

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

IN THE MATTER OF	)	Docket No. CWA-07-2016-0010
	)	
Schildberg Construction Company, Inc.	)	
	)	
	)	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 Administrative Complaint (Complaint) has been filed under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA), pursuant to Section 309(g) of 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, 40 C.F.R. Part 22 (Consolidated Rules of Practice).

2. This Complaint and Consent Agreement/Final Order (CA/FO) alleges that the Respondent discharged pollutants into the waters of the United States in violation of Sections 301 and 402 of the CWA, 33 U.S.C. §§ 1311 and 1342, and regulations promulgated thereunder.

Parties

3. The Complainant, by delegation from the Administrator of EPA to the Regional Administrator, EPA, Region 7, is the Director of Region 7's Water, Wetlands and Pesticides Division.

4. Schildberg Construction Company, Inc. (hereafter "Respondent" or "Schildberg"), is and was at all relevant times a corporation under the laws of and authorized to conduct business in the state of Iowa.

### Statutory and Regulatory Framework

5. 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 in accordance with the terms of a National Pollutant Discharge Elimination System (NPDES) permit issued pursuant to that Section.

6. 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.

7. 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 a NPDES permit issued pursuant to Sections 301 and 402 of the CWA.

8. 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.

9. 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.

10. 40 C.F.R. § 122.26(b)(14)(iii) defines “stormwater discharge associated with industrial activity,” in part, as discharges from facilities involved in active or inactive mining operations, including Standard Industrial Classification 1422 (Limestone Mining).

11. Section 309(g) of the CWA provides for the assessment of civil penalties for violations of conditions or limitations in a permit issued pursuant to Section 402 of the CWA.

12. 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 Missouri Department of Natural Resources (MDNR) is the state agency with the authority to administer the federal NPDES program in Missouri pursuant to Section 402 of the CWA, 33 U.S.C. 1342. EPA maintains concurrent enforcement authority with authorized state NPDES programs for violations of NPDES permits.

**EPA's General Allegations**

13. Respondent is a person as that term is defined by Section 502(5) of the CWA, 33 U.S.C. § 1362(5).

14. Respondent is and was at all times relevant to this action the owner and/or operator of a facility operating under the name Schildberg Construction Company, Inc., located at 1605 218<sup>th</sup> Avenue, Osceola, Iowa 50213, operating under Standard Industrial Classification (SIC) code 1422 (the "Osceola Facility") as well as a facility located at 34466 Elkhorn Trail, Graham, Missouri 64455, also operating under SIC code 1422 (the "Graham Facility" and collectively with the Osceola Facility, the "Facilities").

15. Stormwater, snow melt, surface drainage and runoff water leave Respondent's Osceola Facility and discharge into unnamed tributaries of South Squaw Creek. Stormwater, snow melt, surface drainage and runoff water leave Respondent's Graham Facility and discharge into the East Branch of Elkhorn Creek. The runoff and drainage from Respondent's Facilities is "stormwater" as defined by 40 C.F.R. § 122.26(b)(13).

16. Stormwater from the Facilities contains "pollutants" as defined by Section 502(6) of the CWA, 33 U.S.C. § 1362(6).

17. Each of Respondent's Facilities has "stormwater discharges associated with industrial activity" as defined by 40 C.F.R. § 122.26(b)(14)(x), and is a "point source" as defined by Section 502(14) of the CWA, 33 U.S.C. § 1362(14).

18. The East Branch of the Elkhorn Creek and the unnamed tributaries to South Squaw Creek are "waters of the United States" as defined by Section 502(7) of the CWA, 33 U.S.C. § 1362(7), and its implementing regulation, 40 C.F.R. § 122.2.

19. Stormwater runoff from Respondent's industrial activity results in the addition of pollutants from a point source to waters of the United States, and thus is the "discharge of a pollutant" as defined by CWA Section 502(12), 33 U.S.C. § 1362(12).

20. Respondent's discharge of pollutants associated with an industrial activity, as defined by 40 C.F.R. § 122.26(b)(14)(iii), requires a permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.

21. IDNR implemented General Permit #3 for the discharge of stormwater under the NPDES, on October 1, 2007. The permit governs stormwater discharges associated with industrial activity from asphalt plants, concrete batch plants, rock crushing plants and construction sand and gravel facilities. Respondent applied for and was issued NPDES permit

coverage under the general permit described above, which will expire on October 1, 2017, for the Osceola Facility.

