

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY - REGION VII (EPA)
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT**

STATEMENT OF BASIS FOR DRAFT PERMIT

February 2026

Permittee: K-4 Cattle, LLC
1213 J Avenue
Pender, NE 68047

NPDES Permit No.: NE0134961

Facility Location: K-4 Cattle, LLC
S½ SW¼ Section 12, Township 25 N, Range 5 E
Latitude: 42.148439° N
Longitude: -96.800764° W
Thurston County, Nebraska

Facility Contact: Brad Krusemark, Owner
K-4 Cattle, LLC
876 12th Road
Pender, NE 68047
Phone (402) 922-0073

A. Status of Permit

This Statement of Basis describes the derivation of and reasons for the conditions of the draft NPDES Permit No. NE0134961 for the livestock feeding facility owned by Brad Krusemark, which is located within the Omaha Tribe of Nebraska Indian Reservation, about 7 miles northwest of Pender in Thurston County, Nebraska. The facility's Standard Industrial Code is 0211 - Beef Cattle Feedlots.

The livestock feeding facility meets the federal definition of a Concentrated Animal Feeding Operation (CAFO) found in 40 CFR 122.23(b)(2). This proposed action is for the reissuance of a National Pollutant Discharge Elimination System (NPDES) permit for this CAFO by the EPA. Permits issued under the NPDES program are issued for a maximum of 5 years. The facility's current permit was issued effective September 28, 2020. A permit application for reissuance was received on March 5, 2025.

B. Background

The K-4 Cattle, LLC facility is located within the exterior boundaries of the Omaha Tribe of Nebraska Indian Reservation. EPA has sole authority to issue NPDES permits under Section 402 of the Clean Water Act, 33 U.S.C. §1342, to Concentrated Animal Feeding Operations (CAFOs) located within the exterior boundaries of the Omaha Tribe of Nebraska Indian Reservation.

The EPA has prepared this Statement of Basis and the permit for K-4 Cattle, LLC using information in the permit application signed March 5, 2025, and information from other sources, as identified within this Statement of Basis and Administrative Record.

C. Description of Facility

K-4 Cattle, LLC is a Concentrated Animal Feeding Operation with approximately 39.4 acres of open lot pens that are used for feeding up to 4,500 head of beef cattle. Runoff from the open lot pens and approximately 4.4 acres of other contributing drainage area is directed to a runoff holding pond. The runoff holding pond has a capacity of approximately 35.8 acre ft or 11,650,779 gallons. Solid manure scrapped from the pens, solids removed from the debris basins, and the contents of the holding pond are to be applied to the land application areas in accordance with the CAFO's approved Nutrient Management Plan ("NMP"). K-4 Cattle, LLC has 2,563 acres available for manure application but may also transfer manure to other recipients in any given year.

D. Discharge Prohibition

Discharge is prohibited except when extreme rainfall events (25 year – 24-hour storm event) cause an overflow from a properly designed, constructed, operated, and maintained runoff control system. Proper design, construction, operation, and maintenance are specified in the permit and the required nutrient management plan. These requirements are based on the NPDES permit program regulations found at 40 CFR Part 122 and the Effluent Limitations Guidelines and Standards for CAFOs found at 40 CFR Part 412.

E. Proposed Effluent Limits

The permit contains technology-based permit limitations that prohibit discharges except overflows caused by extreme rainfall events; and then, only if the other requirements of the permit have been followed. Compliance with the limitations for the production and land application areas, and the special conditions include: 1) best management practices, and 2) the development and implementation of a nutrient management plan to assure that the CAFO achieves the basic "no discharge" requirement. The technology-based limitations of "no discharge" are protective of water quality in the receiving stream if the holding pond is designed and operated as required by the permit and will seldom, if ever, discharge.

Technology-based Effluent Limitations

This CAFO is subject to the provisions of 40 CFR Part 412 - Subpart C, Concentrated Animal Feeding Operations (CAFO) Point Source Category – Dairy Cows and Cattle Other than Veal Calves, Effluent Limitations Guidelines (ELG). This subpart of the ELG applies to CAFOs with at least 1000 cattle.

