Jolly, Becky <becky.jolly@dnr.iowa.gov>

RE: Environmental Covenant, Newton SLF

1 message

Joe Grife <JoeG@newtongov.org> Thu, Nov 12, 2026 at 8:44 AM
To: "Poppelreiter, Noah" <noah.poppelreiter@dnr.iowa.gov>, dluzbetak <dluzbetak@hlwengineering.com>
Cc: "Mike Smith [DNR]" <mike.smith@dnr.iowa.gov>, "Becky Jolly [DNR]" <becky.jolly@dnr.iowa.gov>, Mike Ward <MikeW@newtongov.org>

Noah,

Our attorneys have asked us to clarify one additional item in the covenant.

Under the 2021 28E agreement, Newton, Jasper County, and the participating municipalities may hold undivided ownership interests in the landfill property as tenants in common. Given that ownership structure, would DNR be willing to waive the requirement that each additional fee owner execute the environmental covenant under Iowa Code § 455I.4(1)(e), provided the covenant accurately identifies all fee owners and Newton executes it as the designated Landfill Operator and Holder?

Thank you,

Joe Grife

Public Works Director, City of Newton

641-792-6622 ext. 2309 | joeg@newtongov.org | www.newtongov.org

641-521-3891 Cell

From: Poppelreiter, Noah <noah.poppelreiter@dnr.iowa.gov>
Sent: Tuesday, October 6, 2026 1:57 PM
To: dluzbetak <dluzbetak@hlwengineering.com>
Cc: Mike Smith [DNR] <mike.smith@dnr.iowa.gov>; Becky Jolly [DNR] <becky.jolly@dnr.iowa.gov>; Joe Grife <JoeG@newtongov.org>; Mike Ward <MikeW@newtongov.org>
Subject: Re: Environmental Covenant, Newton SLF

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For purposes of the EC, the "entire parcel" means "the real property to which the EC will legally attach as required by 455I." So for this EC as drafted, the entire parcel only means the property outlined in red.

Because the restrictions of the EC are narrowed the yellow highlighted portion in A-2, the DNR does not see a reason to extend the EC to additional properties at this time.

Noah Poppelreiter | Attorney
Iowa Department of Natural Resources
6200 Park Ave, Ste 200
Des Moines, IA 50321
515-669-8752
noah.poppelreiter@dnr.iowa.gov
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IOWA | DNR
IOWA DEPARTMENT OF NATURAL RESOURCES

On Mon, Oct 5, 2026 at 7:35 AM Doug Luzbetak <dluzbetak@hlwengineering.com> wrote:

> Noah,
>
> To be clear, what exactly is meant by the legal description of the "entire parcel"? Is it the parcel outlined in red in Exhibit A-2? More property than just the parcel outlined in red is permitted for landfilling at this site. Since more property than the parcel outlined in red is permitted for landfilling, does "entire parcel" refer to all of the property permitting for landfilling?
>
> Thank you for your help,
>
> Doug
>
> Doug Luzbetak, P.E.
>
> HLW Engineering Group

204 West Broad Street

PO Box 314

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dluzbetak@hlwengineering.com

On Fri, Oct 2, 2026 at 11:16 AM Poppelreiter, Noah <noah.poppelreiter@dnr.iowa.gov> wrote:

> Hi Doug,
>
> The edits look good from my end.
>
> In terms of exhibits, you can strike the blue text. However, the Iowa Code will require a legal description of the parcel meaning the legal description of entire parcel; this description is set to be included in Exhibit A-1.
>
> To be even more clear, the cell(s) in question can be defined solely by the map in A-2; they don't require meets and bounds.
>
> A-3 and B also look good.
>
> Let's pause there and get the legal description handled. Questions or concerns, please let me know. -Noah

Noah Poppelreiter | Attorney
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On Wed, Sep 30, 2026 at 3:21 PM Doug Luzbetak <dluzbetak@hlwengineering.com> wrote:

> Mike/Noah,

Attached for your review and comment is a draft Environmental Covenant (EC) for the 1945 SLF at the Newton SLF. I believe all previous comments have been incorporated, the only item changed since your last review is that the bracketed text on page 1 was deleted and the text in Section 7.i was modified slightly.

The City Attorney initially included the notes listed in the "Exhibits" in the document. Can you tell us what type of documentation you will require to be included as exhibits in order to complete the EC and have it ready for signature? We would prefer not to provide any documentation beyond what IDNR will require.

Thank you for your assistance,

Doug

Doug Luzbetak, P.E.

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