

FILED

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**U.S. EPA REGION 7
HEARING CLERK**

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BOULEVARD
LENEXA, KANSAS 66219
BEFORE THE ADMINISTRATOR**

In the Matter of)
)
) Docket No. CWA-07-2025-0202
)
) Urbana Stockyards, L.L.C.)
)
) ADMINISTRATIVE ORDER FOR
) Respondent) COMPLIANCE ON CONSENT
)
)
) Proceedings under Section 309(a)(3) of)
) the Clean Water Act, 33 U.S.C.)
)
) § 1319(a)(3))

Preliminary Statement

1. The following Findings of Violation are made and Order for Compliance (“Order”) is issued pursuant to the authority of Section 309(a)(3) of the Clean Water Act (“CWA”), 33 U.S.C. § 1319(a)(3). The authority to take action under Section 309(a)(3) of the CWA, 33 U.S.C. § 1319(a)(3), is vested in the Administrator of the U.S. Environmental Protection Agency (“EPA”). The Administrator has delegated this authority to the Regional Administrator, EPA Region 7, who in turn has delegated it to the Director of the Enforcement and Compliance Assurance Division of EPA Region 7, with concurrence by the Regional Counsel.

2. Respondent is Urbana Stockyards, L.L.C., a limited liability company chartered under the laws of the state of Missouri.

3. EPA, together with Respondent, enter into this Section 309(a)(3) Order for Compliance on Consent in order to carry out the goals of the CWA, 33 U.S.C. § 1251 et seq., to “restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.”

4. It is the parties’ intent through this agreement to address alleged discharges of pollutants by Respondent into the waters of the United States without a permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342, in violation of Section 301 of the CWA, 33 U.S.C. § 1311. Specifically, Section 301 of the CWA, 33 U.S.C. § 1311, provides that except as in compliance with certain specified provisions of the CWA, the unauthorized discharge of any pollutant into the waters of the United States by any person is unlawful.

5. By entering into this Order, Respondent (1) consents to and agrees not to contest EPA's authority or jurisdiction to issue or enforce this Order, (2) consents to personal service by electronic mail, (3) agrees to undertake all actions required by the terms and conditions of this Order, and (4) consents to be bound by the requirements set forth herein. Respondent neither admits nor denies the specific factual allegations or Findings of Violation in this Order on Consent, except that Respondent admits the jurisdictional allegations herein. Respondent also waives any and all claims for relief and otherwise available rights or remedies to judicial or

administrative review which Respondent may have with respect to any issue of fact or law set forth in this Order, including, but not limited to, any right of judicial review of this Order under the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

Statutory and Regulatory Framework

6. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the “discharge of any pollutant” by “any person”, except as in compliance with, *inter alia*, Section 402 of the CWA, 33 U.S.C. § 1342.

7. Section 502(5) of the CWA, 33 U.S.C. § 1362(5), defines the term “person” as, *inter alia*, any individual, corporation, partnership, or association.

8. Section 402 of the CWA, 33 U.S.C. § 1342, provides that pollutants may be discharged only in accordance with the terms of a National Pollutant Discharge Elimination System (“NPDES”) permit issued pursuant to that Section.

9. Section 502(12) of the CWA, 33 U.S.C. § 1362(12), defines the terms “discharge of a pollutant” and “discharge of pollutants” as, *inter alia*, “any addition of any pollutant to navigable waters from any point source”.

10. Section 502(7) of the CWA, 33 U.S.C. § 1362(7), defines “navigable waters” as the “waters of the United States, including the territorial seas.”

11. Section 502(14) of the CWA, 33 U.S.C. § 1362(14), defines the term “point source” to include “any discernible, confined and discrete conveyance, including but not limited to any pipe ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, [or] concentrated animal feeding operation from which pollutants are or may be discharged.”

12. Section 502(6) of the CWA, 33 U.S.C. § 1362(6), defines the term “pollutant” as, *inter alia*, biological materials and agricultural waste discharged to water.

13. To implement Section 402 of the CWA, the EPA promulgated regulations codified at 40 C.F.R. Part 122. Under 40 C.F.R. Part 122.1, an NPDES permit is required for the discharge of pollutants from any point source into waters of the United States.

14. An “Animal feeding operation (“AFO”)” is defined by 40 C.F.R. § 122.23(b) as “a lot or facility (other than an aquatic animal production facility) where the following conditions are met: (i) Animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and (ii) Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.”

15. A Facility is a “Concentrated animal feeding operation (“CAFO”)” if it is an AFO that meets the definition of either a “Large CAFO” or “Medium CAFO” under 40 C.F.R. § 122.23(c).

16. An AFO is a “Medium concentrated animal feeding operation (“Medium CAFO”)” as defined by 40 C.F.R. § 122.23(b)(6) if it confines between 300 to 999 cattle and pollutants are discharged into waters of the United States through a man-made ditch, flushing system, or other similar man-made device.

17. “Process wastewater” is defined by 40 C.F.R. § 122.23(b)(7) as water “directly or indirectly used in the operation of the AFO for any or all of the following: spillage or overflow from animal or poultry watering systems; washing, cleaning, or flushing pens, barns, manure pits, or other AFO facilities; direct contact swimming, washing, or spray cooling of animals; or dust control. Process wastewater also includes any water which comes into contact with any raw materials, products, or byproducts including manure, litter, feed, milk, eggs or bedding.”

18. The Missouri Department of Natural Resources (“MDNR”) is the state agency in Missouri with the authority to administer the federal NPDES program, pursuant to Section 402 of the CWA and applicable implementing regulations. However, Missouri Revised Statute 640.758 exempts livestock markets from, among other things, the requirement to obtain an NPDES permit. The exemption runs counter to and in conflict with the requirements of the CWA. The EPA maintains concurrent enforcement authority with delegated state NPDES programs for violations of the CWA pursuant to Section 402(i), 33 U.S.C. § 1342(i).

19. Section 309(a) of the CWA, 33 U.S.C. § 1319(a), authorizes the issuance of an order against any person who violates Section 301 of the CWA, 33 U.S.C. § 1311, requiring such person to comply.

Allegations of Fact

20. Respondent is a “person” within the meaning of Section 502(5) of the CWA, 33 U.S.C. § 1362(5).

21. At all times relevant to this action, Respondent owned, operated, or otherwise controlled a livestock market on the property located at 122 College Street, Urbana, Missouri (the “Facility”).

22. On May 14, 2024, EPA personnel conducted a compliance evaluation inspection (“Inspection”) of the Facility. The Inspection report was transmitted to the Respondent on July 22, 2024.

23. During the Inspection, EPA representatives reviewed the Respondent’s 2023 and 2024 sale records for the Facility. The records showed that for the twelve months prior to the Inspection there were eight weekly auctions that had over 999 head of beef cattle and 44 weekly auctions that had between 300 and 999 beef cattle.

24. During the Inspection, Respondent stated that they routinely receive beef cattle at the Facility one or two days before the auction, and that depending on the customer’s needs they may sometimes maintain the beef cattle at the Facility days after the auction takes place.

25. The Facility confines and feeds or maintains cattle for a total of forty-five (45) days or more in any twelve month period.

26. Crops, vegetation, forage growth, and post harvest residues are not sustained over any portion of the Facility's feeding areas.

27. Urbana Stockyards, L.L.C. does not have an NPDES permit for the Facility.

28. The Facility is an "AFO" as defined by 40 C.F.R. § 122.23(b)(1) because (i) it stables, confines, feeds, or maintains non-aquatic animals – specifically, beef cattle – for a total of 45 days or more in any 12-month period and (ii) crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility".

29. During the Inspection, EPA representatives observed man-made ditches or other man-made devices conveying process wastewater as defined by 40 C.F.R. § 122.23(b)(7). Liquid was observed flowing from the Facility out of a culvert pipe that runs under a portion of the holding pens and into a road ditch for approximately 115 meters towards Cahoonie Creek. Runoff water was also being conveyed through other road ditches, and culverts surrounding the Facility.

30. The liquid flowing from the Facility and into Cahoonie Creek is "process wastewater" as defined by 40 C.F.R. § 122.23(b)(7) because it comes into contact with raw materials, products or byproducts including manure, litter, feed, milk, eggs, or bedding.

31. During the Inspection, EPA sampling confirmed that process wastewater containing high concentrations of nutrients, chlorides, bacteria, and other pollutants were flowing from the Facility through a culvert and into and through a road ditch toward Cahoonie Creek.

32. On April 30, 2025, follow up sampling confirmed that process wastewater containing high concentrations of nutrients, chlorides, bacteria, and other pollutants from the Facility discharges to Cahoonie Creek.

33. The Facility discharges pollutants through man-made ditches and/or other similar man-made devices into Cahoonie Creek.

34. Cahoonie Creek flows to Thomas Creek, which then flows into Little Niangua River, which then flows to the Lake of the Ozarks. Cahoonie Creek, Thomas Creek, and Little Niangua River are all perennial streams.

35. The Lake of the Ozarks is a traditional navigable water.

36. Cahoonie Creek, Thomas Creek, and Little Niangua River are relatively permanent waters that are connected to the Lake of the Ozarks, a traditional navigable water, and thus all are "waters of the United States" within the meaning of Section 502(7) of the CWA, 33 U.S.C. § 1362(7).

37. The Facility is a “Medium concentrated animal feeding operation (“Medium CAFO”)” as that term is defined in 40 C.F.R. § 122.23(b)(6) because it is an AFO that confines between 300 to 999 beef cattle and pollutants are discharged into waters of the United States through man-made ditches and/or other similar man-made devices and a point source pursuant to Section 502(14) of the CWA, 33 U.S.C. § 1362(14).

Findings of Violation

Count 1

38. The facts and allegations stated above are herein incorporated.

39. Respondent’s Facility discharges wastewater containing pollutants through man-made ditches and/or other similar man-made devices into Cahoochie Creek without authorization under an NPDES permit.

40. Respondent’s discharges constitute unauthorized discharges of pollutants from a point source to waters of the United States without a NPDES permit in violation of Sections 301 of the CWA, 33 U.S.C. § 1311.

Order for Compliance on Consent

41. Based on the Allegations of Fact and Findings of Violation set forth above, and pursuant to Section 309(a)(3) of the CWA, 33 U.S.C. § 1319(a)(3), the EPA hereby ORDERS and Respondent hereby AGREES to take the actions described below:

42. *Application for NPDES Permit.* Unless Respondent eliminates the use of man-made ditches and culverts to facilitate the flow of process wastewater from the Facility to waters of the United States or permanently reduces the number of livestock confined at the Facility below regulatory thresholds, Respondent shall apply for an NPDES permit from MDNR for the Facility within one hundred and twenty (120) days of the Effective Date of this Order.

43. Upon issuance of an NPDES permit to Respondent by MDNR, Respondent shall fulfill all requirements established by the NPDES Permit.

44. *Interim Measures Plan.* Within thirty (30) days of the Effective Date of this Order, Respondent shall submit an Interim Measures Plan (“Plan”) to the EPA.

a. The Plan shall describe, in detail, actions that the Respondent will take to reduce the discharge of pollutants from Respondent’s Facility to waters of the United States until permanent controls are in place.

b. The Plan shall include a schedule for implementation of the interim measures.

- c. The interim measures shall remain in place and operated until the Respondent:
 - i. Eliminates the use of man-made ditches and culverts to facilitate flow of process wastewater from the Facility to waters of the United States or permanently reduces the number of livestock confined at the Facility below regulatory thresholds; or
 - ii. Receives an NPDES permit from MDNR and completes construction of all controls required by MDNR.
- d. Respondent shall implement the Plan immediately.

45. *Compliance Plan.* Within 120 days of the Effective Date of this Order, Respondent shall develop and submit to EPA a Compliance Plan that describes the procedures and implementation timetable for the Facility to achieve compliance with the CWA as soon as possible, but no later than one year from the Effective Date of this Order. The Compliance Plan shall:

- a. Describe in detail the actions to be taken or work to be completed, including whether Respondent intends to apply for an NPDES permit, and how such actions or work will enable Respondent to achieve compliance.
- b. Include a schedule identifying key dates in the Compliance Plan with a final completion date no later than one year from the Effective Date of this Order.
- c. Identify the author, licensed engineer, or other consultant who has created the plan to achieve compliance.

46. The EPA will review the Compliance Plan and may provide comments or concerns. Respondent shall address all comments or concerns, if any, from EPA in writing no later than 15 days after receiving them.

47. Respondent shall implement the Compliance Plan according to the details and schedule in the Compliance Plan. The Compliance Plan shall be incorporated by reference and fully enforceable under the terms of this Order.

48. If Respondent believes it needs additional time to complete, prepare, revise, or implement the Compliance Plan, it shall submit a request by mail or email to the EPA contact at the address identified below, indicating the basis for the request and the period of additional time requested. Any decision by the EPA to grant such request shall be in writing and delivered to Respondent by mail or email.

49. Reporting to the EPA. Within 60 days of the Effective Date of this Order, and on the first working calendar day of each fiscal quarter thereafter until termination of this Order, Respondent shall submit completed work orders, signed receipts, or other documentation of actions taken pursuant to Paragraphs 44 through 47 above. Respondent shall also include a summary narrative documenting the work completed during the prior fiscal quarter. Respondent

shall submit a written certification to the EPA that it has completed all actions required pursuant to this Order, or shall identify in writing any known noncompliance herewith.

Submittals

50. All documents required to be submitted to EPA by this Order shall be submitted by electronic mail or via the secure file transfer service utilized by the EPA. If the secure file transfer server option is needed or preferred for larger or multiple documents, a link will be provided upon request:

hendrickson.adam@epa.gov
Adam Hendrickson
U.S. Environmental Protection Agency – Region 7
Enforcement and Compliance Assurance Division
11201 Renner Boulevard
Lenexa, Kansas 66219

51. Electronic submissions to the EPA will be deemed submitted on the date they are transmitted electronically. Any report, notification, certification, or other communication that cannot be submitted electronically shall be submitted in hard-copy to the mailing addresses provided above.

52. All submissions to the EPA pursuant to the requirements of this Order shall contain the following certification signed by an authorized official, as described in 40 C.F.R. 122.22:

I certify that Urbana Stockyards, L.L.C. has complied with all the applicable requirements of the Order for Compliance. I also 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 and imprisonment for knowing violations.

General Provisions

Effect of Compliance with the Terms of this Order for Compliance

53. Compliance with the terms of this Order shall not relieve Respondent of liability for, or preclude EPA from, initiating an administrative or judicial enforcement action to recover penalties for any violations of the CWA, or to seek additional injunctive relief, pursuant to Section 309 of the CWA, 33 U.S.C. § 1319.

54. This Order does not constitute a waiver or a modification of any requirements of the CWA, 33 U.S.C. § 1251 *et seq.*, all of which remain in full force and effect. The EPA retains the right to seek any and all remedies available under Sections 309(b), (c), (d), or (g) of the CWA,

33 U.S.C. § 1319(b), (c), (d) or (g), for any violation cited in this Order. Issuance of this Order shall not be deemed an election by EPA to forgo any civil or criminal action to seek penalties, fines, or other appropriate relief under the CWA for any violation whatsoever.

55. This Order shall not constitute a permit under the CWA. Compliance with the terms of this Order shall not relieve Respondent of its responsibility to obtain any required local, state, and/or federal permits.

Access and Requests for Information

56. Nothing in this Order shall limit the EPA's right to obtain access to and/or to inspect the facility and/or to request additional information from Respondent pursuant to the authority of Section 308 of the CWA, 33 U.S.C. § 1318, and/or any other authority.

Severability

57. If any provision or authority of the Order or the application of the Order to Respondent is held by federal judicial authority to be invalid, the remainder of this Order shall remain in full force and effect and shall not be affected by such a holding.

Effective Date

58. This Order shall be effective upon signature by the EPA. Any amendments shall become effective and enforceable on the date that the amendment is signed by all parties. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from the effective date.

Modification

59. At the EPA's sole discretion, extensions of the compliance schedule/deadlines required by this Order may be made by the EPA by written notice to Respondent, without further formal amendment to the Order. The EPA will not unreasonably withhold consent for a requested extension. All other modifications to this Order may only be made by mutual agreement of the parties, pursuant to a written amendment signed by each party.

60. In the event of any such subsequent amendment to this Order, all requirements for performance of this Order not affected by the amendment shall remain as specified by the original Order.

Termination

61. This Order shall remain in effect until a written notice of termination is issued by an authorized representative of the EPA. Respondent may make a request in writing to EPA that the Order be terminated.

Signatories

62. The undersigned for each party has the authority to bind each respective party to the terms and conditions of this Order. This Order may be signed in part and counterpart by each party.

Electronic Service

63. Respondent consents to receiving the filed Consent Agreement/Final Order electronically at the following email address: urbanastockyards@gmail.com, with a copy to jjones@collinsjones.com.

For Respondent, Urbana Stockyards, L.L.C.:

Signature: 

Date: 3/6/26

Name: Skyler Fisher

Title: Member/owner

For Complainant, the U.S. Environmental Protection Agency, Region 7:

Alyse Stoy
Acting Director
Enforcement and Compliance Assurance Division

Samantha Pappas
Attorney
Office of Regional Counsel

Certificate of Service

I certify that on the date noted below I delivered a true and correct copy of this Findings of Violation and Administrative Order for Compliance on Consent by electronic mail, to:

Regional Hearing Clerk:

U.S. Environmental Protection Agency Region 7
R7_Hearing_Clerk_Filings@epa.gov

For Complainant:

Samantha Pappas
Office of Regional Counsel
U.S. Environmental Protection Agency Region 7
pappas.samantha@epa.gov

Adam Hendrickson
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency Region 7
hendrickson.adam@epa.gov

For Respondent:

Skyler Fisher
Urbana Stockyards, L.L.C.
urbanastockyards@gmail.com

Joshua P. Jones
Collins & Jones, P.C.
jjones@collinsjones.com

Date

Signature