

SPECIAL USE PERMIT

This Special Use Permit granted to BRUCE AND THERESA STUART for an extension of feedlot operation at 43560 Road 756, Lexington, Nebraska. The terms and conditions of the special use permit are as follows:

1. The feedlot operation shall be limited to 2,500 head of cattle on feed at any given time.
2. The feedlot operation shall be operated in compliance with the State of Nebraska Department of Environmental Quality Construction and Operating Permit dated September 26, 2012, attached hereto as Exhibit "A", the terms of which permit are incorporated herein and made a part hereof by reference.
3. This special use permit shall be deemed to run with the land, and be transferable to subsequent owners of the real estate described as the NW 1/4, Section 3, Township 9N, Range 21W, Dawson County, Nebraska, provided, that this special use permit shall be voidable and not be transferable if the Lexington City Council shall determine, after notice and hearing, that the permit holder has failed to correct a material violation of the terms of this special use permit.

The undersigned hereby agrees to the terms of the Special Use Permit as stated herein.

Date

Bruce Stuart

Theresa Stuart

Passed and approved on _____, 2012, by Lexington City Council.

Mayor

ATTEST:

City Clerk



Dave Heineman
Governor

STATE OF NEBRASKA

DEPARTMENT OF ENVIRONMENTAL QUALITY
Michael J. Linder
Director

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1200 'N' Street
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Lincoln, Nebraska 68509-8922
Phone (402) 471-2186
FAX (402) 471-2909
website: www.deq.state.ne.us

SEP 26 2012

CONSTRUCTION AND OPERATING PERMIT

Stuart Cattle Co., Inc. Concentrated Animal Feeding Operation (IIS No: 61984)

Legal Description: NW ¼, Section 3, Township 9N, Range 21W, Dawson County

Stuart Cattle Co., Inc. Concentrated Animal Feeding Operation is issued this Construction and Operating Permit with the following terms and conditions:

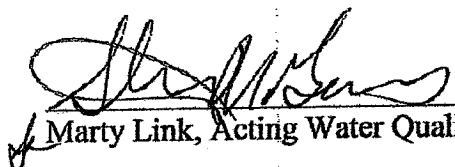
- 1) This Construction and Operating Permit covers those facilities in the application approved on September 20, 2012 by the Nebraska Department of Environmental Quality (Department) and any subsequently approved addendums. This permit supersedes the Construction Approval issued on March 7, 1972, Operating Permit issued on September 27, 1972, and exemption letter issued on January 29, 2001. This Construction and Operating Permit is issued for the maximum number of livestock and number of livestock waste control facilities as listed below.

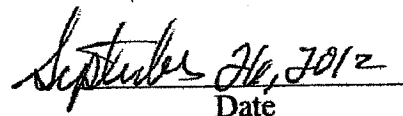
Type of Livestock	Maximum Capacity (# of head)	Existing or Proposed?
Feeder Cattle	1,600	Existing
Feeder Cattle	900	Proposed

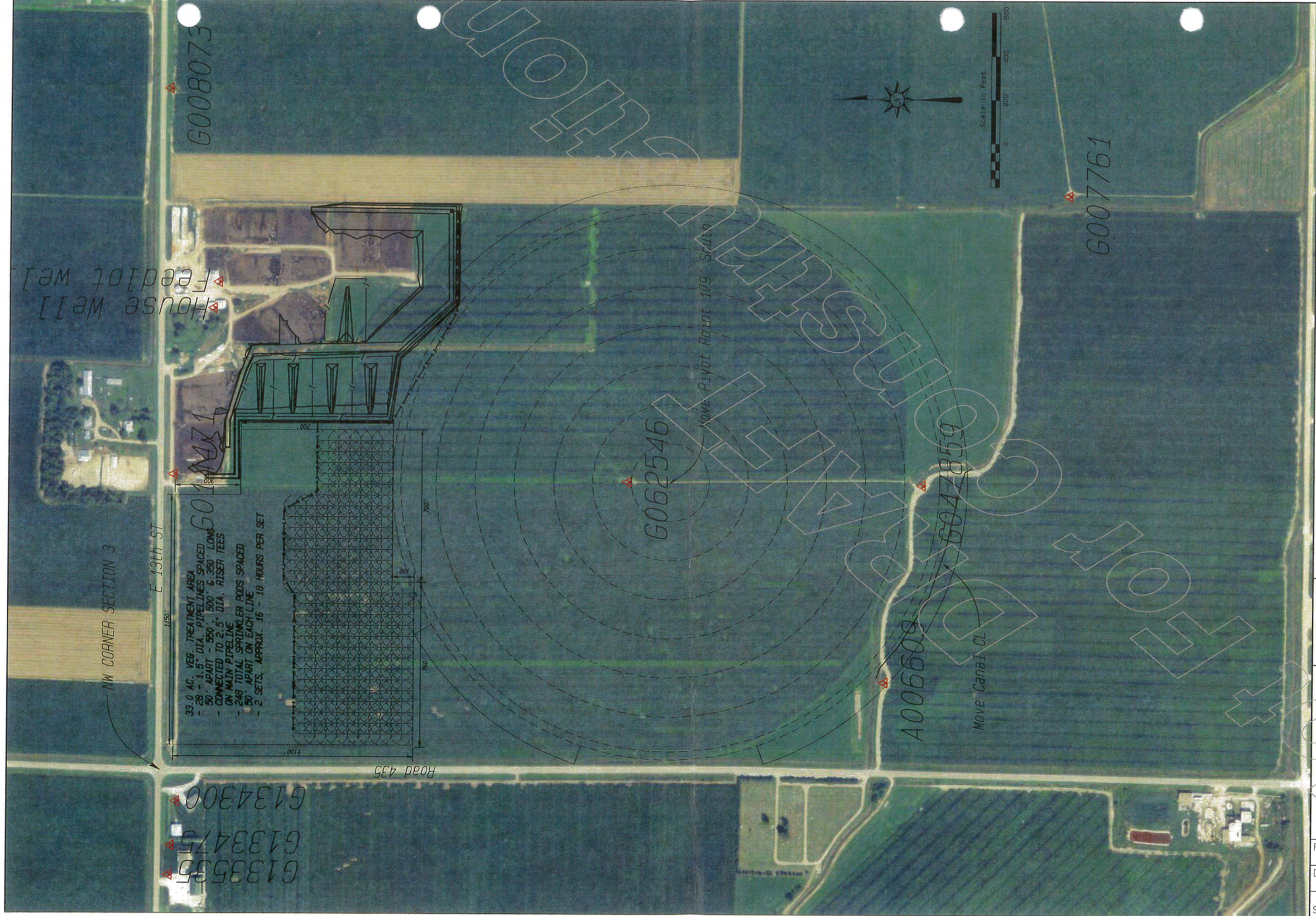
Types of LWCF	Number of LWCF	Existing or Proposed?
Debris Basin	1	Proposed
Lift Station	1	Proposed
Vegetative Treatment Area	1	Proposed

