CAFO/Clean Water Act Enforcement: U.S. Environmental Protection Agency and Washington County, Kansas Cattle Operation Enter into a Consent Agreement



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

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The United States Environmental Protection Agency ("EPA") and D&S Cattle Company, LLC ("DS") entered into a February 17th Complaint and Consent Agreement ("CA") addressing alleged violations of the Clean Water Act National Pollutant Discharge Elimination System ("NPDES") permit. See Docket No. CWA-07-2026-0005.

The CA provides that DS owns, operates, or otherwise controls properties used to contain and raise beef cattle in Washington County, Kansas.

The facility is stated to have been issued an NPDES Permit. The current version allows a total maximum capacity of 9,000 head of cattle.

The facility is stated to be an animal feeding operation ("AFO") because:

- It stables, confines, feeds, or maintains non-aquatic animals – specifically, cattle – for a total of 45 days or more in any 12-month period; and,
- Crops vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the facility.

Further, the facility is stated to be a large Concentrated Animal Feeding Operation ("CAFO")because the number of cattle other than mature dairy cows or veal calves that can be confined and fed at the Facility is greater than 999 head.

EPA personnel are stated to have conducted a compliance evaluation inspection at the facility on March 27, 2024. During the inspection the facility is stated to have had approximately 6,827 head of beef cattle.

EPA is alleged to have identified the following violations:

- Failure to Initiate and Conduct Dewatering on all Suitable Days.
- Failure to Maintain Retention Structure Levels.
- Discharged from the Animal Waste Management System.
- Failure to Monitor & Document Freeboard Levels.
- Failure to Install a Staff Gauge.

DS neither admits nor denies the factual allegations asserted by EPA.

The CA proposes a civil penalty of $71,495.

A copy of the CA can be found here.