

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

FILED  
U. S. DISTRICT COURT  
DISTRICT OF NEBRASKA

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UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 ROBB FEEDYARD, INC. )  
 )  
 Defendant. )

CRIMINAL NO. 8:09CR459

INFORMATION  
[33 U.S.C. § 1319(c)(1)(A)]  
[18 U.S.C. § 2]

**JUDGE SMITH CAMP**

**MAGISTRATE JUDGE  
GOSSETT**

The United States Attorney charges:

INFORMATION

At all times material hereto:

A. INTRODUCTION

1. At all times set forth herein, Robb Feedyard, Inc. operated a Concentrated Animal Feeding Operation (CAFO) near Doniphan in Hall County, Nebraska. The CAFO operates with as many as 5,000 feeder cattle in a North and South Lot.

2. On various occasions prior to the completion of a Livestock Waste Control Facility in late 2008, discharges of Livestock Waste would flow in the roadside ditches after rain storms and ultimately flow in to the Platte River.

B. THE CLEAN WATER ACT

3. The Federal Water Pollution Control Act, Title 33, United States Code, Section 1251, et seq., more commonly known, and hereafter referred to as the Clean Water Act (CWA), was enacted by Congress to restore and maintain the chemical, physical, and biological quality of

the Nation's water, to prevent, reduce, and eliminate water pollution in the United States and to conserve the water of the United States. 33 U.S.C. § 1251(a).

4. The CWA and implementing regulations prohibit the discharge of any pollutants from a point source into waters of the United States, except in compliance with a permit issued pursuant to the CWA under the National Pollution Discharge Elimination system (NPDES), by the United States Environmental Protection Agency or an authorized state. 33 U.S.C. §§ 1311(a) and 1342.

5. The discharge of livestock waste from a CAFO is discharge of a pollutant from a point source as defined by the CWA.

6. The Platte River, in the State of Nebraska is a "water of the United States" within the meaning of the CWA. 33 U.S.C. § 1362(7) and 40 C.F.R. § 122.2.

7. In 2005 the Nebraska Department of Environmental Quality (NDEQ) required Robb Feedyard, Inc. to obtain a NPDES permit and implement a Livestock Waste Control Facility.

8. Prior to the completion of the Livestock Waste Control Facility one or more discharges occurred. The discharges resulted in Notice of Violations that were issued by NDEQ. During this period the Platte River, immediately below Doniphan, measured increased amounts of pollutants to include ammonia and other biological materials.

C. CHARGE


COUNT I

9. From on and before June 30, 2008, in the District of Nebraska, ROBB FEEDYARD, INC. negligently caused a discharge of livestock waste, after heavy rainfall and storms, to flow in the ditches that would carry the pollutants to the Platte River.


In violation of Title 33, United States Code, Section 1319(c)(1)(A) and Title 18, United States Code, Section 2.

UNITED STATES OF AMERICA

DEBORAH R. GILG  
United States Attorney

By:   
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The United States of America requests that trial of this case be held at Omaha Nebraska, pursuant to the rules of this Court.

  
MICHAEL P. NORRIS  
Assistant United States Attorney