

IN THE IOWA DISTRICT COURT FOR JOHNSON COUNTY

STATE OF IOWA ex rel. IOWA)	
DEPARTMENT OF NATURAL)	NO. EQCV078522
RESOURCES,)	
)	
Plaintiff,)	
)	
vs.)	PETITION IN EQUITY
)	
SABEER, L.L.C. d/b/a SLEEPY HOLLOW)	
CAMPGROUND,)	
)	
Defendant.)	

COMES NOW Plaintiff State of Iowa ex rel. Iowa Department of Natural Resources (“DNR”) and for its claims against Defendant states as follows:

INTRODUCTION

1. The State of Iowa seeks the assessment of civil penalties and injunctive relief against Defendant SABEER, L.L.C. for water pollution control, water supply and open burning violations at or in relation to the Sleepy Hollow Campground located in Oxford, Johnson County, Iowa. The violations include but are not limited to wastewater monitoring and reporting violations, failure to comply with provisions of its NPDES permit, failure to properly maintain the wastewater treatment facility, failure to comply with its public water supply permit, failure to comply with Administrative Consent Order 2011-WS-03, failure to comply with drinking water maximum contaminant levels for Gross Alpha and Combined Radium, and open burning of non-exempt combustible materials.

PARTIES

2. The State of Iowa is a sovereign state of the United States of America and brings this action on behalf of the DNR, a duly constituted agency of the State of Iowa pursuant to Iowa Code section 455A.2.

3. SABEER, L.L.C. is an Iowa limited liability company doing business in Johnson County, Iowa as Sleepy Hollow Campground.

JURISDICTION

5. The Court has jurisdiction of this matter pursuant to Iowa Code sections 455B.146, 455B.191(2) and 455B.191(5).

WATER POLLUTION CONTROL REQUIREMENTS

6. The DNR is the agency of the state responsible for the prevention, abatement, or control of water pollution. Iowa Code § 455B.172(1). The DNR maintains jurisdiction over and regulates the direct discharge of pollutants to a water of the state. Iowa Code § 455B.172(5)(a).

7. “Water of the state” means any stream, lake, pond, marsh, watercourse, waterway, well, spring, reservoir, aquifer, irrigation system, drainage system, and any other body or accumulation of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof. Iowa Code § 455B.171(39).

8. The Environmental Protection Commission (EPC) has rulemaking authority relating to water quality, pretreatment and effluent standards; location, construction, operation, and maintenance of disposal systems; permits for the operation, installation, construction, addition to, or modification of disposal systems, or for the discharge of any pollutant; and inspection, monitoring, record keeping, and reporting requirements for owners and operators of

disposal systems. Iowa Code §§ 455B.173(2), (3) and (6). Implementing rules are contained in 567 Iowa Admin. Code 60-69.

9. The DNR director is authorized to issue permits for the discharge of any pollutant including conditions and schedules of compliance necessary to meet the requirements of *inter alia* the federal Water Pollution Control Act and all applicable state and federal water quality standards and effluent standards. Iowa Code §§ 455B.174(4)(a)(1) and (b); 567 Iowa Admin. Code 64.7. Specifically, the DNR is authorized to issue a permit related to the administration of the National Pollutant Discharge Elimination System (“NPDES”) permit program pursuant to the federal Water Pollution Control Act, 33 U.S.C. chapter 26, as amended, and 40 C.F.R. part 124. Iowa Code § 455B.197.

10. The dumping, depositing, or discharging of pollutants into any water of the state is prohibited, except adequately treated sewage, industrial waste, or other waste in accordance with rules adopted by the EPC. Iowa Code section 455B.186(1); 567 Iowa Admin. Code 62.1(1).

11. The discharge of any pollutant from a point source into a navigable water is prohibited unless authorized by an NPDES permit. 567 Iowa Admin. Code 62.1(1).

12. “Point source” means any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. Iowa Code section 455B.171(19).

13. Bypasses from any portion of a treatment facility or from a sanitary sewer collection system designed to carry only sewage are prohibited. 567 Iowa Admin. Code 63.6(1).

14. Records of operation (also known as monthly operation reports or “MORs”) shall be submitted to the DNR field office within 15 days following the close of the applicable reporting period in accordance with the monitoring requirements incorporated in the operation permit. 567 Iowa Admin. Code 63.7.

