Livestock Waste Control Facility Inspection and Permit Requirements

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Nebraska livestock waste control facility statutes require all livestock operations with at least 300 animal units (AUs) to be inspected by the Nebraska Department of Environmental Quality (DEQ) to determine whether livestock waste pollutes surface or groundwater. Livestock operations with less than 300 AUs are exempt from the feedlot permit and inspection requirements, unless those operations have had a confirmed discharge into waters of the state or a high potential for such a discharge. In such cases, DEQ must notify the livestock operation owner by certified mail. If an exempt producer has already requested a DEQ inspection, that request was automatically canceled in 1999 feedlot legislation.

The 300 AU inspection cutoff is equal to 300 steers, 214.29 dairy cows, 750 feeder pigs 55 pounds or more, 7,500 weaned pigs up to 55 pounds, 3,000 sheep, 150 horses, 30,000 chickens, 15,000 turkeys or 1,500 ducks. If you have less than this number of livestock you are exempt and do not need to be inspected unless you are notified by DEQ that you do need to be inspected. The inspection fee is $50 for up to 5,000 AUs and $500 for over 5,000 AUs.

Livestock operations subject to the inspection requirement include operations where livestock are kept in buildings, lots or pens which are normally not used for growing crops or pasture (not including facilities holding heifers during calving season up to 90 days annually). Range livestock operations are not subject to DEQ inspection requirements (or permit...
requirements). If the area where the livestock are kept sustains plant growth (other than just weeds) during the growing season it is not a feedlot. Cattle backgrounding on grass is generally not considered a feedlot. However, if the area where the livestock are kept does not have grass or a crop growing during the growing season, it is a feedlot and subject to inspection, unless it is under the 300 AU limit.

Producers who are reluctant to contact DEQ regarding an inspection could consult a private livestock waste control consultant. These consultants can give the producer a second opinion regarding whether a DEQ inspection is needed or not. The consultant could also advise the producer regarding how the producer could best comply with DEQ feedlot requirements if a DEQ feedlot permit is needed, possibly provide cost estimates, etc.

Existing non-exempt livestock operations (300 or more AUs) that have not requested an inspection prior to January 1, 2000, will be subject to a late fee of between $50 and $500 per month until the DEQ inspection has been requested. For more information, contact DEQ at (402) 472-2186. For a copy of Nebraska feedlot statutes, ask your Extension Educator for a copy of NF99-403, the Nebraska Livestock Waste Management Act.

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