

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BOULEVARD
LENEXA, KANSAS 66219

BEFORE THE ADMINISTRATOR

IN THE MATTER OF:)
)
Kay Dee Feed, LLC) Docket No. CWA-07-2020-0163
)
Respondent)
)
Proceedings under) COMPLAINT AND
Section 309(g) of the Clean Water Act,) CONSENT AGREEMENT/
33 U.S.C. § 1319(g)) FINAL ORDER
)
_____)

COMPLAINT

Jurisdiction

1. This is an administrative action for the assessment of civil penalties instituted pursuant to Section 309(g) of the Federal Water Pollution Control Act, commonly referred to as the Clean Water Act (“CWA”), 33 U.S.C. § 1319(g), and in accordance with the United States Environmental Protection Agency’s (“EPA’s”) Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. Part 22 (“Consolidated Rules of Practice”).

2. Complainant, the United States Environmental Protection Agency Region 7 (“EPA” or “Complainant”) and Respondent, Kay Dee Feed, LLC (hereafter, “Kay Dee Feed” or “Respondent”), have agreed to a settlement of this action before the filing of a complaint, and thus this action is simultaneously commenced and concluded pursuant to Rules 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).

3. This Complaint and Consent Agreement/Final Order serves as notice that the EPA has reason to believe that Respondent violated its National Pollutant Discharge Elimination System (“NPDES”) permit for stormwater discharges associated with industrial activity, issued under the authority of Section 402(p) of the CWA, 33 U.S.C. § 1342(p), and 40 C.F.R. § 122.26.

Parties

4. The authority to take action under Section 309(g) of the CWA, 33 U.S.C. § 1319(g), is vested in the Administrator of the EPA. The Administrator has delegated this authority to the Regional Administrator, EPA, who in turn has delegated the authority to the Director of the Enforcement and Compliance Assurance Division of EPA Region 7 (collectively referred to as the “Complainant”).

5. Respondent is and was at all relevant times a limited liability corporation licensed and authorized to do business under the laws of the state of Iowa.

Statutory and Regulatory Framework

6. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of pollutants except in compliance with, *inter alia*, Section 402 of the CWA, 33 U.S.C. § 1342. Section 402 of the CWA provides that pollutants may be discharged in accordance with the terms of an NPDES permit issued pursuant to that Section.

7. The CWA prohibits the “discharge” of “pollutants” from a “point source” into a “navigable water” of the United States, as these terms are defined by Section 502 of the CWA, 33 U.S.C. § 1362.

Stormwater

8. Section 402(p) of the CWA, 33 U.S.C. § 1342(p), sets forth requirements for the issuance of NPDES permits for the discharge of stormwater. Section 402(p) of the CWA requires, in part, that a discharge of stormwater associated with an industrial activity must conform with the requirements of an NPDES permit issued pursuant to Sections 301 and 402 of the CWA.

9. Pursuant to Section 402(p) of the CWA, the EPA promulgated regulations setting forth the NPDES permit requirements for stormwater discharges at 40 C.F.R. § 122.26.

10. 40 C.F.R. §§ 122.26(a)(1)(ii) and 122.26(c) require dischargers of stormwater associated with industrial activity to apply for an individual permit or to seek coverage under a promulgated stormwater general permit.

11. 40 C.F.R. § 122.26(b)(14) defines “stormwater discharge associated with industrial activity” as discharges from facilities classified as Standard Industrial Classification 20, which includes SIC 2048 (Prepared Feed and Feed Ingredients for Animals and Fowls, Except Dogs and Cats).

12. The Iowa Department of Natural Resources (“IDNR”) is the state agency with the authority to administer the federal NPDES program in Iowa pursuant to Section 402 of the CWA. The EPA maintains concurrent enforcement authority with authorized states for violations of the CWA.

13. The IDNR issued and implemented NPDES General Permit No. 1 (“GP #1” or “Permit”) for stormwater discharges associated with industrial activity. The most recent 5-year permit has an effective date of March 1, 2018, and an expiration date of February 28, 2023. The previous 5-year permit was issued in 2013 and set to expire October 1, 2017, but was administratively extended until reissuance of the permit on March 1, 2018. The relevant provisions of the 2013 and 2018 permits are substantially the same.

