

DAVID E. SYKES, P.C.
ATTORNEY AT LAW
60 SOUTH MAIN STREET
FAIRFIELD, IOWA 52556
Phone: 641-472-5141
Fax: 641-472-6800
Email: davidsykes@davidsykeslaw.com
Website: www.davidsykeslaw.com

BY CERTIFIED MAIL – RETURN RECEIPT REQUESTED

November 20, 2013

The Maschhoffs, LLC
7475 State Route 127
Carlyle, Illinois 62231

Registered Agent
Corporate Service Company
505 5th Avenue, Suite 729
Des Moines, Iowa 50309

RE: Notice of Intent to Sue for Violations of the Clean Water Act

Iowa Citizens for Community Improvement (“Iowa CCI”), through its counsel the Environmental Integrity Project (“EIP”), and The Humane Society of the United States (“The HSUS”), through its own counsel and counsel David E. Sykes, hereby provide notice of our intent to file a citizen suit against The Maschhoffs, LLC (“Maschhoffs”) for clear and ongoing violations of the Federal Water Pollution Control Act (“Clean Water Act” or “CWA”), 33 U.S.C. § 1251, *et seq.*, at the Keosauqua Sow Unit, Iowa Facility ID #60129 (“Keosauqua Sow Unit” or “Sow Unit”).¹ The violations detailed in this notice of intent (“notice letter”) are acute and contribute to water quality degradation and impairments in waters of the United States. If left unabated, Iowa CCI and The HSUS expect the continuing nature of the systemic failures at this facility to cause further damage to the facility’s receiving creeks as well as the Des Moines River and its interstate receiving waters.

As further detailed below, the Keosauqua Sow Unit is a large concentrated animal feeding operation (“CAFO”) located in a bend of the Des Moines River in Keosauqua, Iowa.² Confining nearly 7,500 sows, the Keosauqua Sow Unit generates an estimated 11,012,598 gallons of swine waste per year, which it maintains in at least two large, open-air waste impoundments located on the facility premises. On numerous occasions, there have been systemic failures to the Sow Unit’s animal waste management system, including its piping system, resulting in spills of thousands of gallons of swine waste and combined process wastewater onto the land and into one or more tributaries of the Des Moines River.

¹ Manure Management Plans and Iowa Department of Natural Resources documents also refer to this facility as the “Keosauqua Sow Farm.”

² See 40 CFR § 122.23(b)(2) (defining “CAFO”).

Each of these spills, as well as any other continuous or intermittent releases of swine waste and combined process wastewater from this facility that result in the discharge of pollutants into waters of the United States, constitutes a violation of section 301 of the Clean Water Act.³

Further, upon information and belief, the Keosauqua Sow Unit has not now or in the recent past sought coverage under the Clean Water Act National Pollutant Discharge Elimination System ("NPDES") permitting program. As recently confirmed by the Fifth Circuit Court of Appeal in *National Pork Producers Council, et al. v. United States Environmental Protection Agency*, "a discharging CAFO has a duty to apply for a [NPDES] permit."⁴ Indeed, "a CAFO that has discharged without a permit remains in violation of the Act so long as there is a continuing likelihood that intermittent or sporadic discharges will occur."⁵ Therefore, the Keosauqua Sow Unit, an unpermitted discharger, is currently in violation of the CWA, and will remain so until it obtains a CWA NPDES permit.