22. IDNR also implemented General Permit #5 for discharge of wastewater from mining and processing facilities. Respondent applied for and was issued NPDES permit coverage under this general permit, which will expire on July 19, 2021, for the Osceola Facility.

23. MDNR issued NPDES Permit No. MOG490202 for Respondent's Graham Facility on November 01, 2011.

24. Respondent's NPDES permits authorize Respondent to discharge pollutants only from specified point sources, identified in the NPDES permits as one or more "outfalls." to specified waters of the United States, subject to the limitations and conditions set forth in the NPDES permits.

25. Respondent has operated under the Permits at all times relevant to this Complaint.

26. On July 22, 2009, EPA performed an Industrial Stormwater Compliance Evaluation Inspection of Respondent's Osceola 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 Schildberg's NPDES permit. EPA subsequently issued a Letter of Warning to Schildberg, notifying Schildberg of its noncompliance.

27. On May 5 and 6, 2015, EPA performed an Industrial Stormwater Compliance Evaluation Inspection (hereafter "the 2015 Inspection") of Respondent's Osceola 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.

28. On March 8 and 10, 2016, EPA performed an Industrial Stormwater Compliance Evaluation Inspection (hereafter "the 2016 Inspection") of Respondent's Graham 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.

29. During these inspections, the EPA Inspector reviewed Respondent's records related to the NPDES permits and observed the Facilities and the receiving streams to which stormwater is discharged. As described below, the EPA Inspector identified NPDES violations at both Facilities.

Allegations of Violation

Count One  
(Failure to Properly Operate and Maintain)

30. The facts stated above, are herein incorporated.

31. Both of Respondent's Permits (General Permit #3 and #5) issued by IDNR require that Respondent properly operate and maintain all facilities and systems of treatment and control.

32. During the EPA inspection of the Osceola Facility, EPA's Inspector noted multiple instances of pollution control structures that were not properly operated and maintained as described below:

- Lime had spilled over and through the gravel berm that was constructed to prevent lime from entering the nearby creek due to the height of the lime pile and the multiple breaches in the gravel berm;
- Breaches in the berm surrounding the stormwater sedimentation basin allowed stormwater to bypass the settling basin and discharge directly into the creek;
- Poor maintenance of the berm on the settling basins for the active quarry; and
- Poor maintenance of the rock check dams allowed stormwater to flow around and/or through the dams into the nearby tributary.

33. Respondent's General Permit issued by MDNR requires the permittee to provide sediment and erosion control sufficient to prevent pollution to waters of the state.

34. During the EPA inspection of the Graham Facility, EPA's Inspector noted multiple instances of deficient pollution control measures as described below:

- Rock check dams 7 and 8 were ineffective in preventing soil erosion along the discharge pathway, resulting in soil in the receiving stream;
- Rock check dams 1-8 were poorly constructed and/or maintained; and
- Split in the discharge hose, resulting in erosion along outfall 002 drainage pathway.

35. The EPA finds that each of Respondent's violations described above, is a violation of the terms and conditions of its NPDES permit issued pursuant to 402 of the CWA, 33 U.S.C. §1342, and implementing regulations, and as such, is a violation of Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

Count Two  
(Inadequate Inspections)

36. Respondent's General Permit #3 issued by IDNR requires the facility to perform visual inspections of stormwater management measures and pollution prevention measures to ensure that the measures are operating correctly.

37. The EPA Inspections referenced above revealed that Respondent failed to adequately identify the poor maintenance of the best management practices (BMPs) described above, despite completing daily inspections of pollution controls.

38. Respondent's failure to properly conduct inspections is a violation of Respondent's NPDES permit, 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), and EPA's implementing regulations.

Count Three  
(Failure to Conduct Inspections)

39. Respondent's General Permit issued by MDNR requires the permittee to develop and implement a Stormwater Pollution Prevention Plan (SWPPP) that, among other things, includes a schedule for monthly inspections for the purpose of observing and evaluating of BMP effectiveness, deficiencies, and corrective measures that will be taken. The permit requires that the facility keep documentation of such inspections. The SWPPP requires monthly inspections, annual Comprehensive Site Compliance Evaluations, and daily visual inspections of the area exposed to stormwater.

40. EPA's inspection of the Graham Facility revealed that the Respondent failed to:

- Conduct monthly inspections from December 2011 through April 2012;
- Conduct monthly inspections from June 2012 through February 2016;
- Conduct daily visual inspections of the areas exposed to stormwater; and
- Conduct Annual Comprehensive Site Compliance Evaluations in 2012, 2013, and 2014.

41. Respondent's failure to conduct inspections is a violation of the terms and conditions found in Respondent's NPDES permit implementing Sections 301(a) and 308 of the CWA, 33 U.S.C. §§ 1311(a) and 1318, and as such, is a violation of a permit condition established pursuant to Section 402 of the Act and EPA's implementing regulations.

## CONSENT AGREEMENT

42. 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 the Final Order.

43. Respondent neither admits nor denies the factual allegations contained in this Complaint and CA/FO.

44. Respondent waives its right to a judicial or administrative hearing on any issue of fact or law set forth above and its right to appeal this CA/FO.

45. Respondent and EPA agree to conciliate this matter without the necessity of a formal hearing and to bear their respective costs and attorney's fees incurred as a result of this action.

46. This CA/FO addresses all civil and administrative claims for the CWA violations identified above, existing through the effective date of this CA/FO. EPA reserves the right to take enforcement action with respect to any other violations of the CWA or other applicable law. EPA further reserves the right to take enforcement action against Respondent for any future violations of the CWA and its implementing regulations and to enforce the terms and conditions of this CAFO.

47. Respondent certifies by the signing of this CA/FO that to the best of its knowledge, Respondent is in compliance with all requirements of the CWA, 33 U.S.C. §1251 et seq., and all regulations promulgated there under.

48. The effect of settlement is conditional upon the accuracy of the Respondent's representations to EPA.

49. The Final Order shall be entered and become effective only after the conclusion of the period of 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.

50. The headings in this CA/FO are for convenience of reference only and shall not affect interpretation of this CA/FO.

51. Nothing contained in the CA/FO shall alter or otherwise affect Respondent's obligations to comply with all applicable federal, state and local environmental statutes and regulations and applicable permits.

52. Respondent consents to the issuance of the Final Order and consents to the payment of a civil penalty in the amount of Eighteen Thousand Two Hundred Ninety-Two Dollars (\$18,292) within thirty (30) days of the effective date of the Final Order.

53. Respondent understands that its failure to timely pay the civil penalty stated above may result in the commencement of a civil action in Federal District Court to recover the full remaining balance, along with penalties and accumulated interest. In such case, interest shall accrue thereon at the applicable statutory rate on the unpaid balance until such civil penalty and any accrued interest are paid in full. Additionally, as provided by 31 U.S.C. § 3717(e)(2), a six percent (6%) per annum penalty (late charge) may be assessed on any amount not paid within ninety (90) days of the due date.

54. The undersigned representative(s) of Respondent certifies that he is fully authorized to enter the terms and conditions of this CA/FO and to execute and legally bind Respondent to it.

Penalty Payment

55. Respondent shall pay a civil penalty of Eighteen Thousand Two Hundred Ninety-Two Dollars (\$18,292) within thirty (30) days of the effective date of the Final Order. Payments shall be by cashier's or certified check made payable to the "United States Treasury" and shall be remitted to:

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, Missouri 63197-9000.

This payment shall reference docket number CWA-07-2016-0010.

56. A copy of the check should be sent to:

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

and to:



Elizabeth Huston  
Senior Counsel  
U.S. Environmental Protection Agency - Region 7  
11201 Renner Boulevard  
Lenexa, Kansas 66219.

57. No portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this CAFO shall be claimed by Respondent as a deduction for federal, state, or local income tax purposes.

Parties Bound

58. This Final Order shall apply to and be binding upon Respondent, its agents, successors and assigns. Respondent shall ensure that its directors, officers, employees, contractors, consultants, firms or other persons or entities acting under or for them with respect to matters included herein comply with the terms of this CA/FO.

Supplemental Environmental Project

59. In settlement of this matter, Respondent shall complete the following Supplemental Environmental Project (SEP), which the parties agree is intended to secure significant environmental or public health protection and improvements.

- a. Project Description: Respondent will install a saturated buffer strip as described in Appendix A of this Order.
- b. SEP Cost: the total expenditure (including lost revenue as described below) for the SEP shall be not less than \$79,000.
- c. Completion Date: All work on the project shall be completed and in full operation by no later than two (2) years from the effective date of this Order.

60. Within thirty (30) days of the SEP Completion Date, as identified above, Respondent shall submit a SEP Completion Report to EPA.

