

BEFORE THE DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

IN THE MATTER OF

Weborg Feedlot Inc.
FID: 36544

Respondent.

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Case No. 3659

CONSENT ORDER

I. INTRODUCTION

1. The Nebraska Department of Water, Energy, and Environment (“Department”) and Weborg Feedlot Inc. (“Respondent”), voluntarily enter into this Consent Order. The Consent Order establishes a Compliance Schedule for Respondent to comply with the Nebraska Environmental Protection Act (“NEPA”), Neb. Rev. Stat. §§ 81-1501 to 81-1532, the Livestock Waste Management Act, Neb. Rev. Stat. §§ 54-2416 to 54-2438, and Title 130 of the Nebraska Administrative Code (“NAC”).

2. The Department and Respondent agree that settlement of this matter is in the public interest to ensure compliance with state laws, rules, and regulations, adopted and issued to protect the environment.

II. JURISDICTION

3. The Department is the agency of the State of Nebraska charged with the duty, pursuant to Neb. Rev. Stat. § 81-1504(1), of exercising exclusive general supervision, administration, and enforcement of the NEPA, and Title 130.

4. Pursuant to authorities in the NEPA, the Environmental Quality Council (“Council”) promulgated Title 130.

5. In signing this Consent Order, Respondent agrees to undertake all actions required by this Consent Order. Respondent agrees not to contest the jurisdictional allegations referenced herein

in any action to enforce this Consent Order. Respondent waives its rights to further hearing as provided in Neb. Rev. Stat. § 81-1507 and the Administrative Procedure Act, Neb. Rev. Stat. § 84-901 *et seq.*

III. PARTIES

6. The parties to this Consent Order are the Department and Respondent, a Concentrated Animal Feeding Operation (“CAFO”). This Consent Order is binding on the Department, Respondent, and any successors and assigns of the parties. Respondent shall ensure that all contractors hired to perform work required by this Consent Order are informed of applicable requirements.

7. The Respondent is a person, as defined in Neb. Rev. Stat. § 81-1502(10).

IV. FINDINGS OF FACT

8. At all times relevant, Respondent owned and operated a large, open-lot animal feeding operation with 8,000 head of feeder cattle.

9. On or about April 12, 2017, the Department conducted an initial inspection, pursuant to Neb. Rev. Stat. 54-2423, to determine if a livestock waste control facility (“LWCF”) was required. [Doc. 20190055095.]

10. On or about September 3, 2019, the Department sent to Respondent a letter (“September 3, 2019, Letter”) informing Respondent that, based on the initial inspection, an LWCF was required and that, as a result, Respondent needed to obtain a Construction and Operating (“C&O”) Permit and a National Pollutant Discharge Elimination System (“NPDES”) Permit. [Doc. 2019005094.]

11. The September 3, 2019, Letter also required Respondent to submit the completed applications for the C&O Permit and NPDES Permit by March 1, 2020 (“Permit Application Deadlines”).

12. On or about March 2, 2020, the Department received from Respondent a letter (“March 2, 2020, Letter”) dated February 27, 2020, requesting the Permit Applications Deadlines be extended to July 1, 2020. [Doc. 20200027290.]

13. On or about April 8, 2020, the Department sent to Respondent a letter granting the extension requested in the March 2, 2020, Letter.

14. On or about June 26, 2020, the Department received from respondent a letter (“June 26, 2020, Letter”) requesting the Permit Application Deadline be extended to January 1, 2021. [Doc. 20200078459.]

15. On or about June 30, 2020, the Department sent to Respondent a letter granting the Permit Application Deadline extension requested in the June 26, 2020, Letter. [Doc. 20200078152.]

16. On or about August 27, 2020, the Department received from Respondent an application for a C&O Permit and an NPDES Permit (“Permit Applications”). [Doc. 20200085680.]

17. In the Permit Applications, Respondent stated the construction project would include the construction and/or modification of:

- a.** Seven sediment basins;
- b.** One clean-water basin;
- c.** One high-density polyethylene (“HDPE”) lined holding pond;
- d.** One lift station; and
- e.** One diversion berm.

18. On or about December 8, 2020, the Department issued to Respondent a C&O Permit.
[Doc. 20200154969.]

19. Pursuant to the C&O Permit, Respondent was required to complete all construction by July 1, 2021 (“Original Construction Deadline”). [Doc. 20200154969.]

