

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7

Tony L. Brown and)
Joshua A. Brown) Docket No. CWA-07-2016-0053
d/b/a Riverview Cattle)
Armstrong, Iowa)
Respondents) COMPLAINANT'S
) SUPPLEMENT TO
) PREHEARING HEARING
) EXCHANGES

Background

On May 10, 2016, EPA filed an administrative Complaint against Respondents for alleged violations of Section 301 of the Clean Water Act, 33 U.S.C. § 1311, specifically, for the discharges of feedlot related pollutants to waters of the United States without an NPDES permit.

Per the Presiding Officer's Prehearing Order of November 14, 2016, supplements to prehearing exchanges submitted pursuant to 40 C.F.R.22.19(f) are allowed to be submitted without motion if filed more than 60 days prior to any scheduled hearing date. By the Presiding Officer's Second Notice of Hearing Order dated July 17, 2018, the hearing is now scheduled to commence on December 12, 2018, and this supplemental filing is made before the deadline to supplement the prehearing exchanges without motion and permission of the Presiding Officer, and accordingly, is made without an accompanying motion.

Additional Exhibit:

Complainant now submits the following additional exhibit, an addendum to the expert report of Dr. Steven Wang, to supplement the previously submitted prehearing exchanges:

CX 20.3 – Process wastewater storage capacity inside north/south alley

RESPECTFULLY SUBMITTED this 12th day of October 2018.

A handwritten signature in black ink, appearing to read "HBunch", written over a horizontal line.

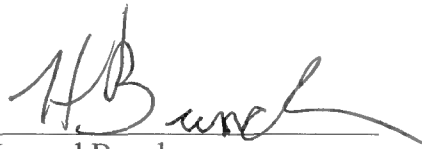
Howard Bunch
Counsel for Complainant
Sr. Assistant Regional Counsel
U.S. Environmental Protection Agency
Region

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of October, 2018, I filed via the E-filing system the original of this Motion to Supplement to Prehearing Exchanges to the Office of Administrative Law Judges Hearing Clerk, and sent by email to Mr. Eldon McAfee, Esq, counsel for Respondents.

Eldon McAfee (counsel for Tony L. Brown and Joshua A. Brown, d/b/a Riverview Cattle)
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West Des Moines, IA 50266-7703

Email: Eldon McAfee <Eldon.McAfee@brickgentrylaw.com>

A handwritten signature in black ink, appearing to read "H Bunch", written over a horizontal line.

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