

REPORT OF CONCENTRATED ANIMAL FEEDING OPERATION INSPECTION

AT

Sebade Land and Cattle LLC.
1698 B Avenue
Emerson, Nebraska 68733
NE0135712

On

August 15, 2023

BY

U.S. ENVIRONMENTAL PROTECTION AGENCY
Region VII
Enforcement and Compliance Assurance Division

1.0 INTRODUCTION

At the request of the Enforcement and Compliance Assurance Division, Water Branch of the Environmental Protection Agency (EPA), a Concentrated Animal Feeding Operation (CAFO) inspection was performed at the Sebade Land and Cattle LLC. facility on August 15, 2023. This inspection was performed pursuant to Section 308(a) of the Federal Water Pollution Control Act, as amended. This narrative report and attachments present the findings and observations made during the inspection.

2.0 PARTICIPANTS

Sebade Land and Cattle LLC.
Brent Sebade, Co-Owner/Operator
Joshua Sebade, Manager

Nutrient Advisors
Andy Scholting, President
Joey Geisler, Client Account Manager

Nebraska Department of Environment and Energy (NDEE)
Jasmine Wilson, Environmental Specialist
Derek Schierter, Environmental Specialist III

U.S. Environmental Protection Agency (EPA)
Adam Hendrickson, Physical Scientist (913) 551-7253 (Lead Inspector)
Rickey Roberts, Life Scientist (913) 551-7615

3.0 INSPECTION PROCEDURES

I contacted Mr. Brent Sebade on Monday, August 14, 2023, to set up an inspection at the Sebade Land and Cattle LLC. facility near Emerson, NE. I proposed to meet at the facility at 1:00 p.m. the following day. Mr. Sebade stated that he would be available at the facility for the inspection. I informed Mr. Sebade I would be following the EPA Region VII bio-security protocol. I also informed Mr. Sebade that I would be performing a complete CAFO inspection, which would consist of a visual inspection of the facility and review of any records being maintained at the facility.

Prior to performing the inspection, Mr. Roberts and I conducted a visual reconnaissance of the facility, searching for areas of concern observable from the county roads such as discharges, drainage patterns, flow directions, distance and direction of nearest perennial waters, visual condition of perennial waters, facility location, and layout.

Mr. Derek Schreiter and Ms. Jasmine Wilson (NDEE), Mr. Rickey Roberts (EPA), and I arrived at the facility at approximately 1:00 p.m. on August 15, 2023. At the facility we met with Mr. Brent Sebade (Owner/Operator) and Mr. Joshua Sebade (Manager) from the facility, along with Mr. Andy Scholting and Mr. Joey Giesler from Nutrient Advisors. I presented my credentials then started the entry briefing. I explained the purpose of the inspection and the procedures I would follow during the inspection. I then made Mr. Brent Sebade aware of his confidentiality rights and informed them that a Confidentiality Notice, which he reviewed, would be provided at the end of the inspection to make any claims. I also informed Mr. Brent Sebade of U.S. Federal Code 1001 and 1002 pertaining to false statements and documents.

I explained to Messrs. Sebade that I would be conducting a CAFO inspection under the authority of Section 308(a) of the Federal Water Pollution Control Act to evaluate their compliance status with the requirements of the CWA, and with their National Pollutant Discharge Elimination System Permit (NPDES) # NE0135712, issued September 30, 2019, which expires September 29, 2024 (attachment 5). I explained that the inspection would consist of a review of facility operations, required records, waste generation and management practices, and a visual inspection of the facility.

I conducted this inspection in accordance with the procedures described herein and the following EPA Region VII Standard Operating Procedures (SOPs), unless otherwise noted:

<u>SOP No.</u>	
2332.09	Bio-Security Procedures for Conducting NPDES Compliance Evaluations at Animal Feeding Operations
2332.08	Clean Water Act Concentrated Animal Feeding Operation Inspection Program

I completed my inspection and summarized the findings and recommendations with Messrs. Sebade and Scholting. During the exit briefing, Mr. Brent Sebade acknowledged receipt of the Confidentiality Notice, which he signed indicating no confidential business information had been provided during the inspection (attachment 1). Mr. Brent Sebade also reviewed and signed the receipt for Documents and Samples (attachment 2). No samples were taken during the inspection, and no Notice of Preliminary Findings (NOPF) was issued during the inspection.

Seventeen photographs were taken of the facility operations and are included in the photo log (attachment 3). Maps of the facility are included as attachment 4. A Global Positioning System (GPS) reading was taken with the photographs.

