

May 6, 2003

Owner or Managing Agent
Agriprocessors, Inc.
220 West Street
Postville, IA 52162

City of Postville
c/o Honorable Mayor and Council
City Hall, P.O. Box 242
Postville, IA 52162

RE: NOTICE OF INTENT TO SUE FOR VIOLATIONS OF CLEAN WATER ACT AND RESOURCE
CONSERVATION AND RECOVERY ACT

To the representatives of Agriprocessors, Inc. and the City of Postville:

We represent Northeast Iowa Citizens for Clean Water (NICCW), a group of citizens organized as a not-for-profit corporation under Iowa law. We are writing to you because you are the owner or operator of the Agriprocessors, Inc., facility located at Section 32, T 96N, R 6W in Allamakee County, Iowa, or you are the owner or operator and onsite representative or agent of the City of Postville's Wastewater Facility No. 03-75-0-02. This letter is to inform you that NICCW intends to sue Agriprocessors, Inc., and the City of Postville pursuant to 33 U.S.C. § 1365 for violating the Federal Water Pollution Control Act, known as the Clean Water Act (CWA), and/or pursuant to 42 U.S.C. § 6972 for violating the Resource Conservation and Recovery Act (RCRA).

Members of NICCW use, recreate on, and enjoy the Yellow River and Hecker Creek, into which the Postville Wastewater Facility discharges and they depend on nearby groundwater wells for drinking water. These aesthetic, recreational, health and economic interests have been and will continue to be impaired by Agriprocessors' and the City of Postville's violations of federal and state environmental laws which are described more fully below.

I. VIOLATIONS OF THE CLEAN WATER ACT

The Clean Water Act prohibits the discharge of pollutants from a point source to waters of the United States, except pursuant to and in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. 33 U.S.C. § 1311(a), § 1342. The Act defines "pollutant" to include sewage, biological materials, and industrial waste discharged into water. 33 U.S.C. § 1362(6). Discharges from a wastewater treatment facility are discharges from a "point source" under the Clean Water Act. 33 U.S.C. § 1362(14). Discharges of a pollutant from a storm drain are discharges of a pollutant from a "point source" under 33 U.S.C. § 1362(14). Tributaries to navigable waters are considered to be "waters of the United States." *See* 33 U.S.C. § 1362(7).

The Clean Water Act requires wastewater treatment facilities to obtain a NPDES permit. 33 U.S.C. § 1311(a). Industries that contribute to wastewater treatment facilities must enter into treatment agreements with the wastewater treatment facility. 33 U.S.C. § 1317; IAC 56764.3(5). Treatment agreements limit the amount of pollutant an industrial facility can discharge to the treatment facility. Under the Clean Water Act and Iowa state law, an industrial facility that contributes to a wastewater treatment facility must adhere to the terms of its treatment agreement with the wastewater treatment facility. 33 U.S.C. § 1317(d); 567 IAC 62.1(6) and 64.3(5). Agriprocessors is a contributing facility to the Postville Industrial Lagoons. Agriprocessors' failure to adhere to its treatment agreement with the City of Postville is a violation of the Clean Water Act. 33 U.S.C. §§ 1311(a) and 1317. The City of Postville's failure to enforce its treatment agreement with Agriprocessors is a violation of its NPDES permit and therefore a violation of the CWA. 33 U.S.C. §§ 1311(a) and 1342.

The City of Postville's NPDES permit for the Postville Industrial Lagoons states that it shall only discharge effluent into the unnamed tributary to the Yellow River once every 180 days.

The City of Postville's NPDES permit prohibits discharge of effluent into the unnamed tributary (known locally as Hecker Creek) in excess of effluent limits. These limitations include:

CBOD5: 25 mg/l 30 day average
Total Suspended Solids (concentration): 80 mg/l 30 day average, 120 mg/l 7 day average
pH: 6.0-9.0

In addition, following a fish kill in March 2000, the IDNR imposed ammonia nitrogen limits.

The City of Postville's NPDES permit states that the city must enforce the flow and pollutant limitations in its treatment agreement with Agriprocessors.

Agriprocessors' treatment agreement with the City of Postville establishes limitations on the amount of wastewater Agriprocessors may release into the City of Postville's industrial wastewater treatment lagoons. The treatment agreement also limits the amount of pollutants that Agriprocessors may release into the City of Postville's industrial wastewater treatment lagoons. These limitations include:

Flow: .271 MGD monthly average, .467 MGD daily maximum
BOD5 (mass): 600 lbs./day monthly* average, 1800 lbs daily maximum
Total Suspended Solids (mass): 800 lbs./day monthly* average, 1500 lbs. daily maximum
Chloride (conc.): 3.5 mg/l monthly average, 4.50 g/l daily maximum

* This limit is now calculated on a 60-day average, per agreement with IDNR.