If, within sixty days of the postmark of this letter, Maschhoffs does not bring the Keosauqua Sow Unit into full compliance with the Clean Water Act, Iowa CCI and The HSUS intend to file a citizens' suit in federal district court under section 505(a)(1) of the CWA seeking to enjoin these unlawful discharges and violations; to ensure the future compliance of the Keosauqua Sow Unit with the Clean Water Act; and to obtain civil penalties, attorneys' fees, and litigation costs, as appropriate.⁶

I. Factual Background

The Keosauqua Sow Unit is located at 21392 Osage Avenue in Keosauqua, the county seat of Van Buren County, Iowa. The facility confines an estimated 7,490 gestating and farrowing sows, each weighing greater than 55 pounds, and generates an estimated 11,012,598 gallons of swine waste per year.⁷ The generated waste is managed and disposed of through a basic anaerobic lagoon⁸ and land application waste management system.⁹ Two large, open-air anaerobic impoundment lagoons are located on the property; at least one of those two impoundments is estimated to have been built almost 20 years ago.¹⁰

Two creeks originate on the facility property and flow east into the Des Moines River, a navigable-in-fact water of the United States. Both of these creeks are tributaries of the Des Moines River, and are also waters of the United States subject to the CWA. The southernmost of the creeks originates between the facility's two open waste impoundment lagoons.¹¹ The facility is surrounded by alluvial and

³ See 33 USC § 1311; 33 USC § 1362(6), (7), (12), (14); 40 CFR § 122.23(b). See also *Gwaltney of Smithfield, Ltd. v. Chesapeake Bay Foundation*, 484 U.S. 49 (1987).

⁴ 635 F.3d 738, 751 (5th Cir. 2011).

⁵ James Hanlon, EPA, Memorandum: Concentrated Animal Feeding Operation Program Update after *National Pork Producers Council v. EPA*, 2 (Dec. 8, 2011).

⁶ See 33 USC § 1365 (a)(1), (b)(1)(A).

⁷ See Iowa Department of Natural Resources ("IDNR"), Letter of Noncompliance: Record keeping, 567 IAC 65.17 (13) (455B) (Sept. 3, 2013); Maschhoffs, Annual Compliance Fee Form for Confinement Feeding Operations Submitting Annual Updates, received by IDNR Nov. 08, 2012 (according to this document, the estimated population for the Keosauqua Sow Unit includes only pigs over 55 pounds (sows); it is probable that the facility also maintains a rolling population of pigs under 15 pounds (piglets) that are not accounted for in this population estimate.).

⁸ An anaerobic lagoon is a man-made earthen basin or impoundment structure that stores the facility's swine waste and process wastewater, and subjects that effluent to anaerobic respiration. EPA, Wastewater Technology Fact Sheet: Anaerobic Lagoons, EPA 832-F-02-009 (Sept. 2002), available at http://water.epa.gov/scitech/wastetech/upload/2002_10_15_mtb_alagoons.pdf.

⁹ The system also includes shallow waste storage pits located below the facility's confinement buildings.

¹⁰ IDNR, Construction Permit, CP-A93-44 (Sept. 9, 1993).

¹¹ Maschhoffs Environmental, Inc., *One Mile Radius Map, Keosauqua Sow Unit, Sec. 33 T69N R9W Henry Twp, Van Buren County, Iowa* (Attachment 1).

potential karst soils, and the Iowa Department of Natural Resources (“IDNR”) has described the topography of the site as “rugged.”¹²

The segment of the Des Moines River that includes the confluence with its tributaries that originate on the facility property, Iowa waterbody code IA 04-LDM-0010_3, is on Iowa’s Clean Water Act 303(d) list as impaired for aquatic life due to fish kills caused by biological pollutants.¹³ The source of these pollutants is currently listed as “cause unknown.”¹⁴ Swine waste is a biological material.

Numerous systemic failures have occurred at this facility, several of which have resulted in discharges of swine waste and combined process wastewater to waters of the United States. On November 2, 2007, Keosauqua Sow Unit staff failed to move a manure irrigation sprayer, as required, which resulted in the spraying of swine waste such that “liquid manure saturated the ground and flowed into a water source.”¹⁵ As a result, an estimated 6,000 gallons of swine waste entered the southernmost creek on the property.¹⁶ IDNR collected samples from the creek on the day of the discharge; those samples showed the presence of high concentrations of *e.coli*, ammonia, and total suspended solids.¹⁷ During its investigation into the incident, IDNR also found that the operator was improperly disposing of dead pigs at the facility, including by throwing them into a waste impoundment lagoon.¹⁸

