



Region 6 - Enforcement & Compliance Assurance Division
INSPECTION REPORT

Inspection Date(s):	09/21/22	
Media Program:	Water	
Regulatory Program(s)	CAFO	
Company Name:	Luckey Custom Feedlot, Inc.	
Facility Name:	Luckey Custom Feedlot	
Facility Physical Location:	2242 FM 3176	
(city, state, zip code)	Devine, Texas 78016 (29.080039, -98.904828)	
Mailing address:	PO Box 1150	
(city, state, zip code)	Devine, Texas 78016	
County/Parish:	Frio	
Facility Phone Number	(830) 665-3624	
Facility Contact:	Colby Rodarte	General Manager
	CRodarte@LuckeyFeedlot.com	
FRS Number:	110020833071	
Identification/Permit Number:	TXG920530	
Media Identifier Number:	N/A	
NAICS:	112112	
SIC:	0211	
Personnel participating in inspection:		
Colby Rodarte	Luckey Custom Feedlot	General Manager
Lucas Bomar	EPA/6ECAD-WA	Inspector(lead)
Juan Ibarra	EPA/6ECAD-WA	Inspector
Javier Aguiano	TCEQ Region 13	Inspector
EPA Lead Inspector Signature/Date		11/15/2022
	{Inspector name}	Date
Supervisor Signature/Date		
	{Supervisor name}	Date

Section I – INTRODUCTION

PURPOSE OF THE INSPECTION

EPA Region 6 inspectors Lucas Bomar and Juan Ibarra arrived at Luckey Custom Feedlot at 10:11 a.m. on September 21st, 2022, for an unannounced inspection. We were accompanied by Javier Aguiano from TCEQ R13. We met with the general manager, Mr. Colby Rodarte, at the opening conference. I presented my credentials to Mr. Rodarte and informed him that this was an EPA inspection to determine the facility's compliance status with the requirements of the Clean Water Act (CWA) and the Texas Pollutant Discharge Elimination System (TPDES) Concentrated Animal Feeding Operation (CAFO) regulations stipulated within the facility's CAFO general permit. The scope of the inspection included a compliance evaluation of the facility's site operations, lagoon maintenance, nutrient management plan, and record keeping requirements of their permit. For biosecurity purposes, the inspectors toured the site in Mr. Rodarte's vehicle and wore over-boots.

FACILITY DESCRIPTION

Luckey Custom Feedlot reported that they have a total of 11,032 beef cattle all kept in open lot pens. Cattle are kept on-site 365 days of the year. The pens are scraped annually. Mr. Rodarte said they scrape more often with heavy rainfall. All open lot pens are graded and utilize drainage ditches to direct runoff and manure solids to a clay lined solid settling basin or directly to the retention control structure (RCS). There is a berm around the perimeter of the pens to contain and direct all runoff into the RCS and prevent it from leaving the production area. The dairy has one RCS and two solid settling structures that are part of the Nutrient Management Plan (NMP). Runoff from the production area that does not go directly to the RCS is directed to the solid settling structures. It is then sent via channel ditch or pump to the RCS.

The RCS is clay lined, fully fenced, free from erosion and contains a depth marker. The RCS had at least five feet of freeboard. There is no evidence of any discharges at the time of the inspection. There is not a solids removal schedule, however the RCS was clear of solids. The capacity is 237 acre-feet and is designed to handle the 25-year/24-hour rainfall event of 7.6 inches. This also includes the runoff from Southern Wild Game Holdings, LLC. This shared facility use was approved by TCEQ on 11/07/2014. Capacity certification was done by Mr. Jeffrey Peck, P.E. on 05/08/2008. The clay liner certification was done by Mr. John Mercer, P.E. on 12/31/1993 and has a percolation rate of 6.2×10^{-9} . The most recent 5-year evaluation of the RCS was done by Benjamin Weinheimer, P.E. on 09/06/2018. Both solid settling structures are clay lined and the percolation rate for the two structures is 3.6×10^{-9} .

No wastewater or manure is being land applied. Dewatering equipment is owned but not used. The feedlot does have five land management units (LMU) that can be used for land application. These include: LMU 1, LMU 2, LMU 3, LMU 4, and LMU 6. LMU 1 has 30 acres, LMU 2 has 30 acres, LMU 3 has 30 acres, LMU 4 has 115 acres, and LMU 6 has 40 acres. Some manure solids are transferred off-site to third parties with records kept for all hauls and the rest is all stockpiled on-site. Mortalities are buried on-site.