In addition, the treatment agreement contains limits on ammonia nitrogen.

On November 8, 2000, the Iowa Department of Natural Resources issued an Order to the City of Postville requiring, inter alia, that Postville comply with effluent limitations for CBOD5, TSS, and pH contained in its permit, that it not discharge ammonia so as to cause ammonia levels in the Yellow River to exceed acutely toxic levels at a specified location, and to enforce applicable pretreatment agreements.

Violations

Based on information gathered from the public domain, NICCW believes the City of Postville has violated its NPDES Permit on numerous occasions, indicating that it is “in violation” of the Clean Water Act and Iowa Code chapter 455B, Division III, Water Quality, including but not limited to the following instances:

1. In April 2002, the City of Postville’s industrial wastewater treatment plant failed to comply with the final lagoon content limitations in its NPDES permit. The final lagoon contents contained amounts of CBOD that were in violation of the city’s NPDES permit limits.
2. In November 2001, the City of Postville’s industrial wastewater treatment plant failed to comply with the final lagoon content limitations in its NPDES permit. The final lagoon contents contained amounts of CBOD and suspended solids that were in violation of the city’s NPDES permit limits.
3. In September 2000, the City of Postville’s industrial wastewater treatment plant failed to comply with the final lagoon content limitations in its NPDES permit. The final lagoon contents contained amounts of suspended solids that were in violation of the city’s NPDES permit limits.
4. In May 2000, the City of Postville industrial wastewater treatment plant failed to comply with the final lagoon content limitations in its NPDES permit. The final lagoon contents contained amounts/concentrations of TSS that were in violation of the city’s NPDES permit limits. In addition, the discharge violated the interim ammonia limits.
5. In April 2000, the City of Postville discharged wastewater into Hecker Creek which caused a fish kill in the Yellow River, in violation of applicable water quality standards and state and federal law.
6. In February 1999, the City of Postville’s industrial wastewater treatment plant failed to comply with the final lagoon content limitations in its NPDES permit. The final lagoon contents contained amounts of BOD that were in violation of the city’s NPDES permit limits.

7. In March 1999, the City of Postville's industrial wastewater treatment plant failed to comply with the final lagoon content limitations in its NPDES permit. The final lagoon contents contained amounts of BOD that were in violation of the city's NPDES permit limits.
8. In September 1999, the City of Postville's industrial wastewater treatment plant failed to comply with the final lagoon content limitations in its NPDES permit. The final lagoon contents contained amounts of suspended solids that were in violation of the city's NPDES permit limits.
9. In November 1999, the City of Postville's industrial wastewater treatment plant failed to comply with the final lagoon content limitations in its NPDES permit. The final lagoon contents contained amounts of BOD and suspended solids that were in violation of the city's NPDES permit limits.
10. In December 1999, the City of Postville's industrial wastewater treatment plant failed to comply with the final lagoon content limitations in its NPDES permit. The final lagoon contents contained amounts of BOD and suspended solids that were in violation of the city's NPDES permit limits.
11. In June 1998, the City of Postville's industrial wastewater treatment plant failed to comply with the final lagoon content limitations in its NPDES permit. The final lagoon contents contained amounts of suspended solids that were in violation of the city's NPDES permit limits. The treatment facility also violated the flow limits in its NPDES permit.
12. In December 1998, the City of Postville's industrial wastewater treatment plant failed to comply with the final lagoon content limitations in its NPDES permit. The final lagoon contents contained amounts of BOD and suspended solids that were in violation of the city's NPDES permit limits.
13. On numerous occasions, Agriprocessors violated its treatment agreement with the City of Postville, and the city failed to enforce this pretreatment agreement. The city's NPDES Permit requires the City of Postville to enforce its pretreatment agreement with Agriprocessors.
14. On or around March 17, 2000, the Postville Industrial Lagoons discharged effluent that was high in ammonia nitrogen, which caused a fish kill in the Yellow River. The INDR determined that the fish kill was caused in part by years of overloading of the wastewater treatment facility's design capacity both hydraulically and organically. IDNR concluded that Agriprocessors' persistent violations of its treatment agreement with the City caused severe overloading of the treatment facility. These violations so severely degraded the ability of the facility to treat waste that at the time of the fish kill, the facility was not able to produce effluent that would comply with its NPDES permit. The City of Postville knew of Agriprocessors' persistent violations of its treatment agreement. For years prior to the March 2000 fish kill, the City of Postville failed to enforce its treatment agreement with Agriprocessors. The City of Postville's failure to enforce

its treatment agreement with Agriprocessors violated CWA § 1317 and Iowa law and led to the March 2000 fish kill on the Yellow River.

