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ENVIRONMENTAL PROTECTION  
AGENCY REGION VII  
REGIONAL HEARING CLERK

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7

In the matter of: )  
)  
)  
Poverty Knob Farm Inc. ) DOCKET NO. CWA-07-2008-0030  
)  
)  
Ida County, Iowa, )  
) COMPLAINANT'S PREHEARING  
) EXCHANGE  
Respondent. )  
\_\_\_\_\_ )

Pursuant to 40 C.F.R. § 22.19 of the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties," 40 C.F.R. Part 22 (CROP) and the Presiding Officer's Order of May 14, 2008, Complainant United States Environmental Protection Agency (EPA) submits this Prehearing Exchange.

**I. WITNESSES.**

1. Jeff Prier. Mr. Prier is an Environmental Specialist who works for the Iowa Department of Natural Resources (IDNR) Field Office #3. Mr. Prier's duties include, among other things, inspection and site assessment of animal feeding operations in northwestern Iowa. On a number of occasions, Mr. Prier has inspected Respondent's facility and observed and sampled feedlot-related pollutants discharging from Respondent's feedlot to an unnamed tributary of Silver Creek. Mr. Prier will testify regarding his observations and his review of records relevant to Respondent's operations. Mr. Prier has also acted as an IDNR point of contact for the Respondent for NPDES permitting and compliance issues. Mr. Prier will testify regarding communications between Respondent and IDNR and Respondent's history of noncompliance with the CWA.

2. Trevor Urban. Mr. Urban is an inspector with EPA Region 7's Environmental Services Division. Mr. Urban's duties include the inspection of facilities subject to regulation under the Clean Water Act (CWA), 33 U.S.C. § 1251, *et seq.*, including inspections of concentrated animal feeding operations, and the collection of evidence regarding possible violations of the CWA at

those facilities. Mr. Urban will testify regarding his observations during his inspection of Respondent's cattle feeding facility on March 20, 2007, including discharges of feedlot-related pollutants from Respondent's feedlot. The Concentrated Animal Feeding Operation Inspection Report and attachments memorializing Mr. Urban's findings with regard to the Respondent's cattle feeding operation are attached hereto as Complainant's Exhibit 14. Finally, Mr. Urban will testify as to facts relating to the nature, circumstances, extent, and gravity of the violations alleged in the Complaint, taking into account his personal observations at the facility and his review of records relevant to the facility's operations.

2. Stephen Pollard. Mr. Pollard is an Environmental Scientist in the Water Enforcement Branch of Region 7's Water, Wetlands and Pesticides Division. Mr. Pollard conducted an inspection of Respondent's feedlot on March 11, 2008, and witnessed the discharge of feedlot-related pollutants to an unnamed tributary of Silver Creek. Photographs taken during the March 11, 2008, inspection and the Photo Index subsequently constructed by Mr. Pollard are attached as Complainant's Exhibit 32. Based on his observations and personal knowledge, Mr. Pollard will testify regarding the flow path of runoff and pollutants from the Respondent's facility to waters of the United States. Mr. Pollard will also testify as to facts relating to the nature, circumstances, extent, and gravity of the violations alleged in the Complaint, taking into account his personal observations at the facility.

3. Don Hamera. Mr. Hamera is an Environmental Protection Specialist in the Water Enforcement Branch of Region 7's Water, Wetlands and Pesticides Division. Mr. Hamera also participated in an inspection of Respondent's feedlot on March 11, 2008, and witnessed the discharge of feedlot-related pollutants to an unnamed tributary of Silver Creek. Photographs taken during the March 11, 2008, inspection and the Photo Index subsequently constructed by Mr. Hamera are attached as Complainant's Exhibit 32. Based on his observations and personal knowledge, Mr. Hamera will testify regarding the flow path of runoff and pollutants from the Respondent's facility to waters of the United States. Mr. Hamera will testify as to his review of the evidence in this matter and the factual basis for EPA's determination that Respondent violated the CWA. Mr. Hamera will testify as to facts relating to the nature, circumstances, extent, and gravity of the violations alleged in the Complaint, taking into account his personal observations at the facility and his review of records relevant to the facility's operations.

5. Lannie Miller. Mr. Miller is a Fisheries Biologist who works for IDNR. Mr. Miller has worked for IDNR for more than 30 years. His duties include, among other things, responding to fish kills in Iowa streams. Mr. Miller will testify regarding his experience in responding to fish kills resulting from feedlot discharges and opine on the impact of discharges from Respondent's feedlot on the water quality and aquatic life in Silver Creek, its tributaries, and the larger streams they flow into. Mr. Miller's resume will be submitted in a supplemental prehearing exchange.

