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MEMORANDUM

TO: IIS# 64298

FROM: Keith Sandall 

DATE: September 22, 2010

Operation: Wolbach Foods

On September 21, 2010, I met with Dave Bubbs from the Department of Environmental Quality and Phil Stienkamp who is employed by Progressive Swine Technology at the operation at 10am. After a short discussion we proceeded west on the County Road 798 to a spot north of the conservation dam located approximately 350 yards south of County Road 798 directly south of unit number 1; that the waste would have ran into. There did not appear to be any vegetation that was burned by waste south of the road.

We walked south to the dam, the pond was probably 75 feet wide and 150 to 200 feet long. It was very shallow and Dave had problem finding a place that was deep enough to get an accurate reading with his meter. He probed around until he finally found an area deep enough to use the probe. The pond had been much larger but due to evaporation it was getting smaller. The area around the pond was muddy and had livestock tracks in it. The water had sediment in it and became murkier the deeper it got.

His preliminary findings were that there was no dissolved oxygen in the water and the conductivity was over 1800 $\mu\text{mho}/\text{cm}$. Phil pointed out that although there might be swine waste in the pond cattle also had access to the pond, and there was waste from them too. Also he stated that if the water was bad the cattle wouldn't drink it.

I explained that if the water had waste in it, the Department would require them to dewater the pond to remove the waste from it. He said "no we won't do it". I explained that it was waters of the State and if it was a neighbor's pond we would require them to pump it down so the pond could be restored. He again said that they would not dewater it; and if we waited a short time the pond would be dry anyway.

We then proceeded to a dam northeast of lagoon 4&5. Complaint #2 reported that the operation had been pumping from lagoon 4&5 directly into this dam. I asked when and he said it was common knowledge that they, Progressive Swine Technology had been pumping into it for three or four years. On July 21, 2010, Jon Kenning, Ag Unit, Nebraska Department of Environmental Quality Supervisor and Keith Sandall had been at the site and observed a hose laid out in the direction of the dam that they had used to inject into the pasture. When we reached the pond I could not see much difference from the first pond. Dave said that this pond was normal; there was plenty of oxygen and the conductivity was around 800 $\mu\text{mho}/\text{cm}$. This pond also had cattle that had access to it.

At this time Dave Bubbs left and Phil and I proceeded to look at the other sites. He said that site one was the only site that had a drip system installed. I could not observe any but the one next to



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site one. I explained to him that the system was not part of their approved permit, and that they should have notified the Department of the planned change so it could be approved prior to installing it. He said that it was just a method to get rid of waste and why should they have to get approval. I explained that the rules require any operation to get approval before modifying the system. He said that this was stupid. Why should they to get permission to construct a system to dewater; and especially one that didn't work?

He said that the system had been in place for 3 years and they hadn't used it for that long. The system was plumbed into the recycle flush system and every time the system ran it would pump into the drip system. The system had five valves that directed flow to different fields; it was hard to determine where each valve directed the flow, because some were buried and others covered by weeds. It appeared that two went to fields east of the operation road and three were buried and went under the road.. The pipe coming out of the valve was 2" PVC, some was buried (under the drive, etc.) but other than that it was above ground. And when it reached the disposal area they connected a flexible line with holes in it. The valve was east of unit one and was hidden by tall weeds. To get to it you had to go into the field and approach it from the east. Since the discharge all the pipes had been disconnected.

We then proceeded to an area south of unit one. It was on a side hill and it appeared that while mowing the area the tractor had ran over the lines. There were three lines at this point, it was difficult to determine where each of these lines went because of the damage done by the tractor. This also was the point where the discharge had occurred. There was an area to the west going down hill where the vegetation was burned by the waste. I did not inspect the lines to see if there were any holes in it since both Phil and Jim Buckley stated that they did not use the system.

Phil said that the drip system would be charged any time the flush system was running. The operation was running the flush system constantly and since one of the valves was partially open it would be discharging all the time.

In a conversation with complainant #2 he said that someone reported to him that they had seen the waste in the road ditch sometime early in the last full week of August. The original complainant said that he had seen it on August 31 but didn't report it until September 3rd.

Also complainant #2 reported that he heard engines running the second or third of September and he thought that they were pumping the lagoon. Phil stated Ray Gubbles, who owns and operates a waste application company, had been injecting in the farm land west of the site and this was what was heard. I drove to the first county road west of the operation and could not see where any injection had taken place.

In preparing maps and my report I discovered that site number six is actually in Section 32, Township 17N, Range 10W, this is not listed in the applications or permits.