On June 24, 2011, the IDNR conducted a scheduled inspection of the Keosauqua Sow Unit.¹⁹ Soon after that site inspection, two reported spills occurred at the facility. The spills, designated by IDNR as Spill Numbers 120211-AHB-1450 and 121911-AHB-0928, occurred on December 2, 2011 and December 19, 2011, respectively. Problems with the piping at the Sow Unit caused both spills. IDNR records indicate the December 2, 2011 spill resulted when a facility vehicle hit an above-ground standpipe and released an estimated 100 gallons of swine waste onto the drive and property of the facility.²⁰

The second 2011 incident occurred approximately two and a half weeks after the first incident, and was a much larger spill. IDNR records indicate that the spill resulted from a blocked waste transfer line that “caused manure to overflow the pits” at the facility.²¹ During this spill, an estimated 9,425 gallons of swine waste spilled out of the facility’s impoundment and into the southernmost creek on the property and a nearby pond.²² IDNR ammonia field tests taken in the days following the spill, approximately one week later, and again several months following the spill showed the continuing

¹² IDNR, Hazardous Substance Incident Report, Spill Number 110207-RDS-1517 (Nov. 2, 2007). *See also* Maschhoff’s Environmental, Inc, *Keosauqua Sow Unit, T69N R9W Section 33, Van Buren County, Iowa* and *Item 2B: Alluvial Soils Documentation, Keosauqua Sow Unit, T69N R9W Section 33, Van Buren County, Iowa* (Attachment 2).

¹³ *See* IDNR, Iowa 2012 Integrated Report: Category 5: EPA-approved Section 303(d) impaired waters, 69 (Apr. 25, 2013), *available at* http://www.iowadnr.gov/Portals/idnr/uploads/watermonitoring/impairedwaters/2012/Iowa%20final%20IR_Cat%205.pdf.

¹⁴ *See* U.S. Environmental Protection Agency (“EPA”), 2012 Waterbody Report for Des Moines River, *available at* http://ofmpub.epa.gov/waters10/attains_waterbody.control?p_list_id=IA%2004-LDM-0010_3&p_report_type=T&p_cycle=2012. (last visited Nov. 20, 2013).

¹⁵ IDNR, Hazardous Substance Incident Report, Spill Number 110207-RDS-1517 (Nov. 2, 2007).

¹⁶ *Id.*

¹⁷ IDNR, Notice of Violation: Departmental Evaluation; Necessary Remedial Actions, 455B.459A, Iowa Code, and 567 IAC 65.103. (Nov. 26, 2007).

¹⁸ *Id.*

¹⁹ IDNR, Manure Management Plan Compliance Review – Nonsales of Manure (June 24, 2011).

²⁰ IDNR, Hazardous Substance Incident Report, Spill Number 120211-AHB-1450 (Dec. 02, 2011).

²¹ IDNR, Hazardous Substance Incident Report, Spill Number 121911-AHB-0928 (Dec. 19, 2011).

²² IDNR, Report of Investigation, Site Visit following manure release from new farrowing building (Dec. 19, 2011).

presence of elevated levels of ammonia in the creek.²³ The Maschhoffs engaged in cleanup efforts through the first week in January, 2012, and an earthen dam remained in the creek until at least March of 2012 to mitigate waste flow into the Des Moines River.²⁴

The Maschhoffs addressed these spills by merely relocating the standpipe that caused the first 2011 spill, instructing contractors and visitors to “maintain a safe distance” from the relocated standpipe, and conducting weekly reviews of the facility’s vulnerable pipes and equipment.²⁵ A Maschhoffs representative also recently asserted that the Sow Unit had resolved the problems underlying the second 2011 spill by repairing equipment and extending the faulty standpipe.²⁶ However, these actions have failed to fully remedy the conditions that led to the violations, and the facility’s illegal discharges have continued.

