

## **PROCEDURE FOR STORAGE AND LAND APPLICATION OF SLUDGE AND RELATED MATERIALS**

### **REQUIREMENT**

No person shall store or land apply sludge or related materials without first obtaining a Special Use Permit, consistent with the provisions of this regulation from the County Board of Commissioners.

### **DEFINITIONS**

For the purpose of this regulation only, the word “sludge” shall include sludge and related materials.

Paunch Manure shall mean partially digested material from an animal at the time of slaughter.

Related Materials shall mean paunch manure, untreated screenings from a sewage treatment system and any other waste materials having characteristics and effects similar to that produced by a sewage treatment system.

Sludge shall mean solids, semi-solids, or liquid residue removed from sewage during wastewater treatment. Sewage sludge includes, but is not limited to, domestic septage, scum or solids removed in primary, secondary or advanced wastewater treatment processes, and material derived from sewage sludge.

Storage shall mean the temporary holding or leaving of a material in a location or position other than where it will ultimately reside or be used.

### **APPLICATION**

Any person who is proposing to land apply sludge shall submit an application for Special Use Permit to the Douglas County Planning Commission, according to the procedures set forth for Special Use Permit applications (please refer to Article 13.04, Special Use Permit Procedures of the Zoning Regulations), and also according to the following procedures:

1. The application shall include, but not be limited to the following:
  - a. Legal description of the application and/or storage site.
  - b. Names, address, and phone number of the owner or owners of the application and/or storage site
  - c. Name, address, and phone number of the person who will be applying and/or storing the sludge
  - d. Aerial map of the application and storage site (s) which shall include:

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1. The locations and names of neighboring homesites or farmstead owners within one mile of the application and/or storage site and adjacent land owned by others.
  2. The locations of wells within 1000 feet of the application site boundary.
  3. The specific location (s) of proposed storage site (s).
  4. The location and names of watercourses or wetlands within 1000 feet.
  5. Depth to underlying ground water.
- e. List of surrounding landowners within one mile of the application and/or storage site prepared by a Title Company, licensed engineer or surveyor, or attorney.
  - f. A description of the method of storage of sludge at the application site including methods to be used during periods of unfavorable weather and soil conditions.
  - g. The current and future use of the proposed application site.
  - h. The type of vehicles or facilities used to transport the sludge to the application site.
  - i. A description of the method of application of the sludge including methods to be used during periods of unfavorable weather and soil conditions.
  - j. Quantity of sludge to be applied
  - k. A description of the method of incorporation of sludge into the soil, if required.
  - l. Soil samples for the purposes of a composite analysis shall be taken at a minimum of one composite sample for every five acres. Composite samples shall be analyzed for the following:
    1. pH
    2. Soil Cation Exchange Capacity
    3. Nitrate/Nitrogen
    4. Phosphorus
    5. Potassium
    6. Magnesium
    7. Calcium
    8. Organic Matter

Additional testing specific to heavy metals and/or water table elevation may also be required based on specific environmental conditions of the application site as determined by the Douglas County Health Department.

The applicant shall collect the soil samples from the site and submit them to an approved testing laboratory. Testing costs shall be paid by the applicant. Soil samples shall be submitted before application of sludge.

2. Any person to whom a permit is granted for the storage and/or application of sludge shall observe the following regulations. The following regulations shall govern the storage and/or application of sludge in Douglas County and any failure to fully comply

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with these regulations shall be sufficient grounds for suspension or revocation of the permit granted.

- a. Sludge shall not be applied:
    1. within 250 feet of an inhabited dwelling, business or facility, or land frequented by the public such as parks or recreation areas without written permission (an exception may be allowed from the owner or renter's dwelling that is doing the land application.
    2. within 1000 feet of a municipal water supply well
    3. within 40 feet of livestock wells, streams, ponds, waterways, or wetlands
    4. within 250 feet of a domestic water supply
    5. in areas where ponding is occurring
  - b. Edible root vegetables shall not be grown in sludge conditioned soil.
  - c. Dairy cattle should not graze on pastureland for at least two months after sludge application. Other animals should not graze for at least two weeks.
  - d. Green-chop forage should not be fed to milk cows for two months or to other animals for at least two weeks after sludge application.
  - e. The storage and/or application of sludge shall comply with the guidelines of the Douglas County Health Department, Nebraska Department of Environmental Quality and the United States Environmental Protection Agency as described in U.S. EPA 40 CFR Part 503.
  - f. Storage of sludge shall not be located within 1000 feet of an incorporated city, village, or town, inhabited residence, business, facility, schools, park or recreation area frequented by the public, unless otherwise permitted by the Douglas County Board of Commissioners.
  - g. Sludge shall be applied at a rate as set forth in U.S. EPA 40 CFR Part 503 and as approved by the Douglas County Health Department. Sludge shall be applied at the agronomic rate for nitrogen less the soil nitrate reserves.
3. Special Use Permits will be in effect for five (5) years from the date of approval by the Douglas County Board of Commissioners. The application to land and storage of sludge may be monitored by the Douglas County Health Department through inspections and/or laboratory analysis of the sludge once after each application. The permit holder shall pay the costs of the analysis. Non-compliance with any requirement or conditions, which may be dangerous to the public health, shall be sufficient ground to revoke the Special Use Permit. Revocation of the Special Use Permit may be accomplished by the Douglas County Board of Commissioners. Upon such revocation, removal, or proper disposal of the sludge shall be completed within a reasonable period of time, as specified by the Douglas County Planning Commission and Douglas County Board of Commissioners

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### **CRITERIA FOR SUSPENDING, REVOKING, OR DENYING A SPECIAL USE PERMIT FOR SLUDGE APPLICATION**

1. Violation of any terms or conditions of the permit.
2. Obtaining a permit by misrepresentation of any relevant facts or failure to disclose fully all relevant facts.
3. A change in ownership or control of any activity or operation which has a permit.
4. An application for a permit may be denied because of previous performance that was unsatisfactory.
5. Upon non-compliance of any requirements or conditions, which may be dangerous to the public health, the Douglas County Health Department shall recommend revocation of the permit to the Douglas County Board of Commissioners.

### **SEVERABILITY**

If any section, clause, provision, or part or portion of any section, clause or provision of this regulation or the application thereof to any person or circumstance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or application of any other section, clause, provision or part or portion of this regulation.

### **PENALTY FOR VIOLATIONS**

Any person who violates any of the provisions of the Regulation shall be guilty according to Nebraska Revised Statutes Sec. 23-174 and are considered a misdemeanor. Each day such violation continues after notice of violation has been given to the offender may be considered a separate offense.