

FILED

October 9, 2024

9:25AM

U.S. EPA REGION 7  
HEARING CLERK

U.S. ENVIRONMENTAL PROTECTION AGENCY  
REGION 7  
11201 RENNER BOULEVARD  
LENEXA, KANSAS 66219

IN THE MATTER OF:

Iowa Tribe of Kansas and Nebraska,  
  
Respondent.

)  
) DOCKET NO. SDWA-07-2024-0115  
)  
) **ORDER FOR COMPLIANCE ON**  
) **CONSENT**  
)  
) Proceeding pursuant to Section  
) 1414(g) of the Safe Drinking Water  
) Act, 42 U.S.C. § 300(g)-3(g).  
)

### **INTRODUCTION**

The United States Environmental Protection Agency, Region 7 (EPA) and the Iowa Tribe of Kansas and Nebraska, which is the Respondent in this matter, enter into this Administrative Order for Compliance on Consent (Consent Order) to resolve noncompliance with the Safe Drinking Water Act (Act), 42 U.S.C. § 300f *et seq.*, and the National Primary Drinking Water Regulations (Part 141), 40 C.F.R. § 141.1 *et seq.*, for the Iowa Tribe of Kansas and Nebraska Public Water System designated as PWS ID Number 070000008 (System).

### **JURISDICTION**

1. The EPA has primary enforcement responsibility over public water systems on the Iowa Tribe of Kansas and Nebraska Tribal Reservation (Reservation). No other governmental entity has applied for and been approved to administer the program on the Reservation.

2. The EPA enters into and issues this Consent Order under the authority vested in the EPA Administrator by Section 1414(g), 42 U.S.C. § 300g-3(g). The Administrator has delegated the authority to issue this Consent Order to the Regional Administrator of EPA Region 7 who has further delegated such authority to the Director of the Enforcement and Compliance Assurance Division with concurrence of the Regional Counsel.

3. The Findings of Fact and Findings of Violations and Conclusions of Law (Findings) allegations below, are made solely by the EPA. In signing this Consent Order, Respondent neither admits nor denies the Findings, except that Respondent admits the jurisdictional allegations herein. Without any admission of liability, Respondent consents to the issuance of this Consent Order and agrees to abide by all of its terms and conditions. Respondent waives any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review Respondent may have with respect to any issue of fact or law set forth in

this Consent Order, including any right of judicial review of this Consent Order under section 1448 of the Act, 42 U.S.C. § 300j-7, and Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706. Respondent further agrees not to challenge the jurisdiction of the EPA or the Findings in any proceeding to enforce this Consent Order or in any action under this Consent Order.

### **PARTIES BOUND**

4. This Consent Order applies to Respondent and its officers, directors, employees, agents, trustees, authorized representatives, successors, and assigns. Respondent must give written notice and a copy of this Consent Order to any successors-in-interest prior to transfer of any interest in the System. Any change in ownership or control of the System including, but not limited to, any transfer of assets or real or personal property shall not alter Respondent's responsibilities under this Consent Order.

5. Each undersigned signatory for Respondent certifies to her or his authority to execute this Consent Order and to legally bind Respondent to the terms of this Consent Order.

### **FINDINGS OF FACT**

6. The Iowa Tribe of Kansas and Nebraska (Tribe) is a federally recognized Indian Tribe within the meaning of 42 U.S.C. § 300f(14) and is a "person" within the meaning of 40 C.F.R. § 141.2, for purposes of federal enforcement under the Act.

7. Respondent owns and/or operates the System, which is a public water system, in Brown County, Kansas, within the boundaries of the Reservation. The System provides the public with piped water for human consumption.

8. The System has approximately 103 service connections and regularly serves an average of approximately 92 year-round residents and a non-transient population of 100. Therefore, the System is a "public water system" and a "community water system" within the meaning of sections 1401(4) and (15) of the Act, 42 U.S.C. § 300f(4) and (15), and 40 C.F.R. § 141.2.

