

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

2018 MAR -6 PM 3:11

BEFORE THE ADMINISTRATOR

IN THE MATTER OF	)	
	)	Docket No. CWA-07-2018-0024
Iowa Department of Transportation,	)	
Ames, IA	)	
Respondent	)	COMPLAINT AND
	)	CONSENT AGREEMENT/
	)	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 United States Environmental Protection Agency, Region 7 (“EPA”) and Respondent, Iowa Department of Transportation (“Respondent” or “Iowa DOT”), 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 the Respondent, Iowa DOT, has violated Sections 301 and 402 of the CWA, 33 U.S.C. §§ 1311 and 1342, and regulations promulgated thereunder.

**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 Water, Wetlands and Pesticides Division of EPA, Region 7 (collectively referred to as the “Complainant”).

5. Respondent is and was at all relevant times an agency established by and 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*, permits issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.

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 402 of the CWA, 33 U.S.C. § 1342, provides that pollutants may be discharged in accordance with the terms of a NPDES permit issued pursuant to that Section.

### **Stormwater**

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 conform with the requirements of an NPDES permit issued pursuant to Sections 301 and 402 of the CWA, 33 U.S.C. §§ 1311 and 1342.

10. Pursuant to Section 402(p) of the CWA, 33 U.S.C. § 1342(p), 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. 40 C.F.R. § 122.26(b)(14)(x) defines “stormwater discharge associated with industrial activity,” in part, as discharges from construction activity including clearing, grading and excavation, except operations that result in the disturbance of less than five (5) acres of total land area.

13. 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, 33 U.S.C. § 1342. The EPA maintains concurrent enforcement authority with authorized states for violations of the CWA.

14. The IDNR issued and implemented NPDES General Permit No. 2 regulating stormwater discharges associated with construction activities. The applicable 5-year General Permit No. 2 has an effective date of October 1, 2012, and an expiration date of October 1, 2017.

15. Any person seeking coverage under NPDES General Permit No. 2 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 II.C.1.G., a Storm Water Pollution Prevention Plan (“SWPPP”), which includes at least the minimum requirements set forth in Part IV of the Permit, must be completed before the NOI is submitted to the IDNR and fully implemented and maintained on site concurrently with operations at the facility.

**EPA’s General Allegations**

16. Respondent is and was, at all times relevant, a principle department of the state of Iowa created pursuant to § 307.2 of the Iowa Code that is “responsible for the planning, development, regulation and improvement of transportation in the state as provided by law.” Iowa Code § 7E.5.

17. Respondent is a “person” as defined by Section 502(5) of the CWA, 33 U.S.C. § 1362(5).

18. In exercising this responsibility, Respondent contracts for design and construction of projects related to roadways owned and operated by the State. Such projects include the intersection of Alice’s Road Project at 105th St. and I-80 in Waukee and West Des Moines, and the I-29/I-80 Bridge Reconstruction Project in Council Bluffs, hereafter referred to collectively as “Construction Project Sites.”

19. Stormwater, snow melt, surface drainage and runoff water leave Respondent’s Construction Project Sites identified in Paragraph 18, and discharge to the Missouri River, Sugar Creek and Fox Creek, and their tributaries.

20. The waters identified in Paragraph 19, above, and their tributaries are each a “navigable water” as defined by Section 502(7) of the CWA, 33 U.S.C § 1362(7).

21. The runoff and drainage from Respondent’s Construction Project Sites is “stormwater” as defined by 40 C.F.R. § 122.26(b)(13).

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

23. Respondent’s Construction Project Sites have “stormwater discharges associated with industrial activity” as defined by 40 C.F.R. § 122.26(b)(14)(x), and are “point sources” as defined by Section 502(14) of the CWA, 33 U.S.C. § 1362(14).

24. Stormwater runoff from Respondent’s industrial activity at the Construction Project Sites 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).

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

26. After receipt of an NOI from Respondent for each Construction Project Site, the IDNR issued coverage under NPDES General Permit No. 2: Alice's Road Project was issued General Permit No. 2, #26490-26249, effective from February 24, 2015 to February 24, 2018; and the I-29/I-80 Bridge Reconstruction Project was issued General Permit No. 2, #21642-21409, effective April 25, 2012 to April 25, 2017.

