



Professional
Environmental
Solutions

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Seasons Greetings! Professional Environmental Solutions would like to wish you and your family a Happy Holidays. With the New Year come changes in regulations. Our responsibility is to keep you informed of these changes.

Phosphorous Indexing

If your operation is a CAFO (over 1000 Animal Units) and you currently hold a permit, Phosphorous - Indexing is one of the new requirements for the upcoming year. P-Indexing is used to classify how manure may be applied to land in your nutrient management plan and must be completed before any manure is applied in 2007. Although you are not required to submit the results of the P-Index, you must maintain them on file for a period of 5 years at which time it must be completed again. If you need assistance in completing this new requirement please contact us.

State Permits

Starting this December the permitting process has changed. No longer will DEQ be issuing Construction Approval after the review process. This has been replaced with a “**Construction and Operating Permit**” (COP). All old Construction Permits and Construction Approvals have now become COP’s. After the review process has been completed you will receive a COP. At that time you may commence with the construction of your Livestock Waste Control Facility (LWCF). Once construction has been completed we will still need to certify your LWCF and DEQ will need to conduct a post construction inspection. DEQ will then issue a letter of “**Compliance**” stating that you have met the requirements of the COP. ***Remember, it will still be illegal to use your LWCF until you receive this compliance letter.***

For those operations who have requested coverage under the National Pollutant Discharge Elimination System (NPDES), this permit will be issued separately from your COP and letter of Compliance. Your NPDES permit will also become your State Operating Permit.

Operations whose State Operating Permit (SOP) expired on December 31st, 2005 may now request a new SOP. DEQ will charge a \$25 reinstatement fee. This only applies to operations that are now classified as a small or medium AFO.

NPDES Permits

Over a year ago, the 2nd Court of Appeals ruled that EPA can no longer require operations to hold an NPDES permit. It is up to the producer to request coverage. In essences by requesting coverage you are purchasing an insurance policy. Should you have a discharge from a storm that is greater than a 24 hour/25 year rain event, in a chronic wet period and your **Records** indicate your pond was below the Start Pump Level before the storm or chronic wet period, this discharge would be considered “unpreventable”.

NPDES Permits cont.

If you have a discharge and do not have an NPDES permit, regardless of how big or small the rain event is, it will be considered an *illegal* discharge. Existing CAFO's have until February 17, 2007 to request NPDES coverage. Newly defined CAFO's will have until July 31st, 2007 to apply.

***For those operations that were granted a Variance in 2006, those Variance's will soon be expiring as they were only valid for a year. Those Variance's and the above mentioned dates DO NOT supersede any deadlines DEQ or EPA has mandated for specific operations.

Nutrient Management Plan (NMP)

For those operations who do not yet have a permit, EPA has set July 31st 2007 as the date in which you must have a NMP in place. Neither EPA nor DEQ have provided any guidance at this time on the requirements of a NMP for facility that is *NOT* applying for a permit. As this information becomes available we will keep you updated.

Operations that currently have a permit, unless it is an old permit or there have been changes to your NMP you do not need submit a new NMP. Your NMP is still good.

Other News

PES has grown. To better meet the needs of our customers, PES has added two more people. Ernie Owens will be working as a project manager. Mr. Owens has previously worked for Iowa State University in their Veterinary Diagnostics Laboratory. In his younger years he gained valuable chute side knowledge as he assisted his father who is a Veterinarian in the O'Neill area. He is excited to start working with producers and learning all of the ins and outs of the regulatory field.

Rod Johnson, RJ Ag Associates, will be contacting livestock producers, to discuss Professional Environmental Solutions services. Many in the livestock industry know Rod, as he brings a strong background from working closely with regulatory and compliance issues while representing the pork industry. He may be contacted at 402-570-6756.

Compliance visits. For those of you who use PES for your compliance record keeping needs, we will be contacting you after the first of the year to review your records and answer any questions you may have. Just as a reminder, the annual report and operating fee will be due to DEQ on March 1st. DEQ will be mailing notices after the first of the year. Remember this report can be easily generated from the web-based record keeping system if your records are up to date.