9. Respondent owns and/or operates the System and therefore is a "supplier of water" as defined in section 1401(5) of the Act, 42 U.S.C. § 300f(5), and 40 C.F.R. § 141.2. Respondent therefore is required to comply with the requirements of the Act and its implementing regulations, Part 141.

10. The source of the System's water is two groundwater wells located next to the System's water treatment building. Water from the groundwater wells enters the System's treatment building from two different lines before combining and being treated with Dixichlor Max for disinfection. Water is then pumped into the distribution system for consumption.

11. Respondent violated Part 141 and the Act as described in fourteen Notices of Violation issued by the EPA to Respondent as follows:
- a. October 4, 2021: Failure to meet monitoring requirements for disinfection byproducts.
  - b. October 26, 2021: Failure to meet monitoring and reporting requirements for total coliforms.
  - c. January 10, 2022: Failure to meet monitoring and reporting requirements for total coliforms.
  - d. March 8, 2022: Failure to meet monitoring and reporting requirements for total coliforms.
  - e. March 11, 2022: Failure to meet monitoring and reporting requirements for nitrate.
  - f. August 30, 2022: Failure to meet requirements for distributing the 2022 Consumer Confidence Report.
  - g. November 28, 2022: Failure to meet monitoring requirements for total coliforms.
  - h. January 12, 2023: Failure to meet requirements for completing corrective actions of significant deficiencies.
  - i. January 31, 2023: Failure to meet requirements for providing public notice of failure to correct significant deficiencies.
  - j. September 1, 2023: Failure to meet requirements for distributing the 2023 Consumer Confidence Report.
  - k. September 22, 2023: Failure to meet monitoring and reporting requirements for total coliforms and disinfection byproducts.
  - l. April 18, 2024: Failure to meet monitoring and reporting requirements for total coliform and cyanide.
  - m. May 3, 2024: Failure to meet monitoring and reporting requirements for total coliforms.
  - n. September 11, 2024: Failure to meet requirements for distributing the 2024 Consumer Confidence Report.

12. On April 14, 2022, under the authority of section 1445 of the Act, 42 U.S.C. § 300j-4, and 40 C.F.R. § 141.21(d), the EPA performed a Sanitary Survey of the System. On May 19, 2022, Respondent received a sanitary survey report from the EPA (“Sanitary Survey Report”).

## **FINDINGS OF VIOLATIONS AND CONCLUSIONS OF LAW**

### **Count I**

#### **Noncompliance with Total Coliform Bacteria Monitoring and Public Notice Requirements**

13. Respondent is required to monitor the System’s water monthly for total coliform bacteria and sample at locations identified in the EPA-approved Revised Total Coliform Rule sample plan dated April 2020. 40 C.F.R. §§ 141.853 and 141.855. Respondent failed to monitor the System’s water for total coliform bacteria as established in the EPA-approved sample plan

during December of 2021, September of 2021, January of 2022, September of 2022, August of 2023, December of 2023, January of 2024, February of 2024, and March of 2024 and therefore violated this requirement.

14. Respondent is required to notify the public of certain violations of Part 141 and, within 10 calendar days after completing public notice, provide the EPA a certification of having provided public notice, along with a representative copy of the public notice. 40 C.F.R. §§ 141.31(d), 141.201, and 141.204-141.206. The violations identified in paragraph 13, above, are classified as Tier 3 violations, requiring public notice within one year of learning of the violation, according to 40 C.F.R. § 141.204. Respondent failed to notify the public of the violations for December of 2021, September of 2021, January of 2022, and September of 2022, and/or failed to certify to the EPA that public notice was provided within one year of learning of the violations and therefore violated this requirement.