15. Except as otherwise provided in DNR regulations, MORs are to be submitted to the DNR at monthly intervals. 567 Iowa Admin. Code 63.8.

16. MORs are required to include the results of all monitoring specified in or authorized by 567 Iowa Admin. Code chapter 63 and incorporated into an operation permit. 567 Iowa Admin. Code 63.9.

17. Operation of any wastewater disposal system or part thereof without, or contrary to any condition of, an operation permit issued by the DNR is prohibited. 567 Iowa Admin. Code 64.3(1).

18. Failure to comply with a requirement in an NPDES permit is a violation of the permit for which the DNR may suspend or revoke the permit or take direct enforcement action. 567 Iowa Admin. Code 64.7(4)“e”.

19. For any operation permit issued by the DNR, the permittee at all times shall maintain in good working order and operate as efficiently as possible any facilities or systems of treatment and control to achieve compliance with the terms and conditions of the permit. 567 Iowa Admin. Code 64.7(7)“f”.

20. For any operation permit issued by the DNR, the permittee shall take all reasonable steps to minimize or prevent any discharge in violation of the permit which has a reasonable likelihood of adversely affecting human health or the environment. 567 Iowa Admin. Code 64.7(7)“i”.

21. A person who violates any provision of Iowa Code chapter 455B, Division III, Part 1 or any permit, rule, standard or order issued thereunder shall be subject to a civil penalty not to exceed Five Thousand Dollars (\$5,000.00) for each day of such violation. Iowa Code section 455B.191(2).

22. The Attorney General is authorized, at the request of the DNR director with approval of the EPC, to institute any legal proceedings, including an action for an injunction or temporary injunction, necessary to enforce the penalty provisions of Iowa Code chapter 455B, Division III, Part 1 or to obtain compliance with the provisions of said statutes or any rules promulgated or any provision of any permit issued thereunder. Iowa Code § 455B.191(5).

PUBLIC WATER SUPPLY REQUIREMENTS

23. The EPC is authorized to adopt rules relating to the operation of public water supply systems, drinking water standards to assure compliance with federal standards adopted pursuant to the Federal Safe Drinking Water Act, and monitoring, record keeping, and reporting requirements for any public water supply pursuant to Iowa Code sections 455B.173(3), (5) and (6). The Commission has adopted such rules at 567 Iowa Admin. Code 40-43.

24. A “public water supply system” means “a system for the provision to the public of piped water for human consumption, if the system has at least fifteen service connections or regularly serves at least twenty-five individuals.” Iowa Code section 455B.171(24); *see also* 567 Iowa Admin. Code 40.2.

25. A “community water system” means “a public water supply system which has at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.” 567 Iowa Admin. Code 40.2.

26. All community water systems must comply with the requirements and maximum contaminant levels contained in 567 Iowa Admin. Code 41.8(1) for gross alpha particle activity, radium-226, radium-228, uranium, beta particle activity, and photon emitter radioactivity.

27. Public water supply systems must maintain on file at the facility a written sample siting plan for the collection of total coliform samples including, but not limited to, a map of the distribution system, notation or a list of routine sample location(s) for each sample period, resample locations for each routine sample, and a log of samples taken. The plan must be made available to the DNR upon request and during sanitary surveys. 567 Iowa Admin. Code 41.2(1)“c”(1)“1”.

28. A community water system serving a population between 25 and 1,000 persons must be sampled at least once per month for total coliform bacteria. 567 Iowa Admin. Code 41.2(1)“c”(1)“3”.

29. The DNR may require monitoring for total coliform on a more frequent basis based upon a sanitary survey or monitoring results history. 567 Iowa Admin. Code 41.2(1)“c”(1)“6”.

30. If a routine sample is total coliform positive, the public water supply system must collect a set of repeat samples within 24 hours of being notified of the positive result and in no case more than 24 hours after being notified by the DNR. A system which collects more than one routine sample per month must collect no fewer than three repeat samples for each total coliform-positive sample found. A system which collects one routine sample per month or fewer must collect no fewer than four repeat samples for each total-coliform positive sample found. 567 Iowa Admin. Code 41.2(1)“c”(2)“1”.

31. If a system collecting fewer than five routine samples per month has one or more total coliform-positive samples and the DNR does not invalidate the samples under 567 Iowa Admin. Code 41.2(1)“c”(3), it must collect at least five routine samples during the next month that the system provides water to the public. For systems monitoring on a quarterly basis, the additional five routine samples may be required to be taken within the same quarter in which the original total coliform-positive sample occurred. 567 Iowa Admin. Code 41.2(1)“c”(2)“5”.

32. For a system which collects less than 40 samples per month, no more than one sample collected during a month may be total coliform-positive. A nonacute total coliform bacteria maximum contaminant level (MCL) violation occurs when two or more routine and repeat samples collected during a month are total coliform-positive. 567 Iowa Admin. Code 41.2(1)“b”(1)“2”.

33. Test results for water samples shall be reported to the DNR within ten (10) days following the test. 567 Iowa Admin. Code 42.4(1)“a”.

34. Community water systems serving less than 500 people are required to conduct annual monitoring for Total trihalomethanes (TTHM) and haloacetic acids (HAA5). 567 Iowa Admin. Code 41.6(1)“c”(4).

35. Public water supply systems that add a chemical disinfectant to the water in any part of the drinking water treatment process or which provide water that contains a chemical disinfectant must develop and implement a monitoring plan and make it available for inspection by the DNR and the general public. 567 Iowa Admin. Code 41.6(1)“c”(1)“6”.

36. The owner or operator of a public water supply system must notify persons served by the system if it violates the maximum contaminant levels contained in DNR rules, or fails to perform the required monitoring. 567 Iowa Admin. Code 42.1.

37. No person shall operate any public water supply or part thereof without, or contrary to any condition of, an operation permit issued by the director. 567 Iowa Admin. Code 43.2(2).

38. Any person who performs the duties of an operator of a water treatment plant must be duly certified by the DNR. Iowa Code § 455B.223.

39. Any person who performs the duties of an operator of a water distribution system must be duly certified by the DNR. Iowa Code 455B.223.

40. “Operator” means a person who has direct responsibility for the operation of a water treatment plant, water distribution system, or waste water treatment plant. Iowa Code § 455B.211(2).

41. “Water distribution system” means that portion of the water supply system in which water is conveyed from the water treatment plant or other supply point to the premises of the consumer.

42. “Water treatment plant” means that portion of the water supply system which in some way alters the physical, chemical, or bacteriological quality of the water. Iowa Code § 455B.211(6).

43. A person who violates any provision of Iowa Code chapter 455B, Division III, Part 1 or any permit, rule, standard, or order issued thereunder shall be subject to a civil penalty not to exceed five thousand dollars (\$5,000.00) for each day of such violation. Iowa Code section 455B.191(2).

44. The Attorney General is authorized, at the request of the DNR director with approval of the EPC, to initiate any legal proceedings, including an action for an injunction or temporary injunction, necessary to enforce the penalty provisions of Iowa Code chapter 455B,

Division III, Part 1, or to obtain compliance with the provisions of said statutes or any rules promulgated or any provision of any permit issued thereunder. Iowa Code § 455B.191(5).

AIR QUALITY REGULATIONS

45. The Iowa Environmental Protection Commission is required to adopt rules pertaining to the evaluation, abatement, control, and prevention of air pollution. Iowa Code § 455B.133(2). Pursuant thereto, the Commission has adopted 567 Iowa Admin. Code chapters 20-35 concerning air quality.

46. Any person is prohibited from allowing, causing, or permitting open burning of combustible materials, unless a variance has been granted under 567 Iowa Admin. Code 23.2(2), or one of the exemptions listed in 567 Iowa Admin. Code 23.2(3) applies. 567 Iowa Admin. Code 23.2(1).

47. The Attorney General is authorized, on request of the DNR, to institute a civil action in district court for injunctive relief to prevent any further violation of any order, permit, or rule of the department, or for the assessment of a civil penalty for each day of violation not to exceed Ten Thousand Dollars (\$10,000.00) for each day of violation, or for both injunctive relief and civil penalties. Iowa Code § 455B.146.