14. Any individual seeking coverage under GP #1 is required to submit a Notice of Intent (“NOI”) to the IDNR in accordance with the requirements of Part II.C of the Permit. As required by Section III.C.1, a Stormwater Pollution Prevention Plan (“SWPPP”), which includes at least the minimum requirements set forth in Section III.C.4 of the Permit, must be completed and maintained on site before the NOI is submitted to the IDNR and fully implemented concurrently with operations at the facility.

15. As required by Section III.C.1.A. of GP #1 requires implementation of the provisions of the SWPPP as a condition of the Permit.

EPA’s General Allegations

Stormwater

16. Respondent is and was at all times relevant to this action the owner and/or operator of a facility known as “Kay Dee Feed Company” located at 1919 Grand Avenue, Sioux City, Iowa 51106 (“Facility”), operating under SIC 2048.

17. Stormwater, snow melt, surface drainage and runoff water leave Respondent’s Facility and discharge to the Sioux City, Iowa municipal separate storm sewer system (“MS4”), which discharges to Bacon Creek, which thereafter flows to the Missouri River.

18. Runoff and drainage from Respondent’s Facility is “stormwater” as defined by 40 C.F.R. § 122.26(b)(13).

19. Stormwater from Respondent’s Facility contains “pollutants” as defined by Section 502(6) of the CWA, 33 U.S.C. § 1362(6).

20. The Facility has “stormwater discharges associated with industrial activity” as defined by 40 C.F.R. § 122.26(b)(14)(xi) and is a “point source” as defined by Section 502(14) of the CWA, 33 U.S.C. § 1362(14).

21. Bacon Creek and the Missouri River, as identified in Paragraphs 17, above, are “navigable waters” as defined by Section 502(7) of the CWA, 33 U.S.C § 1362(7).

22. Stormwater runoff from Respondent’s industrial activity results in the addition of pollutants from a point source to navigable waters, and thus is the “discharge of a pollutant” as defined by CWA Section 502(12), 33 U.S.C. § 1362(12).

23. Respondent’s discharge of pollutants associated with an industrial activity, as defined by 40 C.F.R. § 122.26(b)(14)(xi), requires a permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.

24. After receipt of an NOI from Respondent, dated on or about September 30, 1992, the IDNR issued coverage under NPDES General Permit No. 1, Permit Authorization No. IA-

0890-0937, to Respondent for the Facility, effective December 22, 1992. Upon Respondent's payment of renewal fees and submission of applications for renewal, the IDNR has extended the Permit to Respondent during several additional five-year permit cycles, with the most recent Permits effective beginning September 13, 2016 and effective through October 1, 2021. The Permit governs stormwater discharges at the Facility associated with industrial activity, including facilities with the SIC 2048.

EPA Inspection

25. On or about October 1 through 4, 2019, the EPA performed an Industrial Stormwater Compliance Evaluation Inspection ("Inspection") of Respondent's Facility under the authority of Section 308(a) of the CWA, 33 U.S.C. § 1318(a), to evaluate Respondent's compliance with its Permit and the CWA.

26. During the Inspection, the EPA inspectors reviewed Respondent's records related to the Permit, including Respondent's SWPPP for the Facility, dated August 2018, observed the Facility, the Facility's stormwater outfalls, which were labeled Outfalls 1 through 9, and observed the discharge point to Bacon Creek.

27. At the conclusion of the Inspection, the EPA inspectors issued to Respondent a Notice of Potential Violation ("NOPV") identifying issues that may be violations of Respondent's Permit for stormwater discharges associated with industrial activity. The NOPV offered the Respondent an opportunity to reply, within ten days of receipt, to address any of the potential violations identified by the EPA inspectors.

28. Respondent provided a written response to the EPA inspectors dated October 14, 2019, identifying actions it was taking to address the issued identified in the NOPV.

29. A copy of the inspection report was mailed by the EPA to Respondent by letter dated February 19, 2020.

EPA's Specific Allegations

Count 1

Failure to Develop and Implement Appropriate Controls

30. Complainant's allegations stated above are re-alleged and incorporated herein by reference.

31. Part III, Section C, of GP #1, Storm Water Pollution Prevention Plans, requires development and full implementation of the facility's SWPPP concurrent with beginning operations at the facility that "describe and ensure the implementation of practices which will be used to reduce pollutants in storm water discharges associated with industrial activity at the facility and to insure compliance with the terms and conditions of this permit." This provision further requires facilities to implement the provisions of the SWPPP as a condition of the permit.

32. Part III, Section C.4.B. of GP #1, Storm Water Management Controls, requires each facility covered by the permit to, “develop a description of storm water management controls appropriate to the facility, and, implement such controls.” The stormwater management controls must address identified potential sources of pollutants at the facility, as further detailed in Part III.C.4.B.(1) through (10) of the Permit.

33. Part III, Section C.4.B.(6). of GP #1, Storm Water Management, requires the SWPPP to contain a narrative consideration of the appropriateness of traditional storm water practices, which are practices other than those which control the source of pollutants, and, based on the potential of various sources to contribute to pollutants to stormwater discharges, the SWPPP must provide that measures determined to be reasonable and appropriate are implemented and maintained.

34. Part III, Section C.4.B.(7). of GP #1, Sediment and Erosion Prevention, requires that the SWPPP “shall identify areas which, due to topography, activities, or other factors, have a high potential for significant soil erosion, and identify measures to limit erosion.”

35. Section 4 of Respondent’s SWPPP addresses Stormwater Management Controls. Section 4.7, which describes Sediment and Erosion Controls, states that “[t]here are no areas at the Kay Dee Facility that have a high potential for significant soil erosion due to topography, activities, or any other factors.” This section further states that “[i]f sediment or erosion issues are identified at the Kay Dee facility (e.g. future construction areas), Kay Dee will implement procedures to prevent or minimize soil loss in the identified areas.” Potential sediment and erosion controls listed in the SWPPP include, but are not limited to, mulching, inlet protection for stormwater sewers, sediment traps and check dams.

36. Respondent’s SWPPP indicates in Section 4.7, Sediment and Erosion Control, that there are no areas at the Facility with a high potential for significant erosion, however, Respondent’s SWPPP does list several stormwater procedures that would be implemented to prevent or minimize soil loss if sediment or erosion issues are identified. None of the listed procedures were observed to be in place at the time of the Inspection.

37. The EPA Inspectors observed the Facility’s stormwater management controls, including structural controls and best management practices, and collected documentation from Respondent regarding SWPPP implementation. The information collected during the Inspection indicates that:

- a. Section 4.4 of the SWPPP, Good Housekeeping, requires proper labeling of all containers, however the EPA inspector identified a tank with bean oil that had no label; and
- b. Section 4.7 of the SWPPP, Sediment and Erosion Control, requires implementation of procedures to prevent or minimize soil loss, however, no sediment control measures were in place for any of the stormwater inlets at the Facility.

38. During the Inspection, the EPA inspectors documented discharge of pollutants in stormwater entering stormwater inlets at Respondent's Facility that discharge to waters of the United States, including but not limited to, murky stormwater entering inlets identified in Respondent's SWPPP as Outfalls 1, 2, 4 and 5, which are connected to the Sioux City MS4 and discharge to Bacon Creek. The inspector observed a lack of pollution prevention measures for the stormwater discharges through Outfalls 1, 2, 4, and 5 at the time of the Inspection.

39. Based on observations documented during the Inspection, as described above, review of information provided by the Facility, and other relevant information, the EPA alleges that Respondent failed to fully implement storm water management controls appropriate to the Facility to address identified potential sources of pollutants at the Facility, as required by Part III.C. of the Permit.

40. Respondent's alleged failure to implement adequate stormwater management controls, and the resulting discharge of pollutants in stormwater from the Facility through Outfalls 1, 2, 4, and 5, as observed and documented by the EPA's Inspection, represent violations of the terms and conditions of its Permit, and are violations of Section 402(p) of the CWA, 33 U.S.C. § 1342(p).

