

NEBRASKA ADMINISTRATIVE CODE

TITLE 130 - NEBRASKA DEPARTMENT OF WATER, ENERGY AND ENVIRONMENTAL QUALITY

Chapter 7 - EFFLUENT LIMITATIONS FOR CONCENTRATED ANIMAL FEEDING OPERATIONS

001 For existing large beef, dairy, horse, sheep, swine, poultry, and veal calf concentrated animal feeding operations and new large beef, dairy, horse, and sheep concentrated animal feeding operations, there shall be no discharge of manure, litter, or process wastewater pollutants into waters of the state from the production area except that when precipitation causes an overflow of manure, litter, or process wastewater, the overflow may be discharged into waters of the state provided the production area is:

001.01 Designed, constructed, operated and maintained to contain all manure, litter, and process wastewater including the runoff and the direct precipitation from a 25-year, 24-hour rainfall event; and

001.02 Operated in accordance with these regulations.

002 For new large swine, poultry, and veal calf concentrated animal feeding operations, there shall be no discharge of manure, litter, or process wastewater pollutants into waters of the state from the production area. The production area shall be operated in accordance with these regulations and designed, constructed, operated and maintained to contain all manure, litter, and process wastewater including all runoff and direct precipitation.

003 The owner of a large concentrated animal feeding operations may request that the Director establish alternative permit limitations as provided below:

003.01 New and existing beef and dairy, based upon site-specific alternative technologies that achieve a quantity of pollutants discharged from the production area equal to or less than the quantity of pollutants that would be discharged under the baseline performance standards in Section 001 above; or

003.02 New swine, poultry, and veal calf, based upon site-specific innovative technologies that can be demonstrated to achieve overall environmental performance across all media that is equal or more than the reductions achieved by baseline or voluntary alternative performance standards. The site-specific alternative technologies shall be capable of achieving a quantity of pollutants discharged from the production area

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that is no more than the quantity of pollutants that would be discharged under the baseline performance standards.

004 In order to request alternative NPDES permit limitations as provided for in Section 003.01 above, the owner shall submit a site-specific supporting technical analysis and any other relevant information and data that would support such site-specific effluent limitations within a time frame specified by the Director. The analysis shall include calculation of the quantity of pollutants discharged, on a mass basis where appropriate, based on a site-specific analysis of a livestock waste control facility designed, constructed, operated, and maintained to contain all manure, litter, and process wastewater, including the runoff from a 25-year, 24-hour rainfall event. The Director may require any additional information deemed necessary to support such a request. At a minimum, the technical analysis of the discharge of pollutants shall include:

004.01 All daily inputs to the facility, including manure, litter, all process wastewaters, precipitation, and runoff;

004.02 All daily outputs from the facility, including losses due to evaporation, sludge removal, and the removal of wastewater for use on cropland or transferred offsite;

004.03 A calculation determining the predicted median annual overflow volume based on a 25-year period of actual rainfall data applicable to the site;

004.04 Site-specific pollutant data, including nitrate-nitrogen, ammonia-nitrogen, phosphorus, 5-day biochemical oxygen demand (BOD₅), and the non-filterable residue (also called total dissolved solids or TDS) for the operation from representative sampling and analysis of all sources of input to the facility, or other appropriate pollutant data; and

004.05 Predicted annual average discharge of pollutants, expressed as a mass discharge on a daily basis in pounds per day where appropriate and calculated considering Section 004.01 through Section 004.04 above.

005 For NPDES permitted large beef, dairy, heifer, swine, poultry, horse, sheep, and veal concentrated animal feeding operations that land apply manure, litter, or process wastewater, discharges from the land application areas under control of the NPDES permittee are subject to compliance with the following:

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005.01 Implement a nutrient management plan prior to December 31, 2006, or at the time of reissuance of the NPDES permit, for land under the NPDES permittee's control. Land under the NPDES permittee's control includes;

005.01A Owned areas;

005.01B Rented or leased areas including land rented or leased solely for land application area; and

005.01C Any area where the NPDES permittee stockpiles, spreads, or delivers waste to, or otherwise controls the timing, amount, or rate of land application.

005.02 Comply with the terms of the submitted Nutrient Management Plan. The terms of the nutrient management plan are the information, protocols, best management practices, and other conditions in the nutrient management plan determined by the Director to be necessary to meet the requirements of Chapter 14 of this Title. This includes, but is not limited to, protocols for land application of manure, litter, and process wastewater and shall contain all fields available for land application, field-specific rates of application, and any timing limitations of land application. Manure, litter, and process wastewater may only be land applied at field-specific application rates, calculated using a linear or narrative rate approach, that minimize phosphorus and nitrogen transport from the field to waters of the state and comply with the technical standards established in Chapter 14;

005.03 Analyze manure, litter, and process wastewater at least once a year for nitrogen and phosphorus content. Analyze soil at each application site for nitrogen content prior to the first application of any manure, litter, or process wastewater and then at least annually thereafter when used for application. Analyze soil at each application site for phosphorus content prior to the first application of any manure, litter, or process wastewater and then at least once every 5 years thereafter if used anytime in the 5 years for land application. The results of these analyses are to be used in determining application rates for manure, litter, and other process wastewater;

005.04 Periodically inspect equipment used for land application of manure, litter, or process wastewater for leaks;

005.05 Maintain setback distances during land application practices in compliance with Chapter 9; and

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005.06 Maintain the records onsite as specified in Chapter 12.

006 For NPDES permitted horse and sheep large concentrated animal feeding operations that land apply manure, litter, or process wastewater, discharges from the land application areas under control of the NPDES permittee are subject to conditions developed by the Department, on a case-by-case basis, using its best professional judgment.

007 For small and medium concentrated animal feeding operations, there shall be no discharge of manure, litter, or process wastewater pollutants into waters of the state from the production area or land application area except under conditions developed by the Department, on a case-by-case basis, using its best professional judgment.

Enabling Legislation: Neb. Rev. Stat. § 81-1504(10)(11)(12)(13)(20)(21); § 81-1505(10)(11);
§ 54-2416 to § 54-2438

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