On August 16, 2013, IDNR scheduled an appointment with a representative for the Maschhoffs to conduct an on-site review of the Keosauqua Sow Unit. That inspection, which took place on August 20, 2013, was IDNR’s first scheduled inspection of the facility since June of 2011. During the inspection, IDNR did not witness active pumping from the impoundment lagoon or use of application equipment.²⁷ However, in the inspection report completed subsequent to that review, IDNR stated that, “[m]anure application records ... were not observed for field(s) or farm(s) applied to in 2013.”²⁸ In addition, IDNR found that “a more diligent inner berm spraying schedule should be established to eliminate weed growth and promote non-weed grass species [in the earthen manure impoundment structure]. Additionally, rip-rap should be added to the lagoon of Keo. #1 under the inlet pipes to eliminate erosion.”²⁹ Weed and grass growth along the inner berm of an earthen manure impoundment structure as well as erosion can damage the structural integrity of an impoundment and make it more likely that the impoundment will leak or otherwise fail to adequately retain waste. On September 3, 2013, the IDNR issued a letter of noncompliance to Maschhoffs for record keeping errors at the Keosauqua Sow Unit. Despite these problems and the facility’s past spills, however, IDNR concluded that the facility could retain its “nondischarger” status and did not have a duty to apply for a NPDES permit.³⁰

On November 4, 2013, the Keosauqua Sow Unit experienced yet another large spill when it suffered from another failure to its manure piping system.³¹ This spill, which upon information and belief Maschhoffs is still in the process of cleaning up as of the date of this notice letter, resulted in an estimated discharge of thousands of gallons of swine waste and combined process wastewater to the southernmost tributary of the Des Moines River that originates between the Keosauqua Sow Unit waste lagoons.

These discharges constitute only the major and reported spills documented in IDNR records at the facility since 2007. Further discharges, intermittent or continuous, may have occurred during this time

²³ IDNR, Report of Investigation, Site Visit on 12/21/11 manure release from new farrowing building (Dec. 21, 2011); IDNR, Report of Investigation, Site Visit on 12/29/11 manure release from new farrowing building (Dec. 29, 2011); IDNR, Report of Investigation, Site Visit on March 15, 2012 to pick up ammonia test kit lent to Chad Cormier and also did additional ammonia testing while at property. Further follow up on cleanup from manure release from new farrowing building on 12/12/2011 (HSI # 121911-AHB-0928)(Mar. 15, 2012).

²⁴ *Id.*

²⁵ IDNR, Letter of Noncompliance: Record keeping, 567 IAC 65.17 (13) (455B) (Sept. 3, 2013).

²⁶ *Id.*

²⁷ IDNR, Unformed Manure Storage Structure Inspection, Keosauqua Sow Unit (Aug. 20, 2013).

²⁸ IDNR, Letter of Noncompliance: Record keeping, 567 IAC 65.17 (13) (455B) (Sept. 3, 2013).

²⁹ *Id.* IDNR made similar findings of poor management of Keosauqua’s impoundment berms during its unformed manure storage structure inspections in at least 2003, 2005, 2009, and 2010.

³⁰ *Id.*

³¹ IDNR, Manure Released to Creek Near Keosauqua Nov. 4 (Nov. 8, 2013), *available at* <http://www.iowadnr.gov/home/ctl/detail/mid/2822/itemid/1686>.

period. There is no reasonable expectation, given the operational and management practices at the facility, that these discharges will cease to occur in the future.