27. Respondent has operated under the Permits identified in Paragraph 26, above, at all times relevant to this Order.

28. The EPA performed a Construction Storm Water Compliance Evaluation Inspection ("Inspection") of Respondent's Construction Project Site under the authority of Section 308(a) of the CWA, 33 U.S.C. § 1318(a), to evaluate Respondent's compliance with its Permits and the CWA. The Inspection of the Alice's Road Project site occurred on or about August 3 and 4, 2015, and the Inspection of the I-29/I-80 Bridge Replacement Project site occurred on or about July 16, 2014.

29. During the Inspections, the EPA inspectors reviewed Respondent's records related to each of the Construction Project Sites and their respective Permits and observed the sites and the respective receiving streams to which stormwater was discharged.

#### **EPA's Specific Allegations**

30. The allegations stated above are re-alleged and incorporated herein by reference.

#### **Count 1 Failure to Implement SWPPP**

31. Part IV. of General Permit No. 2 requires facilities to implement the provisions of the SWPPP required under Part IV as a condition of the permit.

32. Paragraph IV.D.2. of General Permit No. 2 requires each SWPPP to include a description of appropriate controls that will be implemented at the construction site, including at a minimum, erosion and sediment controls such as stabilization practices; structural practices; and post-construction stormwater management practices.

33. Paragraph VI.M. of General Permit No. 2 requires the permittee to at all times properly operate and maintain all facilities and systems of treatment and control which are installed or used to achieve compliance with the conditions of the permit and the requirements of the SWPPP.

34. Respondent prepares a set of plans and specifications for each construction project site. Each set of plans includes a section entitled "Quantities and General Information," which includes a subsection entitled "Project Description." A portion of the Project Description is a standard-format "base" SWPPP. The Quantities and General Information section of the project plans also includes a subsection entitled "Estimated Project Quantities," with proposed quantities

for stormwater structural controls, such as linear feet of silt fence and acres of seeding and fertilizing. The SWPPP identifies the “site map” as multiple sources of information within the plans, including the Estimated Project Quantities and various portions of the Plan and Profile sheets, Situation plans, and Cross Sections.

35. Section II of the base SWPPP, Project Site Description, includes site-specific information regarding the project, including the location of the project, the acreage covered by the SWPPP, the water body or bodies to which runoff would flow, and references to other sections of the project plans related to SWPPP implementation.

36. Section III. of the base SWPPP, Controls, includes a reference to a site-specific work plan and sequence of operations for the contractor for accomplishment of stormwater controls and requires preservation of vegetation in areas not needed for construction. This section of the SWPPP also refers to Standard Specifications that define requirements to implement erosion and sediment control measures, indicates that actual quantities used may vary from the base SWPPP, requires that amendment of the plan will be documented by field book entries or by contract modification, and indicates that additional erosion and sediment control items may be required as determined by the inspector and/or contractor during stormwater monitoring inspections.

37. Section IV. of the base SWPPP, Maintenance Procedures, requires the contractor to “maintain all temporary erosion and sediment control measures in proper working order, including cleaning, repairing, or replacing them throughout the contract period.” This section further requires that such maintenance shall begin when the features have lost 50% of their capacity.

38. Respondent also requires contractors to follow its Standard Specifications for Highway and Bridge Construction, which include information and requirements for stormwater controls at Iowa DOT construction project sites.

39. During Inspections performed by the EPA at Respondent’s Construction Project Sites, the inspector documented recurring and significant deficiencies related to Respondent’s SWPPP implementation, including but not limited to failure to:

- a. install appropriate erosion and sediment controls for the site conditions;
- b. maintain structural controls such as silt fences, wattles and curb inlet controls;
- c. implement appropriate control practices such as stabilizing areas where work has been completed by seeding and fertilizing; designing and installing best management practices that provide adequate storage; and
- d. prevent or minimize vehicle track-out.

40. Respondent's failure to install, maintain and/or implement the required erosion and sediment stormwater controls are failures to implement the SWPPP and violations of the terms and conditions of General Permit No. 2, and as such, are violations of Section 402(p) of the CWA, 33 U.S.C. §1342(p).

**Count 2  
Failure to Amend SWPPP**

41. Part V. of General Permit No. 2 requires that a SWPPP be developed for each construction site covered by the permit, and that the SWPPP shall: be prepared in accordance with good engineering practices, identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges from the construction activities; describe and ensure the implementation of practices which will be used to reduce pollutants in storm water discharges associated with industrial activity for construction activities at the construction site; and to assure compliance with the terms and conditions of this permit. Facilities must implement the provisions of the storm water pollution prevention plan required under this part as a condition of the permit.

42. Paragraph IV.A.1. of General Permit No. 2 requires that the SWPPP shall be completed before the NOI is submitted to the IDNR and updated as appropriate.

43. Paragraph IV.A.2. of General Permit No. 2 requires compliance with the SWPPP prior to the initiation of construction activities.

44. Part IV.D. of General Permit No. 2 identifies the minimum requirements for a SWPPP, including but not limited to:

- a. per paragraph IV.D.1.D., a site map indicating drainage patterns and approximate slopes anticipated after major grading activities, areas of soil disturbance, the location of structural and nonstructural controls identified in the plan, the location of areas where stabilization practices are expected to occur, surface waters (including wetlands), and locations where stormwater discharges to surface water;
- b. per paragraph IV.D.2., a description of controls that will be implemented at the construction site;
- c. per paragraph IV.D.3, a description of procedures to maintain in good and efficient operating conditions vegetation, erosion and sediment control measures and other protective measures identified in the site plan; and
- d. per paragraph IV.D.4., qualified personnel provided by the discharger shall inspect disturbed areas of the construction site that have not been stabilized at least once every seven calendar days, and based on the results of the inspection, the description of potential pollutant sources and pollution

prevention measures shall be revised as appropriate as soon as practicable after the inspection.

45. Part IV.C. of General Permit No. 2 requires in pertinent part that the permittee shall amend the SWPPP whenever:

- a. there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to Waters of the United States and which has not been addressed in the SWPPP;
- b. the SWPPP proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified in paragraph IV.D.2. of the permit, or in otherwise achieving the general objectives of controlling pollutants in storm water discharge associated with industrial activity for construction activities; and
- c. the SWPPP site map shall be expeditiously changed to include changes at the site.

46. During Inspections performed by the EPA at Respondent's Construction Project Sites, the inspector found that Respondent had failed to amend the SWPPP and site map for the Construction Project Sites, as required by General Permit No. 2, following site inspections that identified changes at such sites and/or ineffective pollution prevention controls.

47. Respondent's failure to amend SWPPPs and site maps are violations of the terms and conditions of General Permit No. 2 and as such, are violations of Section 402(p) of the CWA, 33 U.S.C. § 1342(p).

### **Count 3**

#### **Failure to Conduct Adequate Inspections and Maintain Records**

48. Paragraph IV.D.4. of General Permit No. 2 requires that qualified personnel inspect disturbed areas of the construction site that have not been stabilized with a perennial, vegetative cover of sufficient density to preclude erosion at least once every seven calendar days. Paragraph IV.D.4.B. further requires that based on the results of the inspection, the description of potential pollutant sources and pollution prevention measures identified in the SWPPP shall be revised, as appropriate, as soon as practicable after the inspection, and that any changes to the SWPPP be implemented within seven days of the inspection.

49. In addition, paragraph IV.D.4.C. of General Permit No. 2 requires that the permittee must make and retain for at least three years a report summarizing the scope of the inspection as part of the SWPPP. The report must include the name(s) and qualifications of the inspectors, the date(s) of the inspection, major observations related to implementation of the SWPPP, and actions taken pursuant to paragraph IV.D.4.B. to identify new pollution sources and/or revised pollution controls.

50. Paragraph V of Respondent's base SWPPP requires that inspections shall be made jointly by the contractor and Iowa DOT personnel at least once every seven calendar days, and include the date of the inspection, a summary of the scope of the inspection, name and qualifications of the inspectors, rainfall amounts, a review of the effectiveness of erosion and sediment controls measures within disturbed areas, major observations related to implementation of the SWPPP, and identification of corrective actions required to maintain or modify erosion and sediment controls measures.

51. During Inspections performed by the EPA at Respondent's Construction Project Sites, the inspector found that with regard to Respondent's inspections:

- a. there were periodically missing or late weekly inspection reports;
- b. the contractor did not consistently join the Iowa DOT personnel on the inspection and/or sign the report;
- c. inspection reports completed recently before EPA's inspections did not identify obvious long-term instances of noncompliance and failed control measures;
- d. in some instances, the Iowa DOT inspectors failed to conduct adequate inspections; and
- e. the inspection reports were sometimes not detailed enough to identify deficiencies in order to ensure appropriate follow-up and correction.

