

NEBRASKA

Good Life. Great Resources.

DEPT. OF ENVIRONMENT AND ENERGY

Agenda Item # 20C

Date 11/17/21



Pete Ricketts, Governor

COPY

11/2/21

Scott Muller
Muller Farms, Inc.
517 Lone Tree Road
Scribner, NE 68057

RE: Muller Farms, Inc. Concentrated Animal Feeding Operation
NDEE ID: 72528
Program ID: NPDES GENERAL PERMIT
Subject: NPDES General Permit for Operations Confining Cattle
Permit Coverage Application No. NEG022027
NW 1/4, Section 28, Township 20N, Range 07E, Dodge County
Consultant: Nutrient Advisors

2021 NOV -3 AM 11:24
RECEIVED
Dodge County Highway Dept

Dear Mr. Muller:

The Nebraska Department of Environment and Energy (Department) hereby issues coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Concentrated Animal Feeding Operations (CAFOs) Confining Cattle (NEG022000) to your operation. This General Permit becomes effective April 1, 2022 and will expire on March 31, 2027. It may be modified or reissued to reflect regulatory changes.

Coverage under this NPDES General Permit is for the number of livestock waste control facilities (LWCF) and the number of livestock listed below:

Type of LWCF	No. Each Type
Holding Pond	1
Debris Basin	1

Species	Number of Head
Feeder Cattle	3,000

Open Lot Area: 20.9 acres
Total Drainage Area: 53.0 acres

Your CAFO shall be operated and maintained according to the approved application, this NPDES General Permit, the site-specific permit terms in Attachment 1 to this letter and the requirements in Title 130, *Livestock Waste Control Regulations*. Please review this permit carefully as you are responsible for your operation's compliance with all permit requirements. Copies of the General Permit and of your Request for Coverage are enclosed for your records. A copy of both documents must be kept on-site at your operation.

This General Permit contains specific recordkeeping, monitoring, operating, maintenance and inspection requirements. Department staff will conduct periodic inspections of your operation to review compliance with permit conditions.

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 one of these persons satisfactorily

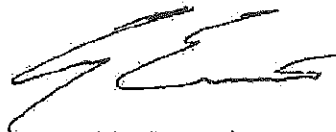
completed such training within the past five (5) years. Department records indicate your current training is valid until October 12, 2023. Additional training must be completed every five (5) years.

Approval by the Department is required prior to making any changes or modifications from the approved application to the design or operation of the LWCF. **A new application with a \$200 fee is required for any major modification.**

The Department's issuance of coverage under this NPDES General Permit does not relieve you of other duties and responsibilities under the Nebraska Environmental Protection Act, the amended Nebraska Livestock Waste Management Act or Title 130. In addition, this permit does not remove your responsibility to comply with any Natural Resources District, county, or local zoning regulations.

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

**ATTACHMENT 1
SITE-SPECIFIC PERMIT TERMS OF THE NUTRIENT MANAGEMENT PLAN**

PERMIT TERM	SECTION(S) OF THE NMP
1. Ensure adequate storage of manure, litter, and process wastewater, including procedures to ensure proper operation and maintenance of the storage facilities.	Sections 1 & 2
2. Ensure proper management of mortalities.	Section 3
3. Ensure clean water is diverted.	Sections 1 & 2
4. Prevent direct contact of animals with waters of the State.	Sections 1 & 2
5. Ensure chemicals and other contaminants are properly handled onsite.	Section 3
6. Site-specific conservation practices are implemented, including as appropriate, buffers or equivalent practices to control runoff of pollutants to waters of the State.	Sections 1, 5 & 7
7. Site-specific setback maps not included in #6 above.	Section 8
8. Ensure specific records are maintained as required in Part II, Section E, Table A.	Section 1
<p>9. Implement protocols to land apply manure, litter, and process wastewater to ensure agricultural utilization of the nutrients in the manure, litter, and process wastewater using the narrative rate approach:</p> <ul style="list-style-type: none"> • Fields available for land application • Timing limitations for land application • Nitrogen & phosphorus transport risk assessment result • Planned crops or other usage • Alternative crops • Realistic annual crop yield goal • Total N & P recommendations per crop • Narrative rate approach methodology, to account for: <ul style="list-style-type: none"> ○ Soil test results; ○ Credits for plant available N in the field; ○ Amount of N & P in the manure, litter, and process wastewater to be applied; ○ Consideration of multi-year P application; ○ Accounting for all other additions of plant available N & P to the field; ○ Form and source of manure, litter, & process wastewater; ○ Timing and method of land application; ○ Volatilization of nitrogen and mineralization of organic nitrogen. • Maximum amount of N & P from all sources 	Sections 1 & 4 - 8
10. Ensure protocols for appropriate testing of manure, litter, process wastewater, and soil are followed.	Section 1

LIVESTOCK PROGRAM APPROVAL SLIP

TYPE OF LETTER: NPDES GENERAL PERMIT COVERAGE ISSUED

OPERATION: Muller Farms, Inc.

NDEE ID #: 72528

DRAFTER: Jordan Jaeger

PROGRAM ID #: NPDES GENERAL PERMIT

DATE: 11/2/2021

LEGAL DESCRIPTION: NW 1/4, Section 28, Township 20N, Range 07E, Dodge County

REVIEWED BY:

NAME

INITIALS

DATE

Cay Ewoldt

CE

11/2/21

Shelley Schneider

COMMENTS: (Add Comments Here)

Enclosures to Operation:

- Copy of Submitted Request for Coverage
- BMP for Odor
- Dewatering Days
- Disposal of Dead Animals
- Form B (Application)
- Form C (Applicant Disclosure)
- Form D (Transfer Request)
- Form E (Field Phosphorus Risk)
- Groundwater Monitoring Plan
- Holding Pond Operation
- Land Application Training Attachment
- New Title 130 (10/4/2011)
- NPDES Permit: NEG022000
- Nutrient Management Plan
- Record Keeping Guidance
- Other:

Copies to be Sent:

If Field Office Areas: Letter

Program Specialist

Other:

Letter

(Name of Person or Company)

(Street or P.O. Box)

(City/State/Zip Code)

Letter:

- Dodge County Board
- Lower Elkhorn NRD
- Lynne Walz (Scan & E-mail)

Enclosures to Consultant:

Nutrient Advisors

- Letter (Copy)
- Copy of submitted Request for Coverage

NOTES OR SPECIAL INSTRUCTIONS: