

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

BEFORE THE ADMINISTRATOR

IN THE MATTER OF	)	
	)	Docket No. CWA-07-2025-0223
Alter Trading Corporation	)	
d.b.a. Alter Metal Recycling,	)	
	)	
Respondent	)	Consent Agreement and Final Order
	)	
Proceedings under Section 309(g) of the	)	
Clean Water Act, 33 U.S.C. § 1319(g)	)	
_____	)	

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 Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Consolidated Rules”), 40 C.F.R. Part 22.

2. Complainant, the U.S. Environmental Protection Agency Region 7 (“EPA”), and Respondent, Alter Trading Corporation d.b.a. Alter Metal Recycling, (“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 and Final Order serves as notice that the EPA has reason to believe that Respondent has violated National Pollutant Discharge Elimination System (“NPDES”) permit promulgated issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.

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 Region 7, who in turn has delegated the authority under Section 309(g) to the Director of the Enforcement and Compliance Assurance Division of EPA Region 7 (collectively referred to as the “Complainant”) with concurrence by the Office of

Regional Counsel.

5. Respondent Alter Trading Corporation d.b.a. Alter Metal Recycling, is and was at all relevant times incorporated 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 only in accordance with the terms of a 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.

8. Section 502(7) of the CWA, 33 U.S.C. § 1362(7), defines “navigable waters,” as “the waters of the United States, including the territorial seas.” “Waters of the United States” include “relatively permanent, standing or continuously flowing bodies of water ‘forming geographic[al] features’ that are described in ordinary parlance as ‘streams, oceans, rivers, and lakes.’” *Sackett v. EPA*, 598 U.S. 651, 671 (2023) (quoting *Rapanos v. United States*, 547 U.S. 715, 739 (2006)).

9. 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 comply with the requirements of an NPDES permit issued pursuant to Section 402 of the CWA.

10. 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.

11. 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.

12. In part, 40 C.F.R. § 122.26(b)(14)(vi) defines “industrial activity” as including “Facilities involved in the recycling of materials, including metal scrapyards, battery reclaimers, salvage yards, and automobile junkyards, including but not limited to those classified as Standard Industrial Classification 5015 and 5093.”

13. The Nebraska Department of Water, Environment and Energy (“NDWEE”) is the state agency with the authority to administer the federal NPDES program in Nebraska pursuant to Section 402 of the CWA. EPA maintains concurrent enforcement authority with authorized states for violations of the CWA.

14. 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. EPA maintains concurrent enforcement authority with authorized states for violations of the CWA.

EPA’s General Allegations

15. Respondent is a “person” as defined by Section 502(5) of the CWA, 33 U.S.C. § 1362(5) and includes but is not limited to an individual, corporation, and partnership.

16. At all times relevant to this action, Respondent owned, operated, or otherwise controlled the facility at 3440 East 15th Street, Columbus, Nebraska 68601, operating under SIC code 5093 (hereinafter the “Nebraska Facility”). Respondent’s Facility accepts and processes ferrous and non-ferrous metals from commercial and private sources.

17. At all times relevant to this action, Respondent owned, operated, or otherwise controlled the facility at 6305 11th Street, Cedar Rapids, Iowa 52404, operating under SIC code 5093 (hereinafter the “Iowa Facility”). Respondent’s Facility accepts and processes ferrous and non-ferrous metals from commercial and private sources.

18. Stormwater, snow melt, surface drainage, and runoff water leaves Respondent’s Nebraska Facility and discharges into the Loup River Canal, a perennial water body with year-round flow. The Loup River Canal flows into the Platte River which is a “traditionally navigable water” within the meaning of Section 502(7) of the CWA, 33 U.S.C. § 1362(7). The runoff and drainage from Respondent’s Nebraska Facility is “stormwater” as defined by 40 C.F.R. § 122.26(b)(13).

19. Stormwater, snow melt, surface drainage, and runoff water leaves Respondent’s Iowa Facility and discharges into an unnamed tributary of Prairie Creek. The unnamed tributary to Prairie Creek is a perennial water with year-round flow. Prairie Creek flows into the Cedar River which is a “traditionally navigable water” within the meaning of Section 502(7) of the CWA, 33 U.S.C. § 1362(7). The runoff and drainage from Respondent’s Iowa Facility is “stormwater” as defined by 40 C.F.R. § 122.26(b)(13).

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

21. Stormwater from these Sites contain “pollutants” as defined by Section 502(6) of the CWA, 33 U.S.C. § 1362(6).

22. The Loup River Canal and the Platte River are both “waters of the United States” as is defined by Section 502(7) of the CWA, 33 U.S.C. § 1362(7).

23. The unnamed tributary, Prairie Creek and Cedar River are all “waters of the United States” as is defined by Section 502(7) of the CWA, 33 U.S.C. § 1362(7).

24. Stormwater runoff from Respondent’s industrial activity at both Sites result 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).

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

26. NDWEE implemented NPDES Industrial Stormwater General Permit NER920000 for the discharge of stormwater under the NPDES, on October 2, 2022. The permit governs stormwater discharges associated with industrial activity. Respondent applied for and was issued NPDES Permit Authorization #ISW-202201042 for coverage under the general permit described above, which will expire on March 31, 2027, for the Nebraska Facility.

27. IDNR implemented General Permit #1 for the discharge of stormwater under the NPDES, on March 1, 2023. The permit governs stormwater discharges associated with industrial activity. Respondent applied for and was issued NPDES Permit Authorization #1986 – 1849 for coverage under the general permit described above, which will expire on October 1, 2027, for the Iowa Facility.

28. Respondent operated under the referenced Permits at all times relevant to this Order.

29. On July 30 and August 2, 2024, EPA performed an Industrial Stormwater Compliance Evaluation Inspection (“Columbus Inspection”) of Respondent’s Nebraska Facility under the authority of Section 308(a) of the CWA, 33 U.S.C. § 1318(a), to evaluate Respondent’s compliance with its NPDES permit and the CWA. During this inspection, EPA’s Inspector identified several violations of the Respondent’s NPDES permit. EPA issued a Notice of Preliminary Findings to Alter Trading Corporation on August 2, 2024.

30. On February 6 and 7, 2024, EPA performed an Industrial Stormwater Compliance Evaluation Inspection (“Cedar Rapids Inspection”) of Respondent’s Iowa Facility under the authority of Section 308(a) of the CWA, 33 U.S.C. § 1318(a), to evaluate Respondent’s compliance with its NPDES permit and the CWA. During this inspection, EPA’s Inspector identified several violations of the Respondent’s NPDES permit. EPA issued a Notice of Preliminary Findings to Alter Trading Corporation on February 6, 2024.

EPA’s Allegations of Violation
Columbus, Nebraska Facility

31. The paragraphs above are restated and herein incorporated.

Count 1
(Failure to Maintain Good Housekeeping Practices)

32. NPDES Permit NER920000 Section 2.1.2.2 Good Housekeeping requires Respondent keep clean all exposed areas that are potential sources of pollutants. Sector specific requirements for Industrial Activity include Section N – Scrap Recycling and Waste Recycling Facilities.

33. NPDES Permit NER920000 Sections 8.N.3.1.4 - Scrap and Waste Material Stockpiles and Storage; 8.N.3.1.5- Scrap and Recyclable Waste Processing Areas; 8.N.3.3.2 - Outdoor Storage and 8.N.3.3.3 - Indoor Storage and Material Processing all require that Respondent minimize the release of pollutants through implementation of control measures such as scheduling routine good housekeeping measures.

34. During the EPA inspection, EPA's Inspector observed the following instances of poor housekeeping:

- Evidence of floatables and debris at the inlets leading to Outfall 01 and Outfall 02.
- Oil/fluids on the concrete east of the Maintenance Shop caused by spillage by site personnel conducting vehicle/equipment maintenance.
- Ground discoloration in the yard associated with leaking vehicles/equipment.
- Evidence of oil leaving the Site from beneath the East fence.

35. Respondent's failure to comply with the non-numeric effluent limitations as well as any sector-specific non-numeric effluent limits are violations of the terms and conditions of Respondent's NPDES permit and the CWA.

Count 2
(Failure to Document Quarterly Visual Assessments of Stormwater Discharges)

36. NPDES Permit NER920000 Section 4.2 of the Columbus Permit requires the permittee to conduct and document quarterly visual assessments of stormwater discharges by collection of a storm water sample from each outfall and conducting a visual assessment of each of these samples.

37. During the EPA Inspection, Respondent failed to provide the following records documenting Quarterly Visual Assessment of Stormwater Discharge:

- Quarterly visual assessment of stormwater discharge during the 1st and 2nd quarters of 2024, 3rd quarter of 2022 or quarterly documentation of deviations from the quarterly visual assessment permit requirement.

38. Respondent's failure to conduct and/or document these assessments are a violation of the terms and conditions of Respondent's Columbus NPDES permit and the CWA.

