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Additional Requirements for a Construction & Operating Permit or NPDES Permit for a LWCF Fact Sheet

If approvals or permits are required from the Nebraska Department of Natural Resources (NDNR) for livestock waste control facilities, those approvals must first be obtained before the NDEE can issue a Construction & Operating Permit or National Pollutant Discharge Elimination System (NPDES) permit coverage. The following describes situations that could involve additional requirements from NDNR and other agencies.

Large Dam Requirements

If the livestock waste control facility (LWCF) dam height exceeds 25 feet or the storage capacity is greater than 50 acre-feet, you will need to contact:

Dam Safety Division

Nebraska Department of Natural Resources (NDNR)
301 Centennial Mall South
P.O. Box 94676
Lincoln, NE 68509-4676

Phone: [\(402\) 471-2363](tel:4024712363)

to discuss any permit requirements the NDNR might have regarding this control structure. NDEE cannot review an application for construction approval until the operation has received all approvals from NDNR.

Non-Feedlot Contributing Drainage Exceeding 25 Acres

If the non-feedlot contributing drainage area (i.e., non-feedlot collected runoff area) is 25 acres or more for a waste impoundment ((lagoon, holding pond, etc.), the NDNR has storage permit requirements that apply and must be contacted. NDEE cannot review an application for construction approval until the operation has received all approvals from NDNR.

Wetlands

Contact your local USDA Natural Resources Conservation Service office to determine if the location for a planned LWCF or livestock waste application site includes wetlands. Additional restrictions or permits may apply.

NPDES Storm Water Discharge Permit

If the construction of the facility will involve clearing, grading or excavating an area of one acre or more, a National Pollutant Discharge Elimination System (NPDES) storm water permit will need to be obtained. Prior to construction, a NPDES Storm Water Pollution Prevention Plan will need to be implemented to control erosion and sediment run-off during construction.

The state has a general permit, which covers construction storm water activities. To obtain coverage under this general permit, submit an application form.

Questions concerning the NPDES storm water permit, or the Storm Water Pollution Prevention Plan should be directed to the:

Storm Water Permit Program at [\(402\) 471-2186](tel:4024712186).

Dredge and Fill Activities

Contact the U.S. Army Corps of Engineers regarding possible Section 404 permit requirements for proposed construction that might impact waterways, drainage ways, headwaters, wetlands, or other waters of the United States.

For more information, contact:

Nebraska Regulatory Office

8901 South 154th Street
Omaha, NE 68138-3635

Phone: [\(402\) 896-0896](tel:4028960896)

Or

Nebraska Regulatory Office

2214 2nd Avenue
Kearney, NE 68847

Phone: [\(308\) 234-1403](tel:3082341403)

Utilities, Buried Pipelines, and the Digger's Hotline

Contact the statewide one-call notification center – [\(800\) 331-5666](tel:8003315666) – before commencing any excavation or digging. State law requires you to notify the one-call notification center of any excavating or digging a minimum of two full business days before commencing the excavation ([Neb. Rev. Stat. §76-2301](#), et seq.).

Animal Incinerators

If your animal feeding operation will operate an incinerator for the disposal of animal remains, you must obtain a construction and an operating permit from the NDEE Air Quality Division.

If the incinerator **meets** the specifications for a permit-by-rule ([Title 129, Ch. 42, Section 012](#)), you can simply register by completing and submitting a Notice of Intent form, available from the Permitting Section of the Air Quality Division.

If the incinerator **does not meet** the permit-by-rule specifications, you must apply for permits through the standard Air Quality Division permitting process.

Questions concerning incinerator permits should be directed to the:

Permitting Section of the **Air Quality Division** at [\(402\) 471-2189](tel:4024712189).

Composting

If you are proposing to compost carcasses, you are required to comply with the Nebraska Department of Agriculture [Title 23, "Livestock Composting Regulations," Chapter 17](#). Any questions concerning composting regulations should be directed to:

Nebraska Department of Agriculture

301 Centennial Mall South

P.O. Box 94947

Lincoln, NE 68509-4947

Phone: [\(402\) 471-2351](tel:4024712351)

Local Zoning

You are responsible for complying with all local laws and for obtaining all local, county and other applicable permits.

Questions?

Contact:

Nebraska Department of Environment and Energy

Agriculture Section

P.O. Box 98922

Lincoln, NE 68509-8922

Phone: [\(402\) 471-4239](tel:4024714239)

Visit our website: <http://dee.ne.gov>