II. The Clean Water Act

Congress enacted the Clean Water Act “to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.”³² To achieve that purpose, Congress enacted section 301(a) of the Act, which prohibits the discharge of any pollutant by a person from any point source into any navigable water except in compliance with, among other requirements, a NPDES permit issued pursuant to section 402 of the Act.³³ This prohibition can be split into six definitional components, each of which is defined through statute and regulations. The CWA defines a “person” as “an individual, corporation, partnership, [or] association.”³⁴ The CWA broadly defines “navigable waters” to include all “waters of the United States, including the territorial seas.”³⁵ The U.S. Environmental Protection Agency (“EPA”) further defines “waters of the United States” to include navigable-in-fact rivers and their tributaries, when those tributaries are relatively permanent or have a significant nexus to the traditional navigable water.³⁶ The term “pollutant” includes any “dredged spoil...chemical wastes, biological materials, ... and agricultural waste.”³⁷ The CWA defines the “discharge of a pollutant” as “any addition of any pollutant to navigable waters from any point source,”³⁸ and in turn defines “any...concentrated animal feeding operation ... from which pollutants are or may be discharged” as a “point source.”³⁹

EPA defines a “concentrated animal feeding operation” as an “animal feeding operation” that exceeds certain size thresholds.⁴⁰ An “animal feeding operation” (“AFO”) is “a lot or facility ... where ... [a]nimals ... 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 ... [c]rops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.”⁴¹ By size, an AFO that stables or confines 2,500 or more swine each weighing at least 55 pounds meets EPA’s definition of a large CAFO.⁴²

The final factor in determining whether a discharge violates the Clean Water Act is whether such discharge occurred pursuant to and in compliance with a validly issued NPDES permit. In the absence of a validly issued NPDES permit, such discharge violates the CWA unless it is subject to an additional exemption.⁴³ In Iowa, the IDNR is authorized to issue CWA NPDES permits to CAFOs in the state.⁴⁴ A person discharging a pollutant into a water of the United States without a validly issued NPDES permit is

³² 33 U.S.C. § 1251(a).

³³ 33 USC § 1311 (a); 33 USC § 1342(a).

³⁴ 33 USC § 1362 (5).

³⁵ 33 USC § 1362 (7).

³⁶ EPA, Memorandum: Clean Water Act Jurisdiction Following the U.S. Supreme Court’s Decision in Rapanos v. United States & Carabell v. United States (Dec. 2, 2008), available at <http://www.epa.gov/owow/wetlands/pdf/RapanosGuidance6507.pdf>.

³⁷ 33 USC § 1362 (6).

³⁸ 33 USC § 1362 (12).

³⁹ 33 USC § 1362 (14).

⁴⁰ 40 CFR § 122.23(b)(2).

⁴¹ 40 CFR § 122.23(b)(1).

⁴² 40 CFR § 122.23(b)(4)(iv).

⁴³ 33 USC § 1311 (a); 33 USC § 1362 (14).

⁴⁴ See EPA, Specific State Program Status (Apr. 14, 2003), available at http://cfpub.epa.gov/npdes/statestats.cfm?program_id=45&view=specific#comments. See also EPA Region 7, Preliminary Results of an Informal Investigation of the National Pollutant Discharge Elimination System Program For Concentrated Animal Feeding Operations in the State of Iowa (July 2012), available at http://www.epa.gov/region07/water/pdf/ia_cafop_preliminary_report.pdf.

subject to an enforcement action and penalties,⁴⁵ and also must apply for a NPDES permit.⁴⁶ Maschhoffs meets each of these criteria.

III. Clean Water Act Violations

Maschhoffs, a “person” under the CWA, is in violation of section 301 of the Clean Water Act due to ongoing discharges of pollutants, including swine waste and combined process wastewater, from its Keosauqua Sow Unit, a CAFO point source, into waters of the United States.