- a. The SEP Completion Report shall contain the following:
  - (i) A detailed description of the SEP as implemented;
  - (ii) Itemized costs, documented by copies of records such as purchase orders, receipts or canceled checks;
  - (iii) A description of the lost revenue from no longer leasing the land as farmland as set forth in Appendix A;

- (iv) A description of internal costs incurred by Respondent for any portion of the SEP performed by Respondent, including costs related to equipment used (based on the costs to lease equivalent equipment) and reasonable employee compensation for any such work performed by Respondent; and
- (v) The following certification signed by Respondent or its authorized representative:

*I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment .*

- b. The SEP Completion Report and all other submittals regarding the SEP shall be sent to:

Delia Garcia, PhD, or her successor  
WWPD/WENF  
U.S. Environmental Protection Agency - Region 7  
11201 Renner Boulevard  
Lenexa, Kansas 66219.

- c. Respondent agrees that failure to submit the SEP Completion Report required by subsections a. and b. above shall be deemed a violation of this Consent Agreement and Final Order and Respondent shall become liable for stipulated penalties described below.

61. Respondent agrees that EPA may inspect the facility at any time in order to confirm that the SEP is being undertaken in conformity with the representations made herein.

62. Stipulated Penalties for Failure to Complete SEP/Failure to Spend Agreed-upon Amount:

- a. In the event that Respondent fails to comply with any of the terms or provisions of this Agreement relating to completion of the SEP described above by the SEP Completion Date and/or to the extent that the actual expenditures for the SEP do not equal or exceed the SEP Cost set forth above, Respondent shall be liable for stipulated penalties according to the provisions set forth below:

- (i) Except as provided in subparagraph;
    - (ii) immediately below, for a SEP which has not been completed satisfactorily pursuant to this Consent Agreement and Order by the SEP Completion Date, Respondent shall pay a stipulated penalty to the United States in the amount of \$79,000;
    - (iii) If the SEP is completed in accordance with this Consent Agreement by the SEP Completion Date, but the Respondent spent less than 85 percent of the amount of money required to be spent for the project as described above, Respondent shall pay a stipulated penalty to the United States in the amount of the calculated difference between \$79,000 and the amount actually spent on eligible project costs (described above); and
    - (iv) Respondent shall pay a stipulated penalty in the amount of \$100 for each day it fails to submit the SEP Completion Report after the due date specified above, until the report is submitted.
  - b. The determinations of whether the SEP has been satisfactorily completed and whether the Respondent has made good faith and timely efforts to implement the SEP shall be in the reasonable discretion of EPA. As long as Respondent implements the SEP as described, Respondent shall not be responsible for the performance of the SEP or for any particular monitoring results of the SEP. Although Respondent will, in good faith, implement the SEP in a manner to ensure significant environmental and public health improvements in the implementation of this SEP, there are no assurances that the SEP will achieve its intended goals of securing significant environmental or public health protection and improvements.
  - c. Respondent shall pay stipulated penalties not more than fifteen (15) days after receipt of written demand by EPA for such penalties. Interest and late charges shall be paid as stated below. Method of payment shall be in accordance with the provisions below.
  - d. The EPA may, in the unreviewable exercise of its discretion, reduce or waive stipulated penalties otherwise due under this Consent Agreement/Final Order.
63. With regard to the SEP, Respondent certifies the truth and accuracy of each of the following:
- a. That all cost information provided to the EPA in connection with the EPA's approval of the SEP is complete and accurate and that Defendant in good faith estimates that the cost to implement the SEP is not less than \$79,000 (including lost revenue as described elsewhere);

- b. That, as of the date of executing this Consent Agreement/Final Order, Respondent is not required to perform or develop the SEP by any federal, state, or local law or regulation and is not required to perform or develop the SEP by agreement, grant, or as injunctive relief awarded in any other action in any forum;
- c. That the SEP is not a project that Respondent was planning or intending to construct, perform, or implement other than in settlement of the claims resolved in this Consent Agreement/Final Order;
- d. That Respondent has not received and will not receive credit for the SEP in any other enforcement action;
- e. That Respondent will not receive reimbursement for any portion of the SEP from another person or entity; and
- f. That for federal income tax purposes, Respondent agrees that it will neither capitalize into inventory or basis nor deduct any costs or expenditures incurred in performing the SEP.

64. Respondent further certifies that it is not a party to any open federal financial assistance transaction that is funding or could fund the same activity as the SEP described below.