Production Area

The ELG does not allow discharges of manure, litter, or process wastewater pollutants from the production area to waters of the United States, except when precipitation causes an overflow from a facility where the production area is:

- Designed, constructed, operated, and maintained to contain all manure, litter, and process wastewater including the runoff and direct precipitation from a 25-year, 24-hour rainfall event [40 CFR § 412.31(a)(1)(i)], and
- Operated in accordance with the additional measures (visual inspections, depth marker, corrective actions, mortality handling, and record keeping requirements) for the production area required by 40 CFR § 412.37(a) and (b) and 40 CFR § 412.31 (a)(1)(ii).

Land Application Area

In accordance the NPDES regulations and ELGs, the permit incorporates the approved site-specific nutrient management plan submitted March 5, 2025.

- The nutrient management plan (NMP) contains the maximum amount of nitrogen and/or phosphorus, based on the field-specific phosphorus risk assessment, soil test results, nutrient credits, manure and wastewater analysis, and crop need and sequence. [40 CFR § 412.4 (c)]
- The NMP addresses best management practices (BMPs) such as land application setback requirements, development of a field-specific assessment that determines the form, source, amount, timing, and method of application of nutrients on each field to achieve realistic production goals, while minimizing nitrogen and phosphorus movement to surface waters. [40 CFR § 412.4 (c)(2)]
- The NMP meets the 9 minimum measures that are specified in 40 CFR § 122.42 (e)(1).
- The NMP is also in compliance with the NE NRCS 590 technical standards for nutrient management. [40 CFR § 412.4 (c) (2)].

Best Management Practices

The NPDES permit regulations authorize best management practices (BMPs) to be included in permits when BMPs are reasonably necessary to meet technology-based effluent limitations in 40 CFR § 122.44 (k). Part I. B. of the permit contains BMPs that are necessary in order to achieve the basic "no discharge" requirement for the production area. These BMPs address: 1) adequate storage capacity for the holding pond, 2) adequate pumping system capacity for the irrigation system, and 3) dewatering of the holding pond. Dewatering of the holding pond, with an adequately sized pump, is necessary in order to operate and maintain the system to contain the runoff and direct precipitation from the 25-year, 24-hour storm event as required by the ELGs at 40 CFR § 412.31.

F. Antidegradation Statement

The CAFO is an existing operation. Due to the no discharge technology-based requirements in this permit, the limitations and conditions in the permit are protective of the Clean Water Act

§101(a)(2) goals. The existing quality of water in the receiving stream should not be lowered because compliance with the permit limits and best management practices will prevent discharges except those from a 25-year, 24-hour rainfall event.

G. Inspection and Record Keeping Requirements

The permit requires that the permittee perform visual inspections of the production area on a regular basis and keep records that document those inspections. Monitoring during land application is required to prevent releases to WOTUS. The as-built design of the holding pond and any overflows from the pond must also be kept. [40 CFR § 412.37 (a) and (b)]

Records that document land application practices are required to be kept. They include such items as test methods and test results for manure, process wastewater, and soil; the amount of nitrogen and phosphorus applied to each field and the date of application; and the results of a phosphorus risk assessment for each field. [40 CFR § 412.37 (c)]

H. Permit Duration

The permit will be issued for a period of five years with the permit expiration date being determined at the time of permit issuance.

I. Procedures for Final Decision Making on the Proposed Permit

The comment period for the Public Notice (PN) of this permit starts with the date noted on the PN and ends 30 calendar days later. The PN requests comments from interested individuals or agencies. A written request for a public hearing on the permit may also be submitted. Any request for a hearing must state the nature of the issues that the requestor proposes to raise at the hearing. In accordance with 40 CFR § 124.17, EPA will respond to all significant comments that are submitted before the end of the 30-day public comment period. If there is a significant amount of interest expressed during the 30-day public comment period, a public hearing will be held on the contents of the permit. The final permit will be issued in accordance with the provisions of 40 CFR § 124.15. (Regulations pertaining to the public notice and issuance of NPDES permits are included in the Administrative Record.)

J. EPA Contact for Additional Information

For additional information regarding this permit and the administrative process for making a final determination regarding issuance of the permit, please contact:

U.S. Environmental Protection Agency, Region 7

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WD/ PAW/PAC

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