



DEPT. OF WATER, ENERGY, AND ENVIRONMENT

SFY2025 ANNUAL REPORT TO THE LEGISLATURE LIVESTOCK WASTE CONTROL PROGRAM

Department of Water, Energy and Environment

November 2025

On July 1, 2025 Nebraska Department of Environment and Energy merged with Nebraska Department of Natural Resources to form the Department of Water, Energy and Environment.

Introduction

Each year, the Department submits a report to the Legislature, pursuant to Neb. Rev. Stat. §54-2428(5), in sufficient detail to document all direct and indirect costs incurred in the previous fiscal year in carrying out the Livestock Waste Management Act (Neb. Rev. Stat. §54-2416 to 54-2438). The Department implements the Livestock Waste Management Act through our Livestock Waste Control Program (LWC). The Department is pleased to provide the Appropriations Committee with a report on the activities of the agency's Livestock Waste Control Program during state fiscal year 2025.

Overview

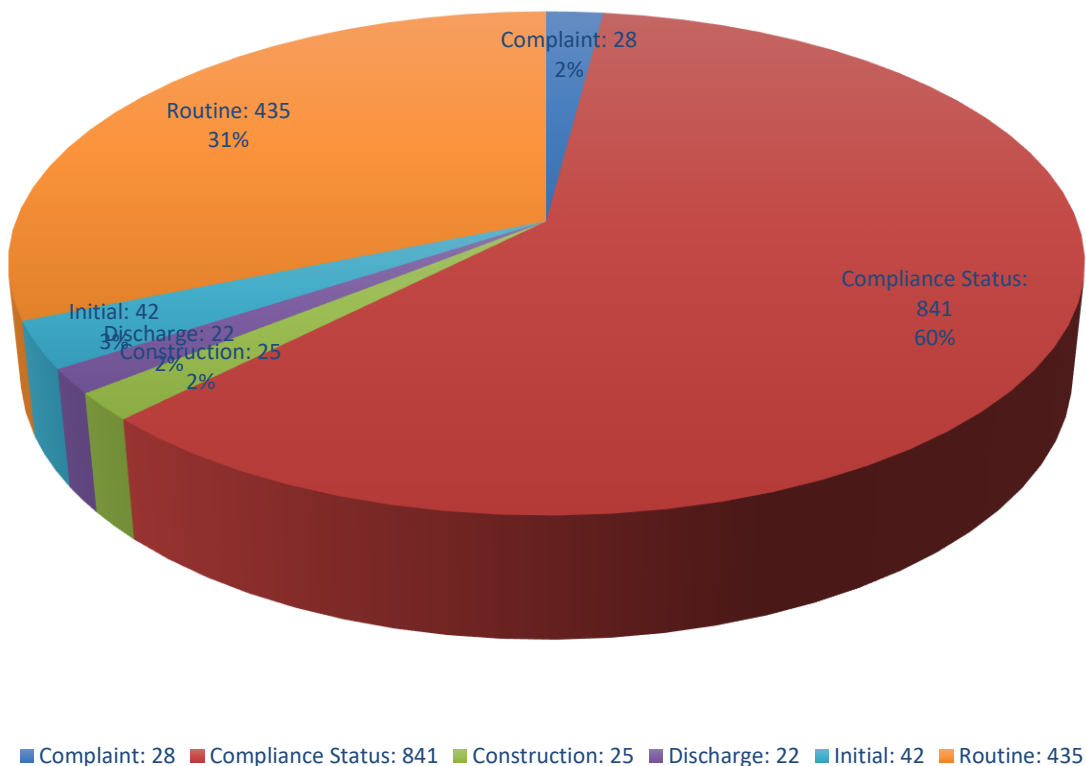
The Livestock Waste Control Program is charged with the overall responsibility to protect Nebraska's surface water and groundwater from discharge of livestock waste from any of the thousands of Animal Feeding Operations (AFOs) in Nebraska.