**Count 2
Failure to Amend SWPPP**

41. Complainant's allegations stated above are realleged and incorporated herein by reference.

42. Part III.C. of GP #1 requires the permittee to develop and implement a SWPPP for each facility covered by the Permit that: is prepared in accordance with good engineering practices; identifies potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges associated with industrial activity from the facility; and describes and ensures the implementation of practices which will be used to reduce pollutants in stormwater discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit. Specific requirements for a SWPPP include the following:

- a. Part III.C.4.A.(2) requires a narrative description of known significant materials that have been treated, stored or disposed, in a manner to allow exposure to stormwater, during the three years prior to the discharge authorization date of this permit; the method of on-site storage or disposal; materials management practices employed to minimize contact of these materials with stormwater runoff; materials loading and access areas; the location and a description of existing structural and non-structural control measures to reduce pollutants in storm water runoff; and a description of any treatment the storm water receives; and
- b. Part III.C.4.B.(1) requires the plan to include a site map showing an outline of the drainage area of each storm water outfall; each existing structural control measure

to reduce pollutants in storm water runoff; and each surface water body.

43. Part III.C.3. of Respondent's Permit further requires that the SWPPP shall be amended whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential to discharge pollutants, or if the SWPPP proves to be ineffective in achieving the general objectives of controlling pollutants in stormwater discharges associated with industrial activities.

44. Respondent's SWPPP, provided to the EPA inspectors during the Inspection, was initially prepared in January 2011 and most recently revised in August 2018.

45. Based on observations documented during the Inspections, review of information provided by the Respondent, and other relevant information, the EPA alleges that Respondent failed to update the Facility's SWPPP as required by Part III.C.3. of the Permit. Specific provisions of the SWPPP that had not been updated as of the date of the Inspection include:

- a. Failure to identify all current potential sources of pollution, as required by Part III.C.4.A.(2) of the Permit, including but not limited to the use of bean oil rather than mineral oil, discontinuation of use of phosphoric acid on site, discontinuation of use of the mineral production building, and construction of four additional stormwater inlets on the site, and control measures for those inlets;
- b. Failure to update the site map required by Part III.C.B(1) to identify all current stormwater inlets and outfalls, structural controls and non-structural controls; and
- c. The Inspection documented that control measures implemented at the Facility did not address sediment and erosion at the site, which resulted in the discharge of sediment in stormwater discharges.

46. Respondent's alleged failure to amend the SWPPP to identify current outfalls, processes and facilities and to address controls that had proven to be ineffective in achieving the general objectives of controlling pollutants in stormwater discharges associated with industrial activity are violations of Section 402(p) of the CWA, 33 U.S.C. § 1342(p).

**Count 3
Failure to Conduct Employee Training for SWPPP**

47. Complainant's allegations stated above are re-alleged and incorporated herein by reference.

48. Part III.C.4.B.(8) of Respondent's NPDES Permit requires Respondent to provide employee training programs to inform personnel at all levels of responsibility of the components and goals of the SWPPP at periodic dates identified in the SWPPP.

49. Part III.E. of Respondent's NPDES Permit, Retention of Records, requires Respondent to retain a copy of records, data and reports required by the Permit for the duration of the Permit or at least three years from the date of the record.

50. Section 4.8 of the SWPPP, Employee Training, states that employee training on the SWPPP will be performed in the fourth quarter of each year and that a record of training content and attendees are kept at the Facility with the SWPPP.

51. Section 4.9 of the SWPPP, Record Keeping and Internal Reports, states that records will be maintained for three years after the date of record or until the expiration of the Permit, whichever is later.

52. Based on information obtained during the Inspection and information submitted to EPA following the Inspection, training for Respondent's employees was not conducted for 2018.

53. Respondent's alleged failure to conduct SWPPP training for employees in calendar year 2018 in violation of Part 4.8 of the SWPPP, is a violation of the conditions of Respondent's NPDES Permit, and as such, is a violation of Section 402(p) of the CWA, 33 U.S.C. § 1342(p).

54. As alleged by the EPA in Counts 1 through 3 above, and pursuant to Section 309(g)(2)(A) of the CWA, 33 U.S.C. § 1319(g)(2)(A), as adjusted pursuant to 40 C.F.R. § 19.4, for violations that occurred after November 2, 2015, where penalties are assessed on or after January 13, 2020, Respondent is liable for civil penalties of up to \$22,320 per day for each day during which the violation continues, up to a maximum of \$55,300.

