

~~NEBRASKA ADMINISTRATIVE CODE~~
~~NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY~~

~~Title 126 — Rules And Regulations Pertaining To The Management Of Wastes~~

~~Chapter 10 — Land Application of Paunch~~

~~Effective Date of Last Revision: May 31, 1993~~

~~001 A person who land applies paunch manure at a dedicated paunch manure application site (where the application rate is greater than ten (10) tons of dry paunch manure per acre for cropping season or paunch manure is stored on site) shall obtain a permit from the Department pursuant to Chapter 2 of these regulations.~~

~~001.01 Where the person who land applies the paunch manure is not the generator of the paunch manure, such person shall be considered an agent of the generator. The permit shall be issued to the generator in those situations.~~

~~001.02 In situations where the generator assigns the paunch manure to a facility (such as a composting facility) permitted by this Department: the material shall become the responsibility of such permitted facility and further disposition will be the responsibility of that facility.~~

~~002 Exemptions:~~

~~002.01 Non-dedicated paunch manure application sites where less than ten (10) tons of dry paunch manure per acre per cropping season are applied and where no on-site storage (excluding storage in confined containers) is involved are exempted from permitting under Section 001. Such operations, however, must observe the minimum distance requirements contained in Sections 004.04C, 004.04D, 004.04E, transportation requirements enumerated in Section 004.01, protect adjacent wells from surface runoff and immediately incorporate the material into the soil when found necessary by the Department.~~

~~002.02 In cases where incorporation of the paunch manure into the soil is found necessary by this Department and/or the material is not being stored as specified in a permit issued by this Department; the following procedures are to be followed:~~

~~002.02A When soil and weather conditions allow, the paunch manure must be removed from or incorporated into the soil within twenty four (24) hours or other time frame approved by this Department after notification to do so by this Department. Incorporation shall be done in compliance with Section 002.01 of this Chapter.~~

~~002.02B When soil and weather conditions do not allow immediate removal or incorporation such measures shall be completed within twenty four (24) hours or other time frame approved by this Department after weather and soil conditions have improved sufficiently to allow this work. Incorporation shall be done in compliance with Section 002.01 of this Chapter.~~

~~002.02C In cases where immediate incorporation would normally be found necessary, paunch manure may be land applied without incorporation during winter months provided it is incorporated within thirty (30) days or other time frame approved by this Department after weather and soil conditions become favorable for such work in the spring. This incorporation shall be in compliance with Section 002.01 of this Chapter.~~

~~003 The permit application will consist of a Best Management Plan submitted by the applicant.~~

~~003.01 The following information must be supplied on the permit application in addition to that enumerated in Chapter 2, 004.~~

~~003.01A Authorized Agent of the individual company producing the paunch manure.~~

~~003.01B Name and address of owner or owners of the paunch manure application site(s), legal description of the site, and travel directions from the nearest town.~~

~~003.01C The area available, the current and foreseeable future use of the land and the slope of the land.~~

~~003.01D An explanation of how paunch manure will be transported to the application site.~~

~~003.01E A description of the method of unloading and storage of paunch manure at the application area. If storage or unloading facilities are to be utilized, engineering plans and specifications must be included. Construction of such facilities shall not commence until the plans and specifications have been approved by the Director.~~

~~003.01F A description of the method of spreading of material and incorporation into the soil, if found necessary by the Department. This description must include a discussion of methods to be used during winter months and periods of unfavorable weather and soil conditions as well as normal favorable conditions. The proposed application rate and justification for the rate taking into account the items listed in 004.03 must also be shown.~~

~~003.01G A topographic map or engineering plans and specifications with topography shown of the application area must be included with the following features delineated.~~

~~003.01G1. Land available for application of paunch and overall dimensions of the land.~~

~~003.01G2. Location of neighboring homesites or farmsteads and adjacent land owned by others.~~

~~003.01G3. The location of domestic and municipal water supply wells within 500 feet of the area, and the approximate depths of the water tables used.~~