4.0 FACILITY DESCRIPTION

4.1 Facility Operations

Sebade Farms is located approximately one mile southeast of Emerson, Nebraska at 1698 B Avenue, Emerson, NE 68753. The legal description of the facility is NE ¼ of Section 3, Township 26N, Range 6E of Thurston County. Sebade Farms' feedlot facility is within the boundaries of the Winnebago Tribal Reservation. Mr. Brent Sebade stated that he and his brother Rick formed a partnership in 1995 that owned Sebade Farms and now it is owned by Brent and Brenda Sebade.

The feedlot facility consists of approximately twenty-three feeding open lots, one sick pen, receiving/shipping and working open lot, a baled corn stalk storage area, and two feedstock commodity storage areas. Sebade Farms currently utilizes six solids settling basins (SSBs) and two holding ponds to collect facility run-off. The facility has started construction on a new expansion pen site to cover an additional 16.5 acres to the east of the current facility. The facility utilizes two center pivot irrigation systems on approximately 213 acres of land to manage the liquid levels in the livestock holding ponds. Sebade Farm's August 30, 2019, NPDES permit covers approximately 2109 acres for the land application of process wastewater and manure solids.

The facility is divided into two separate drainage areas. The East Drainage Area includes fourteen open lots/pens, feedstock commodity storage area, manure storage area, SSBs 4 and 6, and the South Holding Pond (photos 6-8, 11-12). The East Drainage Area includes 21.33 acres in the feedlot area and 14.27 acres of contributing drainage area which totals 35.6 acres. The eastern drainage area drains into the east holding pond which has a total capacity of 30.1 acre feet.

The West Drainage Area includes the remaining nine open lots and the western portion of open lot 12. This drainage area contains SSB 1, 2, 3, and 5, a feed commodity storage area, 12.95 acres of open pens, and 11.05 acres of contributing drainage which totals 24 acres into the west holding pond (photos 1-5, 16-17). The west holding pond has a total capacity of approximately 24.4 acre feet. The total feedlot open lot and contributing drainage area is approximately 59 acres.

Mortalities are placed within the drainage footprint of the facility and are picked up on an as-needed basis by a local rendering company.

4.2 CAFO Status

A review of the current EPA NPDES Permit # NE0135712 effective on August 30, 2019, lists the facility at 6,500 head of cattle (attachment 5). At the time of the inspection Mr. Brent Sebade estimated they had approximately 3,983 head of cattle at the facility. A review of the 2023 monthly cattle inventory (attachment 6) and statements by Mr. Brent Sebade revealed that

Sebade Farms has confined at least 4,147 (total) head of cattle for more than 45 days during the last 12-month period. The visual inspection of the pens also revealed no vegetative cover in any of the pens (see photos 1-8, 12, 16-17). As a result of my observations, I determined that Sebade Land and Cattle LLC. meets the definition of large CAFO as it is defined in Title 40 of the Code of Federal Regulations, Part 122.23.

4.3 Regulatory History

The EPA last inspected Sebade Farms on April 10, 2018, and stated that Sebade Farms appears to be operating the livestock waste control facilities (LWCF) in compliance with the NPDES permit issued August 24, 2014.

The NDEE last inspected the facility on May 4, 2021, and the report states that no concerns were observed (attachment 8).

4.4 Facility Expansion

The facility is currently in the process of expanding to include an additional 16.2 acres of open lots (attachment 4). The expansion will increase their maximum capacity from 6,500 to 8,500 head of cattle. The stormwater runoff will be managed by the construction of 3 additional settling basins and one additional holding pond. Under the new permit the old “east holding pond” will be renamed south holding pond, and the new holding pond will be named east holding pond. The new east holding pond (Photos 9-10) will have a total capacity of approximately 29.8 acre feet and have the three new contributing solids settling basins (3a, 3b, and 3c).

5.0 FINDINGS AND OBSERVATIONS

The EPA Region 7 Enforcement and Compliance Assurance Division (ECAD) requested a CAFO inspection to determine if the Sebade Land and Cattle was in compliance with the Clean Water Act (CWA).

