

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

BEFORE THE ADMINISTRATOR

<p>TONY L. BROWN and JOSHUA A. BROWN d/b/a RIVERVIEW CATTLE Armstrong, IA</p> <p>Respondents</p>	<p>Docket No. CWA-07-2016-0053</p> <p>RESPONDENTS' SUPPLEMENTAL PREHEARING EXCHANGE</p>
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COMES NOW the Respondents, Tony L. Brown and Joshua A. Brown., by and through their attorney, Eldon L. McAfee, and submit this Supplemental Prehearing Exchange pursuant to the Prehearing Order dated November 14, 2016 and 40 C.F.R. §22.19:

**Documents and exhibits Respondent intends to introduce into evidence:**

RX 14: May 22, 2018 photograph of the water level of the East Fork of the Des Moines River taken near location of the tile outlet facing southeast.

RX 15: May 22, 2018 photograph of the water level of the East Fork of the Des Moines River near the location of the tile outlet facing southeast.

RX 16: May 22, 2018 photograph of the water level of the East Fork of the Des Moines River taken from the general location of the tile outlet facing south.

RX 17: May 22, 2018 photograph of the water level of the East Fork of the Des Moines River taken from the general location of the tile outlet facing south.

RX 18: May 22, 2018 photograph of the water level of the East Fork of the Des Moines River in the Respondent's crop field taken from the general location of the tile outlet facing west.

RX 19: May 22, 2018 photograph of the water level of the East Fork of the Des Moines River taken from the general location of the tile outlet facing south.

RX 20: May 22, 2018 photograph of the water level of the East Fork of the Des Moines River near the location of the tile outlet facing north.

RX 21: May 22, 2018 photograph of the water level of the East Fork of the Des Moines River near the location of the tile outlet facing east.

RX 22: May 22, 2018 photograph of the water level of the East Fork of the Des Moines River over the tile outlet, close-up view.

RX 23: May 22, 2018 photograph of the water level of the East Fork of the Des Moines River over the tile outlet, close-up view.

RX 24: May 22, 2018 photograph of the water level of the East Fork of the Des Moines River over the tile outlet close-up view with grass placed on the water surface.

RX 25: May 22, 2018 photograph of the water level of the East Fork of the Des Moines River over the tile outlet close-up view with grass placed on the water surface.

RX 26: May 22, 2018 photograph of the water level of the East Fork of the Des Moines River over the tile outlet with Respondent Josh Brown placing his hand at the tile outlet.

RX 27: May 22, 2018 photograph of the water level of the East Fork of the Des Moines River taken facing north at the 200<sup>th</sup> St. bridge depicted in CX 1.5, attachment 5, pages 39 and 40 of 43.

RX 28: May 22, 2018 photograph of the water level of the East Fork of the Des Moines River taken facing north at the 200<sup>th</sup> St. bridge depicted in CX 1.5, attachment 5, pages 39 and 40 of 43.

RX 29: May 22, 2018 photograph of the water level of the East Fork of the Des Moines River taken facing south at the 200<sup>th</sup> St. bridge depicted in CX 1.5, attachment 5, pages 39 and 40 of 43.

RX 30: May 22, 2018 photograph of the water level of the East Fork of the Des Moines River taken facing south at the 200<sup>th</sup> St. bridge depicted in CX 1.5, attachment 5, pages 39 and 40 of 43.

RX 31: July 16, 2016 aerial photograph with location of RX 32 and RX 33 circled.

RX 32: July 16, 2016 photograph of sediment in tile line.

RX 33: July 16, 2016 photograph of sediment in tile line.

RX 34: Oct. 11, 2018 photograph of the water level of the East Fork of the Des Moines River over the tile outlet.

RX 35: Oct. 11, 2018 photograph of the water level of the East Fork of the Des Moines River over the tile outlet.

RX 36: Oct. 11, 2018 photograph of the water level of the East Fork of the Des Moines River over the tile outlet.

RX 37: Oct. 11, 2018 photograph of the water level of the East Fork of the Des Moines River near the location of the tile outlet, facing southeast.

RX 38: Oct. 11, 2018 photograph of the water level of the East Fork of the Des Moines River near the location of the tile outlet, facing south.

RX 39: Oct. 11, 2018 photograph of the water level of the East Fork of the Des Moines River near the location of the tile outlet facing south.

RX 40: Oct. 11, 2018 photograph of the water level of the East Fork of the Des Moines River over the tile outlet.

RX 41: Oct. 11, 2018 photograph of the water level of the East Fork of the Des Moines River over the tile outlet with Respondent Tony Brown placing his hand at the tile outlet.

RX 42: Oct. 11, 2018 photograph of the water level of the East Fork of the Des Moines River over the tile outlet with Respondent Tony Brown placing his hand at the tile outlet.

RX 43: Oct. 11, 2018 photograph of the water level of the East Fork of the Des Moines River over the tile outlet after Respondent Tony Brown stepped out of the water.

RX 44: Oct. 11, 2018 photograph of the water level of the East Fork of the Des Moines River near the location of the tile outlet, facing south.

RX 45: Oct. 11, 2018 photograph of the water level of the East Fork of the Des Moines River taken from the general location of the tile outlet, facing south.

RX 46: Oct. 11, 2018 photograph of the water level of the East Fork of the Des Moines River in the Respondent's crop field taken from the general location of the tile outlet, facing west.

RX 47: Oct. 11, 2018 photograph of the water level of the East Fork of the Des Moines River taken facing north at the 200<sup>th</sup> St. bridge depicted in CX 1.5, attachment 5, pages 39 and 40 of 43.

RX 48: Oct. 11, 2018 photograph of the water level of the East Fork of the Des Moines River taken facing north at the 200<sup>th</sup> St. bridge depicted in CX 1.5, attachment 5, pages 39 and 40 of 43.

RX 49: Oct. 11, 2018 photograph of the water level of the East Fork of the Des Moines River taken facing south at the 200<sup>th</sup> St. bridge depicted in CX 1.5, attachment 5, pages 39 and 40 of 43.

RX 50: Oct. 11, 2018 photograph of the water level of the East Fork of the Des Moines River taken facing south at the 200<sup>th</sup> St. bridge depicted in CX 1.5, attachment 5, pages 39 and 40 of 43.

RESPECTFULLY SUBMITTED this 12<sup>th</sup> day of October, 2018.

BRICK GENTRY, P.C.

/s/ Eldon L. McAfee  
Eldon L. McAfee AT0004987  
6701 Westown Parkway, Suite 100  
West Des Moines, IA 50266  
Telephone: (515) 271-5916  
Facsimile: (515) 274-1488  
[eldon.mcafee@brickgentrylaw.com](mailto:eldon.mcafee@brickgentrylaw.com)  
ATTORNEYS FOR RESPONDENTS

CERTIFICATE OF SERVICE

I hereby certify that on this 12<sup>th</sup> day of October, 2018, I filed via the E-filing system the original of this Respondents' Supplemental Prehearing Exchange with the Office of Administrative Law Judges Hearing Clerk, and sent by email Mr. Howard Bunch, counsel for Complainant.

Howard Bunch  
Sr. Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region 7  
11201 Renner Boulevard  
Lenexa, Kansas 66209  
(913) 551-7879  
[bunch.howard@epa.gov](mailto:bunch.howard@epa.gov)

/s/ Eldon L. McAfee  
Eldon L. McAfee AT0004987  
6701 Westown Parkway, Suite 100  
West Des Moines, IA 50266  
Telephone: (515) 271-5916  
Facsimile: (515) 274-1488  
[eldon.mcafee@brickgentrylaw.com](mailto:eldon.mcafee@brickgentrylaw.com)  
ATTORNEYS FOR RESPONDENTS