To accomplish this responsibility, the program administers *Title 130 - Livestock Waste Control Regulations*. The LWC program primarily focuses on the 882 active large Concentrated Animal Feeding Operations (CAFOs) required to have permits, but also works with 2,191 Medium AFOs and over 7,000 active small AFOs. The LWC Program uses inspections, permitting, and periodic monitoring to fulfill this responsibility. The permitting program includes administering the federal National Pollutant Discharge Elimination System (NPDES) program for CAFOs.

Inspections

The LWC Program staff conducted a total of 1,393 livestock waste control inspections and investigations in FY2025 (including complaint and discharge investigations). Chart 1 illustrates the breakdown by type of inspection or investigation. A concerted effort was made during the fiscal year to revisit many medium-sized operations to ensure compliance with Title 130 and the EPA CAFO Rule.

Animal Feeding Operation Inspections FY 2025



A short description of each type of inspection and investigation follows:

Initial Inspection. Before constructing a new operation or expanding an existing operation, all medium and large AFOs – whether or not the operation currently is permitted -- must request an initial inspection by LWC Program staff. The reason for this inspection is to determine if livestock waste control facilities (LWCF) must be constructed, expanded, or modified to prevent a discharge and to properly manage the livestock waste generated by the operation.

Post Construction Inspection. Upon completion of any required construction of a LWCF, program staff conduct a post-construction inspection to verify the LWCF was constructed as approved by the Department.

Routine Inspections. Once a CAFO or an AFO has received a permit, and the Department has approved operation of the LWCF, program staff will conduct periodic, routine inspections to monitor operation of the livestock waste control facilities, management of the operation's livestock waste, and the records these CAFOs and AFOs are required to maintain. Routine inspections are regularly scheduled inspections of an AFO, involving a detailed, extensive inspection of the LWCF, recordkeeping, and waste management at the operation.

Discharge Investigations. Discharge investigations are conducted when discharges of livestock waste from livestock waste control facilities are reported. Sometimes these discharges are not recorded as complaints because the AFO does self-reporting, as required by the regulations.

Complaint Investigations. When a complaint is received, LWC Program staff will investigate the complaint and may conduct an on-site complaint investigation.

Compliance Status. Generally conducted to verify the AFO's operating status or level of compliance with a specific requirement; these inspections are usually less urgent, non-emergency situations.

