

NEBRASKA

Good Life. Great Resources.

DEPT. OF ENVIRONMENT AND ENERGY

Agenda Item # 27c

Date 7/15/20



Pete Ricketts, Governor

COPY

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

June 30, 2020

Deven Ortmeier
DAO Farms
753 County Road I
Scribner, NE 68057-2063

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

2020 JUL -6 AM 8:50
RECEIVED
DODGE COUNTY HIGHWAY DEPT.

Dear Mr. Ortmeier:

Enclosed is your 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 your application received on January 23, 2020, and addendum received on March 12, 2020.

In an effort to alleviate safety concerns and streamline final project approval, the Department requests **verbal notification** immediately after you have completed concrete construction work on the underfloor pit(s). Once notified, a Department representative will conduct a preliminary on-site inspection prior to the slats being positioned over the pit. This inspection will not slow construction and could substantially expedite issuance of an "Approval to Operate" once the entire project is completed.

Upon completion of construction, a Certification of Completion Form must be submitted. Once the Department receives the Certification Form, a post-construction inspection will be conducted. Upon determining that the LWCF was constructed according to the approved application, the Department will notify you that the new LWCF may be operated. The new LWCF shall not be operated until written authorization is received from the Department. The Certification Form submission shall also include the item listed below.

1. As-built site plans which describe the location of all onsite wells.

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 NER160000, 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>.

Based upon a site-specific review, a groundwater monitoring plan, with construction of onsite monitoring wells is a condition of this Construction and Operating Permit (see attached guidelines). You may submit additional site-specific documentation if you wish the Department to reconsider the need for groundwater monitoring.

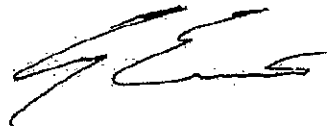
Your medium animal feeding operation is not required to obtain coverage under a National Pollutant Discharge Elimination System (NPDES) Permit for Concentrated Animal Feeding Operations based on your current operation. NPDES Permit coverage of your operation may be required in the future if your operation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

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 and addendums, 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.

If you have any questions, please contact Kevin Franzluebbbers at (402) 471-6687 or myself at (402) 471-4239.

Sincerely,



Cay Ewoldt, Supervisor
Agriculture Section
Water Permits Division
cay.ewoldt@nebraska.gov

Enclosures
cc: Nutrient Advisors



CONSTRUCTION AND OPERATING PERMIT

DAO Farms Animal Feeding Operation (IIS No: 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 Construction and Operating Permit with the following terms and conditions:

- 1) This Construction and Operating Permit covers those facilities in the application approved on June 30, 2020 the Nebraska Department of Environment and Energy (Department) and any subsequently approved addendums. This Construction and Operating Permit is issued for the maximum number of livestock and number of livestock waste control facilities (LWCF) as listed below.

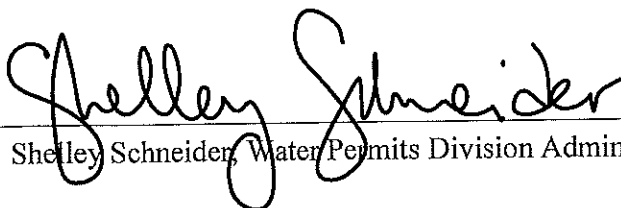
Type(s) of Livestock	Maximum Capacity (# of head)	Existing or Proposed?
Swine \geq 55 lbs.	2,499	Proposed

Type(s) of LWCF	Number of LWCF	Existing or Proposed?
Underfloor Deep Pit	1	Proposed

- 2) Construction shall be completed prior to use of the LWCF.
- 3) Upon completion of construction, the Permittee shall file the attached Certification of Completion Form with the Department. The LWCF shall not be operated until written approval is received from the Department.
- 4) Upon completion of construction, the Permittee shall submit to the Department as-built site plans describing the location of all onsite wells.
- 5) Based on a site-specific review, a groundwater monitoring plan, with onsite monitoring wells is required to be submitted by October 1, 2020 for the Department's review and approval. An approved groundwater monitoring plan must be implemented prior to operation of the LWCF.
- 6) The Permittee shall allow the Department access, at any reasonable time, to the operation, LWCF, groundwater monitoring wells and any records required under Title 130, *Livestock Waste Control Regulations* and this permit.
- 7) The Permittee shall obtain approval from the Department prior to making any modifications or changes to the design or operation of the LWCF.