### **Count II**

#### **Noncompliance with Disinfection Byproducts Monitoring and Public Notice Requirements**

15. Respondent is required to monitor the System's water once a year for disinfection byproducts and report results to the EPA within 10 calendar days after the end of each monitoring period in which samples were collected. 40 C.F.R. §§ 141.132(b)(1)(i) and 141.134(a). According to the System's EPA-approved disinfection byproducts sample plan dated November 13, 2013, the System was required to collect a disinfection byproducts sample in August of 2021, August of 2023, and August of 2024. Respondent failed to monitor for disinfection byproducts in August of 2021, August of 2023, and August of 2024 and therefore violated this requirement.

16. Respondent is required to notify the public of certain violations of Part 141 and, within 10 calendar days after completing public notice, provide the EPA a certification of having provided public notice, along with a representative copy of the public notice. 40 C.F.R. §§ 141.31(d), 141.201, and 141.204-141.206. The violation identified in paragraph 15, above, is classified as a Tier 3 violation, requiring public notice within one year of learning of the violation, according to 40 C.F.R. § 141.204. Respondent failed to notify the public of the violation identified in paragraph 15, above, and/or failed to certify to the EPA that public notice was provided and therefore violated this requirement.

### **Count III**

#### **Failure to Complete Corrective Action of Significant Deficiencies and Comply with Public Notice Requirements**

17. Respondent is required to complete corrective action of significant deficiencies or comply with an EPA-approved corrective action plan and schedule within 120 calendar days (or earlier if instructed by the EPA) of receiving written notification from the EPA of a significant deficiency. 40 C.F.R. §§ 141.403(a) and 141.404(a). Respondent is required to notify the EPA within 30 calendar days of completion of corrective action of significant deficiencies. 40 C.F.R. § 141.405(a)(2). On May 19, 2022, Respondent received the Sanitary Survey Report from the EPA, which detailed significant deficiencies with the System. The EPA approved a schedule for

the System to complete five corrective actions of significant deficiencies by October 16, 2022. On October 20, 2022, Respondent notified the EPA of the completion of corrective action for two of the five significant deficiencies. On March 3, 2023, Respondent notified the EPA of the completion of two additional corrective actions for significant deficiencies. To date, Respondent has not corrected and/or failed to notify the EPA of the correction of the remaining significant deficiency - the failure to develop an emergency response plan for the System. Respondent failed to correct all significant deficiencies by October 16, 2022, and/or failed to notify the EPA within 30 calendar days of corrective action and therefore violated this requirement.

18. Respondent is required to notify the public of certain violations of Part 141 and, within 10 calendar days after completing public notice, provide the EPA a certification of having provided public notice, along with a representative copy of the public notice. 40 C.F.R. §§ 141.31(d), 141.203, 141.205, and 141.206. The violations identified in paragraph 17, above, are classified as Tier 2 violations, requiring public notice within 30 calendar days of learning of the violations. 40 C.F.R. §§ 141.203 and 141.404(a). On November 28, 2022, Respondent was notified by the EPA of the violations identified in paragraph 17, above, and the Tier 2 violation public notice requirement. Respondent failed to notify the public of the violations identified in paragraph 17, above, and/or failed to certify to the EPA that public notice was provided and therefore violated this requirement.

#### **Count IV**

##### **Noncompliance with Consumer Confidence Report Requirements**

19. Respondent is required to distribute the Consumer Confidence Report (CCR) annually to its customers by July 1 and no later than 10 days after July 1 provide to the EPA a copy of the CCR and a certification that the CCR has been distributed to customers, and that the information is correct and consistent with the compliance monitoring data previously submitted to the EPA. 40 C.F.R. §§ 141.151, 141.152(b), and 141.155(c). Respondent failed to distribute the CCR to the public and failed to mail a copy of the CCR to the EPA by the due dates of July 1, 2022, July 1, 2023, and July 1, 2024, and therefore violated this requirement.

