



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

SENT VIA ELECTRONIC MAIL
RECEIPT CONFIRMATION REQUESTED

The Honorable Alex Anthofer
Mayor of Nashua, Iowa
dralexanthofer@gmail.com

Re: Notice of Findings of Violation, Order for Compliance
Docket No. CWA-07-2022-00112

Dear Mayor Anthofer:

The Clean Water Act was enacted to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. Section 301 of the CWA, 33 U.S.C. § 1311, provides that the discharge of pollutants into a water of the United States is unlawful except in compliance with a permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.

As previously indicated to you, the city of Nashua has violated the terms and conditions of its National Pollutant Discharge Elimination System Permit routinely since, at least, 2019. The Iowa Department of Natural Resources issued Notices of Violations to the City for continued violations of the effluent limitations of the Permit on the following dates: February 5, 2019; January 27, 2020; December 7, 2020; October 7, 2021; March 9, 2022 and June 1, 2022.

During the EPA's October 2020 Inspection, the inspector observed the following violations of the Clean Water Act: exceedances of the effluent limitations in the City's permit, failure to meet percent removal requirements for Total Suspended Solids and failure to properly operate and maintain the City's plant as required by the NPDES Permit.

The EPA's primary concern is your return to full compliance as expeditiously as possible. Since the City is still violating the effluent limitations in its NPDES permit and we were unable to reach a resolution of the compliance issues in this matter with the City after more than a year of discussions, the EPA issues the enclosed Findings of Violation and Order for Compliance ("Order") pursuant to Section 309(a)(3) of the Act, 33 U.S.C. § 1319(a)(3). This Order requires actions to eliminate violations of the City's NPDES permit and the CWA. Please be advised that failure to comply with the deadlines set forth in the enclosed Order may result in enforcement of the Order pursuant to Section 309 of the Act, 33 U.S.C. § 1319. Please read the Order carefully. It contains specific requirements and deadlines, and compliance with the Order is mandatory.

The Order also contains an Opportunity to Confer before the Order becomes effective. This is an opportunity to confer with and/or submit information to the EPA concerning the validity of this Order, including the basis for the Order, the terms of the Order, and the applicability of this Order to the City. Within ten days of receipt of this Order, the City may request a conference regarding the Order or to

submit information to the EPA. If the City requests a conference or wishes to submit information, the conference or submission of information shall take place within 20 days of receipt of this Order.

If you have questions, please call Ms. Huston, the attorney assigned to this matter, at (913) 551-7525 or email at huston.liz@epa.gov. Thank you for your attention to this matter.

Sincerely,

David Cozad
Director
Enforcement and Compliance Assurance Division

Enclosure