15. As noted below, Agriprocessors has violated and continues to violate its treatment agreement with the City of Postville. The City of Postville has failed and continues to fail to enforce its treatment agreement with Agriprocessors.

16. On numerous occasions, discharge from the City of Postville has caused a violation of the water quality criteria applicable to Hecker Creek and/or the Yellow River, including but not limited to objectionable color, odor or other aesthetically objectionable conditions, toxicity to human, animal or plant life, dissolved solids exceeding 750 mg/L, and fecal coliform levels of greater than 200 organisms/100 ml. Thus, the general water quality criteria of Hecker Creek and the Yellow River are being impaired by the current and past discharges from this system.

17. NPDES permits are valid for only five years and Postville's permit has expired. Federal law allows a discharger to continue discharging under an expired permit only if allowed by and in compliance with state law. 40 C.F.R. § 122.6. Because Postville has not complied with the requirements of Iowa law regarding re-issuance of NPDES permits, IAC 567-64.8, it has been discharging and continues to discharge without a valid permit, in violation of the Clean Water Act and state law. 33 U.S.C. § 1311, 1342.

Based on information gathered from the public domain, Agriprocessors, Inc. has violated its treatment agreement with the City of Postville in the following ways:

1. In January 2002, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations.
2. In February 2002, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations.
3. In March 2002, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on flow, BOD, suspended solids, ammonia nitrogen, TKN, and Chloride.
4. In April 2002, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on ammonia nitrogen, TKN, and Chloride.
5. In May 2002, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on ammonia nitrogen, TKN, and Chloride.
6. In June 2002, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on ammonia nitrogen, TKN, and Chloride.

7. In July 2002, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on ammonia nitrogen, TKN, and Chloride.
8. In August 2002, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on BOD, suspended solids, ammonia nitrogen, TKN, and Chloride.
9. In September 2002, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on ammonia nitrogen, TKN, and Chloride.
10. In October 2002, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on ammonia nitrogen, TKN, and Chloride.
11. In November 2002, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on ammonia nitrogen, TKN, and Chloride.
12. In December 2002, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on flow, ammonia nitrogen, TKN, and Chloride.
13. In January 2001, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on ammonia nitrogen, TKN, and Chloride.
14. In February 2001, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on TKN.
15. In March 2001, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on BOD, suspended solids, ammonia nitrogen, and TKN.
16. In April 2001, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on ammonia nitrogen and TKN.
17. In May 2001, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on flow, suspended solids, ammonia nitrogen and TKN.
18. In June 2001, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on ammonia nitrogen and TKN.
19. In July 2001, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on suspended solids, ammonia nitrogen and TKN.

20. In August 2001, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on suspended solids, ammonia nitrogen, TKN, and Chloride.
21. In September 2001, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on flow, ammonia nitrogen, TKN, and Chloride.
22. In October 2001, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on suspended solids, ammonia nitrogen and TKN.
23. In November 2001, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on BOD, suspended solids, oil and grease, ammonia nitrogen, TKN, and Chloride.
24. In December 2001, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on BOD, suspended solids, ammonia nitrogen and TKN.
25. In January 2000, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on flow, suspended solids, ammonia nitrogen and TKN.
26. In February 2000, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on flow, BOD, suspended solids, ammonia nitrogen and TKN.
27. In March 2000, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on flow, BOD, suspended solids, ammonia nitrogen and TKN.
28. In April 2000, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on flow, BOD, suspended solids, ammonia nitrogen and TKN.
29. In May 2000, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on flow, BOD, suspended solids, ammonia nitrogen and TKN.
30. In June 2000, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on flow, BOD, suspended solids, ammonia nitrogen and TKN.

31. In July 2000, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on flow, BOD, suspended solids, ammonia nitrogen, TKN, and Chloride.
32. In August 2000, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on flow, suspended solids, ammonia nitrogen, TKN, and Chloride.
33. In September 2000, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on suspended solids, ammonia nitrogen, TKN, and Chloride.
34. In October 2000, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on suspended solids, ammonia nitrogen, TKN, and Chloride.
35. In November 2000, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on ammonia nitrogen, TKN, and Chloride.
36. In December 2000, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on ammonia nitrogen, TKN, and Chloride.
37. In January 1999, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on flow, suspended solids, ammonia nitrogen, TKN, and Chloride.
38. In February 1999, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on flow, ammonia nitrogen, TKN, and Chloride.
39. In March 1999, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on flow, BOD, suspended solids, ammonia nitrogen, TKN, and Chloride.
40. In April 1999, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on flow, suspended solids, ammonia nitrogen and TKN.
41. In May 1999, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on flow, BOD, suspended solids, ammonia nitrogen and TKN.
42. In June 1999, Agriprocessors released influent into the Postville industrial lagoons that

violated its treatment agreement limitations on flow, suspended solids, ammonia nitrogen and TKN.