65. Any public statement, oral or written, in print, film or other media, made by Respondent making reference to the SEP shall include the following language: "This project was undertaken in connection with the settlement of an enforcement action taken on behalf of the U.S. Environmental Protection Agency to enforce federal laws." Respondent shall not be responsible for any public statement made by third parties regarding the SEP, provided such statement was made without Respondent's participation or consent.

#### Reservation of Rights

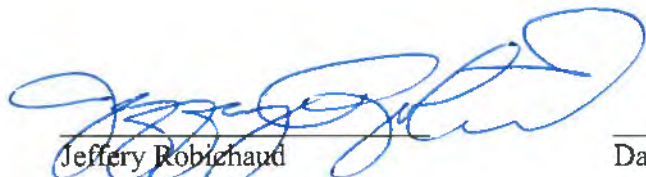
66. EPA reserves the right to enforce the terms of this CA/FO by initiating a judicial or administrative action pursuant to Section 309 of the CWA, 33 U.S.C. § 1319.

67. With respect to matters not addressed in this CA/FO, EPA reserves the right to take any enforcement action pursuant to the CWA, or any other available legal authority, including without limitation, the right to seek injunctive relief, and monetary penalties.

Effective Date

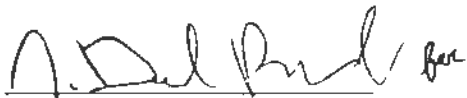
68. Pursuant to 40 C.F.R. § 22.31(b), this Consent Agreement/Final Order shall be effective after entry by the authorized Regional official and upon filing with the Regional Hearing Clerk, U.S. Environmental Protection Agency, 11201 Renner Boulevard, Lenexa, Kansas 66219. All time periods herein shall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

COMPLAINANT:  
U.S. ENVIRONMENTAL PROTECTION AGENCY



Jeffery Robichaud  
Acting Director  
Water, Wetlands and Pesticides Division

6/13/17  
Date



Elizabeth Huston  
Senior Counsel

6/12/17  
Date

FOR RESPONDENT:  
Schildberg Construction Company, Inc.:

Mark A. Schildberg  
Name

4/7/17  
Date

President  
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.

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.

June 20, 2017  
Date

Karina Borromeo  
Karina Borromeo  
Regional Judicial Officer



**Appendix A**

**SCHILDBERG CONSTRUCTION  
SUPPLEMENTAL ENVIRONMENTAL PROJECT  
PROPOSAL OVERVIEW**

This project was developed not only in response to the alleged violations, but to promote a positive industry practice for the quarrying industry and water quality practices that integrate with ongoing agricultural production for increased nutrient reduction through saturated and natural buffers.

**PROJECT SUMMARY**

Schildberg proposes a project to be located on property owned by Midwest Rock Products, Inc., a wholly-owned subsidiary of Schildberg in Adair County, Iowa along the Middle River. The project includes the development of a natural buffer, as well as a saturated buffer within the buffer, with a conservation easement of twenty (20) years covering the entire buffer area. The buffer area would treat stormwater and groundwater prior to such stormwater and groundwater reaching the Middle River. The identified property is adjacent to a future Schildberg quarrying facility. As shown on the attached map, the buffer area would extend over 1,070 linear feet along the river bank and would impact an area of roughly seven (7) acres. The area has five (5) identified tile lines, which ultimately empty into the Middle River via a ditch. Grab samples will be obtained in the area of the existing tile lines prior to development of the buffer. The site presently is leased annually for agricultural production with no conservation best management practices (BMPs) along the river.

As part of the installation of BMPs, Schildberg anticipates placing at least ten (10) monitoring wells within the site to monitor and quantify the performance of the practices. This includes real time nitrogen monitoring and flow monitoring, which the University of Iowa's IIHR – Hydroscience & Engineering has agreed to perform and analyze for at least a five (5) year period.

This SEP proposal contemplates that wastewater from the adjacent quarry may in the future be discharged to the buffer. Schildberg's General Permit No. 5 for the quarry, issued by the Iowa Department of Natural Resources, includes the buffer as a discharge location. Schildberg currently anticipates such use of the buffer as a discharge location will not occur until well after the conclusion of the 5-year monitoring period set forth above. The goal of the buffer area to provide better water quality should continue to be met regardless of whether such area also is used as a wastewater discharge location.