#### **Count V**

##### **Noncompliance with Nitrate Monitoring, Maximum Contaminant Levels, and Public Notice Requirements**

20. Respondent is required to take a nitrate confirmation sample within 24 hours of the System's receipt of notification of the analytical results of the first sample indicating an exceedance of the maximum contaminant level (MCL) for nitrate. If Respondent is unable to comply with the 24-hour sampling requirement stated in 40 C.F.R. § 141.23(f)(2), Respondent is then required to meet Tier 1 notice requirements established in 40 C.F.R. § 141.202 and take and analyze a nitrate confirmation sample within two weeks of notification of the analytical results of the first nitrate sample indicating an exceedance of the MCL for nitrate. Respondent received sampling results indicating an exceedance of the MCL for nitrate on January 28, 2022, Respondent provided public notice within 24 hours as required by Part 141 but failed to take and analyze a valid confirmation sample within two weeks of January 28, 2022, and therefore violated this requirement.

21. Respondent is required to maintain nitrate levels in the System's water that do not exceed the nitrate MCL of 10 mg/l. 40 C.F.R. § 141.62. Sampling results from the System's water collected on July 26, 2023, indicated nitrate levels of 10.6 mg/l. Respondent failed to maintain nitrate levels in the System's water that do not exceed the nitrate MCL and therefore violated this requirement.

22. Respondent is required to notify the public of certain violations of Part 141 and, within 10 calendar days after completing public notice, provide the EPA a certification of having provided public notice, along with a representative copy of the public notice. 40 C.F.R. §§ 141.31(d), 141.201, 141.202, 141.205, and 141.206. The violation identified in paragraph 21, above, is classified as a Tier 1 violation, requiring public notice within 24 hours of learning of the violation, according to 40 C.F.R. § 141.202. Respondent failed to notify the public of the violation identified in paragraph 21, above, and/or failed to certify to the EPA that public notice of the violation was provided and therefore violated this requirement.

**Count VI**  
**Noncompliance with Cyanide Monitoring Requirements**

23. Respondent is required to monitor the System's water for cyanide by taking one sample at each sampling point during each compliance period and submit the results to the EPA within 10 days following the end of the required monitoring period or submit a waiver to EPA between January 1, 2023, and December 31, 2023. 40 C.F.R. §§ 141.23(c)(1) and 141.31. Respondent failed to monitor the System's water for cyanide during the 2023 compliance period or submit a waiver between January 1, 2023 and December 31, 2023, and therefore violated this requirement.

**Count VII**  
**Noncompliance with Certified Operator Requirements**

24. Respondent is required to have qualified personnel operating the System. 40 C.F.R. § 141.130(c). At times relevant to this Consent Order, Respondent failed to have qualified personnel operating the System, and therefore violated this requirement.

**ORDER ON CONSENT**

Based on the foregoing Findings, and pursuant to section 1414(g) of the Act, 42 U.S.C. § 300g-3(g), the EPA hereby ORDERS and Respondent AGREES to take the following actions:

**Compliance with the Act, Part 141, and Part 143**

25. Respondent shall comply with the requirements of the Act, Part 141, and Part 143, 40 C.F.R. § 143.1 *et seq.*

**Compliance with Total Coliform Requirements**

26. Respondent shall monitor the System's water monthly for total coliform bacteria and sample at locations identified in the most recent EPA-approved Revised Total Coliform Rule sample plan pursuant to 40 C.F.R. §§ 141.853 and 141.855. If a sample is positive for total coliform, within 24 hours of being notified of the positive results, Respondent shall collect a set of three repeat samples for each total coliform positive sample. 40 C.F.R. § 141.858. Respondent shall report results to the EPA within the first 10 calendar days following the end of the required monitoring period. 40 C.F.R. § 141.31(a).