7. Sandra Doty. Ms. Doty is a hydrologist with Science Applications International Corporation (SAIC). Ms. Doty will testify as an expert regarding runoff from Respondent's feedlot. Among other things, Ms. Doty will testify regarding computer modeling that quantifies when Respondent's feedlot discharged pollutants to waters of the United States. Her expert

report discussing the modeling she conducted and summarizing her conclusions will be submitted in a supplement to this pre-hearing exchange. Ms. Doty's curriculum vitae (CV) is attached as Complainant's Exhibit 52.

8. Ann Jacobs. Ms. Jacobs is an environmental toxicologist who is the Water Programs Liaison with Region 7's Environmental Services Division. Ms. Jacobs will testify as an expert witness regarding the public health threats posed by cattle waste runoff. Ms. Jacob's testimony will help establish the gravity of Respondent's violations, in particular as to the potential for human health effects from exposure to pollutants found in cattle waste. Ms. Jacob's resume is attached as Complainant's Exhibit 54.

9. Jonathan S. Shefftz. Mr. Shefftz is a financial analyst with JShefftz Consulting in Amherst, Massachusetts, and is contracted with Industrial Economics, Incorporated. Mr. Shefftz will testify as an expert witness regarding the economic benefit enjoyed by Respondent as a result of non-compliance. His expert report is attached as Complainant's Exhibit 44. Mr. Shefftz's CV is attached as Complainant's Exhibit 53.

10. John Phillips. Mr. Phillips is an accountant and branch chief of Region 7's Resources and Financial Management Branch. Should Respondent satisfy its burden to present evidence indicating an inability to pay, Mr. Phillips may be called to rebut this claim or otherwise respond to Respondent's evidence. If Complainant determines that Mr. Phillips' testimony is required a resume will be presented in a supplemental prehearing exchange.

11. EPA reserves the right to call all fact witnesses named by Respondent.

## II. EXHIBITS.

For purposes of the list of documents below, "Complainant's Exhibit" is abbreviated as "C \_\_\_." The documents themselves are labeled "Complainant's Ex. No. XX"

- C1 2004 Aerial Photograph Poverty Knob Farm, Inc., Feedlot
- C2 2005 Aerial Photograph Poverty Knob Farm, Inc., Feedlot
- C3 2006 Aerial Photograph Poverty Knob Farm, Inc., Feedlot
- C4 2007 Aerial Photograph Poverty Knob Farm, Inc., Feedlot
- C5 USGS 7.5 Minute Topographic Quadrangle Quimby SE, Iowa
- C6 Open Feedlot Registration Form (August 10, 2001)
- C7 Open Feedlot Assessment for Poverty Knob Farm, Inc., (May 7, 2002)  
Including On-Site Open Cattle Feedlot Inspection Form

- C8 IDNR Correspondence re: Open Feedlot Assessment – Ida County (July 1, 2002)
- C9 IDNR Correspondence re: Failure to submit requested information (October 10, 2003)
- C10 Notice of Violation (March 2, 2006) issued by IDNR to Poverty Knob with On-Site Open Cattle Feedlot Inspection Form (February 21, 2006) attached.
- C11 March 21, 2006 email from Eisenbraun & Associates, Inc. to Jeff Prier, IDNR
- C12 Jeff Prier memo to Poverty Knob File (April 6, 2006)
- C13 CWA Section 308 Information Request and Poverty Knob response (May 31, 2006).
- C14 US EPA Region VII Report of Concentrated Animal Feeding Operation Inspection and attachments (March 20, 2007).
- C15 Photo and Video Index from March 20, 2007, EPA inspection and compact disc with video clips.
- C16 Notice of Violation – Open Feedlot Unpermitted Discharge (May 10, 2007)
- C17 Jeff Prier memo to Poverty Knob File (May 11, 2007)
- C18 Notice of Violation- Amended Letter – Open Feedlot Unpermitted Discharge (May 15, 2007) with attached discharge sampling results
- C19 John Schubert to IDNR correspondence regarding feedlot capacity (June 5, 2007).
- C20 Notice of Violation - Engineering Survey Result - NPDES Permit Requirements (July 26, 2007).
- C21 Eisenbraun & Associates, Inc., correspondence to IDNR (August 14, 2007)
- C22 Don Hamera Telephone Conversation Record (August 29, 2007)
- C23 EPA correspondence to Jon Schubert regarding identification of CWA violations (September 13, 2007)
- C24 Don Hamera Telephone Conversation Record (September 21, 2007).
- C25 Plan of Action for Poverty Knob Farms (September 27, 2007).
- C26 IDNR Plan of Action Response (October 1, 2007)