<b>COST</b>	<b>DESCRIPTION</b>
<b>\$30,000</b>	

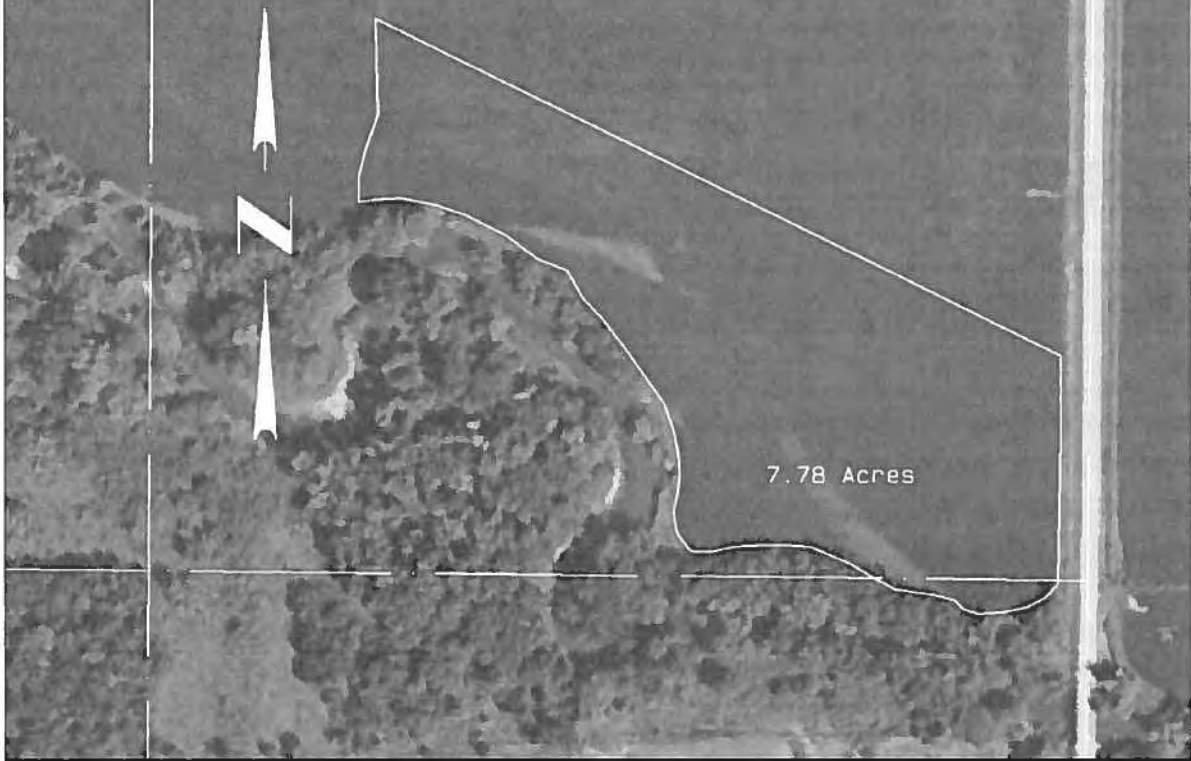
	Development of a saturated and natural buffer along 1,070 linear feet with a minimum setback of 100 feet from the Middle River totaling roughly seven (7) acres impacted
<b>\$34,020</b>	Lost lease revenue for seven (7) acres over twenty (20) years at \$243 per acre (5 year average lease rate for District 7, in which Adair County is located) <sup>1</sup>
<b>\$15,000</b>	Purchase of real time nitrogen monitor sensor with IIHR
<b>\$79,020</b>	<b>TOTAL PROJECT COST</b>

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<sup>1</sup> "Cash Rental Rates for Iowa 2016 Survey," Iowa State University Extension and Outreach.

Schildberg Construction Co., Inc  
Proposed supplemental  
Environmental Project

NE4-SE4 Sec 21 T-77N, R-31W



7.78 Acres

IN THE MATTER Of Schildberg Construction Company, Inc., Respondent  
Docket No. CWA-07-2016-0010

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Order was sent this day in the following manner to the addressees:

Copy via email to Complainant:

huston.liz@epa.gov

Copy via First Certified Mail/Return Receipt to Respondent:

Mark A. Schildberg  
P.O. Box 358  
Greenfield, Iowa 50849

Copy by First Class Mail to:

Paul Dickerson  
Chief, Water Pollution Compliance and Enforcement Section  
Missouri Department of Natural Resources  
P.O. Box 176  
Jefferson City, Missouri 65102-0176

and

Ted Petersen  
Iowa Department of Natural Resources  
401 SW 7<sup>th</sup>, Suite 1  
Des Moines, Iowa 50309

Dated: 6/20/17



Kathy Robinson  
Hearing Clerk, Region 7