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TIME GETTING SHORT TO RENEW STATE OPERATING PERMITS

The state operating permits of small and medium animal feeding operations (AFO's) expired on December 31, 2006, a result of amendments to Title 130, "Livestock Waste Control Regulations." During the 2006 Legislative session, state legislators passed LB 975, which allows individuals owning or operating a small or medium AFO's to request the Department of Environmental Quality (DEQ) to reinstate their state operating permits. You now have the opportunity to request reinstatement of your previous state operating permit, as long as your operation is being maintained and operated in compliance with the conditions of the expired permit. **The request must be submitted to DEQ by December 31, 2007, accompanied by a \$25 filing fee.**

NEBRASKA ADVANTAGE RURAL DEVELOPMENT ACT

There are economic incentives available to Nebraska's livestock producers who invest in Livestock Production or Livestock Modernization.

Livestock Production involves the operation of real and personal property for the production of livestock useful to man, including breeding and grazing livestock. The project must meet the Level 1 or Level 2 requirements for investment and employment growth at a location in one county meeting the population requirement. Investment may include any improvements to real property and tangible personal property that are depreciable under the Internal Revenue Code except for vehicles, planes, or railroad rolling stock.

Livestock modernization is defined as the construction, improvement or acquisition of depreciable buildings, facilities or equipment for livestock housing, confinement, feeding, production and waste management. The project must have a net investment increase of at least \$50,000. **There is no employment increase required.** Equipment does not include breeding stock, motor vehicles, planes, or railroad rolling stock. .

For additional information, questions about the application, you may contact Rod Johnson with PES or visit the Nebraska Department of Revenue web site.
http://www.revenue.state.ne.us/incentiv/rural/608app_guide.htm

MANURE SALE OR TRANSFER

There have been questions regarding required recordkeeping related to the sale or transfer of livestock manure or manure products. Two scenarios which have come up include:

1) The livestock producer is selling (transferring) liquid to a neighbor and a third party is contracted to do the pumping and injection.

A) If the neighbor pays the third party for those pumping and injection services, then the livestock operation must have sample analysis, and record of who the product went to, and how much product was involved

B) If the livestock producer is going to pay the third party for those services, then the livestock producer must also have those acres included in their Nutrient Management Plan, with all required records.

2) The livestock producer is selling manure to a neighbor, and the neighbor wants to contract for custom application.

A) If the livestock producer owns and operates the application equipment, then the acres must be included in the Nutrient Management Plan, with all required records. This even applies to the situation where the application equipment is actually owned by a farming operation connected to the livestock operation, but operating as a separate entity,

B) If the neighbor pays a third party for that custom application, then the livestock operation must have sample analysis, and record of who the product went to, and how much product was involved

PLANTING AFTER MANURE APPLICATION

Sometimes planting immediately after a manure application can have a detrimental impact on the success of seed germination. There are two reasons behind this. The first is manure can have a high salt content. The salt in the manure can “draw” moisture away from the seed causing poor germination. Secondly, and more times than not, the real culprit for poor germination is the conversion of free ammonia to the more stable form of ammonium. By waiting a few days for this chemical reaction to take place or receiving a good rain will usually alleviate poor germination issues associated with manure applications prior to planting.

Along the same lines, a common question is whether or not an in furrow pop-up or starter fertilizer should be used in fields that have received a manure application up to the recommended. Although some University experts disagree, most agronomists will recommend using a starter fertilizer because those nutrients are placed closely to the seed which can be available much quicker than nutrients applied by other means.

EPA EXTENSIONS

Due to the 2005 court ruling, EPA is in the process of extending the deadline for a NEWLY-DEFINED CAFO to apply for a Federal NPDES permit. If your facility IS NOT NEWLY-DEFINED, the extension does not apply to you. This extension DOES NOT supersede any deadlines that the DEQ has given to facilities. It merely extends the deadline for those operations that were previously exempted to now request coverage under the NPDES program. According to the court ruling, EPA cannot mandate facilities to request coverage. However, Nebraska’s Title 130 Rules and Regulations may still require you to apply for a State Permit.