52. Respondent's failure to timely conduct inspections at Construction Project Sites and/or retain copies of inspection reports, and failure to adequately describe new pollution sources, deficiencies related to pollution controls and actions taken to address them, are violations of the terms and conditions of General Permit No. 2, and as such, are violations of Section 402(p) of the CWA, 33 U.S.C. § 1342(p).

**Count 4  
Discharges of Non-Stormwater Pollutants**

53. Part III.A. of Respondent's Permit states in pertinent part that, except for discharges from activities not relevant here, "[a]ll discharges authorized by this permit shall be composed entirely of storm water."

54. During Inspections performed by the EPA at Respondent's Construction Project Sites, the inspector documented discharges of non-stormwater pollutants to waters of the United States in violation of General Permit No. 2, including:



- a. the EPA Inspection at the Alice's Road Project site, which identified stormwater runoff containing significant amounts of sediment leaving the Project site and entering tributaries of Sugar Creek and Fox Creek; and
- b. the EPA Inspection at the I-29/I-80 Bridge Reconstruction Project site, which identified stormwater runoff containing significant amounts of sediment leaving the Project site and entering the Missouri River.

55. Each discharge from Respondent's Construction Project Sites described in Paragraph 54 that was not composed entirely of stormwater is a violation of the terms and conditions of General Permit No. 2, and as such, is a violation of Sections 301(a) and 402(p) of the CWA, 33 U.S.C. §§ 1311(a) and 1342(p).

### **CONSENT AGREEMENT**

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

57. 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 this Consent Agreement/Final Order.

58. Respondent neither admits nor denies the factual allegations and legal conclusions asserted by the EPA in this Complaint and Consent Agreement/Final Order. Respondent's signature on this Order is not intended to be, nor shall it be deemed, an admission of liability in any proceeding or litigation brought by a person or entity that is not a party to this Order.

59. Respondent waives their right to contest any issue of fact or law set forth above in any proceeding to enforce the terms of this Consent Agreement/Final Order, and their right to appeal this Consent Agreement/Final Order.

60. Respondent and Complainant agree to conciliate 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 incurred as a result of this action.

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

62. Respondent understands and agrees that this Consent Agreement/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/Final Order.

63. Respondent certifies by the signing of this Consent Agreement/Final Order that to the best of its knowledge, Respondent's Construction Project Sites are in current compliance with Administrative Order on Consent, EPA Docket no. CWA-07-2017-0359, to achieve compliance with Iowa General Permit No. 2 for stormwater discharges associated with construction activities, as it may be amended, and Sections 301 and 402 of the CWA, 33 U.S.C. §§ 1311 and 1342, and applicable regulations.

### **Penalty Payment**

64. Respondent agrees that, in settlement of the claims alleged in this Complaint and Consent Agreement/Final Order, Respondent shall pay a civil penalty of **One Hundred Fifty-Five Thousand Dollars (\$155,000)** pursuant to the authority of Section 309(g) of the CWA, 33 U.S.C. § 1319(g), to be paid in full no later than 30 days after the effective date of this Consent Agreement/Final Order as set forth below.

65. The payment of penalties must reference docket number "CWA-07-2018-0024" and be remitted using one of the payment methods specified in Appendix A to this Order.

66. Copies of the checks or verification of another payment method for the penalty payments remitted as directed by above, shall be mailed to:

Lisa Haugen  
Regional Hearing Clerk  
U.S. Environmental Protection Agency - Region 7  
11201 Renner Boulevard  
Lenexa, Kansas 66219

and

Patricia Gillispie Miller  
Senior Counsel  
U.S. Environmental Protection Agency – Region 7  
11201 Renner Boulevard  
Lenexa, Kansas 66219.

67. 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.

68. 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**

69. Respondent's payment of the entire civil penalty pursuant to this Consent Agreement/Final Order resolves all civil and administrative claims pursuant to Section 309(g) of the CWA, 33 U.S.C. § 1319(g), for alleged violations identified in this Complaint and 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.

70. The effect of settlement described above is conditional upon the accuracy of the Respondent's representations to the EPA, as memorialized in Paragraph 63 of this Consent Agreement/Final Order.