FACTS

Sleepy Hollow Campground

48. SABEER, LLC. owns and operates the Sleepy Hollow RV Park and Campground (“Sleepy Hollow”) located at 3340 Blackhawk Ave., Oxford, Johnson County, Iowa. Sleepy Hollow has over 100 RV sites with water and electric hookups, in addition to permanent mobile home sites, tent campsites, cabins, a playground, a swimming pool, a fishing lake, shower and laundry facilities, and a store.

49. The Sleepy Hollow wastewater treatment system consists of a single-cell controlled-discharge lagoon that provides wastewater treatment for permanent mobile home sites and camping sites.

50. The Sleepy Hollow public water supply system obtains its water from one well, which is 565 feet deep and pumps about 20 gallons per minute. The system qualifies as a community water system and supplies water to a seasonal store, shower facilities, several mobile homes, one house and over 100 RV water hook-ups. Water treatment consists of ion exchange softening for radionuclide removal, iron filtration and chlorination. Four hydropneumatic tanks provide storage and pressure.

NPDES Permit Monitoring and Reporting Requirements

51. NPDES Permit No. 5200403 requires monitoring and monthly reporting of several wastewater parameters for Sleepy Hollow's raw waste, pre-discharge sampling, final effluent, and cell contents including but not limited to flow, carbonaceous biochemical oxygen demand (CBOD5), Total Suspended Solids, ammonia nitrogen, E.coli, and pH. The monthly operating reports (MORs) are required to be submitted to the DNR by no later than the 15th day of the following month.

52. SABEER has repeatedly failed to timely submit MORs including but not limited to the months of February, March, April, May, June, August, September and November 2011; January, February, March, April, May, June, July, August, September, November and December 2012; January, March and April 2013; February, March, May, June, July, and August 2014. The DNR issued notice of violation (NOV) letters to SABEER on November 15, 2010, July 19, 2013, April 11, 2014, and November 17, 2014, for failure to timely submit MORs. The November 15,

2010 and July 19, 2013 NOVs were also issued due to failure to report all required information on the MORs.

Wastewater Operation and Maintenance Requirements

53. NPDES Permit No. 5200403 requires that all of Sleepy Hollow's facilities and control systems be operated as efficiently as possible and maintained in good working order.

54. DNR inspections of the wastewater lagoon in November 2010, July 2013, March 2014, October 2014, November 2014 and May 2015 confirm SABEER failed to maintain the lagoon in good working order by permitting the growth of weeds, bushes and trees on the lagoon berm, and cattails in the lagoon.

55. SABEER permitted the Sleepy Hollow lagoon structure to continuously discharge wastewater since before July 9, 2013 and until after March 31, 2014.

56. The DNR issued NOV letters to SABEER on November 15, 2010, July 19, 2013, April 11, 2014 and November 17, 2014 for failure to properly maintain the wastewater treatment facility in good working order as required by the NPDES permit and DNR regulations.

Public Water Supply Permit Monitoring and Reporting Requirements

57. Public Water Supply Permit No. 5260601 requires periodic monitoring and reporting of the Sleepy Hollow water supply distribution system for coliform bacteria, lead and copper, Combined Radium, Inorganic (IOC) Chemicals, Nitrate, Synthetic (SOC) Chemicals, Volatile (VOC) Chemicals, Gross Alpha, excluding Rn & U, Uranium, Sodium, and Di(2-Ethylhexyl) Phthalate. The MORs are required to be submitted to the DNR by no later than the 10th day of the following month.

58. Beginning in 2009, the Sleepy Hollow public water supply system has repeatedly exceeded the Gross Alpha, excluding Rn & U, Maximum Contaminant Level (MCL) of 15pCi/L.

59. The DNR issued NOV letters to SABEER for non-acute violation of the Gross Alpha, excluding Rn and U, MCL on December 13, 2010, February 16, 2011, October 16, 2012, and August 19, 2013.

60. The Sleepy Hollow public water supply system also exceeded the MCL for coliform bacteria in May 2011 and October 2012, the lead action level for the period of June 1 to September 30, 2012, and the MCL for Di(2-Ethylhexyl) Phthalate MCL for the quarter ending March 31, 2014.

61. SABEER failed to perform annual monitoring for TTHM and HAA5 by August 31, 2012, quarterly monitoring for coliform bacteria by December 31, 2013, annual monitoring for sodium by March 31, 2014, monthly monitoring for coliform bacteria in April 2014, and monthly monitoring for coliform bacteria in September 2014.