20. On or about June 8, 2021, the Department received from Respondent a letter dated Jun 4, 2021, requesting the Original Construction Deadline be extended to December 31, 2021. [Doc. 20210137005.] In the Construction Deadline extension request, Respondent provided the following explanation for why the original Construction Deadline could not be met:

Contractor scheduling and availability has delayed progress. Early spring rains have also contributed to delayed construction. Pipe pricing and obtain-ability has been challenging in the post COVID-19 marketplace. Cattle market instability has affected financial resources to complete the project. [Doc. 20210137005.]

21. On or about September 2, 2021, the Department issued to Respondent a Modified C&O Permit that extended the Original Construction Deadline to January 1, 2022 (“First Extended Construction Deadline”). [Doc. 20210435908.]

22. On or about August 17, 2022, the Department received from Respondent a letter (“August 17, 2022, Letter”) of the same date requesting the First Extended Construction Deadline be extended to December 31, 2022. [Doc. 20220161558.] In the request to extend the First Extended Construction Deadline, Responded provided the following explanation for why the First Extended Construction Deadline could not be met:

PVC pipe and fittings availability and securing a sub contractor was challenging throughout the process. Plumbing contractor now on site making progress. Dirt contractor was affected by spring rains during excavation. Electrical contractors and availability of them in the area are scarce and limited. Unable to schedule a liner installation company to meet the compliance date. [Doc. 20220161558.]

23. Also in the August 17, 2022, Letter, Respondent provided the following description of the work that had already been completed:

The south lift station has been completely installed. Earthwork for the holding pond is 85% completed. Currently working with Settje Agri Services to schedule and secure a company to install the synthetic pond liner. Electrical sub contractor scheduled to complete electrical work.

24. On or about August 18, 2022, the Department sent to Respondent a letter in which the request to extend the First Extended Construction Deadline was approved, extending the First Extended Construction Deadline to January 1, 2023 (“Second Extended Construction Deadline”). [Doc. 20220203257.]

25. On or about February 13, 2023, the Department received from Respondent a letter (“February 13, 2023, Letter”) dated February 10, 2023, requesting the Second Extended Construction Deadline be extended to June 1, 2023. [Doc. 20230096772.] In the request to extend the Second Extended Construction deadline, Respondent provided the following explanation for why the Second Extended Construction Deadline could not be met:

Dirtwork excavation on holding pond is ongoing. Rain throughout the year and most recent cold weather and snow has affected completion of excavation. [Doc. 20230096772.]

26. Also in the February 13, 2023, Letter, Respondent provided the following description of the work that had already been completed:

As built survey of holding pond has been completed and determined more excavation is needed to attain the holding capacity required. Liner material and vent piping has been secured. Liner installation company is scheduled for installation once dirtwork is complete. South lift station is complete. [Doc. 20230096772.]

27. On or about February 21, 2023, the Department conducted an inspection of the facility to assess Respondent’s compliance with the Second Extended Construction Deadline. During this inspection, the Department inspector observed the following:

- a.** Three debris basins were existing;
- b.** Four debris basins were not complete;
- c.** The dirtwork for the holding pond was about 80% complete;
- d.** The diversion berm needed to be raised about two feet to allow for required capacity;
- e.** The clean water basin was not complete;

28. On or about February 24, 2023, the Department issued to Respondent a Letter of Noncompliance (“LNC”) (“February 24, 2023, LNC”).

29. In the February 24, 2023, LNC, the Department:

- a.** Notified Respondent that Respondent was in violation of 130 NAC 4-006, which requires any person who has obtained a C&O Permit to comply with any construction compliance schedule established by the Department;
- b.** Required Respondent to, by June 1, 2023, complete all required construction and submit the Certification of Completion Form with a stamped and signed seal of a Professional Engineer registered in Nebraska; and
- c.** Required Respondent to, by May 1, 2023, provide documentation of Respondent’s progress towards or completion of construction.

30. The February 24, 2023, LNC, was delivered via certified mail on or about March 4, 2023.

[Doc. 20230143935.]

31. Respondent did not complete all required construction by June 1, 2023.

32. On or about December 4, 2023, Respondent submitted an application for a major modification of Respondent’s C&O Permit and NPDES Permit. [Doc. 20230949490.]

33. On or about March 5, 2024, the Department issued to Respondent a Modified C&O Permit (“Second Modified C&O Permit”). [Doc. 20240026160.]

34. According to the Second Modified C&O Permit, Respondent was required to construct or modify several debris basins, one clean water basin, one holding pond, and two lift stations, with a final construction deadline of October 1, 2024 (“Third Extended Construction Deadline”).