71. Nothing contained in this Consent Agreement/Final Order shall alter or otherwise affect Respondent's obligation to comply with all applicable federal, state and local environmental statutes and regulations and applicable permits.

72. 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 or administrative action pursuant to Section 309 of the CWA, 33 U.S.C. § 1319, and to seek penalties against Respondent or to seek any other remedy allowed by law.

73. With respect to matters not addressed in this Complaint and 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.

**General Provisions**

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

75. Pursuant to 40 C.F.R. § 22.31(b), this Consent Agreement/Final Order shall be effective after entry 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/Final Order.

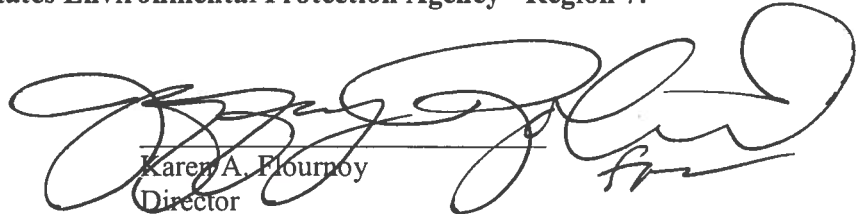
76. The State of Iowa has been provided an opportunity to consult with Complainant regarding this matter in accordance with the requirements of 40 C.F.R. § 22.38(b) and Section 309(g)(1) of the CWA, 33 U.S.C. § 1319(g)(1).

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

78. 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:**

3/5/18  
Date



Karen A. Flournoy  
Director  
Water, Wetlands and Pesticides Division



Patricia Gillispie Miller  
Senior Counsel  
Office of Regional Counsel

**For the Respondent, Iowa Department of Transportation:**

Mitchell J. Dillavou                      1/5/2018  
Signature    Date

Mitchell J. Dillavou  
Name

Director, Highway Division  
Title

I hereby acknowledge that the above signature was executed by me on January 5, 2018, and this page may be used in the original document.

Mitchell J. Dillavou    2/27/2018  
Signature    Date

Mitchell J. Dillavou  
Director, Highway Division

**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.

March 6, 2018

Date

Karina Borrero

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 emailed to Attorney for Complainant:

Miller.Patriciag@epa.gov

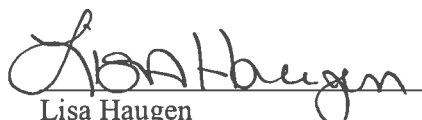
Copy by First Class Mail to Respondent:

Mitchell J. Dillavou  
Director, Highway Division  
Iowa Department of Transportation  
800 Lincoln Way  
Ames, IA 50010

Copy by First Class Mail to the Iowa Department of Natural Resources:

Ted Petersen, Supervisor  
IDNR Field Office #5  
7900 Hickman Rd, Suite 200  
Windsor Heights, IA 50324

March 6, 2018  
Date

  
Lisa Haugen  
Hearing Clerk, Region 7

**APPENDIX A  
PENALTY PAYMENT INFORMATION**

**CHECK PAYMENTS:**

US Environmental Protection Agency  
Fines and Penalties - CFC  
PO Box 979077  
St. Louis, MO 63197-9000

**WIRE TRANSFERS:**

Wire transfers should be directed to the Federal Reserve Bank of New York

Federal Reserve Bank of New York  
ABA = 021030004  
Account = 68010727  
SWIFT address = FRNYUS33  
33 Liberty Street  
New York NY 10045  
Field Tag 4200 of the Fedwire message should read "D 68010727 Environmental Protection Agency"

**OVERNIGHT MAIL:**

U.S. Bank  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
ATTN Box 979077  
St. Louis, MO 63101  
Contact: Natalie Pearson 314-418-4087

**ACH (also known as REX or remittance express):**

Automated Clearinghouse (ACH) for receiving US currency

PNC Bank  
808 17<sup>th</sup> Street, NW  
Washington, DC 20074  
Contact: Jesse White 301-887-6548  
ABA = 051036706  
Transaction Code 22 - checking  
Environmental Protection Agency  
Account 310006  
CTX Format

**ON LINE PAYMENT:**

There is now an On Line Payment Option, available through the Dept. of Treasury.  
This payment option can be accessed from the information below:

WWW.PAY.GOV  
Enter "SFO 1.1" in the search field

Open form and complete required fields.