In the afternoon of August 15, 2023, Rickey Roberts and I inspected the Sebade Land and Cattle’s facility. The weather conditions at the time of the inspection were partly cloudy, 80°F. I reviewed and discussed with Mr. Sebade the records the facility was required to keep in order to document compliance with the current NPDES permit. Mr. Sebade stated that they perform the visual inspection during the interval required in the NPDES permit. They perform weekly inspections of all runoff diversion structures and devices channeling contaminated storm water to debris basin and holding ponds. Daily inspections are performed on all drinking water lines in the pens, and daily inspections are done of the East and West Holding Ponds. Process wastewater levels in the East and West Holding Ponds are recorded at least weekly as part of the Weekly Precipitation, LWCF Levels, and Pumping Records (attachment 9). The precipitation amounts are also recorded daily. Precipitation records for the 3 quarters of 2023 are also included in attachment 9.

Based on my visual observations during the inspection, it appears that runoff from the open lots is being collected in the LWCF holding ponds located on the south side of B Avenue. The runoff from the east and west feedlots flow through several sedimentation basins. Mr. Brent Sebade stated the East Open Lot’s process wastewater and manure solids flow into SSBs #6 or

#4, then into the East Holding Pond. The West Open Lot's process wastewater and manure solids discharge into SSB #1, #2, #3, or #5. This process wastewater from those SSBs then flows into the West Holding Pond. The non-process related stormwater that falls within the boundaries of the feedlot discharges into the SSBs and holding ponds as described above. Process wastewater from the East and West Holding Ponds is applied to nearby fields with a center pivot irrigation.

I observed corn stalk bales and a feedstock storage area located northeast of the facility near the top of the hill. All bales were stored intact with net wrap, and the feed storage was mostly covered. However, the feedstock did not have any berm to prevent stormwater from running through the feed (photo 15). After the inspection the facility created a berm around the feed storage area (attachment 10). There was also a small temporary storage of feedstock that had a berm on the downhill side but no cover (Photo 14). Mr. Sebade informed us that this was just temporary storage and would be gone within a few days. The unnamed tributary to Middle Creek flows south from B Avenue to southeast of the east diversion ditch, then turns southwest to Middle Creek. During precipitation events where runoff is present, the process wastewater from the above-mentioned feed storage area could potentially discharge south into the drainage ditch and then flow west to the unnamed tributary and then to Middle Creek. I did not observe a discharge from this area at the time of the inspection.

The open lots are scraped on an as needed basis and manure is stored within the LWCF of the feedlot. I did not observe any manure/waste in, or around the ditches, of B Avenue.

During the facility inspection, I asked for and was provided a copy of the facility operation reports from January 2023 to present. During the inspection I also viewed previous operating reports as well as the facility NMP. The previous operation reports appeared to meet the requirements listed in the facility NPDES permit. The most recent facility annual report (attachment 11) indicated the total amount of both solids and liquids applied (or transferred to other individuals) as well as the crop to which they were applied and there were no discharges recorded. The soil test results in the annual reports showed the system was following the protocols and BMPs in their approved NMP.

Based on my visual observations and review of records, it appears that Sebade Farms is recording information as required in the permit.

6.0 Other Regulatory Concerns

Additional information was requested during the exit briefing and can be found in the receipt for documents and samples (attachment 2). See attachment 12 for the completed entry/exit briefing checklist. See attachment 10 for the EPA Stream Nexus Form.

I reviewed all other applicable EPA CAFO requirements, and no other apparent potential violations were noted.

7.0 Summary

It appears that during precipitation events where runoff is present, the LCWF SSBs #1- #6 and the East and West Holding Ponds will collect all process wastewater and manure solids from the

feedyard. The onsite manure storage area will discharge process wastewater to the SSBs and holding pond during precipitation events where runoff is present. The offsite feed storage area has potential to discharge into the unnamed tributary and make its way into Middle Creek. I did not observe a discharge the day of the inspection.

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Adam W. Hendrickson
Physical Scientist
ECAD/WB/DWIS

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Nicole Moran
Chief, Drinking Water and Inspections Section
ECAD/WB/DWIS

ATTACHMENTS:

1. Confidentiality Notice (1 page)
2. Receipt for Documents and Samples (1 page)
3. Photo Log and Photos #1 – 17 (21 pages)
4. Facility Map with proposed expansion (1 page)
5. EPA NPDES Permit # NE 0135712 (20 pages)
6. Sebade Farms 2023 Monthly Cattle Inventory (8 pages)
7. NDEE 2021 Report (4 pages)
8. 2023 Weekly Precipitation, LWCF Levels, and Pumping Records (33 pages)
9. Facility Inspection Response (5 pages)
10. 2022 Annual Report (14 pages)
11. Entry/Exit-Briefing Checklist (1 page)
12. EPA Stream Nexus Sheet (2 Pages)