62. The DNR issued NOV letters to SABEER for a non-acute coliform bacteria MCL on May 25, 2011, failure to monitor for TTHM and HAA5 on October 18, 2012, failure to provide public notification concerning lead on December 5, 2012, failure to monitor for coliform bacteria on January 21, 2014, a non-acute MCL violation of the Di(2-Ethylhexyl) Phthalate MCL on March 31, 2014, failure to monitor for coliform bacteria and sodium on May 16, 2014, and failure to monitor for coliform bacteria on October 16, 2014.

63. On March 31, 2014, the DNR conducted a sanitary survey of Sleepy Hollow and noted SABEER did not have a properly certified operator for the public water supply distribution system.

64. The March 31, 2014 sanitary survey also revealed that no bacterial sampling plan or Disinfection Byproducts Rule plan were available for the Sleepy Hollow public water supply system.

65. SABEER failed to take five lead and copper samples between June 1 and September 15, 2015, as required by Public Water Supply Permit No. 5260601.

PWS Permit Compliance Schedule and Administrative Consent Order No. 2011-WS-03

66. On November 9, 2009, SABEER was issued a revised public water supply operation permit containing a compliance schedule to correct Gross Alpha and Combined Radium MCL violations.

67. SABEER failed to meet the compliance schedule.

68. On May 17, 2011, Sandy and Jim Gingerich signed Administrative Consent Order No. 2011-WS-03 on behalf of SABEER for failure to meet the compliance schedule contained in the public water supply operating permit. The order required upgrades to the Sleepy Hollow public water supply water treatment facility to correct Gross Alpha and Combined Radium MCL violations. The order included the following compliance schedule:

- a. Submittal of a preliminary engineering report within 90 days of receipt of the order containing an evaluation of alternate water sources; an evaluation of treatment technologies for removal of gross alpha from the drinking water; a cost estimate for alternate water sources and treatment technologies; recommendations for complying with the gross alpha MCL; and a proposed implementation schedule for implementation of the selected alternative; and
- b. Complete construction of the proposed action to comply with the gross alpha and Combined Radium MCLs within 180 days of receipt of the order.

69. A Preliminary Engineering Report was approved in May 2013; however, SABEER failed to implement any of the recommendations.

70. On October 19, 2013, SABEER was issued a revised public water supply operation permit that included a compliance schedule to correct Gross Alpha and Combined Radium MCL violations.

71. SABEER failed to comply with the compliance schedule.

Open Burning

72. During DNR inspection visits on October 15, 2014 and November 7, 2014, DNR inspectors observed charred remains of non-exempt combustible materials on the Sleepy Hollow property. On October 15, 2014, there were also additional non-exempt materials in the burn pile that had not been burned. During the November 7, 2014 inspection, the DNR inspectors observed that the additional materials had been burned and were still smoldering.

73. On November 17, 2014, the DNR issued a NOV letter to SABEER for open burning.

VIOLATIONS

74. SABEER repeatedly failed to timely submit wastewater MORs including but not limited to failure to submit timely MORs for the months of February, March, April, May, June, August, September and November 2011; January, February, March, April, May, June, July, August, September, November and December 2012; January, March and April 2013; February, March, May, June, July, and August 2014 in violation of 567 Iowa Admin. Code 63.7, 63.8, and 64.3(1); and NPDES Permit No. 5200403.

75. SABEER failed to properly operate and maintain its wastewater treatment lagoon in violation of 567 Iowa Admin. Code 64.3(1), 64.7(4)“e”, 64.7(7)“f” and NPDES Permit No. 5200403.

76. SABEER permitted the wastewater lagoon structure to continuously discharge wastewater into a water of the state since before July 9, 2013 and until after March 31, 2014, in violation of Iowa Code section 455B.186(1), 567 Iowa Admin. Code 62.1(1), 63.6(1) and 64.3(1), and NPDES Permit No. 5200403.

77. SABEER failed to take all reasonable steps to minimize or prevent discharges in violation of its NPDES permit which had a reasonable likelihood of adversely affecting human health or the environment in violation of 567 Iowa Admin. Code 64.7(7)“i”.

