



REGION 7

LENEXA, KS 66219

October 17, 2025

Certification under Section 401(a)(1) of the Clean Water Act

**Tom Reppert Livestock, Concentrated Animal Feeding Operation
Thurston County, Nebraska
(Within the Exterior Boundaries of the Omaha Tribe Reservation)**

The U.S. Environmental Protection Agency has proposed renewing the Tom Reppert Livestock, Concentrated Animal Feeding Operation's National Pollutant Discharge Elimination System permit. Tom Reppert Livestock, is located within the exterior boundaries of the Omaha Tribe Reservation. The Omaha Tribe is a federally recognized Indian Tribe. The Environmental Protection Agency, Region 7 is reissuing the Tom Reppert Livestock, CAFO NPDES Permit under Section 402 of the Clean Water Act. The Tom Reppert Livestock, CAFO NPDES Permit will re-authorize conditional discharges of stormwater from the production areas at the CAFO during excessive rainfall, as well as re-authorize land application of animal waste manures on farmlands located offsite from the facility. The Omaha Tribe is the homeland of the Tribe and is Indian Country located within the State of Nebraska.

The EPA may not issue an NPDES permit to conduct any activity that may result in a discharge to a water of the United States, until a certification or waiver under the Clean Water Act section 401 has been issued (see 40 CFR 121.2 and 121.7). The EPA acts as the certifying authority where no state or Tribe has authority to certify, pursuant to CWA section 401(a)(1). The EPA makes certification decisions after consideration of applicable tribal, federal, and/or adjacent state water quality standards. The EPA consults with the affected federally recognized Indian Tribes, States and Federal Agencies regarding their concerns, when evaluating NPDES permits for certification under Section 401 of the CWA. The Omaha Tribe does not have authority under CWA Section 401(a)(1) to issue section 401 certification for the proposed Tom Reppert Livestock, NPDES Permit. Therefore, the EPA acts as the certifying authority for the Tom Reppert Livestock, NPDES Permit. **Pursuant to this authority, the EPA grants certification under CWA Section 401 Certification for the proposed Tom Reppert Livestock, CAFO NPDES Permit.**

Jeffery Robichaud, Director
Water Division