August 11, 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 the south end of Orange City. The complainant indicated that concrete was being discharged on City property southeast of the intersection of Iowa Avenue SW and Industrial Way.

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 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.

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.*

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. Please be aware that future prohibited discharges to any water of the state may result in formal enforcement action with possible monetary penalty.

Sincerely,

Andrea Errthum

Andrea Errthum, Environmental Specialist
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Field Service and Compliance Bureau

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