- 8) The operation and LWCF 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.
- 9) If construction of the LWCF as listed above has not begun within two (2) years after issuance of this Construction and Operating Permit, the Permittee shall notify the Department thirty (30) days before starting construction.
- 10) 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 application approved on June 30, 2020 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, 2019 and signed by the Director, the undersigned hereby executes this document on behalf of the Director.

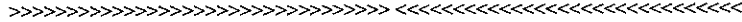

Shelley Schneider, Water Permits Division Administrator

6/30/20

Date

Please complete this form and return it to:

Nebraska Department of Environment and Energy, Agriculture Section
PO Box 98922
Lincoln, NE 68509-8922



CERTIFICATION OF COMPLETION

for DAO Farms

IIS # 113255

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

I hereby certify that the following has been completed as specified in the application approved by the Nebraska Department of Environment and Energy and any subsequently approved addendums, and that all construction conditions have been met as identified in the Construction and Operating Permit, the application approved on June 30, 2020, and in Title 130, *Livestock Waste Control Regulations*:

Type of LWCF	Number Each Type of LWCF
Underfloor Deep Pit	1

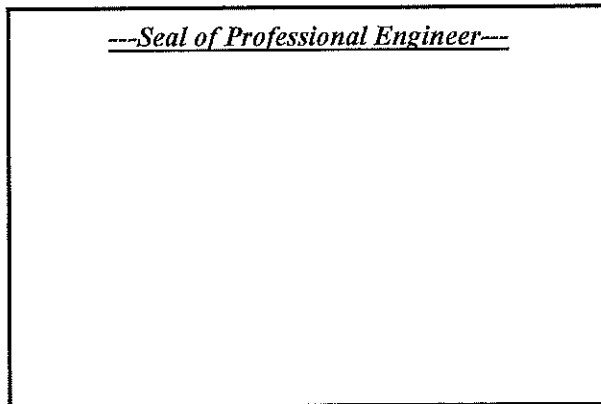
Additional Information
Groundwater Monitoring Plan Required

Has Groundwater Monitoring Plan been approved? ___ Yes No ___ Not Required

X _____
Signature of Technical Advisor *Date*

X _____
Signature of Owner or Authorized Representative of Animal Feeding Operation *Date*

For applications that were signed & sealed by a P.E.:



LIVESTOCK PROGRAM APPROVAL SLIP

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

OPERATION: DAO Farms

IIS #: 113255

DRAFTER: Kevin Franzluebbbers

PROGRAM ID #: 5-1104

DATE: 6/29/20

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>
	Daniel Ross	____DR____	____6/30/2020____
	Cay Ewoldt	____CE____	____6/30/20____
	Shelley Schneider	____SS____	____6/30/20____

COMMENTS: (Add Comments Here)

Enclosures to Operation:

- Letter - Original
- Additional Requirements for C&O/NPDES
- Approved Application and Addendums
- BMP for Odor
- Certification of Completion (Submitted)
- Citizenship Attestation Form
- Form E (Field Phosphorus Risk)
- Guidelines for GW Monitoring Plan
- Groundwater Monitoring Plan (Approved)
- Inspection Report (Post-Construction)
- Land Application Training Attachment
- Title 130 (10/4/2011)
- Nutrient Management Plan
- Medium Record Keeping Guidance
- Routine Inspection Checklist
- NGPC T&E Review: Whooping Crane Survey Protocol
- Other:
- Other:

Copies to Consultant(s):

Nutrient Advisors
449 East Deere Street
West Point, NE 68788

- Letter and Const. & Operating Permit (Copies)
- Approved Application and Addendums (Copy)
- Certification of Completion (Blank)
- Certification of Completion (Submitted)
- Inspection Report (Post-Construction)

Copy of Letter to:

Field Offices also get Addendums & Certification Form

- Program Specialist
- Holdrege Field Office - Jerry
- North Platte Field Office – Calvin
- North Platte Field Office – Steve
- Scottsbluff Field Office - Kaitlyn

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
- State Senator Lynne Walz

NOTES OR SPECIAL INSTRUCTIONS:
