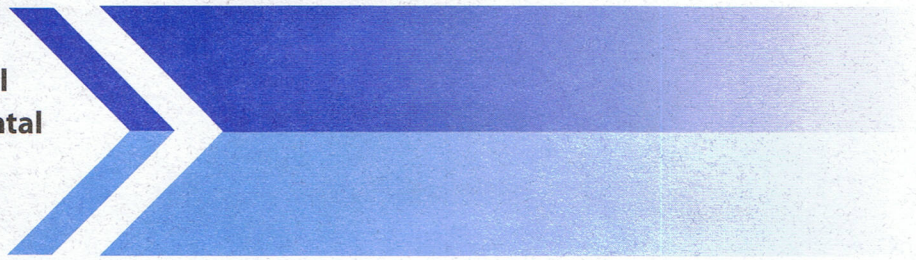


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Records, Records, Records.....

NDEQ will begin sending out notices for the submission of your NPDES annual report and operating fee at the end of the month. These two items are required to be sent back to NDEQ by March 1st, 2010. It is anticipated that the annual operating fee will remain the same as last year.

For those operations that have a Permit to Operate from NDEQ but not an NPDES permit (mostly swine operations) you are not required to submit an annual report but will still need to submit your annual operating fee. This **DOES NOT** exclude the record keeping component of your Permit to Operate. You must still continue to maintain all of your records.

EPA and NDEQ have stepped up their inspection tempo over the past year. From our discussions with both agency's, they have observed records are the most neglected part of the operation. For the most part they have issued warnings and sometimes follow up inspections to those parties whose records are not up to date or incomplete.

Several weeks ago, EPA announced they would be stepping up enforcement on existing CAFO's that are having an impact on water quality. They are also initiating a three year rule making process that could potentially bring more previously exempted AFO's into the same permitting process as those that already have permits. EPA will also be examining the current rules surrounding manure applications and manure transfers. It is possible that some additional regulations maybe put in place that will have an impact on your operation. We'll keep you up to date on any changes.

P-Index's vs. Phosphorus Testing

We have noticed over the past few years there has been some confusion over Phosphorus Indexing and Phosphorus Testing. NDEQ requires a P-Index to be completed every five years for land receiving manure from your facility. A P-Index **IS NOT** the same as having your soil tested for Phosphorus. Soil tests for Phosphorus are a component of the P-Index but are not the same thing. NDEQ requires a completed P-Index for all of your application ground that receives manure. Not having a completed and up to date P-Index is a violation of your permit and should be addressed as soon as possible.

If you sell your manure **AND** the land that it is being applied to is **NOT** part of your nutrient management plan then it is the land owners/operators responsibility to keep application records. Application ground that is in your NMP and receives manure, regardless if you sell it, your operation is responsible for the record keeping.

<OVER>



2009 Air Reporting

About a year ago most operations over 1000 AU's were required to report continuous emissions from their facility to both DEQ and their local Emergency Response Planner. It is thought that unless your operation has changed, this should be a one time report. However, because of a conflict between two laws, that assumption is unclear at this time. NPPC and NCBA have asked for clarification to EPA but have not received a response from EPA yet.

If your operation has changed, such as adding more animal or sites, you should contact DEQ and the local Emergency Response Planner and inform them of the changes. You will also need to follow this up with the written forms to both agencies. If your operation has not changed it is up to you if you want to report again or not. Until EPA clears this issue up, you may want to err on the side of caution and contact each agency again.

2010 Air Reporting

You are probably asking yourself why Air Reporting is being discussed twice. The reason is the previous paragraphs were about the air emissions reports that you made last year. 2010 Air reporting is about a **NEW** EPA reporting requirement for Greenhouse Gas (GHG) emissions. These requirements are for each facility you operate and not a cumulative amount. Below is a table illustrating the average size of an operation that would need to report.

Species	Ave. Animal Head Count
Beef	29,300
Dairy	3,200
Swine	34,100
Poultry-Layers	723,600
Poultry-Broilers	38,160,000
Turkeys	7,710,000

Note These are only estimates because environmental factors play a role in total GHG emissions.

If your operation is emitting more than 25,000 metric tons of GHG you may be required to report your estimated quantity of GHG. The law requires you to begin your calculations January 1st, 2010 with the first report due March of 2010. However, due to budgetary issues EPA has halted the implementation of this program. At this time you do not need to submit any emissions reports. If the money becomes available it is expected EPA will start collecting this data and it will require data dating back to January 2010. As you can tell Air Quality is becoming increasingly scrutinized by the public and governmental agency's.

Manure Management Training

Do not forget that every 5 years you must renew your Land Application Training. At least one person in your operation must have a valid permit. For a new permit or recertification you can participate in UNL's training on February 24. Contact Leslie Johnson with UNL for more information (402)584-3818.