Cedar Rapids, Iowa Facility

39. The paragraphs above are restated and herein incorporated.

Count 1
(Failure to Maintain Good Housekeeping Practices)

40. NPDES Permit Authorization #1986 – 1849, Part III Section C.4.b.4., of Respondent's Permit requires that Respondent, as part of its Stormwater Management Controls to implement good housekeeping practices for the maintenance of a clean and orderly facility.

41. During the EPA inspection, EPA's Inspector observed the following:

- Floatables were observed at the white goods process area at the southeast and northeast part of the Facility.
- Evidence of sediment deposits on 11th Street SW leading to the Facility's main entrance.
- Ground discoloration caused by leaky equipment stored at the west entrance of the maintenance shop.

42. Respondent's failure to implement good housekeeping practices is a violation of the terms and conditions of Respondent's NPDES permit and the CWA.

Penalty

43. As alleged in the preceding Counts, and pursuant to Section 309(g)(2)(B) of the CWA, 33 U.S.C. § 1319(g)(2)(B), as adjusted pursuant to 40 C.F.R. § 19.4, Respondent is liable for civil penalties of up to \$27,378 per day for each day during which the violation continues, up to a maximum of \$342,218.

CONSENT AGREEMENT

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

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

46. Respondent neither admits nor denies the factual allegations asserted by the EPA in this Complaint and Consent Agreement and Final Order.

47. By signing this consent agreement, respondent waives any rights or defenses that respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the consent agreement.

48. Respondent and Complainant agree to conciliate the matters set forth in this Consent Agreement and Final Order without the necessity of a formal hearing and agree to bear their own costs and attorney's fees incurred as a result of this action.

49. The undersigned representative of Respondent certifies that they are fully authorized to enter the terms and conditions of this Consent Agreement and Final Order and to execute and legally bind Respondent to it.

50. Respondent understands and agrees that this Consent Agreement and Final Order shall apply to and be binding upon Respondent and Respondent's agents, 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 and Final Order.

51. Respondent certifies by the signing of this Consent Agreement and Final Order that Respondent's Facilities have returned to compliance with both the Iowa NPDES Permit Authorization #1986 – 1849 and Nebraska General Permit, number NER920000, the CWA, and applicable regulations.

52. Based upon the facts alleged in this CAFO, and upon the nature, circumstances, extent, and gravity of the violations alleged, as well as Respondent's ability to pay, prior history of such violations, degree of culpability, economic benefit or savings (if any) resulting from the violations, and such other matters as justice may require, U.S. EPA has determined that an appropriate civil penalty to settle this action is \$52,623.

Penalty Payment

53. Respondent agrees to pay a civil penalty in the amount of \$52,623 ("Assessed Penalty") within thirty (30) days after the date the Final Order ratifying this Agreement is filed with the Regional Hearing Clerk ("Filing Date").

54. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.

When making a payment, Respondent shall:

- a. Identify every payment with Respondent's name and the docket number of this Agreement, CWA-07-2025-0223,

- b. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve proof of such payment to the following person(s):

Amy Gonzales
Regional Hearing Clerk
U.S. Environmental Protection Agency Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219
R7_Hearing_Clerk_Filings@epa.gov

and

Kristina Gonzales
Office of Regional Counsel
U.S. Environmental Protection Agency
11201 Renner Boulevard
Lenexa, Kansas 66219
gonzales.kristina@epa.gov

and

U.S. Environmental Protection Agency
Cincinnati Finance Center
Via electronic mail to:
CINWD_AcctsReceivable@epa.gov

“Proof of payment” means, as applicable, a copy of the check, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent’s name.

55. Interest, Charges, and Penalties on Late Payments. Pursuant to 33 U.S.C. § 1319(g)(9), 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties per this Agreement, the entire unpaid balance of the Assessed Penalty and all accrued interest shall become immediately due and owing, and EPA is authorized to recover the following amounts:

- a. Interest. Interest begins to accrue from the Filing Date. If the Assessed Penalty is paid in full within thirty (30) days, interest accrued is waived. If the Assessed Penalty is not paid in full within thirty (30) days, interest will continue to accrue until the unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. Interest will be assessed at prevailing rates, per 33 U.S.C. § 1319(g)(9). The rate of interest is

the IRS standard underpayment rate.

- b. Handling Charges. The United States' enforcement expenses including, but not limited to, attorneys' fees and costs of collection proceedings.
- c. Late Payment Penalty. A twenty percent (20%) quarterly non-payment penalty.

56. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties per this Agreement, EPA may take additional actions. Such actions EPA may take include, but are not limited to, the following:

- a. Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14.
- b. Collect the debt by administrative offset (i.e., the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, per 40 C.F.R. Part 13, Subparts C and H.
- c. Suspend or revoke Respondent's licenses or other privileges or suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds, per 40 C.F.R. § 13.17.
- d. Request that the Attorney General bring a civil action in the appropriate district court to recover the full remaining balance of the Assessed Penalty, in addition to interest and the amounts described above, pursuant to 33 U.S.C. § 1319(g)(9). In any such action, the validity, amount, and appropriateness of the Assessed Penalty shall not be subject to review.

57. Allocation of Payments. Pursuant to 31 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d), a partial payment of debt will be applied first to outstanding handling charges, second to late penalty charges, third to accrued interest, and last to the principal that is the outstanding Assessed Penalty amount.

58. Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Agreement shall not be deductible for purposes of federal taxes.

- a. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to the Internal Revenue Service ("IRS") annually, a completed IRS Form 1098-F ("Fines, Penalties, and Other Amounts") with respect to any court order or settlement agreement (including administrative settlements) that require a payor

to pay an aggregate amount that EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor's violation of any law or the investigation or inquiry into the payor's potential violation of any law, including amounts paid for "restitution or remediation of property" or to come "into compliance with a law." EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number ("TIN"), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. To provide EPA with sufficient information to enable it to fulfill these obligations, EPA herein requires, and Respondent herein agrees, that:

- i. Respondent shall complete an IRS Form W-9 ("Request for Taxpayer Identification Number and Certification"), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;
 - ii. Respondent shall certify that its completed IRS Form W-9 includes Respondent's correct TIN or that Respondent has applied and is waiting for issuance of a TIN;
 - iii. Respondent shall email its completed Form W-9 to EPA's Cincinnati Finance Center at sherrer.dana@epa.gov within 30 days after the Final Order ratifying this Agreement is filed, and EPA recommends encrypting IRS Form W-9 email correspondence; and
- b. In the event that Respondent has certified in its completed IRS Form W-9 that it has applied for a TIN and that TIN has not been issued to Respondent within 30 days after the Effective Date, then Respondent, using the same email address identified in the preceding sub-paragraph, shall notify EPA of this fact within 30 days after the Effective Date of this Consent Agreement and Final Order, and email EPA with Respondent's TIN within 5 days of Respondent's issuance and receipt of the TIN.

Effect of Settlement and Reservation of Rights

59. Respondent's payment of the entire penalty pursuant to this Consent Agreement and Final Order 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 and Final Order, existing through the effective date of this Consent Agreement and 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.

60. The effect of settlement described above is conditioned upon the accuracy of the Respondent's representations to the EPA, as memorialized in this Consent Agreement and Final Order.

61. Nothing contained in this Consent Agreement and 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.

62. Notwithstanding any other provision of this Consent Agreement and Final Order, the EPA reserves the right to enforce the terms of this Consent Agreement and Final Order by initiating a judicial or administrative 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.

63. With respect to matters not addressed in this Consent Agreement and 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.

General Provisions

64. The Parties acknowledge that this Consent Agreement and 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.

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

66. The states of Nebraska and Iowa have 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).

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

68. Respondent consents to service of this Consent Agreement and Final Order via electronic mail.

69. Respondent and Complainant agree that this Consent Agreement and 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

Date

Kristina Gonzales
Office of Regional Counsel

For the Respondent, Alter Trading Corporation d.b.a Alter Metal Recycling:



Signature

10-1-2025
Date

Jennifer R. Pierce
Name

Senior Vice President/General Counsel/Secretary
Title

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.

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 final copy of the Consent Agreement and Final Order was sent this day by electronic mail to the following:

For the Respondent:

Leah Ziemba, Esq.
Michael Best & Friedrich LLP
lhziemba@michaelbest.com

For the Complainant:

Kristina Gonzales
U.S. Environmental Protection Agency Region 7
gonzales.kristina@epa.gov

For the Nebraska Department of Water Environment and Energy:

Brad Pracheil
Nebraska Department of Environment and Energy
brad.pracheil@nebraska.gov

Phillip Halsted
Nebraska Department of Environment and Energy
phillip.halsted@nebraska.gov

For the Iowa Department of Natural Resources:

Ted Petersen
Iowa Department of Natural Resources
ted.petersen@dnr.iowa.gov

Date