LMUs 1, 2 and 3 are double cropped with triticale and sorghum. These are used for grazing and silage. The farm gets around six hay cuttings from the crops each year. The feedlot uses flake corn, dry distiller grains, whole cotton seed, cotton seed burs, premix finisher, hay, and silage. Feed commodities are stored in either large tanks or in uncovered concrete slabs. Hay is kept in a covered barn. The silage is bagged in plastic with only the working end exposed.

Section II – OBSERVATIONS

The feedlot is well managed and organized with only a few deficiencies noted at the mortality management area and manure stockpile (see areas of concern). The records for facility inspections and maintenance were complete and in

good order.

No other issues were found during the inspection.

Section III – AREAS OF CONCERN

AOC 1: There are around five exposed carcasses in the mortality pit at the time of the inspection. Part III.A.11.c of the TPDES CAFO general permit requires “Carcasses shall be collected within 24 hours of death and properly disposed of within three (3) days of death in accordance with the Texas Water Code Chapter 26, Texas Health and Safety Code Chapter 361, and 30 TAC Chapter 335 (relating to Industrial Solid Waste and Municipal Hazardous Waste) unless otherwise provided for by the Commission. Animals must not be disposed of in any liquid manure or process wastewater system. Disposal of diseased animals shall also be conducted in a manner that prevents a public health hazard in accordance with Texas Agriculture Code §161.004 and 4 TAC §§31.3, 58.31(b) and 59.12. The collection area for carcasses shall be addressed in the potential pollutant sources section of the PPP with management practices to prevent contamination of surface or groundwater; control access; and minimize odors.”

AOC 2: There is a low spot behind the manure stockpile that allows runoff to leave the production area and not enter the RCS. Part III.A.9.b of the TPDES CAFO general permit requires “Manure or sludge stored for more than 30 days must be stored within the drainage area of a RCS or stored in a manner (i.e. storage shed, bermed area, tarp covered area, etc.) that otherwise prevents contaminated stormwater runoff from the storage area. All storage sites and structures located outside the drainage area shall be designated on the LMU map. Storage for more than 30 days is prohibited in the 100-year floodplain.”

EPA Region 6 inspector Lucas Bomar conducted a closing conference for the inspection with Mr. Rodarte at approximately 1:23 p.m. on September 21st, 2022. During the closing conference, the inspector reviewed the areas of concern noted during the inspection.

Section IV – FOLLOW UP

On 10/5/2022 the facility provided EPA with follow up photos detailing the actions taken to address the areas of concern (see appendix 2).

Section V – LIST OF APPENDICES

Appendix 1 – Inspection Photo Log – Eight photos taken 09/21/2022

Appendix 2 – Follow Up Photo Log – Four photos taken by the facility for follow up

Appendix 1

Inspection Photograph Log



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Photograph Log

Photo No. 1

Location: Luckey Custom Feedlot		
City: Devine	County: Frio	State: Texas



Photo File Name: P9210019.JPG

Date of Photo: 09/21/2022

Time of Photo: 11:59 a.m.

Photographer: Juan Ibarra

Description: Photo is of the clay solid settling basin. There is one tree shown. The RCS is in the distant background. Note the culvert that signifies the drainage channel connecting the two structures. View is to the north.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Photograph Log

Photo No. 2

Location: Luckey Custom Feedlot		
City: Devine	County: Frio	State: Texas



Photo File Name: P9210020.JPG

Date of Photo: 09/21/2022

Time of Photo: 12:09 p.m.

Photographer: Juan Ibarra

Description: This is a close-up shot of the flow from pens and settling basin meeting at the drainage channel and being directed to the RCS. View is to the northeast.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Photograph Log

Photo No. 3

Location: Luckey Custom Feedlot		
City: Devine	County: Frio	State: Texas



Photo File Name: P9210021.JPG

Date of Photo: 09/21/2022

Time of Photo: 12:19 p.m.

Photographer: Juan Ibarra

Description: Photo shows the mortality pit and exposed carcasses. View is to the south.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Photograph Log

Photo No. 4

Location: Luckey Custom Feedlot		
City: Devine	County: Frio	State: Texas



Photo File Name: P9210022.JPG

Date of Photo: 09/21/2022

Time of Photo: 12:35 p.m.

Photographer: Juan Ibarra

Description: Photo shows the second clay solid settling structure. The cattle pens are shown in the background. The freshwater pond is directly northeast of this structure. View is to the southwest.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Photograph Log

Photo No. 5

Location: Luckey Custom Feedlot		
City: Devine	County: Frio	State: Texas



Photo File Name: P9210023.JPG

Date of Photo: 09/21/2022

Time of Photo: 12:35 p.m.