- 2) Construction shall be completed by June 1, 2013.
- 3) Upon completion of construction, the Permittee shall file the attached Certification of Completion form with the Department. The LWCF shall not be operated until written approval is received from the Department.
- 4) Upon completion of construction, the permittee shall verify the percolation rate for all earthen liners, and provide watertight seam testing results on flexible membrane liners.
- 5) Based on a site-specific review, a groundwater monitoring plan, with onsite monitoring wells (see attached guidelines) is required to be submitted prior to **January 1, 2012** for the Department's review and approval. An approved groundwater monitoring plan must be implemented upon completion of construction of the LWCF.

- 6) The permittee, authorized representative, or an employee of the operation is required to obtain land application training within 180 days of receiving permit coverage, unless such training was satisfactorily completed within the past five (5) years by at least one of the persons required to obtain the training. Additional training must be completed every five years.
- 7) Permittee shall allow the Department access, at any reasonable time, to the operation, livestock waste control facilities, groundwater monitoring wells, and any records required under Title 130, "Livestock Waste Control Regulations," and this permit.
- 8) Permittee shall obtain approval from the Department prior to making any modifications or changes to the design or operation of the LWCF.
- 9) The operation and LWCF shall be operated in compliance with the approved application, this permit, Title 130 regulations, and the laws of the State of Nebraska. This permit may be revoked, modified, or suspended as provided for in Title 130 regulations.
- 10) The following items of the nutrient management plan in the application approved on September 20, 2012 are terms of this permit:
 - a. Adequate storage of manure, litter and process wastewater, including procedures to ensure proper operation and maintenance of the storage facilities.
 - b. Proper management of mortalities to ensure that they are not disposed of in a liquid manure, storm water, or process wastewater storage or treatment system that is not specifically designed to treat animal mortalities.
 - c. Clean water is diverted, as appropriate, from the production area.
 - d. Prevent direct contact of confined animals with waters of the State.
 - e. Chemicals and other contaminants handled onsite are not disposed of in any manure, litter, process wastewater, or storm water storage or treatment system unless specifically designed to treat such chemicals and other contaminants.
 - f. Site-specific conservation practices to be implemented, including as appropriate buffers or equivalent practices, to control runoff of pollutants to waters of the State.
 - g. Protocols for appropriate testing of manure, litter process wastewater, and soil.
 - h. Protocols to land apply manure, litter or process wastewater in accordance with site specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter or process waste water using either a narrative rate or linear approach.
 - i. Specific records that will be maintained to document the implementation and management of the elements described above.


Marty Link, Acting Water Quality Division Administrator


Date



House Well
Feedlot Well

NW CORNER SECTION 3

E 13th ST

- 33.0 AC. VEG. TREATMENT AREA
- 28 - 1.5" DIA. PIPELINES SPACED 50' APART - 550' x 500' & 350' LONG
- CONNECTED TO 2.5" DIA. RISER TEES ON MAIN PIPELINE
- 248 TOTAL SPRINKLER PODS SPACED 50' APART ON EACH LINE
- 2 SETS, APPROX. 16 - 18 HOURS PER SET

G008073

G133535
G133475
G134300

G062546

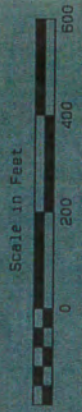
Move Pivot Point 179' South


A006609

Move Canal CL

G047859

G007761



 Natural Resources Conservation Service	File No.	PHOTO AREA PLAN VIEW	Designed	REEDY	Date	11/21/11
	Drawing No.	STUART CATTLE CO., INC. LWCF	Drawn	REEDY	Checked	REEDY
	Sheet 6 of 13	DAWSON COUNTY, NEBRASKA	Checked	CHECKER	Approved	CHECKED
				Approved	APPROVER	APPROVED