UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 Renner Boulevard
Lenexa, Kansas 66219

22 JUN 2018

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
Article No.:7014 1200 0000 6121 6843

Mr. Craig D. Wittstruck, Registered Agent
Seward Turkey Enterprises, Inc.
1630 K Street
Lincoln, Nebraska 68508

Re: Request for Information Pursuant to Section 308 of the Clean Water Act (33 U.S.C. § 1318)

RESPONSE DUE WITHIN 30 DAYS OF RECEIPT OF THIS REQUEST

Dear Mr. Wittstruck:

The U.S. Environmental Protection Agency is issuing this Request for Information to Seward Turkey Enterprises, Inc. pursuant to Section 308(a) of the CWA, 33 U.S.C. § 1318(a). On March 30, 2017, a representative of the U.S. Environmental Protection Agency inspected the Facility located at 2201 Superior Street, Seward, Nebraska 68434. The EPA and Seward Turkey Enterprises entered into an Administrative Order for Compliance on Consent on November 20, 2017. As stated by letter dated April 2, 2018, the EPA believes that an enforcement action in the form of a civil penalty is appropriate for violations of the CWA at the Facility. The purpose of this letter is to obtain additional information to assist the EPA's ongoing evaluation of the Facility's compliance with the CWA.

Section 308(a) of the CWA authorizes the EPA to require the submission of information necessary to carry out the objectives of the CWA, 33 U.S.C. § 1251, et seq., including information to determine the compliance status of an animal feeding operation. Under the authority of Section 308(a) of the CWA, the EPA hereby requires the Facility, to provide the information requested in ENCLOSURE A within the timeframes noted. **Please read the instructions and definitions included in ENCLOSURE A carefully before preparing your responses to this Request for Information.** Please certify your response by completing the enclosed Statement of Certification in ENCLOSURE B.

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We appreciate your cooperation and prompt attention to this matter. If you have any questions regarding this Request for Information, please contact Angela Acord at (913) 551-7914 or by e-mail to acord.angela@epa.gov.

Sincerely,

for

Jeffery Robichaud
Director
Water, Wetlands and Pesticides Division

Enclosures
cc: Blake Onken, NDEQ

ENCLOSURE A

REQUEST FOR INFORMATION AND INSTRUCTIONS

RESPONSE DUE WITHIN 30 DAYS OF RECIEPT OF THIS REQUEST

The U.S. Environmental Protection Agency (EPA) requests submission of information, as described below, pursuant to Section 308 of the Clean Water Act, 33 U.S.C. § 1318.

I. Instructions

1. Please be aware that the issuance of this letter and your response with the requested information does not relieve you of any responsibility under the CWA, including, but not limited to seeking, maintaining or complying with an applicable NPDES permit.

Contact Information.

2. In each submission required by this Request for Information, identify the person to contact regarding your submission, including title, address and email and/or phone number.

3. Your responses to this Request for Information are to be provided by a qualified professional. For each response required below, provide the name and credentials of the person(s) providing information in response to this Request for Information.

Responses Format.

4. Please provide a separate response to each and every request set forth below. Please label each response in a manner that identifies the number of the question or document request.

5. Except for a cover letter or memorandum and the Statement of Certification, only copies, and not original documents, should be submitted pursuant to this request. Documents and data may be submitted electronically by email or by mail (e.g., on a compact disc or flash drive) in PDF, Word, Excel or other widely available electronic format. *NOTE: as discussed below, any information claimed as confidential business information (CBI) should be submitted by mail and properly labeled.*

Complete Responses and New or Corrected Information.

6. If any response cannot be provided in full, provide the response to the extent possible along with an explanation of why the response cannot be provided in its entirety and, if applicable, when the remainder of the response will become available and be submitted.

7. If information or documents not known or not available to you as of the date of submission of your response to this request should later become known or available to you, you must supplement your response to the EPA within fourteen (14) calendar days of when the information or documents become known or available. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is inaccurate, false or misrepresents the truth, you must notify the EPA of this fact immediately and provide a corrected response within fourteen (14) calendar days of when you find the information is inaccurate, false or misrepresents the truth.

Accurate and Truthful Information Required.

8. Please be advised that the failure to respond accurately, or the submission of false information, may subject you to administrative, civil, or criminal enforcement that could include penalties, fines, or imprisonment under Section 309 of the CWA, 33 U.S.C. § 1319, and/or 18 U.S.C. § 1001.

Certification.

9. Please complete and submit the Statement of Certification found in ENCLOSURE B along with your responses every time a submission is made pursuant to this Request for Information.

Confidential Business Information.

