding operation. This permit is issued by the Nebraska Department of Environment and Energy (Department) in response to your application for Major Modification received on October 26, 2021.

Construction activity that disturbs a land area of one (1) acre or more must obtain coverage under the National Pollutant Discharge Elimination System (NPDES) Construction Storm Water General Permit Number NER210000, which authorizes storm water discharges from construction sites. This permit may be obtained by the operation's authorized representative, the contractor or other party responsible for the construction project. The issuance of a discharge authorization under this Construction Storm Water General Permit does not relieve the Permittee of other duties and responsibilities not authorized under this permit. Application for permit coverage can be made by accessing the following website:
<https://ecmp.nebraska.gov/DEQ-CSW>.

The issuance of this permit does not remove your responsibility to comply with any Natural Resources District, county or local zoning regulations. This concentrated 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 structures 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.

1/18/22

MODIFIED CONSTRUCTION AND OPERATING PERMIT

Maple Creek Poultry, LLC Concentrated Animal Feeding Operation (NDEE ID: 111131)

Legal Description: Pt. 1/2, NW 1/4, Section 36, Township 19N, Range 05E, Dodge County

Maple Creek Poultry, LLC Concentrated 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 August 20, 2018.** This Modified Construction and Operating Permit is issued for the maximum number of livestock and number of structures as listed below.

Type(s) of Livestock	Maximum Capacity (# of head)	Existing or Proposed?
Chicken (Broilers)	380,000	Existing
Chicken (Broilers)	95,000	Proposed

Type(s) of Structures	Number of Structures	Completion Timeline
Dry Litter Barns	8	12-12-2019
Dry Litter Barns	2	Prior to Use

- 2) Upon completion of construction, the Permittee shall file the attached Certification of Completion Form with the Department. The structures shall not be operated until written approval is received from the Department.
- 3) The Permittee, authorized representative or an employee of the operation is required to obtain land application training within 180 days of receiving permit coverage, unless such training was satisfactorily completed within the past five (5) years by at least one of the persons required to obtain the training. Department records indicate your current training is valid until August 11, 2025. Additional training must be completed every five (5) years.
- 4) The Permittee shall allow the Department access, at any reasonable time, to the operation, structures, and any records required under Title 130, *Livestock Waste Control Regulations* and this permit.
- 5) The Permittee shall obtain approval from the Department prior to making any modifications or changes to the design or operation of the structures.
- 6) The operation and structures shall be constructed and 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.

- 7) If construction of the structures as listed above has not begun within two (2) years after issuance of this modified Construction and Operating Permit, the Permittee shall notify the Department thirty (30) days before starting construction.
- 8) 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

1/18/22

Date

APPROVAL TO OPERATE

Maple Creek Poultry, LLC

has been issued an Approval to Operate

on 1/18/22

for the livestock operation located at

PT. 1/2, NW 1/4, SECTION 36, TOWNSHIP 19N, RANGE 05E, DODGE COUNTY

in accordance with the State of Nebraska Title 130 "Livestock Waste Control Regulations."

**THE ABOVE LARGE CONCENTRATED ANIMAL FEEDING OPERATION IS APPROVED
FOR A MAXIMUM CAPACITY OF**

475,000 HEAD OF ANIMAL SPECIES

NEBRASKA

DEPT. OF ENVIRONMENT AND ENERGY

IIS# 111131


Cay Ewoldt, Supervisor
NPDES & State Permits Section

LIVESTOCK PROGRAM APPROVAL SLIP

TYPE OF LETTER: **MODIFIED CONSTRUCTION & OPERATING PERMIT ISSUED - APPROVAL TO OPERATE**

OPERATION: Maple Creek Poultry, LLC

IIS #: 111131

DRAFTER: R. Simmons

PROGRAM ID #: 5-1097

DATE: 1/18/2022

LEGAL DESCRIPTION: Pt. 1/2, NW 1/4, Section 36, Township 19N, Range 05E, Dodge County

REVIEWED BY:	<u>NAME</u>	<u>INITIALS</u>	<u>DATE</u>
	Cay Ewoldt	CE	1/18/22
	Shelley Schneider	SS	1/18/22

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 St.
 West Point, NE 68788

NOTES OR SPECIAL INSTRUCTIONS: