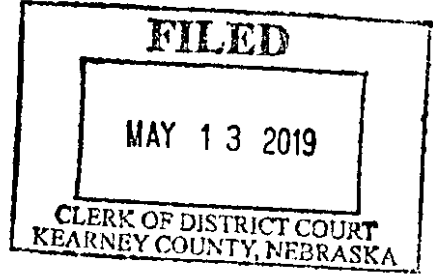


IN THE DISTRICT COURT OF KEARNEY COUNTY, NEBRASKA

STATE OF NEBRASKA, ex rel.,)
JIM MACY, Director,)
NEBRASKA DEPARTMENT OF)
ENVIRONMENTAL QUALITY,)
)
Plaintiff,)
)
v.)
)
KCC FEEDING, INC., a Nebraska)
Corporation,)
)
Defendant.)

Case No. CI 19-22

COMPLAINT



COMES NOW Jim Macy, Director of the Nebraska Department of Environmental Quality, who institutes this action through Douglas J. Peterson, Nebraska Attorney General, on behalf of the State of Nebraska, as Plaintiff, and alleges as follows:

PARTIES AND INTERESTS

1. Plaintiff Nebraska Department of Environmental Quality (“NDEQ”) is the agency of the State of Nebraska charged with the duty, pursuant to Neb. Rev. Stat. § 81-1504 (Cum. Supp. 2018), to administer and enforce the Nebraska Environmental Protection Act (“NEPA”), Neb. Rev. Stat. § 81-1501 *et seq.* (Reissue 2014), and all rules, regulations, orders, and permits issued pursuant to NEPA.

2. NDEQ is further charged with the duty to “administer the animal feeding operation permitting program in accordance with the National Pollutant Discharge Elimination System [“NPDES”] of the federal Clean Water Act ... through [NEPA], the Livestock Waste Management Act [“LWMA”], and the rules and regulations adopted and promulgated pursuant to such act” Neb. Rev. Stat. § 54-2418(1).



3. Defendant KCC Feeding, Inc. (“KCC Feeding”) is a Nebraska corporation that operates an animal feeding operation outside of Minden, Nebraska.

4. KCC Feeding is considered a “person” for purposes of NEPA and LWMA. Neb. Rev. Stat. § 81-1502(10); *id.* § 54-2417(16).

JURISDICTION AND VENUE

5. The District Court has subject-matter jurisdiction pursuant to Neb. Rev. Stat. § 24-302 (Reissue 2016).

6. Venue is proper in Kearney County pursuant to Neb. Rev. Stat. § 25-403.01 (Reissue 2016), as KCC Feeding operates an animal feeding operation in Kearney County and the events at issue took place in Kearney County.

LEGAL BACKGROUND

7. NDEQ has exclusive general supervision of NEPA, LWMA, and all rules and regulations implementing those acts. Neb. Rev. Stat. § 81-1504(1).

8. Pursuant to its authority in Neb. Rev. Stat. § 81-1505(13), the Nebraska Environmental Quality Council promulgated the following relevant rules and regulations:

- a. Title 117 of the Nebraska Administrative Code, *Nebraska Surface Water Quality Standards*; and
- b. Title 130 of the Nebraska Administrative Code, *Livestock Waste Control Regulations*.

9. Under NEPA, it is “unlawful for any person to”:

- a. “Violate any provision of the [LWMA];
- b. “Violate any term or condition of an animal feeding operation permit; or”
- c. “Violate any rule or regulation adopted and promulgated by the council pursuant to [NEPA] or the [LWMA].”

Neb. Rev. Stat. § 81-1506(5).

10. Under NEPA, it is “unlawful for any person ... [t]o cause pollution of any air, waters, or land of the state or to place or cause to be placed any wastes in a location where they are likely to cause pollution of any air, waters, or land of the state; or ... [t]o discharge or emit any wastes into any air, waters, or land of the state which reduce the quality of such air, waters, or land below the air, water, or land quality standards established therefor by the council.” Neb. Rev. Stat. § 81-1506(1).

11. The definition of “person” includes a “public or private corporation[.]” Neb. Rev. Stat. § 81-1502(10).

12. “Wastes” are defined as “sewage, industrial waste, and all other liquid, gaseous, solid, radioactive, or other substances which may pollute or tend to pollute any air, land, or waters of the state” Neb. Rev. Stat. § 81-1502(14).

