

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7

IN THE MATTER OF)
)
)
C & S ENTERPRISE, L.L.C.,) DOCKET NO. CWA-07-2018-0095
)
)
Respondent)
) COMPLAINANT’S SUPPLEMENT
) TO PREHEARING EXCHANGE
)
_____)

Pursuant to 40 C.F.R. § 22.19(f) of the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties,” 40 C.F.R. Part 22 and the Presiding Officer's Order of August 1, 2018, Complainant United States Environmental Protection Agency submits this Supplement to its prior Prehearing Exchange.

I. WITNESSES.

1. Donald Carrington. Mr. Carrington is a Resource Conservationist with the Natural Resources Conservation Service, Williamsburg, Iowa office. He has worked for NRCS for 30 years is responsible for supporting wetland compliance activities in Iowa. He will testify concerning the facts and NRCS processes leading to the NRCS’s conclusion that Respondent filled in approximately 1.3 acres of wetlands abutting the unnamed tributary to Deep Creek.

Complainant hereby removes Kate Timmerman and Lance Schaefer as witnesses for Complainant.

II. EXHIBITS.

For purposes of the list of documents below, “Agency’s Exhibit” is abbreviated as “AX_.” These exhibits supplement Complainant’s May 31, 2018 Prehearing Exchange.

AX25 U.S. Army Corps of Engineers June 14, 2005 Regulatory Guidance Letter, “Expiration of Geographic Jurisdictional Determinations of Waters of the United States.”

AX26 Close-ups of AX10 historical photos.

AX27 Hydric Soils Map

AX28 Watershed Map

AX29 March 20, 2018 Pictometry Images

AX30 EPA's August 15, 2018 CWA Section 308 Request for Information to C & S Enterprise and C & S Enterprise, L.L.C.'s response.

AX31 Placeholder for Expert Report by Pete Stokely, EPA Office of Enforcement and Compliance Assurance. Mr. Stokely is expected to complete his report the week of August 27, 2018. Complainant will propose submittal of the report by Motion to Supplement to the tribunal and opposing counsel at that time.

RESPECTFULLY SUBMITTED this 24th day of August, 2018.



Chris Muehlberger
Assistant Regional Counsel
Region 7

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of August, 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.

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Signature of Sender