The Keosauqua Sow Unit is a point source large CAFO that continuously confines an estimated 7,490 sows, each weighing over 55 pounds, in buildings where no vegetation or other growth is maintained.⁴⁷ As detailed above, in at least 2007, 2011, and 2013, the Sow Unit discharged upwards of 20,000 gallons of swine waste and combined process wastewater into tributaries of the Des Moines River, a navigable-in-fact waterway. Upon information and belief, some of the pollutants discharged by the Sow Unit threaten water quality in the Des Moines River itself, and may contribute to its existing impairments. The discharges described above include the major and reported spills that are known to have occurred at this facility since 2007. Additional discharges, intermittent or continuous, may have occurred during that time period. The discharges are ongoing due to the Maschhoffs’ failure to remedy their underlying causes. CAFO hog effluent and process wastewater contain pollutants, including biological materials such as pathogens, urine, and fecal matter, agricultural waste, and chemical waste such as rodenticides, pesticides, and pharmaceutical residues.⁴⁸

The Sow Unit’s repeated instances of discharge show not only that this facility has in the past discharged pollutants into waters of the United States, but that it will continue to discharge pollutants into the Des Moines River and its tributaries. “Intermittent or sporadic violations do not cease to be ongoing until the date when there is no real likelihood of repetition.”⁴⁹ Maschhoffs has not made adequate corrective measures, and, therefore, remains in violation of the CWA.

Numerous federal courts and the EPA have established that a CAFO that discharges must apply for a NPDES permit. EPA recently affirmed that “CAFOs that have discharged without a permit only cease to be in violation of the [CWA] when circumstances that led to their discharge have changed or been corrected. CAFOs that have discharged in the past will discharge in the future, and are therefore expected to obtain a permit, unless the conditions that led to the discharge are fully remedied.”⁵⁰ The Sow Unit has, through repeated discharges into tributaries of the Des Moines River, shown that it “will discharge in the future,” and remains in violation of the CWA every day that it remains an unpermitted discharger.

⁴⁵ Any party that fails to comply with these requirements may be subject to civil and administrative penalties of up to \$37,500 per day per violation. See 33 USC § 1319(d); 40 CFR § 19.4, Table 1. Parties found in violation of section 301 may additionally be subject to criminal penalties. See 33 USC § 1319(c).

⁴⁶ *National Pork Producers Council, et al.*, 635 F.3d at 751.

⁴⁷ See *supra* note 7 and accompanying text.

⁴⁸ See, e.g., EPA, Literature Review of Contaminants in Livestock and Poultry Manure and Implications for Water Quality, EPA 820-R-13-002 (July 2013); USDA, Agricultural Waste Management Field Handbook, Chapter 4: Agricultural Waste Characteristics, 210-VI-AWMFH (Mar. 2008).

⁴⁹ *Chesapeake Bay Foundation, Inc. v. Gwaltney of Smithfield, Ltd.*, 844 F.2d 170, 171-72 (4th Cir. 1988) (“Gwaltney II”). See also *Gwaltney of Smithfield*, 484 U.S. at 57 (“Gwaltney”) (“a reasonable likelihood that a past polluter will continue to pollute in the future” is a state of continuous or intermittent violation.); *Chesapeake Bay Foundation v. Gwaltney of Smithfield*, 890 F.2d 690 (4th Cir. 1989) (“Gwaltney III”); *American Canoe Ass’n v. Murphy Farms, Inc.*, 412 F.3d 536 (4th Cir. 2005); James Hanlon, EPA, Memorandum to Water Division Directors: Regions 1-10, 2 (Dec. 8, 2011).

⁵⁰ James Hanlon, EPA, Memorandum to Water Division Directors: Regions 1-10, 2 (Dec. 8, 2011).

Maschhoffs has experienced unpermitted discharges of pollutants from its Keosauqua Sow Unit into waters of the United States since at least November 2, 2007, as further described above. Iowa CCI and The HSUS intend to seek penalties for every day of violation for the past five years. Section 309(d) of the CWA, as adjusted by 40 C.F.R. § 19.4, authorizes civil penalties of up to \$37,500 per day per violation.