Photographer: Juan Ibarra

Description: Photo shows the freshwater pond. This is directly northeast of the second solid settling structure. View is to the northeast.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Photograph Log

Photo No. 6

Location: Luckey Custom Feedlot		
City: Devine	County: Frio	State: Texas



Photo File Name: P9210024.JPG

Date of Photo: 09/21/2022

Time of Photo: 12:46 p.m.

Photographer: Juan Ibarra

Description: This photo shows the manure stockpile with the RCS in the background. View is to the northwest.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Photograph Log

Photo No. 7

Location: Luckey Custom Feedlot		
City: Devine	County: Frio	State: Texas



Photo File Name: P9210025.JPG

Date of Photo: 09/21/2022

Time of Photo: 12:51 p.m.

Photographer: Juan Ibarra

Description: This photo shows the manure runoff at a low spot of the stockpile that is not being captured and directed to the RCS. The runoff can flow out freely into the nearby LMU. View is to the southeast.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Photograph Log

Photo No. 8

Location: Luckey Custom Feedlot		
City: Devine	County: Frio	State: Texas



Photo File Name: P9210026.JPG

Date of Photo: 09/21/2022

Time of Photo: 1:12 p.m.

Photographer: Juan Ibarra

Description: This photo shows the RCS with pole marker in the middle and pen and manure in the background. View is to the east.

Appendix 2

Follow Up Photograph Log



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Follow Up Photograph Log

Photo No. 1

Location: Luckey Custom Feedlot		
City: Devine	County: Frio	State: Texas



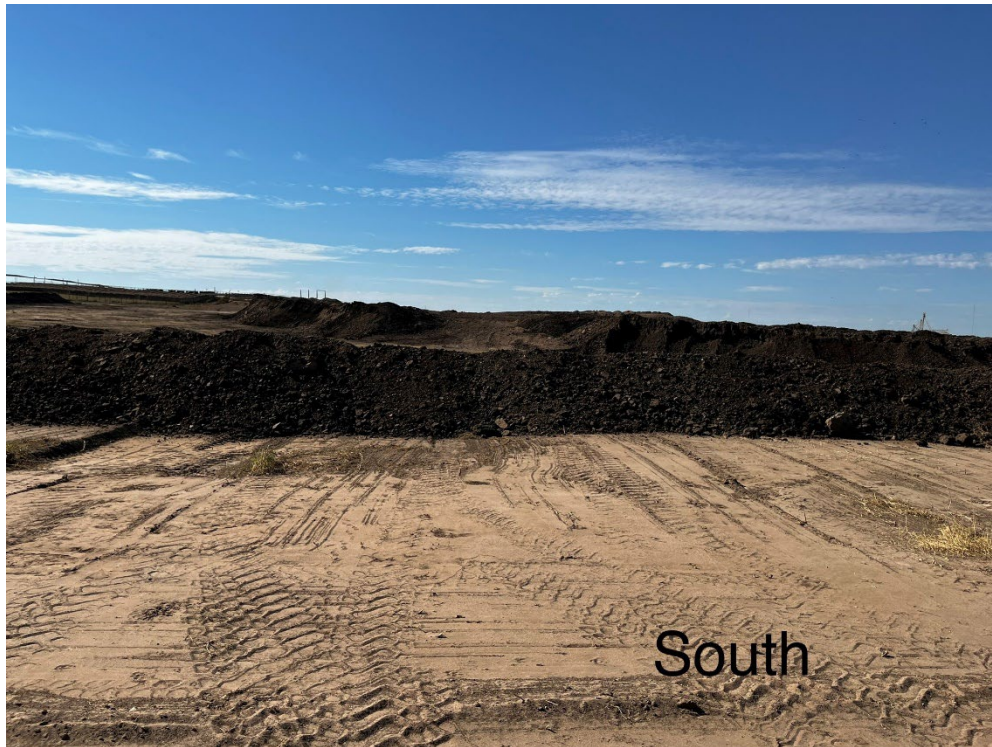
Description: Photo shows facility's action to bury exposed carcasses.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Follow Up Photograph Log

Photo No. 2

Location: Luckey Custom Feedlot		
City: Devine	County: Frio	State: Texas



Description: Photo shows berm built by facility to help contain runoff from manure stockpile.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Follow Up Photograph Log

Photo No. 3

Location: Luckey Custom Feedlot		
City: Devine	County: Frio	State: Texas



Description: Photo shows berm built by facility to help contain runoff from manure stockpile.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Follow Up Photograph Log

Photo No. 4

Location: Luckey Custom Feedlot		
City: Devine	County: Frio	State: Texas



Description: Photo shows berm built by facility to help contain runoff from manure stockpile.