[Doc. 20240026160.]

35. On or about March 21, 2024, the Department received from Respondent, through Respondent’s engineer, a certification of construction completion for the holding pond.

[Doc. 20240045562.]

36. On or about March 27, 2024, the Department conducted an inspection of the completed HDPE-lined holding pond. [Doc. 20240045475.]

37. On or about March 19, 2025, the Department conducted an inspection (“March 19, 2025, Inspection”) of Respondent’s facility to determine compliance with the Third Extended Construction Deadline.

38. During the March 19, 2025, Inspection, the Department inspector observed:

- a.** The pads and perforated risers for all debris basins had been completed;
- b.** No grading had been done on the debris basins, so proper drainage could not occur;
- c.** The clean water basin had not been completed; and
- d.** A concrete box for at least one of the lift stations had been completed.

39. As of the date of this Consent Order, the Department has not received a certificate of completion for any of the debris basins or any of the lift stations.

40. On or about September 10, 2025, the Department approved the HDPE-lined holding pond. [Doc. 20250080784.]

FIRST CAUSE OF ACTION

41. From on or about October 1, 2024, to on or about the date of this Consent Order, Respondent violated a provision of a rule or regulation adopted and promulgated by the Council pursuant to the Environmental Protection Act or the Livestock Waste Management Act, to wit, 130 NAC 4-006.01, by failing to comply with the construction schedule established by the Department in the Second Modified C&O Permit requiring Respond to complete all construction by October 1, 2024, all in violation of Neb. Rev. Stat. § 81-1506(5)(d).

V. COMPLIANCE SCHEDULE

42. By March 1, 2026, Respondent agrees to:

- a.** Complete all remaining construction required in the Second Modified C&O Permit, as also described in the permit application; and
- b.** Submit to the Department a completed Certification of Completion form signed by an engineer approved in Nebraska.

43. Submissions made pursuant to this Consent Order shall be directed to Brad Edeal, Supervisor, Livestock & Agriculture Section, Inspection and Compliance Division, and be sent via either:

- a.** Postal mail to: 245 Fallbrook Blvd., Suite 100, Lincoln, NE 68521; or
- b.** Electronic mail to: brad.edeal@nebraska.gov.

VI. SATISFACTION AND COMPLIANCE WITH OTHER LAWS

44. Respondent agrees to perform all actions required in this Consent Order in accordance with all applicable local, state, and federal laws, regulations, and permit.

VII. RESERVATION OF RIGHTS

45. Nothing in this Consent Order shall be construed to limit the power and authority of the Department to take or order any action necessary to protect the public health, the public welfare, or the environment or to enforce any provision of the NEPA or any rules, regulations, orders, or permits, issued pursuant to the NEPA. The Department reserves the right to pursue any other remedies to which it is entitled for violations of this Consent Order or the underlying violations alleged herein, including penalties or injunctive relief.

VIII. NEGATION OF AGENCY RELATIONSHIP

46. Nothing contained in this Consent Order shall be construed to create either expressly or by implication, the relationship of agency between the Department and the Respondent.

IX. AMENDMENTS

47. This Consent Order may be amended upon the mutual written agreement of the Department and the Respondent.

X. EFFECTIVE DATE

48. This Consent Order shall become effective on the date the Director of the Department or the Director's designee signs the Consent Order.

XI. TERMINATION

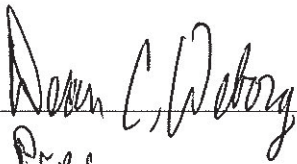
49. Upon completion of the Compliance Schedule, Respondent will be notified by NDEE in writing that the Compliance Schedule has been completed and the present administrative case is closed. Such notification shall be issued within 90 days of the Department determining that the terms of the Compliance Schedule have been met.

XII. SEVERABILITY

50. If any provision or authority of this Consent Order or the application of this Agreement to any party or circumstances is held by any judicial or administrative authority to be invalid, the application of such provisions to other parties or circumstances and the remainder of the Agreement shall remain in force and shall not be affected thereby.

XIII. SIGNATURES

51. For Respondent: The undersigned certifies that the undersigned possesses actual authority to enter into this Consent Order on behalf of Respondent and to bind Respondent.

Signature: 
Title: Pres
Date: 10-7-25

52. For the Department:

IT IS SO ORDERED and agreed this 30th day of October, 2025.


Jesse Bradley, Director
Nebraska Department of Water,
Energy, and Environment