IV. Notice

The Maschhoffs, LLC is the owner and contact for The Keosauqua Sow Unit.⁵¹ As described above, Maschhoffs is a “person” as defined by section 502(5) of the CWA, and is responsible for the violations alleged in this notice.⁵²

Further identification of the relevant parties to this action is as follows:

i. Parties Receiving Notice

Kenneth Maschhoff
The Maschhoffs, LLC
7475 State Route 127
Carlyle, Illinois 62231

Registered Agent
Corporate Service Company
505 5th Avenue, Suite 729
Des Moines, Iowa 50309

Eric Holder, Jr.
U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Tom Miller
Iowa Attorney General
Office of the Attorney General
1305 E. Walnut Street
Des Moines, Iowa 50319

Gina McCarthy
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

⁵¹ IDNR, AFO Site Survey Report (June 24, 2011).

⁵² 33 USC § 1362 (5).

Karl Brooks
Regional Administrator
U.S. Environmental Protection Agency, Region 7
901 North 5th Street
Kansas City, Kansas 66101

Chuck Gipp
Director
Iowa Department of Natural Resources
502 East 9th Street
Des Moines, Iowa 50319

ii. Parties Delivering Notice

Iowa Citizens for Community Improvement
2001 Forest Avenue
Des Moines, Iowa 50311
(515) 282-0484

The Humane Society of the United States
2100 L Street, N.W.
Washington, D.C. 20037
(202) 676-2354

iii. Identification of Counsel

David Sykes
David E. Sykes, P.C.
60 South Main
Fairfield, Iowa 52556
641-472-5141
Counsel for The Humane Society of the United States

Hannah Connor
The Humane Society of the United States
2100 L Street, NW
Washington, D.C. 20037
(202) 676-2354
Counsel for The Humane Society of the United States

Tarah Heinzen
Environmental Integrity Project
1000 Vermont Avenue, NW, Suite 1100
Washington, D.C. 20005
(202) 263-4441
Counsel for Iowa Citizens for Community Improvement

V. Conclusion

For the reasons set forth above, Iowa CCI and The HSUS intend to file suit at the end of the sixty-day notice period to enjoin further violations of the Clean Water Act and to obtain any additional relief necessary to certify future compliance with this important statute. If you have any questions regarding this notice, believe any of the statements in this notice letter to be in error, or wish to discuss a possible resolution of this matter, please contact Hannah Connor at (202) 676-2354 or Tarah Heinzen at (202) 263-4441.

Sincerely,



David Sykes, Esq.
David E. Sykes, P.C.
Counsel for HSUS

/s/ Hannah Connor
Hannah Connor, Esq.
The Humane Society of the United States
Counsel for HSUS

/s/ Tarah Heinzen
Tarah Heinzen, Esq.
The Environmental Integrity Project
Counsel for Iowa CCI

cc:

Eric Holder, Jr.
U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Tom Miller
Iowa Attorney General
Office of the Attorney General
1305 E. Walnut Street
Des Moines, Iowa 50319