- C27 IDNR Complaint Record (November 26, 2007)
- C28 IDNR correspondence regarding Feedlot Visit (December 13, 2007)
- C29 EPA Finding of Violation Order for Compliance, Poverty Knob Farm, Inc. (CWA-7-2008-0027). Issued February 1, 2008.
- C30 Eisenbraun & Associates correspondence – Time extension request (February 18, 2008)
- C31 IDNR correspondence re: Plan of Action Extension (February 28, 2008)
- C32 Photos, Photo Index, and sampling results from Poverty Knob Farms, Inc., Feedlot (March 11, 2008)
- C33 EPA Notice of Violation of Compliance Order (March 20, 2008).
- C34 Poverty Knob Farm Inc., response to EPA Notice of Violation (March 28, 2008).
- C35 April 1, 2008, email correspondence between Eldon McAfee and Dan Breedlove re: compliance with EPA compliance order.
- C36 Jon Schubert correspondence re: number of cattle at Poverty Knob Feedlot (April 2, 2008).
- C37 Poverty Knob response to compliance issues identified during March 11 feedlot visit (April 9, 2008)
- C38 Notice of Violation – Failure to renew or discontinue construction stormwater permit coverage (May 16, 2008).
- C39 Poverty Knob Farm, Inc., Monthly Construction Reports (March 6, 2008- present).
- C40 Poverty Knob Farm, Inc., Weekly Cattle Inventories (April 4, 2008- present).
- C41 Poverty Knob Quarterly Report (June 6, 2008).
- C42 Record of Climatological Observations for Cherokee (December 1, 2007-April 30, 2008), Galva (January 1, 2003-April 30, 2008), Holstein (December 1, 2007-April 30, 2008), Ida Grove 5NW (January 1, 2003-April 30, 2008) and Sioux City Gateway Airport (December 1, 2007-April 30, 2008), Iowa.
- C43 Record of Climatological Observations for Cherokee County, Iowa, Holstein County, Iowa, Le Mars County, Iowa and Sioux City Gateway Airport for January 1, 2002-December 31, 2007.

- C44 Economic Benefit Expert Report by Jonathan S. Shefftz
- C45 *Beef Feedlot Systems Manual*, Iowa Beef Center, Iowa State University (2006)
- C46 Risk Management Evaluation for Concentrated Animal Feeding Operations, U.S. Environmental Protection Agency, Office of Research and Development (May 2004)
- C47 Environmental Impacts of Animal Feeding Operations, US EPA, December 31, 1998,
- C48 Disease Information Escherichia coli O157:H7
- C49 Disease Information Salmonellosis
- C50 Parasitic Disease Information Cryptosporidiosis
- C51 Parasitic Disease Information Giardiasis
- C52 CV for Sandra Doty
- C53 CV for Jonathan S. Shefftz
- C54 Resume for Ann Durham Jacobs

### **III. Detailed Discussion of Proposed Penalty**

#### **A. Introduction**

The Clean Water Act (“CWA” or the “Act”) regulates discharges of pollutants into waters of the United States. Section 309(g) of the CWA, 33 U.S.C. § 1319(g)(2)(B), states that any person who is found to have violated section 1311, 1312, 1316, 1317, 1318, 1328 or 1345 of the Act may be assessed an administrative penalty of up to \$10,000 per day for each day during which the violation continues; except that the maximum amount of the penalty can not exceed \$125,000. The Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 provided for a penalty of up to \$10,000 per violation per day through January 30, 1997, and \$11,000 per violation per day on or after January 31, 1997. The Act was again amended in 2004 to further adjust for inflation. The statutory maximum for Class II Administrative Penalties for violations that occurred January 31, 1997 through March 15, 2004, is \$137,500 and \$157,500 for violations after March 15, 2004. The maximum daily administrative penalty remains \$11,000 per day per violation.

