

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Region VII  
11201 Renner Boulevard  
Lenexa, Kansas 66219

In the matter of: )  
) DOCKET NO. CWA-07-2018-0095  
)  
)  
C&S ENTERPRISE, L.L.C., )  
) JOINT PREHEARING STIPULATIONS  
)  
)  
)  
)  
)  
)  
Respondent )  
\_\_\_\_\_ )

Complainant Environmental Protection Agency ("EPA") and Respondent C&S Enterprise, L.L.C. ("Respondent") hereby submit the following stipulations regarding exhibits.

**I. Exhibits.**

1. Complainant and Respondent stipulate to admit into evidence at Hearing all documents included in Complainant's May 31, 2018 Prehearing Exchange and Complainant's August 24, 2018 Supplemental Prehearing Exchange.

2. Complainant and Respondent stipulate to admit into evidence at Hearing all documents included in Respondent's July 13, 2018 Prehearing Exchange.

**II. Witnesses**

3. Complainant and Respondent stipulate that they waive their rights to cross-examine witnesses listed in their respective prehearing exchanges that will not be called to testify at the Hearing.

4. Dr. Delia Garcia will testify as an expert witness concerning stream ecology.

5. Complainant and Respondent stipulate that both parties' expert witnesses are qualified to testify within their areas of expertise.

**III. Facts**

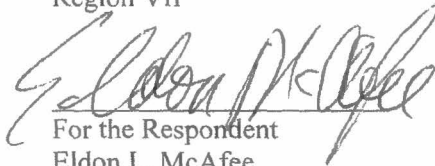
6. Complainant and Respondent stipulate to the following facts:

a. C&S Enterprise, L.L.C. is a "person" as defined by Section 502(5) of the Clean Water Act ("CWA"), 33 U.S.C. § 1362(5).

RESPECTFULLY SUBMITTED this 7<sup>th</sup> day of September 2018.



For the Complainant  
Chris Muehlberger  
Assistant Regional Counsel  
Region VII



For the Respondent  
Eldon L. McAfee  
Brick Gentry, P.C.  
6701 Westown Parkway, Suite 100  
West Des Moines, Iowa 50266-7703

CERTIFICATE OF SERVICE

I hereby certify that on this 7<sup>th</sup> day of September 2018, I sent via the OALJ E-filing system the original and one copy of this Prehearing Exchange, to the EPA Headquarters Hearing Clerk, and sent one true and correct copy via email to Mr. Eldon McAfee, Esq. at [eldon.mcafee@brickgentrylaw.com](mailto:eldon.mcafee@brickgentrylaw.com).

Chris Muehlberger  
Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region 7  
11201 Renner Boulevard  
Lenexa, Kansas 66209  
(913) 551-7623  
[muehlberger.christopher@epa.gov](mailto:muehlberger.christopher@epa.gov)

  
Signature of Sender

  
Signature of Sender