CONSENT AGREEMENT

55. Respondent and the EPA agree to the terms of this Consent Agreement/Final Order.

56. Respondent admits the jurisdictional allegations of this Complaint and Consent Agreement/Final Order and agrees not to contest the EPA's jurisdiction in this proceeding or any subsequent proceeding to enforce the terms of the Consent Agreement/Final Order.

57. Respondent neither admits nor denies the factual allegations and legal conclusions contained in this Complaint and Consent Agreement/Final Order.

58. Respondent waives its right to contest the allegations set forth above, and its right to appeal this Consent Agreement/Final Order.

59. Respondent and Complainant each agree to resolve the matters set forth in this Consent Agreement/Final Order without the necessity of a formal hearing and agree to bear their own costs and attorney's fees.

60. Respondent consents to receive the filed Consent Agreement and Final Order electronically at the following email address: eric.lohry@kaydeellc.com.

61. As required by Section 309(g)(3) of the CWA, 33 U.S.C § 1319(g)(3), the EPA has taken into account the nature, circumstances, extent and gravity of the alleged violations as well as Respondent's economic benefit of noncompliance, ability to pay, and other relevant factors in determining the appropriate penalty settlement amount to resolve this action.

62. The undersigned representative of Respondent certifies that he or she is fully authorized to enter into the terms and conditions of this Consent Agreement/Final Order and to execute and legally bind Respondent to it.

63. Respondent understands and agrees that this Consent Agreement/Final Order shall apply to and be binding upon Respondent and Respondent's successors and/or assigns. Respondent shall ensure that all contractors, employees, consultants, firms or other persons or entities acting for Respondent with respect to matters included herein comply with the terms of this Consent Agreement/Final Order.

64. Respondent certifies by signing this Consent Agreement/Final Order that to the best of its knowledge and information, Respondent is currently in compliance with all requirements of NPDES Permit IA-0890-0937 and Sections 301 and 402 of the CWA, 33 U.S.C. §§ 1311 and 1342, and its applicable regulations.

65. This Consent Agreement/Final Order addresses all civil administrative claims for CWA violations identified above. Complainant reserves the right to take any enforcement action with respect to other violations of the CWA or any other applicable law.

Penalty Payment

66. EPA has considered the appropriateness of the penalty pursuant to Section 309(g)(2)(A) of CWA, 33 U.S.C. 1319(g)(2)(A), and has determined that based on substantiated ability to pay information, the appropriate penalty for the violation is Fourteen Thousand Dollars (\$14,000).

67. Respondent agrees that, in settlement of the claims alleged in this Consent Agreement/Final Order, Respondent shall pay a civil penalty of **\$14,000** within thirty (30) days of the effective date of this Consent Agreement/Final Order.

68. Respondent shall pay the penalty identified in Paragraph 67 by certified or cashier's check made payable to "Treasurer, United States of America," with a transmittal that identifies the case name, facility address, and docket number **CWA-07-2020-0163** to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

or by alternate payment method described at <http://www.epa.gov/financial/makepayment>.

69. Respondent shall simultaneously send by electronic mail copies of the transmittal letter and the check or proof of an alternate payment method, as directed above, to the following:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 7
R7_Hearing_Clerk_Filings@epa.gov

and

Dan Breedlove
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 7
breedlove.dan@epa.gov

70. Respondent agrees that no portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this Consent Agreement/Final Order shall be claimed by Respondent as a deduction for federal, state, or local income tax purposes.

71. Respondent understands that, pursuant to 40 C.F.R. § 13.18, interest on any late payment will be assessed at the annual interest rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717. The interest will be assessed on any overdue amount from the due date through the date of payment. Failure to pay the civil penalty when due may result in the commencement of a civil action in Federal District Court to collect said penalty, together with costs or interest.

Effect of Settlement and Reservation of Rights

72. Respondent's payment of the entire civil penalty resolves all civil and administrative claims pursuant to Section 309(g) of the CWA, 33 U.S.C. § 1319(g), for violations alleged in this Consent Agreement/Final Order. Complainant reserves the right to take any enforcement action with respect to any other violations of the CWA or any other applicable law.