13. “Water pollution” means “the manmade or man-induced alteration of the chemical, physical, biological, or radiological integrity of water.” Neb. Rev. Stat. § 81-1502(20); *see also* 117 Neb. Admin. Code § 1-079.

14. Beneficial use of surface waters includes aesthetics. 117 Neb. Admin. Code § 4-001. “To be aesthetically acceptable, waters shall be free from human-induced pollution which causes: 1) noxious odors; 2) floating, suspended, colloidal, or settable materials that produce objectionable films, colors, turbidity, or deposits” 117 Neb. Admin. Code § 4-005.

15. “Waters of the State” means “all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, situated

wholly or partly within or bordering upon the state[.]” Neb. Rev. Stat. § 81-1502(21); *see also* Neb. Rev. Stat. § 54-2417(17).

16. Under the LWMA, it is “unlawful for any person to ... [d]ischarge animal excreta ... or overflow from ... precipitation polluted by falling on or flowing onto an animal feeding operation ... in violation of ... a National Pollutant Discharge Elimination System permit, a construction and operating permit ... the [LWMA], or the rules and regulations adopted and promulgated by the council pursuant to such acts[.]” Neb. Rev. Stat. § 54-2432(4); *see also* 130 Neb. Admin. Code §§ 2-008.02, 2-008.10.

17. “Construction and operating permit” means “the state permit to construct and operate a livestock waste control facility, including conditions imposed on the livestock waste control facility and the associated animal feeding operation[.]” Neb. Rev. Stat. § 54-2417(4).

18. “Discharge” means “the spilling, leaking, pumping, pouring, emitting, emptying, or dumping of pollutants into any waters of the state or in a place which will likely reach waters of the state[.]” Neb. Rev. Stat. § 54-2417(8); *see also* 130 Neb. Admin. Code § 1-016.

19. “Livestock waste control facility” means “any structure or combination of structures utilized to control livestock waste at an animal feeding operation until it can be used, recycled, or disposed of in an environmentally acceptable manner. Such structures include ... holding ponds” Neb. Rev. Stat. § 54-2417(10).

20. “Holding pond” means “an impoundment made by constructing an excavated pit, dam, embankment or combination of these for temporary storage of liquid livestock wastes, generally receiving runoff from open lots and contributing drainage area.” 130 Neb. Admin. Code § 1-021.

21. NPDES permits are either general or individual permits issued by NDEQ. Neb. Rev. Stat. § 54-2417(12). “A general permit authorizes categories of disposal practices or livestock waste control facilities and covers a geographic area corresponding to existing geographic or political boundaries” *Id.*

22. Under the LWMA, it is “unlawful for any person to ... [v]iolate the terms of a [NPDES] permit or construction and operating permit or any provision of the [LWMA] and rules and regulations adopted and promulgated by the council pursuant to the act.” Neb. Rev. Stat. § 54-2432(5).

23. Under Title 130, “[a]ny time the waste storage volume in the livestock waste control facility exceeds the [start pump level] ..., livestock wastes shall be land applied on all available dewatering days until adequate storage is restored.” 130 Neb. Admin. Code § 11-003.

24. “Dewatering days” means “days that have suitable weather and soil conditions for land application of accumulated livestock wastes.” 130 Neb. Admin. Code § 1-014.

25. Under Title 130, “[t]he NPDES permittee shall operate the facility in accordance with the NPDES permit, the site-specific nutrient management plan, these regulations, and any terms and conditions as determined by [NDEQ] ...” 130 Neb. Admin. Code § 5-007.

26. “25-year, 24-hour rainfall event” means “a rainfall event with a probable recurrence interval of one in twenty-five (25) years.” 130 Neb. Admin. Code § 1-048.

27. Under Title 130, “[t]he minimum design storage capacity for construction or modification of a livestock waste control facility for any concentrated animal feeding operation shall provide adequate storage capacity for all manure, litter, and process wastewater (process water includes runoff which has come into contact with animal waste) generated during the storage period; all runoff or the runoff from a 25-year, 24-hour rainfall event ...; any net positive

amount from normal precipitation less evaporation during the storage period; and any additional storage needed to meet management goals or other regulatory requirements.” 130 Neb. Admin. Code § 8-002.

28. The start pump level or must pump level is “[t]he level indicating the volume needed to contain all runoff and direct precipitation, or the runoff and direct precipitation of the 25-year, 24-hour rainfall event Pumping shall begin as soon as possible anytime the storage level is exceeded[.]” 130 Neb. Admin. Code § 8-008.02.

29. The winter pumpdown level is “[t]he level indicating the volume needed for minimum design storage capacity. The capacity required for the storage period volume shall be available prior to the start of the storage period. In no case shall the minimum storage period be less than needed to provide adequate storage through the winter months.” 130 Neb. Admin. Code § 8-008.03.

FACTUAL BACKGROUND

30. At all times relevant, KCC Feeding was operating an animal feeding operation.

31. KCC Feeding has a construction and operating permit for its animal feeding operation at its Main Yard, dated October 15, 2012. The permitted capacity at its Main Yard feedlot is 15,000 feeder cattle.

32. As part of this permit, KCC Feeding uses livestock waste control facilities. Two of its livestock waste control facilities are labeled as holding pond 1A and 1B. Holding pond 1A is connected to holding pond 1B. Holding pond 1B contains the staff gauge, which provides the level of the effluent contained in the holding ponds.

33. On November 14, 2012, KCC Feeding was approved to operate its modified livestock waste control facilities.

34. The construction and operating permit, includes the term: “Adequate storage of manure, litter and process wastewater, including procedures to ensure proper operation and maintenance of the storage facilities.”

35. At all times relevant, KCC Feeding had a NPDES General Permit for Operations Confining Cattle covering holding pond 1B. General Permit NEG014000 expired March 31, 2017 and General Permit NEG018000 became effective April 1, 2017. Both general permits provide:

Cattle [concentrated animal feeding operations] are not allowed to discharge manure, litter, or process wastewater pollutants into waters of the state from the production area, except when precipitation causes an overflow of manure, litter, or process wastewater. The overflow may be discharged into waters of the state, provided:

(01) The production area for open lots is designed, constructed, operated, and maintained to contain all manure, litter, and process wastewater, including the runoff and direct precipitation, from a 25-year, 24-hour rainfall event

Both general permits also require the animal feeding operation to submit a nutrient management plan (“NMP”).

36. KCC Feeding has a NMP, dated August 12, 2016, which includes effluent application and provides the holding ponds are to be pumped to a pivot irrigation system and applied on approximately five sites covering approximately 589 acres. Effluent may be applied during the growing season, late fall after harvest, winter, or early spring.

37. The NMP has an Operation and Maintenance Plan, which identifies the critical storage depths by which to manage the pond volumes, including top of berm, start pump level, and winter pumpdown level.

38. The bottom to the top of the berm of holding pond 1B is 24.5 feet. The top of the berm is the elevation at which liquid will flow out of the holding pond.

39. The start pump level for holding pond 1B is 16 feet. The start pump level is the trigger to begin pumping and continue on all available dewatering days until the holding pond has capacity for a 25-year, 24-hour rainfall event.

40. The winter pumpdown level is 11.5 feet. The holding pond is pumped to winter pumpdown level to maximize the space available for runoff accumulation during the winter months.

41. KCC Feeding keeps a pond levels log for each month. This pond levels log provides precipitation amounts for each day, the level of the holding pond, and comments.

42. According to KCC Feeding's pond levels log, holding pond 1B was below 11.5 feet in August 2016.

43. According to KCC Feeding's pond levels log, holding pond 1B exceeded 11.5 feet in October 2016. The pond levels log indicated there was no precipitation in October 2016 and KCC Feeding did not pump. KCC Feeding's weather log for October 2016 showed mostly sunny conditions and little to no precipitation. The low temperature remained above freezing for the entire month.

44. According to KCC Feeding's pond levels log, holding pond 1B's level was 13.5 feet and rose to 14 feet in November 2016. The pond levels log indicated there was little precipitation, the pond was frozen, and KCC Feeding was not pumping. KCC Feeding's weather log shows mostly sunny weather and no days with low temperatures below freezing until November 19, 2016.

45. The level of holding pond 1B was above the winter pumpdown level before the winter months.

46. From August 18, 2016 to June 1, 2017, KCC Feeding did not pump effluent out of holding pond 1B.

47. According to KCC Feeding's pond levels log, holding pond 1B reached start pump level (16 feet) on or about April 18, 2017.

48. According to KCC Feeding's pond levels log, KCC Feeding did not pump due to saturation for the entire month of April 2017. The pond levels log indicates less than an inch of rain fell between April 1, 2017 and April 18, 2017. Between April 18, 2017 and April 27, 2018, less than a quarter of an inch of rain fell.

49. According to KCC Feeding's pond levels log, less than 2.5 inches of rain fell between April 28, 2017 and May 1, 2017. No rain fell between May 2, 2017 and May 9, 2017.

50. According to KCC Feeding's pond levels log, KCC Feeding did not pump between May 1, 2017 and May 15, 2017 because of saturation. On May 15, 2017, holding pond 1B's level was at 18.5 feet.

51. Between May 16, 2017 and May 20, 2017, approximately 5.55 inches of rain fell. This was a 25-year, 24-hour rainfall event.

52. According to KCC Feeding's pond levels log, holding pond 1B's level was 24 feet on May 19, 2017.

53. On or about May 20, 2017, the capacity of holding pond 1B was exceeded and effluent overtopped the berm and went into an intermittent drainage, which is approximately a quarter-mile from a neighbor's freshwater pond.

54. On May 22, 2017, KCC Feeding's consultant notified NDEQ of the discharge.

55. On May 25, 2017, NDEQ conducted an investigation of the discharge.

56. According to representatives for KCC Feeding, the discharge was fifteen feet wide and two inches deep and terminated in the freshwater pond.

57. On June 12, 2017, NDEQ issued a notice of violation to KCC Feeding, which listed violations for unlawful discharge of animal waste from holding pond 1B, failure to use all available dewatering days when the start pump level was exceeded, and failure to comply with the terms of its construction and operating permit.

58. Between June 2017 and part of November 2017, KCC Feeding pumped effluent from holding pond 1B and land-applied the effluent, but holding pond 1B's level remained above the start pump level.

59. On November 9, 2017, NDEQ issued an additional notice of violation to KCC Feeding for failing to use all available dewatering days in July, August, October, and part of November 2017.

60. On or about November 17, 2017, holding pond 1B was pumped down to 13.5 feet, which is below the start pump level.

61. On or about November 18, 2017, holding pond 1B was pumped down to 11 feet, which is below the winter pumpdown level.

FIRST CAUSE OF ACTION

DISCHARGE/OVERFLOW FROM AN ANIMAL FEEDING OPERATION IN VIOLATION OF NEB. REV. STAT. § 54-2432 AND 130 NEB. ADMIN. CODE § 2-008.10.

62. Plaintiff hereby realleges and incorporates by reference the allegations contained in the preceding paragraphs as though fully set forth herein.

63. Under LWMA, it is "unlawful for any person to ... [d]ischarge animal excreta ... or overflow from ... precipitation polluted by falling on or flowing onto an animal feeding

operation ... in violation of ... a National Pollutant Discharge Elimination System permit, a construction and operating permit ... the [LWMA], or the rules and regulations adopted and promulgated by the council pursuant to such acts[.]” Neb. Rev. Stat. § 54-2432(4); *see also* 130 Neb. Admin. Code §§ 2-008.02, 2-008.10.

64. “Discharge” means “the spilling, leaking, pumping, pouring, emitting, emptying, or dumping of pollutants into any waters of the state or in a place which will likely reach waters of the state[.]” Neb. Rev. Stat. § 54-2417(8); *see also* 130 Neb. Admin. Code § 1-016.

65. KCC Feeding’s NPDES General Permit only allows feeding operations to discharge into waters of the State when precipitation causes an overflow if, *inter alia*, the livestock waste control facility, *i.e.*, holding pond, is operated and maintained to contain all manure, litter, process wastewater, including the runoff and direct precipitation, from a 25-year, 24-hour rainfall event.

66. Operation and maintenance of a livestock waste control facility includes achieving winter pumpdown level and, when start pump level is exceeded, using all available de-watering days until adequate storage is restored.

67. The winter pumpdown level of holding pond 1B was not achieved prior to the winter months in 2016.

68. On or about April 28, 2017, holding pond 1B exceeded start pump level.

69. KCC Feeding did not de-water holding pond 1B between April 28, 2017 and May 16, 2017 despite there being available de-watering days.

70. Between May 16, 2017, and May 20, 2017, approximately five inches of rain fell in the area where KCC Feeding operates the main yard.

71. On or about May 20, 2017, the capacity of holding pond 1B was exceeded after approximately five inches of rain fell over a five-day period.

72. Due to the exceedance of its capacity, the effluent held by holding pond 1B overflowed, discharged, and entered into an intermittent drainage, which is approximately a quarter-mile upstream of a freshwater pond.

73. Representatives for KCC Feeding stated the discharge terminated in the freshwater pond.

74. The freshwater pond is a water of the State.

75. KCC Feeding failed to operate and maintain holding pond 1B to contain all manure, litter, and process wastewater, including the runoff and direct precipitation, from a 25-year, 24-hour rainfall event.

76. Due to KCC Feeding's failure to operate and maintain holding pond 1B, when the 25-year, 24-hour rainfall event occurred, holding pond 1B overflowed and discharged animal excreta that reached a water of the State or was in a place which would likely reach a water of the State in violation of Neb. Rev. Stat. § 54-2432(4) and 130 Neb. Admin. Code § 2-008.10.

77. Pursuant to Neb. Rev. Stat. § 81-1508.02(2), a civil penalty not to exceed ten thousand dollars (\$10,000.00) per day per violation is provided for violations of NEPA, as well as any rules or regulations adopted and promulgated pursuant to such Act.

SECOND CAUSE OF ACTION

POLLUTION OF WATERS OF THE STATE IN VIOLATION OF NEB. REV. STAT. § 81-1506(1) AND 117 NEB. ADMIN. CODE § 4-005.

78. Plaintiff hereby realleges and incorporates by reference the allegations contained in the preceding paragraphs as though fully set forth herein.

79. Under NEPA, it is “unlawful for any person ... [t]o cause pollution of any air, waters, or land of the state or to place or cause to be placed any wastes in a location where they are likely to cause pollution of any air, waters, or land of the state; or ... [t]o discharge or emit any wastes into any air, waters, or land of the state which reduce the quality of such air, waters, or land below the air, water, or land quality standards established therefor by the council.” Neb. Rev. Stat. § 81-1506(1).

80. On or about May 20, 2017, KCC Feeding’s holding pond 1B overflowed and discharged animal excreta into an intermittent drainage, which is approximately a quarter-mile from a freshwater pond.

81. Representatives for KCC Feeding stated the discharge terminated in the freshwater pond.

82. The freshwater pond is a water of the State.

83. Animal excreta is a waste and a pollutant.

84. The overflow and discharge of animal excreta contained in holding 1B caused or would likely cause pollution to water of the State.

85. The overflow and discharge reduced the quality of and altered the integrity and aesthetics of the freshwater pond.

86. KCC Feeding violated Neb. Rev. Stat. § 81-1506(1).

87. Pursuant to Neb. Rev. Stat. § 81-1508.02(2) (Reissue 2014), a civil penalty not to exceed ten thousand dollars (\$10,000.00) per day per violation is provided for violations of NEPA, any rules or regulations adopted and promulgated pursuant to such Act, or any provision of Neb. Rev. Stat. § 81-1506.

THIRD CAUSE OF ACTION

VIOLATION OF THE TERMS OF ITS CONSTRUCTION AND OPERATING PERMIT PURSUANT TO NEB. REV. STAT. § 54-2432(5) AND 130 NEB. ADMIN. CODE § 2.008.13.

88. Plaintiff hereby realleges and incorporates by reference the allegations contained in the preceding paragraphs as though fully set forth herein.

89. Under LWMA, it is “unlawful for any person to ... [v]iolate the terms of a ... construction and operating permit or any provision of the [LWMA] and rules and regulations adopted and promulgated by the council pursuant to the act.” Neb. Rev. Stat. § 54-2432(5); *see* 130 Neb. Admin. Code § 2-008.13.

90. Under Title 130, “[a]ny time the waste storage volume in the livestock waste control facility exceeds the [start pump level] ... livestock wastes shall be land applied on all available dewatering days until adequate storage is restored.” 130 Neb. Admin. Code § 11-003.

91. An NPDES permittee is also required to operate the animal feeding operation in accordance with the site-specific nutrient management plan. 130 Neb. Admin. Code § 5-007.

92. KCC Feeding has both an NPDES General Permit and a construction and operating permit.

93. KCC Feeding’s construction and operating permit requires KCC Feeding to operate in compliance with the terms of the permit, Title 130 regulations, and the laws of the State of Nebraska.

94. KCC Feeding’s construction and operating permit also incorporates the terms of KCC Feeding’s site-specific nutrient management plan. One of the incorporated terms is “[a]dequate storage of manure, litter and process wastewater, including procedures to ensure proper operation and maintenance of storage facilities.”

95. Operation and maintenance in the NMP provides critical storage depths by which KCC Feeding must manage holding pond 1B's volumes. When start pump level is reached, KCC Feeding must begin pumping effluent from holding pond 1B and must continue to do so on all days with suitable weather and soil conditions for land application until the capacity needed for the 25-year, 24-hour rainfall event is restored.

96. The NMP also provides that holding pond 1B will be pumped down to or below the winter pumpdown level prior to the winter months to maximize the space available for runoff accumulation during the winter months.

97. The start pump level is 16 feet and the winter pumpdown level is 11.5 feet.

98. The level of holding pond 1B was above winter pumpdown level in October 2016.

99. KCC Feeding did not pump down holding pond 1B to winter pumpdown level prior to the winter months in 2016.

100. KCC Feeding could have pumped holding pond 1B to winter pumpdown level between October 2016 and November 2016.

101. KCC Feeding failed to meet winter pumpdown level in violation of its permit. This failure contributed to the lack of adequate storage space in holding pond 1B for the May 2017 rainfall event.

102. On or about April 18, 2017, holding pond 1B hit its start pump level.

103. On or about April 28, 2017, holding 1B exceeded its start pump level.

104. The five-day rainfall event began on or about May 16, 2017.

105. KCC Feeding did not pump holding pond 1B before the rainfall event.

106. There were available dewatering days on which KCC Feeding could have pumped holding pond 1B to make storage available for the May 2017 rainfall event.

107. KCC Feeding failed to use all available dewatering days once start pump level was reached on April 18, 2017 and before the May 2017 rainfall event.

108. After the May 2017 rainfall event, holding pond 1B remained above start pump level until on or about November 17, 2017.

109. There were available dewatering days on which KCC Feeding could have pumped holding pond 1B in order to restore adequate storage to holding pond 1B.

110. KCC Feeding failed to use all available dewatering days after May 20, 2017 and before November 17, 2017.

111. KCC Feeding violated the terms of its construction and operating permit, its NMP, and Title 130.

112. Pursuant to Neb. Rev. Stat. § 81-1508.02(2), a civil penalty not to exceed ten thousand dollars (\$10,000.00) per day per violation is provided for violations of NEPA, as well as any rules or regulations adopted and promulgated pursuant to such Act.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff requests this Court to enter judgment on this Complaint in its favor and grant the following relief:

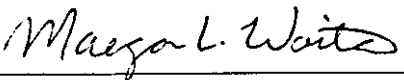
- A. Declare KCC Feeding violated the Livestock Waste Management Act and/or Title 130 of the Nebraska Administrative Code, *Livestock Waste Control Regulations*;
- B. Declare KCC Feeding violated the Nebraska Environmental Protection Act and/or Title 117 of the Nebraska Administrative Code, *Nebraska Surface Water Quality Standards*;
- C. Declare KCC Feeding violated Title 130 of the Nebraska Administrative Code, *Livestock Waste Control Regulations* and/or its construction and operating permit;
- D. Enter the statutory maximum civil penalty against KCC Feeding, as provided under Neb. Rev. Stat. § 81-1508.02(2);
- D. Tax all court costs herein to KCC Feeding; and

E. Grant Plaintiff such additional and further relief as this Court deems just and proper.

DATED this 10th day of May 2019.

STATE OF NEBRASKA, ex rel.,
JIM MACY, Director
NEBRASKA DEPARTMENT OF
ENVIRONMENTAL QUALITY, Plaintiff

By: Douglas J. Peterson, #18146
Attorney General

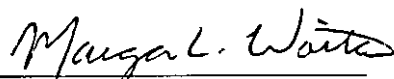
By: 
Maegan L. Woita, #26287
Assistant Attorney General
2115 State Capitol
P.O. Box 98920
Lincoln, Nebraska 68509-8920
Tel. (402) 471-1912
maegan.woita@nebraska.gov

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Complaint has been served on the Defendant, by regular U.S. Mail, first-class postage prepaid on this 10th day of May 2019, addressed as follows:

KCC Feeding
Attn: John & Diane Wubbenhorst
654 40 Road
Minden, Nebraska 68959


Maegan L. Woita
Assistant Attorney General