

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER GRANTING EXTENSION OF TIME TO COMPLETE CONSTRUCTION OF PLAN P-19206

BACKGROUND

1. The plan, P-19206, is for Heine Farms Holding Pond No 4 Dam, a proposed livestock waste control dam subject to the *Safety of Dams and Reservoirs Act*. The dam will be located in the SE1/4 of Section 17, Township 33 North, Range 01 East of the 6<sup>th</sup> P.M. in Cedar County.
2. Heine Farms Feedyard, LLC, 55979 897<sup>th</sup> Road, Fordyce, Nebraska 68736, will own the waste lagoon and dam.
3. On June 24, 2015, plan P-19206 was approved with the condition that construction be completed by November 1, 2016.
4. On October 13, 2016, Steve K. Westerbuhr, P.E., of Settje Agri-Services and Engineering Inc., on behalf of Heine Farms Feedyard, LLC, filed a request to extend the construction deadline for plan P-19206 to November 1, 2018.

ORDER

It is therefore ORDERED:

1. The request for extension of time to complete construction of plan P-19206 is hereby APPROVED.
2. The date by which construction of plan P-19206 shall be completed is extended to November 1, 2018.
3. All limitations and other conditions in the June 24, 2015, Order approving plan P-19206 remain in effect.
4. Upon completion of the construction, the owner shall file with the Department the enclosed "Construction Certification Form for Dams." Following receipt of this form, an approval to operate will be issued by the Department if it determines that the dam is safe to impound within the limitations outlined in this Order.

ADDITIONAL INFORMATION

Failure to comply with all laws and regulations pertaining to any orders issued by the Director of the Department of Natural Resources may result in administrative penalty, criminal prosecution, or any combination thereof.

DEPARTMENT OF NATURAL RESOURCES



Gordon W. Fassett, P.E., Director

November 15, 2016

The applicant and any person with sufficient legal interest who has been or may be substantially affected by this approval may request a contested case hearing in accordance with the *Neb. Admin. Procedures Act* §§ 84-901 et. seq. RRS and the Department's *Rules of Practice and Procedure* 454 *Neb. Admin. Code* Chapter 7. The request must be received by the Department at its Lincoln office (Nebraska State Office Building, 4<sup>th</sup> Floor, 301 Centennial Mall South, P.O. Box 94676, Lincoln, Nebraska 68509-4676) within 30 days of the date of the Order and be accompanied by a filing fee of \$10.

A copy of this Order was posted on the Department's website. Copies of this Order and a "Construction Certification Form for Dams" were mailed on November 15, 2016, to Heine Farms Feedyard, LLC, 55979 897<sup>th</sup> Road, Fordyce, Nebraska 68736, and Steve K. Westerbuhr, P.E., Settje Agri-Services and Engineering, Inc., 4700 W. Rock Creek Road, Raymond, Nebraska 68428. A copy of this Order was provided to the Department's field office in Norfolk, Nebraska. A copy of this Order was mailed to the Lewis and Clark Natural Resources District, P.O. Box 518, Hartington, Nebraska 68739, and River Hwang, P.E., Nebraska Department of Environmental Quality, INTERAGENCY, 1200 N Street, Suite 400, P.O. Box 98922, Lincoln, Nebraska 68509-8922.