In determining the amount of penalty, the CWA requires that the Environmental Protection Agency (“EPA”) consider the nature, circumstances, extent and gravity of the violations as well as the economic benefit or savings resulting from the violation. EPA must also

consider the violator's ability to pay, prior history of such violations, the degree of culpability, and other matters as justice may require. (33 U.S.C. § 1319(g)(3)). The following is a discussion of EPA's consideration of these statutory factors in determining the amount of the proposed penalty.

**B. Statutory Factors Considered in Penalty Calculation**

**1. Nature, Circumstances, Gravity and Extent**

The nature and extent of the violations, or "gravity factor" of the violations was determined by taking into account the actual and potential harm to human health and the environment and the significance of the violations. Discharges of pollutants to waters of the United States without a National Pollutant Discharge Elimination System (NPDES) permit and failure to apply for a NPDES permit are the bases for the proposed penalty.

On March 30, 2007, the Environmental Protection Agency (EPA) performed a concentrated animal feeding operation ("CAFO") inspection at Poverty Knob Farm, Inc., feedlot (Respondent) located near Holstein, Iowa. The inspection was performed in order to determine the feedlot's compliance status with the CWA. Respondent was discharging feedlot pollutants to a tributary of Silver Creek at the time of the inspection. Based on observations made during the inspection it was determined that Respondent's feedlot did not have adequate livestock waste control structures in place to control runoff from the site. As a result, all significant precipitation events result in the discharge of livestock waste to an unnamed tributary of Silver Creek and Silver Creek. Silver Creek and its unnamed tributary are waters of the United States. The inspection also confirmed that Respondent was not operating under a NPDES permit.

On April 26, 2007, IDNR inspected Respondent's feedlot. At the time of the inspection, feedlot related pollutants were discharging from the feedlot into a tributary of Silver Creek. IDNR collected samples and analyses determined that the discharges impacted the water quality of the tributary to Silver Creek. Respondent was confining approximately 1400 head of feeder cattle at this time.

EPA conducted another facility visit on March 11, 2008. Respondent was confining approximately 1400 head at that time. Again, EPA inspectors observed the discharge of feedlot pollutants from the feedlot into the tributary of Silver Creek. Again, sampling results indicated that feedlot-related contaminants from Respondent's facility were impacting the tributary.

At all times pertinent to the proposed penalty, Respondent had greater than 1000 head of feeder cattle confined at the feedlot and had confined as many as 1800 head of cattle. Runoff from the feedlot flows through erosional features into an unnamed tributary of Silver Creek. Pollutants from the feedlot then flow approximately ¼ mile through the unnamed tributary into Silver Creek.

Until 2006, Silver Creek was classified as a general use water by IDNR. General use waters are defined as being suitable for noncontact recreation, crop irrigation, livestock and wildlife watering and industrial, agricultural, domestic, and other incidental water withdrawal uses. In 2006, Iowa adopted more protective water quality standards that classified Silver Creek's uses as Primary Contact Recreation and Wildlife and Aquatic Life for warm water species. Silver Creek flows into the Little Sioux River. The Little Sioux River flows into the Missouri River.

The discharge of pollutants from Respondent's feedlot impacted surface waters. Eroded sediment clouds the water, making it difficult or impossible for plants to grow and suffocate fish by clogging their gills. High levels of ammonia can be toxic to fish and other aquatic life. Excess nutrients can cause algae blooms that, along with decay of plant matter in the water, consume oxygen that is vital to plants, fish and other aquatic life. Bacterial and viral pathogens found in runoff from CAFOs can cause serious illnesses in humans and animals that come into contact with contaminated water.

### **Count 1 – Unpermitted Discharge of Pollutants to Waters of the U.S.**

Count 1 alleges that Respondent discharged pollutants to waters of the United States without an NPDES permit. Respondent does not have adequate runoff controls. EPA and IDNR inspections have documented the discharge of pollutants from the feedlot into Silver Creek and its tributary, waters of the United States. Sampling has demonstrated that the discharges are impacting water quality.

Respondent is liable for up to \$11,000 per day for each day it discharged. To determine the number of illegal discharge events, and the corresponding days of violation, EPA will implement computer modeling in conjunction with inspector observations and sampling results. EPA intends to use the Soil and Water Assessment Tool (SWAT) and the Agricultural Policy Environmental Extender (APEX) models to simulate flow and sediment and nutrient movement from Respondent's feedlot into Silver Creek. Results from the SWAT and APEX models will demonstrate that there have been scores of discharges from Respondent's feedlot into Silver Creek. These models will also demonstrate that millions of gallons of runoff entered the unnamed tributary of Silver Creek between 2004 and 2008 and that this runoff contained thousands of pounds of manure, phosphorous and nitrogen. An expert report will be provided in a supplemental prehearing exchange.