27. Respondent shall notify the public of the violations identified in paragraph 13, above, within one year from the date which Respondent learned of the violation. If a year has passed since Respondent learned of the violation identified in paragraph 13, above, then Respondent shall notify the public of the violation within 30 calendar days of the Effective Date of this Consent Order. Pursuant to 40 C.F.R. 141.204(b)(1), Respondent shall repeat the public notice annually for as long as the violation persists. Public notice must be made in accordance with 40 C.F.R. § 141.204. Within 10 calendar days after providing public notice, Respondent shall provide the EPA a certification of having provided public notice, along with a representative copy of the public notice. 40 C.F.R. § 141.31(d).

**Compliance with Disinfection Byproduct Requirements**

28. Within 60 calendar days of the Effective Date of this Consent Order, Respondent shall monitor the System's water for disinfection byproduct at the approved locations in accordance with 40 C.F.R. § 141.132 and the System's most recent EPA-approved disinfection byproducts sample plan. Respondent shall monitor the System's water annually for disinfection byproducts consistent with 40 C.F.R. § 141.132 and the System's EPA-approved disinfection byproduct sampling plan. Respondent shall report results to the EPA within 10 calendar days after the end of the required monitoring period in which samples were collected. 40 C.F.R. § 141.314(a).

29. Respondent shall notify the public of the violations identified in paragraph 15, above, within one year from the date which Respondent learned of the violation. If a year has passed since Respondent learned of the violation identified in paragraph 15, above, then Respondent shall notify the public of the violation within 30 calendar days of the Effective Date of this Consent Order. Pursuant to 40 C.F.R. 141.204(b)(1), Respondent shall repeat the public notice annually for as long as the violation persists. Public notice must be made in accordance with 40 C.F.R. § 141.204. Within 10 calendar days after providing public notice, Respondent shall provide the EPA a certification of having provided public notice, along with a representative copy of the public notice. 40 C.F.R. § 141.31(d).

**Complete Corrective Action of Significant Deficiencies**

30. Within 90 calendar days of the Effective Date of this Consent Order, Respondent shall develop an emergency response plan for the System. Within 10 calendar days after completion of corrective action of the remaining significant deficiency, Respondent must notify the EPA of the completion of the corrective action and provide the EPA with a copy of the emergency response plan for the System.

31. Within 14 days of the Effective Date of this Consent Order, Respondent shall complete the required Tier 2 public notification for failure to timely complete corrective action of significant deficiencies and/or failure to notify the EPA of completion of corrective action of significant deficiencies. Pursuant to 40 C.F.R. 141.203(b)(2), Respondent shall repeat the public notice every three months for as long as the violation persists. Public notice must be made in accordance with 40 C.F.R. § 141.203. Within 10 calendar days after providing public notice, Respondent shall provide the EPA a certification of having provided public notice, along with a representative copy of the public notice. 40 C.F.R. § 141.31(d).

**Compliance with Consumer Confidence Report Requirements**

32. Within 30 calendar days of the Effective Date of this Consent Order Respondent shall distribute the 2023 and 2024 CCRs to its customers and by July 1 of each year, Respondent shall distribute the CCR to its customers in accordance with 40 C.F.R. §§ 141.152(b) and 141.155. No later than 10 days after the date the system is required to distribute the CCR, Respondent shall provide to the EPA a copy of the CCR and a certification that the CCR has been distributed to customers, and that the information is correct and consistent with the compliance monitoring data previously submitted to the EPA.

**Compliance with Nitrate Monitoring Requirements**

33. Respondent shall monitor the System's water quarterly (i.e., by April 1, July 1, October 1, and January 1) for nitrate at the approved locations in accordance with 40 C.F.R. § 141.23. Respondent shall maintain the System's nitrate levels as to not exceed the nitrate MCL of 10 mg/l as required by 40 C.F.R. § 141.62. Should the System's nitrate levels exceed the nitrate MCL of 10 mg/l, the System shall take a nitrate confirmation sample within 24 hours of the System's receipt of notification of the analytical results of the first sample indicating an exceedance of the MCL for nitrate as required by 40 C.F.R. § 141.23(f)(2) and provide public notice in accordance with Part 141.