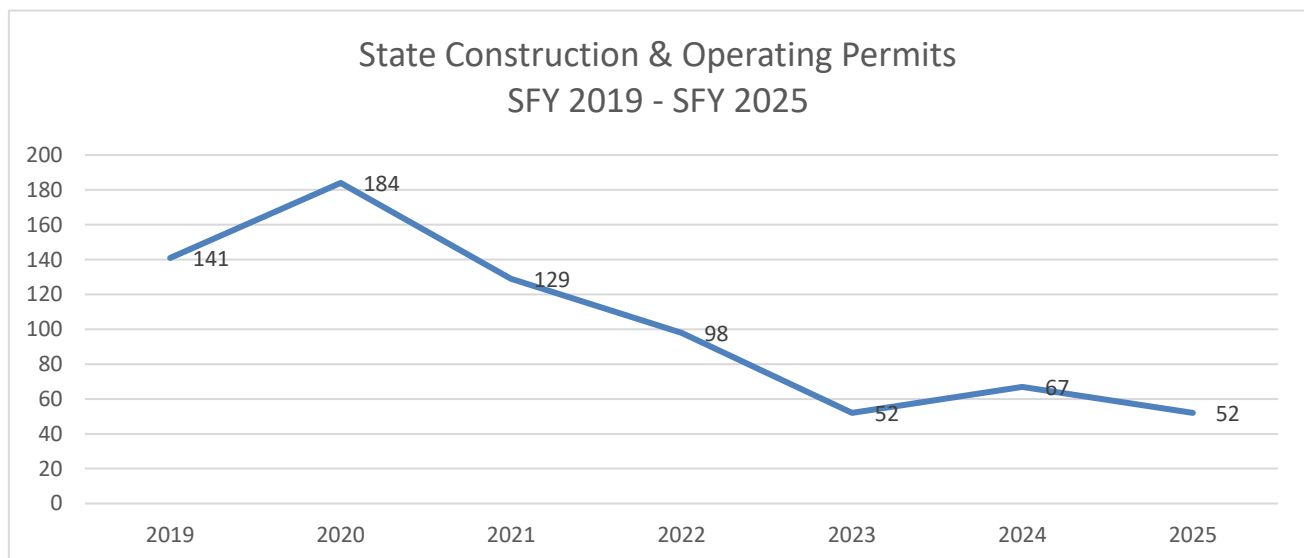
State Permitting

After conducting an initial inspection, the Department may require the AFO to submit an application for a Construction and Operating Permit if there is a potential to discharge to waters of the State. The Construction and Operating Permit is the state permitting process for livestock waste control facilities. A state permit is required prior to construction of livestock waste control facilities at AFOs.

The Department received a total of 48 permit applications and issued 52 permits during FY2025, as shown in the table below.

Table 1: State Construction and Operating Permits – FY2025		
Type of Application or Permit	Applications Received	Permits Issued
New permits	6	11
Modified permits	25	29
Transfer permits	17	12
TOTAL	48	52

The values in Table 1 detail the breakdown of state Construction and Operating Permits. Chart 2 below shows the total number of state permits issued annually for livestock waste control facilities



Once a permitted AFO has completed its construction project, the Department conducts a post-construction inspection. If the post-construction inspection shows the construction was completed as approved, the Department notifies the AFO that operation of the new livestock waste control facility may begin operation.

National Pollutant Discharge Elimination System (NPDES) Permit

The NPDES permit program addresses water pollution by regulating point sources that have the potential to discharge pollutants to waters of the State. An Animal Feeding Operations (AFO) are considered point source of water pollution if it meets the definition of a CAFO. CAFOs are required to obtain NPDES coverage. The program oversees the NPDES permitting process for livestock, issuing coverage under individual NPDES permits to CAFOs, as well as coverage under a NPDES General Permit. These permits expire every five years, and permittees are required to submit a reissuance application to continue NPDES permit coverage.

Table 2 below summarizes the number of NPDES applications received and permits issued for livestock waste control facilities in FY2025.

Table 2: NPDES PERMITS – FY2025		
Type of NPDES Application/Permit	Applications Received	Permits Issued
GENERAL PERMIT FOR CAFOs CONFINING CATTLE		
New Coverage	16	23
Modified or Transferred	9	11
Reissued	109	118
RSubTOTAL GENERAL PERMIT:	134	152
NPDES PERMITS – FY2025		
INDIVIDUAL PERMITS		
New Coverage	0	0
Modified or Transferred	0	1
Reissued	2	2
SUBTOTAL INDIVIDUAL PERMIT:	2	3
NPDES TOTALS:	136	155

Fees

The annual fee is assessed on all permitted large CAFOs and all CAFOs covered under an NPDES permit. The fee is determined based upon the number of head of livestock for which the operation has a permit. The fees provide 20% of the Department's costs to administer the livestock waste control program, as required by statute. The fee for FY2025 remained unchanged from FY2024. The Department received \$316,887 in annual permit fees. In addition, the Department received \$19,750 in initial inspection fees, \$29,728 in permit application fees, and \$1,550 in late payment fees, and \$11,584 in investment income for a total of \$379,499 in fees.

Table 3 below lists the size categories for AFOs, as well as the rate, by species, of the annual permit fee for FY2025. The fee amount is based on the operation's permitted capacity. The program seldom works with operations in the Small AFO category (those with less than the minimum number of head listed for a Medium AFO) because these operations usually are exempt from the inspection and permitting requirements by statute.

Table 3: Animal Feeding Operations (AFO) Categories and Annual Permit Fee Rates			
SPECIES	LARGE	MEDIUM	ANNUAL FEE RATE
Cattle/Calves/ Heifers	≥ 1,000	300 - 999	\$0.05 per head
Dairy Cows	≥ 700	200 - 699	\$0.075 per head
Swine – 55 lbs. or more	≥ 2,500	750 - 2,499	\$2.00 per 100 *
Swine – Weaned or Nursery Pigs	≥ 10,000	3,000 - 9,999	\$0.50 per 100 *
Chickens – Laying Hens, Broilers: Liquid Manure System	≥ 30,000	9,000 - 29,999	\$1.50 per 1,000 *
Chickens – Laying Hens: Dry System	≥ 82,000	25,000 - 81,999	\$0.50 per 1,000 *
Chickens – except Laying Hens: Dry System	≥ 125,000	37,500 - 124,999	\$0.50 per 1,000 *
Turkeys	≥ 55,000	16,500 - 54,999	\$1.00 per 1,000 *
Horses	≥ 500	150 - 499	\$0.10 per head
Sheep/Lambs	≥ 10,000	3,000 - 9,999	\$0.50 per 100 *
*NOTE: Or any fraction of the Unit of calculation			

General information about the Livestock Waste Control Program, including applications, fact sheets, forms, guidance documents, copies of each of the NPDES General Permits, Title 130 regulations, and public notices of permit issuance or denial, can all be found on the Department's website at: <https://dwee.nebraska.gov>.

Online Applications

LWC Program held a event intended to identify areas where additional effort would improve overall operations. A key outcome of the event is the online submittal of permit applications. Department personnel have been working with information technology professionals designing an online portal for the submittal of construction and operating permit applications. The program is convinced that a more streamlined processing of applications for businesses will still be protective of water quality. The new system began to be used in FY2021.

Water Quality Monitoring - Groundwater

The Groundwater Section of the Drinking Water and Groundwater Division has been reviewing plans for livestock waste control facilities since October 1997 to determine the need for groundwater monitoring. Groundwater Section staff prepare a review for each animal feeding operation using site-specific information to determine the potential for groundwater pollution by the livestock waste control facility. The review considers numerous factors, including:

1. Distance between groundwater and the bottom of the livestock waste control facility;
2. Direction of groundwater flow;
3. Type of soils and sediments in the unsaturated zone; and
4. Whether the groundwater is used as drinking water near the livestock waste control facility.

If the Department determines that groundwater monitoring is needed, the operation is required to prepare a groundwater monitoring plan, with details on monitoring well placement, construction, and groundwater sampling techniques. The plan must be approved by the Department before being implemented. Groundwater is tested for nitrate as nitrogen, ammonia as nitrogen, and chloride, as well as measurement of the depth to groundwater. Samples are required to be collected twice a year – spring and fall -- with results submitted to the Department within 45 days of sampling.

LIVESTOCK PROGRAM STATISTICS FOR FY2025

Inspections – FY2025

Initial Inspections	42
Post-Construction Inspections	25
Routine (scheduled) Inspections	435
Compliance Status Inspections	841
Discharge Investigations	22
Complaint Investigations	28
Total Inspections & Investigations	1,393

Construction & Operating Permits – FY2025

New Construction & Operating Permit Applications	6
Modification & Transferred Applications	42
Total Applications Received	48
New Construction & Operating Permits Issued	11
Modification & Transferred Permit Issued	41
Total Permits Issued	52

NPDES Permits – FY2025

New General Permit Coverage Applications	16
Modification & Transferred General Permit Applications	9
Reissuance of General Permit Coverage Applications	109
Total General Permit Coverage Permits Issued	152
New Individual NPDES Permit Applications	0
Modification & Transferred Individual Permit Applications	0
Reissuance of Individual Permit Applications	2
Total Individual Permits Issued	3
Total NPDES Permits Issued	155

Livestock Program Budget & Revenue– FY2025

Total Program Budget	\$1,855,346
Initial Inspection Fees Received	\$19,750
Late Fees Received	\$1,550
Permit Application Fees Received	\$29,728
Annual Fees Received	\$316,887
Investment Income	\$11,584
Total Revenue	\$379,499