~~003.01G4. Location and name of watercourses or wetlands in the area.~~

~~004 Specific Permit Terms and Conditions.~~

~~004.01 Transportation: In all instances, paunch manure hauled within a metropolitan city shall be hauled in a splashproof, tightly covered container. In other areas transportation of paunch manure over public roads, or near an inhabited residence, business, or facility/area (excluding public roads) shall be done in a leak proof, tightly covered, splashproof container when found necessary.~~

~~004.02 Storage of paunch manure at the application site must be done under the following conditions.~~

~~004.02A Prevention of discharges to waters of the State.~~

~~004.02B If the material will stand in a pile such that the height is 20% of the width when placed unconfined on a flat surface, it may be stored in a windrow or static pile in an area meeting the design criteria set out in Appendix I. If it will not stand as specified in this section, it shall be stored in a lagoon meeting the design criteria set out in Appendix I. Alternatively, paunch manure may be stored in a container as defined in Chapter 1, 005.~~

~~004.03 Application rates shall not exceed those specified in the permit. Application rates will be approved for permitting purposes taking into consideration:~~

~~004.03A Protection of waters of the State.~~

~~004.03B Any other State or Federal Regulations applying to this practice.~~

~~004.04 Land and Location Considerations.~~

~~004.04A Unless the applicant can demonstrate to the Department's satisfaction that pollution of waters of the state will not result, paunch manure shall not be surface applied on land with greater than 5% slope when the ground is frozen.~~

~~004.04B Unless the applicant can demonstrate to the Department's satisfaction that pollution of waters of the state will not result, paunch manure shall not be surface applied on land with greater than 10% slope unless incorporated immediately.~~

~~004.04C Paunch manure shall not be applied on wetland areas.~~

~~004.04D Paunch manure shall not be applied within one thousand (1000) feet of inhabited dwellings, businesses, or facilities or lands (excluding public roads) frequented by the public without documented permission (submitted to this Department) from the owners (and in the case of a dwelling, the residents) of such dwelling, business, facility, or lands. This requirement does not apply to subsurface injection.~~

~~004.04E Paunch manure shall not be applied within five hundred (500) feet of a municipal water supply well. Diking or other procedures may be required to protect nearby wells from surface runoff if found necessary.~~

~~004.05 Crop Considerations.~~

~~004.05A Paunch manure shall not be applied to edible portions of crops that are consumed by humans without processing to minimize pathogens prior to consumption.~~

~~004.06 General Considerations.~~

~~004.06A Application of paunch manure may be made by any method which injects or disperses the material so that a uniform application is achieved.~~

~~004.06B Application of material shall be to land properly selected and managed in such a manner so that:~~

~~004.06B1 No pollution of water of the State results.~~

~~004.06B2 A dewatering of the material may be required either at the source or the application site to reduce the potential for flies and odors and improve the operation. In the case where such a dewatering facility is located at the site, engineering plans and specifications must be submitted to this Department for approval. Such facilities must meet the design requirements for storage facilities set out in Appendix I.~~

~~005 Record and Reporting.~~

~~005.01 Any facility expansion or modification which may result in new or substantially increased discharges of pollutants or a change in the nature of the discharge of pollutants must be reported by the permittee 180 days prior to the expansion, increases, or modifications, either by amending his original application or by submitting a new application.~~

~~006 Monitoring.~~

~~006.01 Prior to application and yearly thereafter the soil shall be analyzed by the permittee and submitted to this Department, for parameters as specified in the permit (See 005.02 above). This will include monitoring various levels of the soil profile for migration of pollutants toward the water table.~~

~~007 Failure to comply with the foregoing procedures shall be grounds for prosecution under Neb. Rev. Stat. § 81-1508(1)(b) Reissue 1981.~~

~~Note: For disposal or alternate method of using paunch manure see Chapter 4 (Sanitary Landfill) or Chapter 3 (Composting), respectively.~~

~~Enabling Legislation: Neb. Rev. Stat., §§ 28-1305 (Reissue 1979); 81-1504(2)(3)(11)(13)(15)(17)(20) (24); 81-1505(1)(16); 81-1506(1)(a); 81-1510(2); 81-1514 (Reissue 1981)~~

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