78. The Sleepy Hollow public water supply system has repeatedly exceeded the Gross Alpha, excluding Rn & U Maximum Contaminant Level (MCL) of 15pCi/L in violation of 567 Iowa Admin. Code 41.8(1), 43.2(2) and Public Water Supply Permit No. 5260601.

79. The Sleepy Hollow public water supply system exceeded the MCL for coliform bacteria in May 2011 and October 2012 and the MCL for Di(2-Ethylhexyl) Phthalate MCL for the quarter ending March 31, 2014 in violation of 567 Iowa Admin. Code 41.2(1), 43.2(2) and Public Water Supply Permit No. 5260601.

80. SABEER failed to perform annual monitoring for TTHM and HAA5 by August 31, 2012, quarterly monitoring for coliform bacteria by December 31, 2013, annual monitoring for sodium by March 31, 2014, monthly monitoring for coliform bacteria in April 2014, and monthly monitoring for coliform bacteria in September 2014 in violation of 567 Iowa Admin. Code 41.6(1)“c”(4), 43.2(2) and Public Water Supply Permit No. 5260601.

81. SABEER failed to take five lead and copper samples between June 1 and September 15, 2015, in violation of 567 Iowa Admin. Code 41.4(1)“c”(3) and Public Water Supply Permit No. 5260601.

82. SABEER failed to comply with the compliance schedule in its 2013 public water supply permit in violation of 567 Iowa Admin. Code 43.2(2), 64.7(4)“e” and Public Water Supply Permit No. 5260601.

83. SABEER failed to upgrade the Sleepy Hollow public water supply water treatment facility in violation of Administrative Consent Order No. 2011-WS-03.

84. SABEER failed to maintain and make available to the DNR upon request a written sample siting plan for the collection of total coliform samples for the Sleepy Hollow public water supply system in violation of 567 Iowa Admin. Code 41.2(1)“c”(1)“1”.

85. SABEER failed to maintain and make available to the DNR and the general public a chemical disinfectant monitoring plan in violation of 567 Iowa Admin. Code 41.6(1)“c”(1)“6”.

86. SABEER failed to have a certified operator for the Sleepy Hollow water treatment facility in violation of Iowa Code 455B.223.

87. SABEER failed to have a certified operator for its water distribution system in violation of Iowa Code 455B.223.

88. SABEER allowed, caused, or permitted open burning of non-exempt combustible materials on the Sleepy Hollow Campground property in violation of 567 Iowa Admin. Code 23.2.

WHEREFORE, Plaintiff State of Iowa ex rel. Iowa Department of Natural Resources requests that the Court:

- a. assess a civil penalty against Defendant pursuant to Iowa Code section 455B.191(2) for each day of violation of Iowa Code sections 455B.186(1), 455B.223; 567 Iowa Admin. Code 23.2, 41.2(1), 41.2(1)“c”(1)“1”, 41.4(1)“c”(3), 41.6(1)“c”(1)“6”, 41.6(1)“c”(4), 41.8(1), 43.2(2), 62.1(1), 63.6(1), 63.7, 63.8, 64.3(1), 64.7(4)“e”, and 64.7(7)“f”; NPDES Permit No. 5200403, Public Water Supply Permit No. 5260601, and Administrative Consent Order No. 2011-WS-03 not to exceed five thousand dollars (\$5,000.00) per day, per violation, for each day of such violation;
- b. assess a civil penalty against Defendant pursuant to Iowa Code section 455B.146 for each day of violation of 567 Iowa Admin. Code 23.2 not to exceed ten thousand dollars (\$10,000.00) per day, per violation, for each day of such violation;
- c. issue a permanent injunction enjoining Defendant from any violation of Iowa Code sections 455B.186(1), 455B.223; 567 Iowa Admin. Code 23.2, 41.2(1),

41.2(1)“c”(1)“1”, 41.4(1)“c”(3), 41.6(1)“c”(1)“6”, 41.6(1)“c”(4), 41.8(1), 43.2(2), 62.1(1), 63.6(1), 63.7, 63.8, 64.3(1), 64.7(4)“e”, and 64.7(7)“f”; NPDES Permit No. 5200403, Public Water Supply Permit No. 5260601, and Administrative Consent Order No. 2011-WS-03.

Respectfully submitted,

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