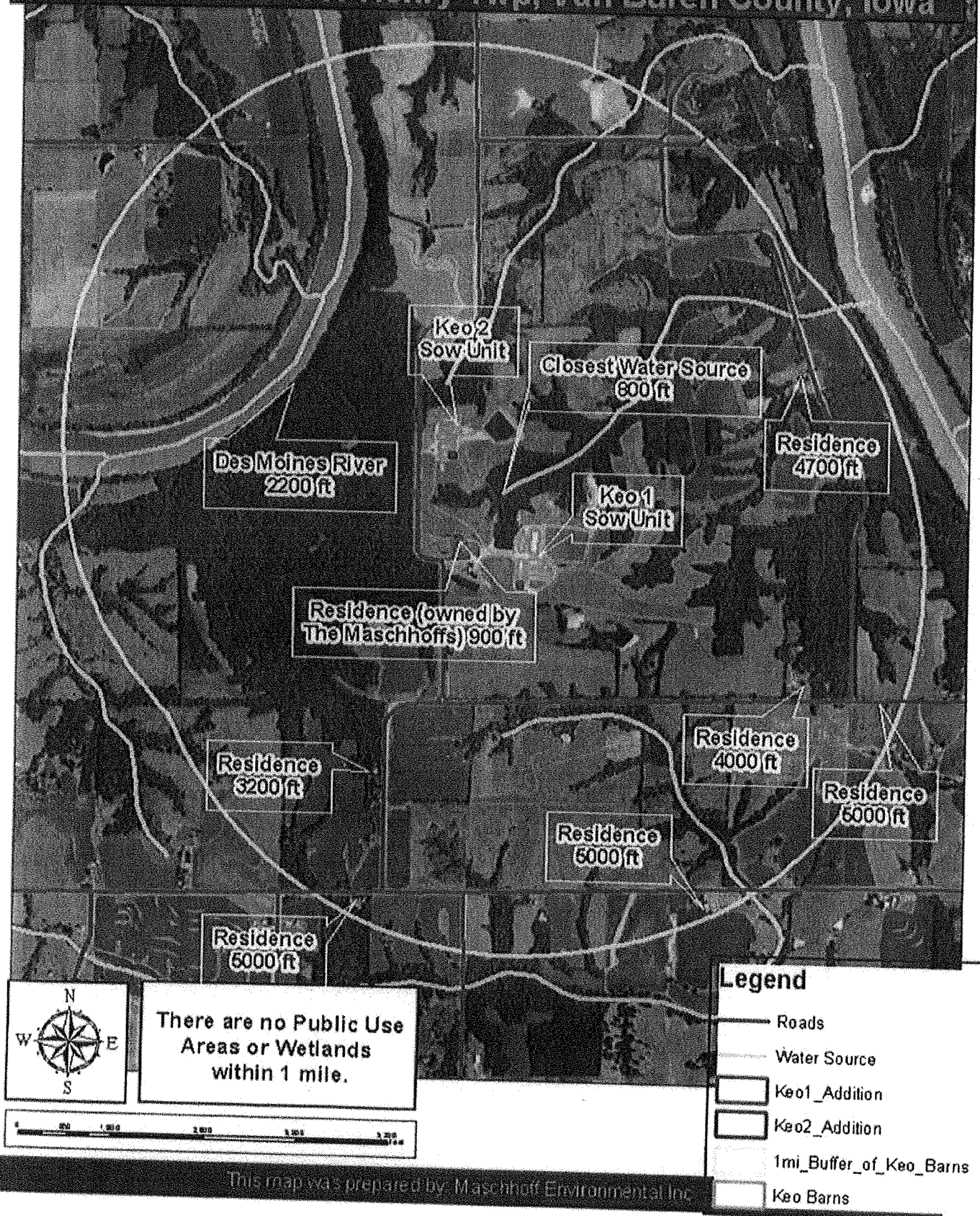
Gina McCarthy
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Karl Brooks
Regional Administrator
U.S. Environmental Protection Agency, Region 7
901 North 5th Street
Kansas City, Kansas 66101

Chuck Gipp
Director
Iowa Department of Natural Resources
502 East 9th Street
Des Moines, Iowa 50319

ATTACHMENT 1

Attachment 1: One Mile Radius Map, Keosauqua Sow Unit Sec. 33 T69N R9W Henry Twp, Van Buren County, Iowa



ATTACHMENT 2

Keosauqua Sow Unit
T69N R9W Section 33, Van Buren County, Iowa



Legend

- ☐ Not Karst
- ☒ Karst (within 1,000 ft of a sinkhole)
- ☒ Potential Karst

This site IS NOT
located on any **POTENTIAL** karst topography.

This map was prepared by Maschoff Environmental Inc.

Item 2B: Alluvial Soils Documentation, Keosauqua SOW Unit
T69N R9W Section 33, Van Buren County, Iowa



Legend

 Alluvial Soils

**This site IS NOT
located on any alluvial soils.**

This map was prepared by
Maschhoff Environmental Inc