34. Within 14 calendar days of the Effective Date of this Consent Order, Respondent shall provide public notice of the violation cited in paragraph 21, above, that sampling results from the System's water collected on July 26, 2023, indicated an exceedance of the nitrate MCL. Public notice must be made in accordance with 40 C.F.R. § 141.202. Within 10 calendar days after providing public notice, Respondent shall provide the EPA a certification of having provided public notice, along with a representative copy of the public notice. 40 C.F.R. § 141.31(d).



**Compliance with Cyanide Monitoring Requirements**

35. Within 30 calendar days of the Effective Date of this Consent Order, Respondent shall monitor the System's water for cyanide or submit a waiver to the EPA in accordance with 40 C.F.R. § 141.23(c). Respondent shall monitor the System's water for cyanide between January 1 and December 31 of each year or submit a waiver to the EPA in accordance with 40 C.F.R. § 141.23(c). Respondent shall report results to the EPA within the first 10 calendar days following the end of the required monitoring period. 40 C.F.R. § 141.31(a).

36. Within one year from the date Respondent learned of the violation, Respondent shall provide public notice of the violation cited in paragraph 23, above, that Respondent failed to monitor the System's water for cyanide or submit a waiver to the EPA during the 2023 compliance period. Pursuant to 40 C.F.R. § 141.204(b)(1), Respondent shall repeat the public notice annually for as long as the violation persists. Public notice must be made in accordance with 40 C.F.R. § 141.204. Within 10 calendar days after providing public notice, Respondent shall provide the EPA a certification of having provided public notice, along with a representative copy of the public notice. 40 C.F.R. § 141.31(d).

**Compliance with Certified Operator Requirements**

37. Respondent shall maintain or retain an appropriately certified operator in responsible charge for the System certified for treatment at or above the level required for the System and operating in compliance with the Act, Part 141, and Part 143. The certified operator in responsible charge for the System shall be certified by one of the following EPA recognized programs and in good standing with the program: State Operator Certification Program, the Intertribal Council of Arizona, or the United South and Eastern Tribes.

38. Within 90 calendar days of the Effective Date of this Consent Order, Respondent shall provide to the EPA:

- a. The name and credentials of the certified operator in responsible charge for the System; and
- b. The name and credentials of an alternate/back up certified operator for the System or an operations plan to ensure adequate certified operator coverage for the System should the primary certified operator in responsible charge become unavailable.

39. Respondent shall notify the EPA of any changes with the System's certified operator in responsible charge within 10 calendar days of such changes.

40. Respondent shall ensure that the certified operator in responsible charge for the System attends the ongoing appropriate training necessary to maintain their certification.

**Monitoring and Reporting**

41. While this Consent Order remains in effect, Respondent shall report any violation of Part 141 to the EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b). However, if a different time period for reporting is specified in this Consent Order or Part 141, Respondent shall report within that different period.

42. Respondent shall submit to the EPA quarterly progress reports for the preceding quarter describing progress in implementing the requirements of this Consent Order, including monitoring results required by this Consent Order as well as any efforts to achieve compliance with the Act. Quarterly progress reports shall be submitted within fourteen (14) days after the end of each quarter (i.e., by April 14, July 14, October 14, and January 14). The progress reports are required until this Consent Order is terminated by EPA.

**GENERAL PROVISIONS.**

43. All information required to be submitted by this Consent Order to the EPA shall be sent by electronic mail to [hendrickson.adam@epa.gov](mailto:hendrickson.adam@epa.gov).

44. Electronic submissions to the EPA will be deemed submitted on the date they are transmitted electronically.

45. Any report, notification, certification, or other communication that cannot be submitted electronically shall be submitted in hard copy to:

Adam Hendrickson  
Enforcement and Compliance Assurance Division  
Water Branch  
U.S. Environmental Protection Agency, Region 7  
11201 Renner Boulevard  
Lenexa, Kansas 66219

46. By entering into this Consent Order, Respondent consents to personal service by electronic mail at the following email address: [drinkingwater@iowas.org](mailto:drinkingwater@iowas.org).

