August 25, 2021

City of Orange City
Attn: Matt Van Schouwen
125 Central Ave SE
P.O. Box 406
Orange City, IA 51041

SUBJECT: **NOTICE OF VIOLATION** – Prohibited Discharge/Water Quality Violation (Complaint #29781)
Orange City property southeast of Iowa Avenue SW and Industrial Way intersection

Dear Matt Van Schouwen,

On July 28, 2021, the Iowa Department of Natural Resources Spencer Field Office received a complaint alleging that a truck was dumping a substance onto a creek bank on City property southeast of the intersection of Iowa Avenue SW and Industrial Way in Orange City. During the investigation I was able to confirm that it was not concrete and I met with you at City Hall. We confirmed that Orange City employees and contracted companies were disposing of vacuum truck dirt and clay slurry at this site. The slurry initially was dumped on the west side of the gravel lot, where there was no creek, but employees had migrated to dumping the slurry on the south end of the lot where it was running down an embankment and into a water of the state.

We agreed that Orange City and its contracted companies will immediately cease dumping the slurry on the south end of the gravel lot or anywhere else that it may enter a water of the state. You mentioned that the City may build a concrete bay at this site to contain and dry the slurry so that it can be scooped up and disposed of or you may find another location for employees to dump the slurry where it will not contact any water of the state.

On August 18, 2021 I re-visited the site and observed that fresh slurry had been dumped on the south side of the lot on the bank of the creek. We talked in-person on-site and you stated that you had called the contractors, but that you would notify them again and would install barricades along the south end of the lot. I observed fresh slurry on the west side of the lot as well, indicating that some of the contractors had returned to using the west side, which is approved while a permanent solution is found.

It has been determined that the discharge is a violation of 455b.186 of the Code of Iowa, which states: *"A pollutant shall not be disposed of by dumping, depositing or discharging such pollutant into any water of the state, except that this section shall not be construed to prohibit the discharge of adequately treated sewage, industrial waste, or other waste pursuant to a permit issued by the director.* Furthermore the discharge of cutting slurry from the project caused a violation of the state's general water quality criteria applied to all surface waters. In subrule 567 IAC 61.3(2) it states that: "a" *such waters shall be free from substances attributable to point source wastewater discharges that will settle to form sludge deposits.*

On August 19, 2021 I re-visited the site and observed that barricades were being put up and I observed a vacuum truck dumping slurry on the west side of the lot. Please be aware that future prohibited discharges to any water of the state may result in formal enforcement action with possible monetary penalty. If you have any questions or feel this letter does not accurately describe the conditions at the site, please contact me at 712-262-4177.

Sincerely,

Andrea Errthum

Andrea Errthum, Environmental Specialist
andrea.errthum@dnr.iowa.gov
Field Service and Compliance Bureau

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Photographs:



August 18-fresh slurry with tire tread



August 18-slurry has run down the bank and hardened over time



August 18-fresh slurry



August 18- hardened slurry on north side, sandy surface on south side of creeek



August 18- slury had run down the bank and into the creek



August 18- at the top and bottom of the bank there was rope-like material lying around



August 18- top of the bank where the slurry was poured



August 19- barricades had been put up to deter contractors from dumping along the creek



August 19- observed a vacuum truck using non-creek side of lot to dispose of slurry