### **Count 2 – Failure to Apply for a NPDES Permit**

Count 2 alleges that Respondent failed to apply for a NPDES permit prior to discharging pollutants into a water of the United States. IDNR and EPA have observed three discharges from Respondent's feedlot and computer modeling will demonstrate scores more. However, to date, Respondent has not applied for an NPDES permit. Conservatively, the total number of days of violation for Count 2 numbers in the hundreds. Respondent is liable for up to \$11,000 per day for each day it failed to apply for an NPDES permit.



## **2. Economic Benefit**

EPA performed an economic benefit analysis associated with the CWA violations at Respondent's facility. For the purposes of determining economic benefit, EPA combined counts 1 and 2. EPA calculated the economic benefit associated with Respondent's violations by looking at the avoided costs that would have been associated with the construction and operation of livestock waste controls at Respondent's facility.

The economic benefit analysis uses cost estimates that were based on the 2006 document *Beef Feedlot Systems Manual* published by the Iowa Beef Center at Iowa State University. Specifically, EPA used the cost estimates associated with a 1,500 head earthen lot with windbreak. For the purpose of calculating economic benefit, EPA only considered the engineering and construction costs associated with environmental structures and costs associated with irrigation equipment needed to properly dispose of impounded feedlot runoff. Based on the Iowa State University publication, EPA estimates that construction of adequate runoff controls would cost approximately \$215,000. EPA has offered to use site specific estimates provided by Respondent. To date EPA has received no cost information from Respondent.

At hearing EPA is prepared to present testimony that Respondent's total economic benefit from noncompliance by avoiding the construction of runoff controls and the annual costs associated with maintaining the controls is approximately \$176,000. Should Respondent present testimony at hearing that it will construct controls, EPA is also prepared to present testimony that benefit from noncompliance by delaying the construction of runoff controls is approximately \$44,000.

## **3. Ability to Pay**

Complainant anticipates that Respondent may raise ability to pay as a defense. The Presiding Officer's prehearing order requires the Respondent to provide documentation in its prehearing exchange to support such a claim. EPA will evaluate information provided by the Respondent to determine if it is unable to pay the proposed penalty or that the payment will have an adverse impact on Respondent's ability to continue business.

## **4. Prior History**

In 2001, Respondent registered the feedlot with IDNR as confining 800 head of cattle. In 2002, IDNR performed an onsite assessment of the facility and informed the Respondent, in writing, that an NPDES permit was required prior to expanding the feedlot to greater than 1,000 animals. Based on statements made by the Respondent and inventory records, Respondent increased the number of cattle at the facility to approximately 1400 in 2004 or earlier. In March 2006, IDNR issued a Notice of Violation to the Respondent for exceeding the 1000 animal threshold without applying for a permit and for discharging pollutants to the tributary of Silver

Creek. A Notice of violation was issued by IDNR in May 2007 for discharges from the feedlot to the tributary of Silver Creek. Another Notice of Violation was issued in July 2007 that informed the Respondent that he should depopulate by not bringing in new cattle as he sold off livestock. Yet another correspondence was issued in October 2007 because Respondent continued to confine greater than 1000 head of cattle without an NPDES permit and without adequate runoff controls. This correspondence required Respondent to depopulate by not bringing in new cattle as he sold off livestock.

EPA and the Respondent met in Des Moines, Iowa, in November 2007 to discuss the CWA violations at Respondent's facility. At this meeting Respondent stated that he was still confining approximately 1800 head of cattle. EPA reiterated that all discharges from the facility violated the CWA. After receiving information in January 2008 from IDNR that Respondent had not reduced the number of cattle below regulatory thresholds and was not making significant progress toward compliance, EPA issued a compliance order on February 1, 2008, requiring Respondent to immediately cease all discharges to waters of the U.S. The order required depopulation of cattle below regulatory thresholds if Respondent could not cease discharges. EPA performed a site visit on March 11, 2008, to evaluate Respondent's compliance with the CWA and the compliance order. Respondent continued to confine approximately 1400 head of cattle and was discharging pollutants to the tributary of Silver Creek. Respondent finally reduced the number cattle below 1000 animals in April 2008.

## **5. Culpability**

CAFO regulations covering Respondent's facility have been in place since 1976. Respondent has had ample opportunity as well as the obligation to be aware of all regulations relating to its activities. As was discussed in greater detail above, Respondent represented that it did not confine enough cattle to meet the definition of large CAFO and as a result was not subject to the regulatory requirements applicable to them. However, without informing IDNR, without seeking a NPDES permit, and without building runoff controls, Respondent increased the number of cattle above regulatory thresholds. IDNR efforts were ignored or not acted upon. Respondent also ignored or failed to act upon EPA's efforts until EPA was forced to issue an administrative compliance order .

Respondent operated out of compliance for years with full knowledge and understanding of the regulatory requirements and discharged thousands of pounds of cattle manure and its associated pollutants into a fish bearing stream.

## **6. Other Matters as Justice may Require**

EPA is unaware of any matters that require a penalty reduction.

### **C. Conclusion**

For all the foregoing reasons, the violations alleged in the Complaint constitute serious CWA violations warranting assessment of a penalty in the amount of \$157,500, the statutory maximum.

### **IV. LOCATION, ESTIMATE REGARDING LENGTH, AND AVAILABILITY FOR HEARING**

#### Location

Complainant proposes Des Moines, Iowa for a hearing location. Des Moines is located within a few hours of Respondent's feedlot and is where Respondent's attorney resides. Holding the hearing in Des Moines would be a convenient central location for many of Respondent's and Complainant's witnesses. Des Moines also hosts a national airport and has many options for a hearing location.

As an alternative, Complainant proposes Sioux City, Iowa, for the hearing location. It is the nearest city of significant size to Respondent's feedlot with an airport and Respondent resides and his feedlot is located within a short driving distance from Sioux City.

#### Estimated Time for Hearing

Complainant intends to present some of the testimony in the form of "written testimony" as authorized by Section 22.22 of the CROP Rules. If the parties are unable to stipulate to significant facts and findings in this case and Complainant presents its entire case orally, Complainant estimates that it will require approximately three days to present its case in chief. The length of time required for rebuttal testimony and cross examination of Respondent's witnesses will depend on the numbers and substance of documents and witnesses disclosed in Respondent's Prehearing Exchange.

#### Availability for Hearing

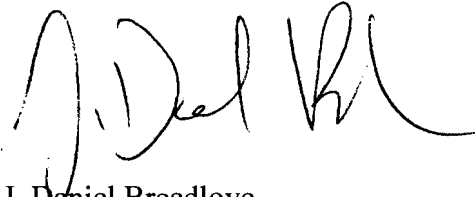
Complainant is available anytime after November 1, 2008. However, because liability in this matter appears to be a matter that may be resolved through dispositive motions, Complainant requests a hearing date that will allow the parties adequate time to file the motion and responsive documents associated with a motion for accelerated decision on liability.

### **IV. Paperwork Reduction Act**

The Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, has no applicability to this proceeding. Complainant has not alleged a failure to comply with any "collection of information" within the meaning of 44 U.S.C. § 3512, and no Office of Management and Budget control numbers are required for any of the documents at issue in this matter.

Complainant reserves the right to call all witnesses named by Respondent. Complainant further reserves the right to submit the names of additional witnesses and to submit additional exhibits prior to the hearing of this matter, upon timely notice to the Presiding Officer and to Respondent.

RESPECTFULLY SUBMITTED this 11<sup>th</sup> day of July, 2008.

A handwritten signature in black ink, appearing to read "J. Daniel Breedlove". The signature is fluid and cursive, with a large initial "J" and "D".

J. Daniel Breedlove  
Assistant Regional Counsel  
Region 7

CERTIFICATE OF SERVICE

I hereby certify that copies of the Prehearing Exchange in the Matter of Poverty Knob Farms, Inc., Docket No. CWA-07-2008-0030, were sent to the following persons in the manner indicated:

A true and correct copy hand delivered to:

Kathy Robinson (original plus one copy)  
Regional Hearings Clerk  
EPA Region 7  
901 North 5<sup>th</sup> Street  
Kansas City, Kansas 66101

A true and correct copy by EPA pouch mail to:

Honorable William B. Moran  
Administrative Law Judge  
U.S. EPA Office of Administrative Law Judges  
1200 Pennsylvania Ave. NW  
Mail Code 1900L  
Washington, D.C. 20460

A true and correct copy by U.S. mail to:

Eldon McAfee  
Beving, Swanson & Forrest, P.C.  
321 E. Walnut St., Suite 200  
Des Moines, IA 50309

Dated: July 11, 2008