73. The effect of settlement described above is conditional upon the accuracy of the Respondent's representations to the EPA, as memorialized in Paragraph 64 of this Consent Agreement/Final Order.

74. Nothing contained in this Consent Agreement/Final Order shall alter or otherwise affect Respondent's obligations to comply with all applicable federal, state, and local environmental statutes and regulations and applicable permits, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state or local permit.

75. Notwithstanding any other provision of this Consent Agreement/Final Order, the EPA reserves the right to enforce the terms of this Consent Agreement/Final Order by initiating a judicial collection action pursuant to Section 309(g)(9) of the CWA, 33 U.S.C. § 1319(g)(9), and to seek penalties against Respondent or to seek any other remedy allowed by law.

76. With respect to matters not addressed in this Consent Agreement/Final Order, the EPA reserves the right to take any enforcement action pursuant to the CWA and its implementing regulations, or any other available legal authority, including without limitation, the right to seek injunctive relief, penalties and damages, and Respondent reserves its rights, defenses and claims.

General Provisions

77. The Parties acknowledge that this Consent Agreement/Final Order is subject to the public notice and comment required pursuant to Section 309(g)(4) of the CWA, 33 U.S.C. § 1319(g)(4), and 40 C.F.R. § 22.45.

78. Pursuant to 40 C.F.R. § 22.31(b), this Consent Agreement/Final Order shall be effective after entry of the Final Order and upon filing with the Regional Hearing Clerk, U.S. Environmental Protection Agency Region 7, 11201 Renner Boulevard, Lenexa, Kansas 66219. All time periods herein shall be calculated therefrom in calendar days unless otherwise provided in this Consent Agreement/Final Order.

79. The state of Iowa has been provided an opportunity to consult with Complainant regarding this matter in accordance with the requirements of 40 C.F.R. § 22.38(b) and Section 309(g)(1) of the CWA, 33 U.S.C. § 1319(g)(1).

80. The headings in this Consent Agreement/Final Order are for convenience of reference only and shall not affect interpretation of this Consent Agreement/Final Order.

81. Respondent and Complainant agree that this Consent Agreement/Final Order may be signed in part and counterpart.

For the Complainant, United States Environmental Protection Agency, Region 7:

Date

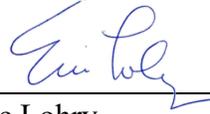
David Cozad
Director
Enforcement and Compliance Assurance Division

Patricia Gillispie Miller
Senior Counsel
Office of Regional Counsel

For the Respondent, Kay Dee Feed, LLC:

10/28/2020

Date



Eric Lohry
President
Kay Dee Feed, LLC

FINAL ORDER

Pursuant to Section 309(g) of the CWA, 33 U.S.C. § 1319(g), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits, 40 C.F.R. Part 22, the foregoing Consent Agreement resolving this matter is hereby ratified and incorporated by reference into this Final Order.

The Respondent is ORDERED to comply with all of the terms of the Consent Agreement. In accordance with 40 C.F.R. § 22.31(b), the effective date of the foregoing Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

IT IS SO ORDERED.

Date

Karina Borromeo
Regional Judicial Officer

CERTIFICATE OF SERVICE

I certify a true and correct copy of the Complaint and Consent Agreement/Final Order was sent this day in the following manner to the addressees:

Copy by email to representatives for Respondent:

Eric Lohry
President
Kay Dee Feed, LLC
eric.lohry@kaydeellc.com

Charles Denton
Barnes & Thornburg LLP
charles.denton@BTLaw.com

Jeffrey Longsworth
Barnes & Thornburg LLP
jeffery.longsworth@BTLaw.com

Copy by email to representatives for Complainant:

Patricia Gillispie Miller
U.S. Environmental Protection Agency - Region 7
Office of Regional Counsel
miller.patriciag@epa.gov

Erin Kleffner
U.S. Environmental Protection Agency, Region 7
Enforcement and Compliance Assurance Division
kleffner.erin@epa.gov

Copy by email to the Iowa Department of Natural Resources:

Scott Wilson
Iowa Department of Natural Resources
Field Office 3 Supervisor
Scott.wilson@dnr.iowa.gov

Date

Hearing Clerk, Region 7