47. Respondent shall fully implement each item of this Consent Order. Respondent's failure to fully implement all requirements of this Consent Order in the manner and time period required shall be deemed a violation of this Consent Order. Complying with this Consent Order only remedies the violations listed in this Consent Order.

48. If the EPA identifies any deficiencies in the deliverables required under this Consent Order, Respondent shall correct all deficiencies and resubmit the deliverable, or disapproved portions thereof, within seven calendar days of notification, or such longer time as agreed to by the EPA in writing.

49. This Consent Order shall not constitute a waiver, suspension, or modification of any requirement of the Act or Part 141. Issuance of this Consent Order is not an election by the EPA to forgo any civil or criminal action under the Act for any violation. The EPA retains the right to seek any and all remedies available under the Act.

50. This Consent Order does not relieve Respondent of any responsibilities or liabilities established pursuant to any applicable federal, Tribal, state, or local law.

51. Violation of any part of this Consent Order, the Act, or Part 141 may subject Respondent to a civil penalty of up to \$69,733 (as adjusted for inflation) per day of violation, a court injunction ordering compliance, or both. Section 1414(g), 42 U.S.C. § 300g-3(g); 40 C.F.R. § 19.4.

52. For violations of this Consent Order, the Respondent may be subject to administrative and civil judicial penalties assessed by an appropriate United States District Court, under 42 U.S.C. §§ 300g-3(b), 300g-3(g)(3)(A), 300g-3(g)(3)(C), and 300i(b).

53. Nothing in this Consent Order shall limit the EPA's right to obtain access to, and/or to inspect the System, and/or to request additional information from Respondent, pursuant to the authority of section 1445 of the Act, 42 U.S.C. § 300j-4 and/or any other authority.

54. This Consent Order may be amended or modified only by written agreement of the EPA and Respondent. At the EPA's sole discretion, extensions of the compliance schedule/ deadlines required by this Consent Order may be made by the EPA by written notice to Respondent, without further formal amendment to this Consent Order.

55. The provisions of this Consent Order shall be severable. If any provision of this Consent Order is found to be unenforceable, the remaining provisions shall remain in full force and effect.

56. The terms of this Consent Order shall be effective and enforceable against Respondent on the Effective Date, which is the date this Consent Order is signed by the EPA.

57. The EPA at its sole discretion may terminate this Consent Order.

IT IS SO AGREED AND ORDERED:

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 7,**

Complainant.

Date: \_\_\_\_\_

\_\_\_\_\_  
David Cozad  
Director  
Enforcement and Compliance  
Assurance Division

Date: \_\_\_\_\_

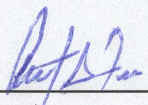
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Emily Quinn  
Office of Regional Counsel



**Iowa Tribe of Kansas and Nebraska,**

Respondent.

Date: 10-2-2024

  
Signature

Anthony G. Lee  
Name

Secretary  
Title



### **CERTIFICATE OF SERVICE**

I certify that on the date noted below, I filed a true and correct copy of this signed Administrative Order for Compliance on Consent with the Regional Hearing Clerk, U.S. Environmental Protection Agency Region 7, by electronic mail to R7\_Hearing\_Clerk\_Filings@epa.gov.

I further certify that on the date noted below, I sent a copy of this signed Administrative Order for Compliance on Consent by electronic mail to:

Chairman Timothy Rhodd  
Iowa Tribe of Kansas and Nebraska  
trhodd@iowas.org

Emily Quinn  
EPA Region 7 Office of Regional Counsel  
quinn.emily@epa.gov

Adam Hendrickson  
EPA Region 7 Enforcement and Compliance Assurance Division  
hendrickson.adam@epa.gov

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature