



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7

11201 Renner Boulevard
Lenexa, Kansas 66219

AUG 15 2018

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article No.: 7014 1200 0000 6122 4213

Mr. Scott Morrow
C & S Enterprise, L.L.C.
2454 480th Avenue
Deep River, Iowa 52222

Dear Mr. Morrow:

As you know, the U.S. Environmental Protection Agency is investigating the discharge of a pollutant from a point source into a tributary to Deep Creek and adjacent wetlands on your property in Deep River, Iowa. Because these activities are alleged violations of the Clean Water Act, the EPA is requesting that you provide additional information concerning the activities.

The EPA is authorized to request this information pursuant to Section 308(a) of the CWA. Please provide the information requested below as clearly and completely as possible within seven days of receipt of this letter:

1. Describe any activities performed by you or authorized by you within the tributary to Deep Creek on your property prior to July 2015 including, but not limited to, plowing and/or tilling through the tributary, constructing road crossings across the tributary, diverting the tributary in any manner, and/or channelizing the tributary in any manner. Please also include whether you provided for aquatic passage for any impoundments placed in the tributary. Provide dates for completing such activities.
2. Describe in detail the placement of tile drains to capture and divert the flow of the tributary to Deep Creek on your property and include any supporting documentation for the tile project including, but not limited to, maps, plans, work orders, invoices, etc.

As stated previously, your response to this information request must be submitted to the EPA within seven days of your receipt of this letter. Please include with your response the attached certificate, signed and dated by you.

Send the requested information to:

U.S. Environmental Protection Agency Region 7
ATTN: Chris Muehlberger, Office of Regional Counsel
11201 Renner Boulevard
Lenexa, Kansas 66219.



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If you believe any of the requested information is confidential, you may assert a business confidentiality claim pursuant to the regulations set forth in 40 C.F.R. Part 2, Subpart B. Information requested by this letter, however, must be submitted to the EPA regardless of such a claim of confidentiality. If the EPA determines the information you have designated meets the criteria in 40 C.F.R. § 2.208, the information will be disclosed only to the extent and by means of the procedures specified in Subpart B. Unless a confidentiality claim is asserted at the time the requested information is submitted, the EPA may make the information available to the public without further notice to you.

Although the EPA requests your assistance, your response to these questions is mandatory. Section 309 of the CWA authorizes the EPA to assess civil penalties for failing to provide information required under Section 308 of the CWA and criminal penalties for knowingly making a false statement under Section 308. If you have any legal questions regarding this request, please contact Chris Muehlberger at (913) 551-7623, or by email at muehlberger.christopher@epa.gov. For technical questions please contact Dr. Delia Garcia at (913) 551-7262, or by email at garcia.delia@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffery Robichaud". The signature is fluid and cursive, with a large loop at the end.

Jeffery Robichaud
Director
Water, Wetlands and Pesticides Division

Enclosure

cc: Eldon McAfee, Esq.

STATEMENT OF CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment.

Signature

Date

Printed Name

Official Title

STATEMENT OF CERTIFICATION

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Scott L. Morrow
Signature

8-23-2018
Date

SCOTT L. MORROW
Printed Name

MEMBER
Official Title

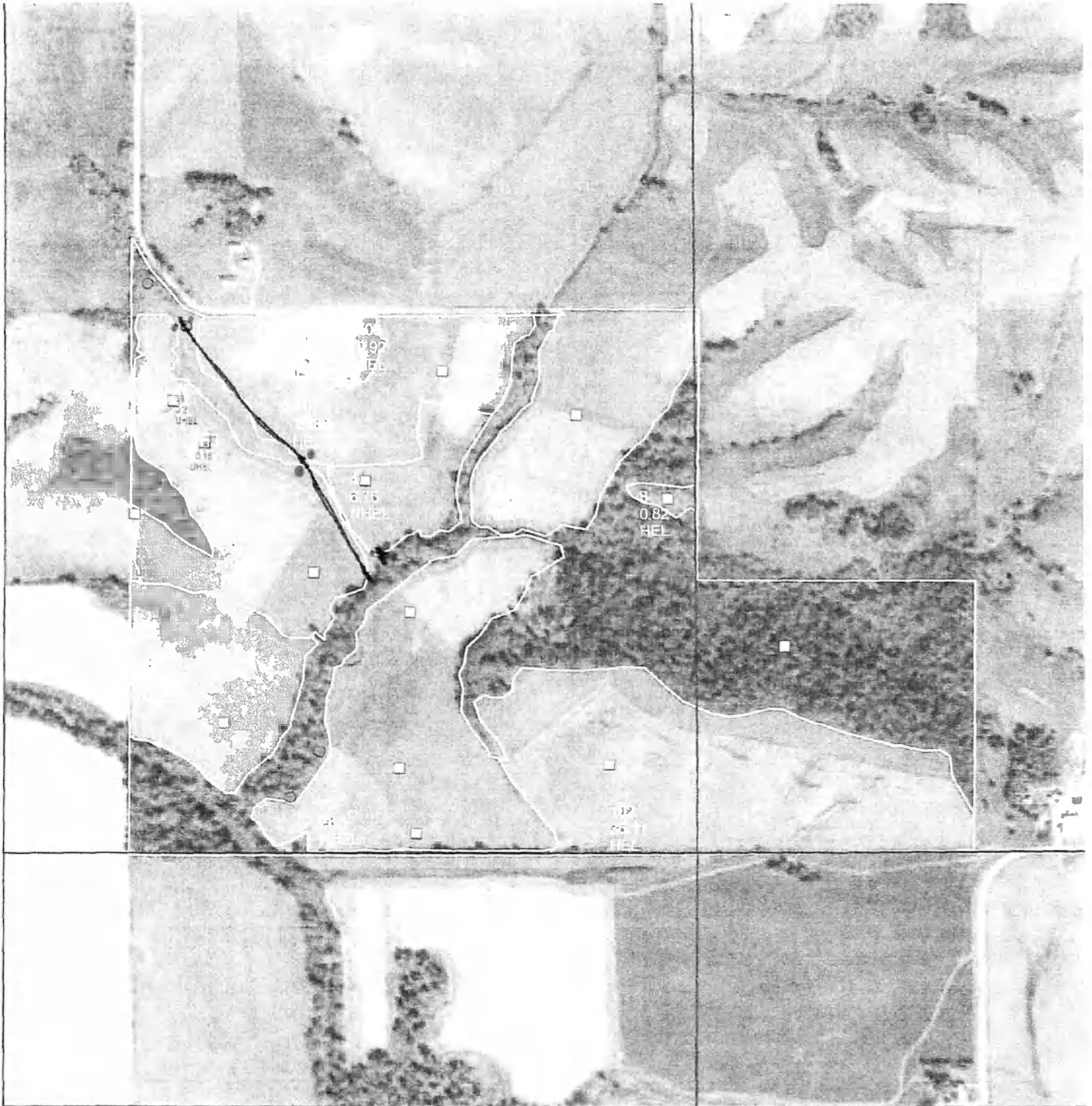
Responses to Section 308(a) request dated Aug. 15, 2018.

Response to Request No. 1.

Assuming this request is regarding activities other than those alleged in paragraph 15 of the Complaint, Respondent's activities within the drainage way on Respondent's property prior to July 2015 were to conduct normal crop farming operations such as tillage, planting, and harvesting. In addition, Respondent conducted routine drainage system maintenance which was discussed and done with the knowledge of the local NRCS office.

Response to Request No. 2.

Assuming this request is regarding activities alleged in paragraph 15 of the Complaint, Respondent placed tile drains in the drainage way as shown on the attached drawing. Respondent performed the work himself primarily with materials on hand so the only invoice is the attached invoice.



Farm 5653 Tract 2128
 Lincoln Township
 Section 20, 21

CTS ENTERPRISE

1 inch = 660 feet



Legend

- p1ss_a_1a095
- National_Wetland.SDE.wetlands
- Wetland Determination Identifiers**
- Restricted Use
- Limited Restrictions
- Exempt from Conservation Compliance Provisions
- GIS_1A.sde clu_a_1a095

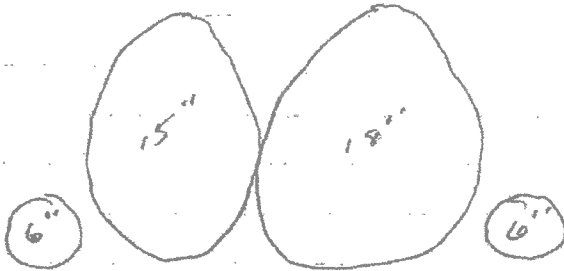
Prepared by FSA

Date: **May 09, 2016**

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

C/S ENTERPRISE

TILE LAYOUT



Seaton Construction, Inc.

PO Box 213
 Deep River, IA 52222

Invoice

Phone #	641-595-2261
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Fax #	641-595-2262
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E-mail	seaton@zumatel.net
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Fed ID# 47-1900692

Date	9/1/2015
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Bill To
Scott Morrow 2454 480th Deep River, IA 52222

Invoice #	5054
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Terms
Net 30

Due Date
10/1/2015

Quantity	Item	Description	Rate	Amount
1 ea		Timewell 18"	3,154.00	3,154.00
1 ea		Timewell 18"	9,296.00	9,296.00
Thank You!				

1.5 % Service Charge after 30 days. Collection & Attorney Fees may be added after 90 days.	Total
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