10. Information requested by this letter must be submitted to the EPA regardless of a claim of confidentiality. If you believe any of the requested information is confidential, you may assert a confidential business information (CBI) claim under the provisions of Section 308(a) of the CWA, 33 U.S.C. § 1318(a), 18 U.S.C. § 1905, and the regulations at 40 CFR Part 2. Information that you claim as CBI will be held as such pending a determination of applicability by the EPA.

    a. *Procedures to claim confidential treatment for information requested or demanded by the EPA.*
        i. You may assert a CBI claim covering part or all of the information requested or demanded by the EPA in the manner described by paragraph (b), below. Information covered by a CBI claim will be disclosed by the EPA only to the extent, and by means of the procedures, allowed by 40 CFR Part 2, Subpart B.
        ii. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to the business, pursuant to 40 CFR § 2.203(a).
        iii. The regulations applicable to a claim of CBI are at 40 CFR Part 2, Subpart B, 41 FR 36902, Sept. 1, 1976, as amended at 43 FR 40000, Sept. 8, 1978; 50 FR 51661, Dec. 18, 1985.

    b. *Method and time of asserting business confidentiality claim.* Pursuant to 40 CFR § 2.203(b), a business which is submitting information to the EPA may assert a business confidentiality claim covering the information by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet, stamped or typed legend or other suitable form of notice employing language such as *trade secret, proprietary, confidential business information, CBI* or *proprietary business information.* Allegedly confidential portions of otherwise non-confidential documents should be clearly identified by the business, and may be submitted separately to facilitate identification and handling by the EPA. If the business desires confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state.

    c. If you assert a CBI claim on the submitted information and the Agency is determining whether that information is entitled to confidential treatment, you will be given notice to submit comments to support your CBI claim. Information that is publicly available or required to be disclosed to the public by law is not entitled to confidential treatment.

    d. Please refer to 40 CFR § 2.302, *special rules governing certain information obtained under the Clean Water Act*, regarding limitations on the confidential treatment of effluent data and standards or limitations.

Submission of Response to Request for Information.

11. All responses to this Request for Information must be submitted within the timeframes identified in Section III, below. Each response should be submitted in a manner that allows you to track delivery and must be submitted to:

U.S. Environmental Protection Agency
Water, Wetlands and Pesticides Division
ATTN: Angela Acord
11201 Renner Boulevard
Lenexa, Kansas 66219
Acord.angela@epa.gov

II. Definitions

Unless otherwise indicated, the following definitions shall apply strictly for the purposes of this Request for Information:

1. "Record" is defined as any recording of information, including, but is not limited to, in print or electronic form, documents, memoranda, reports, letters, maps, graphs, charts, log books, notes, computer print outs and computer data bases.

2. "Document" is defined as any writings, drawings, graphs, charts, photographs, phone records, electronic mail, facsimile and other data compilations from which information can be obtained, translated if necessary, through detection devices into reasonably usable form. Documents should be produced as they are kept in the usual course of business.

3. "Facility" is defined as the Seward Turkey Enterprises, Inc. Milford site located at 2201 Superior Street, Seward, Nebraska 68434.

III. Requested Information

Within thirty (30) days of receipt of this Request for Information, provide the following information:

1. For each of the following years, identify the total number of employees at your Facility: 2014, 2015, 2016, and 2017.

2. For each person employed by you between 2014 and 2017, identify:
    a. Name;
    b. Position; and
    c. Responsibilities.

3. Describe the berm to the east of the confinement barns at your Facility, including material, dimensions, and whether any of its attributes have changed over time.

4. State when the berm to the east of the confinement barns at your Facility was first constructed.

5. State when the berm to the east of the confinement barns at your Facility was first cut or opened.

6. State the purpose of cutting an opening in the berm to the east of the confinement barns at your Facility.

7. Describe your management of the berm to the east of the confinement barns at your Facility from the date of its construction through March 30, 2017, including the following information:
    a. Equipment used to open and close the berm;
    b. Time it takes to open the berm;
    c. Duration of time that the berm remains open;
    d. Time it takes to close the berm;
    e. Whether the berm is opened and closed on the same day;
    f. Duration of time between a rainfall event and the time that the berm is cut;
    g. Magnitude of rainfall event that results in a decision to cut the berm;
    h. Method of making decisions to open and to close the berm;
    i. Person(s) with authority to decide whether to open and to close the berm;
    j. Duration of time it takes to dewater all process wastewater collected behind the berm, once the berm has been cut;
    k. Volume of process wastewater that is released from the berm once the berm has been cut; and
    l. Inspection and maintenance schedule.

8. Using a map or other type of image of the Facility, depict the specific location(s) on the berm to the east of the confinement barns at your Facility that have been opened and closed between the date of its construction through March 30, 2017.

9. Identify the date(s) when the berm to the east of the confinement barns at your Facility was open between the date of its construction through March 30, 2017, and produce any record(s) or document(s) demonstrating such openings.

10. Identify the date(s) when the berm to the east of the confinement barns at your Facility was closed between the date of its construction through March 30, 2017, and produce any record(s) or document(s) demonstrating such closings.

11. Identify person(s) who have performed any work on the berm to the east of the confinement barns at your Facility, including but not limited to opening, closing, repair and/or maintenance, by providing their name and contact information.

12. Provide any record(s) of communication with employees regarding the berm to the east of the confinement barns at your Facility.

13. Provide any record(s) of communications with NDEQ and/or EPA regarding the berm to the east of the confinement barns at your Facility.

ENCLOSURE B

STATEMENT OF CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations.

_____ _____
Signature Date

_____
Printed Name

_____
Title