

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

**STATEMENT OF BASIS FOR PROPOSED PERMIT**

February 2026

**Permittee:** Tom Reppert Livestock  
1245 M Avenue  
Pender, NE 68047

**NPDES Permit No.:** NE0136603

**Facility Location:** SW¼ Section 25, Township 25 N, Range 5 E  
Latitude: 42.106189° N  
Longitude: -96.795790° W  
Thurston, County, Nebraska

**Facility Contact:** Tom Reppert, Owner-Operator  
1245 M Avenue  
Pender, NE 68047

**A. Status of Permit**

This Statement of Basis describes the derivation of reasons for the conditions of draft NPDES Permit No. NE0136603 for the livestock feeding facility owned by Tom Reppert, which is located within the Omaha Tribe of Nebraska Indian Reservation, about 7 mile 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 September 12, 2025.

**B. Background**

The Tom Reppert Livestock 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 Tom Reppert Livestock using information in the permit application dated June 5, 2020, and information from other sources, all as identified within this Statement of Basis and included in the Administrative Record.

**C. Description of Facility**

Tom Reppert Livestock is a Concentrated Animal Feeding Operation with approximately 21.75 acres of open lot pens that are used for the feeding of up to 1,500 head of beef cattle. A total of 25.25 acres contributes runoff from the open lot pens and other drainage areas to 6 sediment basins and a runoff holding pond. The runoff holding pond has a capacity of approximately 15.5 acre ft or 5,052,964 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"). Tom Reppert Livestock has 816 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 in 2013.

- 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 [40 CFR § 122.44 (k)]. Part II. A. 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 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. Anti-degradation 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**  
**Attention: Mark Matthews**  
**WD/PAW/PAC**  
**11201 Renner Boulevard**  
**Lenexa, Kansas 66219**

**Phone: (913) 551-7635 or 1-(800) 223-0425**  
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