43. In July 1999, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on flow, suspended solids, ammonia nitrogen and TKN.
44. In August 1999, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on flow, BOD, ammonia nitrogen and TKN.
45. In September 1999, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on flow, BOD, ammonia nitrogen and TKN.
46. In October 1999, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on flow, BOD, suspended solids, ammonia nitrogen, TKN, and Chloride.
47. In November 1999, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on flow, BOD, suspended solids, ammonia nitrogen and TKN.
48. In December 1999, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations.
49. In January 1998, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on flow, ammonia nitrogen, TKN, and Chloride.
50. In February 1998, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on flow, ammonia nitrogen and Chloride.
51. In March 1998, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on flow, suspended solids, ammonia nitrogen and Chloride.
52. In April 1998, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on ammonia nitrogen, TKN, and Chloride.
53. In May 1998, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on flow, suspended solids, ammonia nitrogen, TKN, and Chloride.
54. In June 1998, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on flow, suspended solids, ammonia nitrogen, TKN, and Chloride.
55. In July 1998, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on flow, suspended solids, ammonia nitrogen, TKN,

and Chloride.

56. In August 1998, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on flow, suspended solids, ammonia nitrogen, TKN, and Chloride.
57. In September 1998, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on flow, ammonia nitrogen and TKN.
58. In October 1998, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on flow, ammonia nitrogen, TKN, and Chloride.
59. In November 1998, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on flow, BOD, suspended solids, ammonia nitrogen, TKN, and Chloride.
60. In December 1998, Agriprocessors released influent into the Postville industrial lagoons that violated its treatment agreement limitations on flow, BOD, suspended solids, ammonia nitrogen, TKN, and Chloride.

The CWA prohibits the discharge of pollutants from point sources into waters of the United States without a permit or in violation of a permit. Agriprocessors has an agreement with the City of Postville to treat its industrial wastewater. Agriprocessors does not have a permit to discharge wastewater directly into waters of the United States. Agriprocessors has violated CWA section 401, 33 U.S.C. § 1311 and Iowa Code section 455B.186, in the following ways:

1. On or around April 18, 2000, a spill occurred at the Agriprocessors packinghouse. Wastewater containing turkey blood and process water ran into a storm drain and then discharged into the unnamed tributary to the Yellow River (Hecker Creek).
2. On or around November 27, 2002, a spill occurred at the Agriprocessors packinghouse. Wastewater containing blood, feathers, and grease discharged into a storm drain that empties into the unnamed tributary to the Yellow River (Hecker Creek). Agriprocessors did not report the spill to DNR within the required 6 hour time frame, in violation of state and federal law.

NICCW cites these violations as examples only; it believes that further investigation and discovery will uncover further violations of a similar nature. Due to the nature of these violations and the capacity of the current treatment facility, NICCW reasonably believes that Agriprocessors will continue to discharge pollutants in violation 33 U.S.C. § 1311 and Iowa Code section 455B.186 and in violation of its treatment agreement with the City of Postville unless significant management and technical measures are taken to prevent further violations of the treatment agreement and spills in violation of 33 U.S.C. § 1311. NICCW reasonably believes that the City of Postville will continue to discharge pollutants in violation of its NPDES permit and will continue to fail to enforce its treatment agreement with Agriprocessors, unless

significant manage-

ment and technical measures are taken to prevent further discharges of pollutants to waters of the state. Postville's continued relationship with Agriprocessors to treat the packinghouse's wastewater creates a reasonable likelihood of future violation because Agriprocessors has shown a complete disregard for federal and state law by routinely violating its treatment agreement since 1991.

At the close of the 60-day notice period, NICCW intends to file a citizen suit pursuant to section 505(a)(1), 33 U.S.C. § 1365(a)(1), of the Clean Water Act, and Iowa Code section 455B.111 to seek injunctive and declaratory relief, in addition to civil penalties, for violations of the City of Postville's NPDES Permit, for Agriprocessors' violations of section 401 of the Clean Water Act, 33 U.S.C. § 1311, and for Agriprocessors' violations of its treatment agreement with the City of Postville in violation of the Clean Water Act and Iowa state law, 33 U.S.C. § 1317, Iowa Code section 455B.173, IAC 567-60.69 (62.1). The City of Postville and Agriprocessors are liable for civil penalties for each violation of its NPDES permit. 33 U.S.C. § 1319(d). 40 C.F.R. § 19.4, Table 1. NICCW also intends to seek its costs, attorneys' fees and litigation expenses pursuant to 33 U.S.C. 1365(d) and Iowa Code section 455B.111(4).

II. WASTE DISPOSAL VIOLATIONS

NICCW intends to sue Agriprocessors, Inc. for maintaining an open dump in violation of section 4005 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6945(a) (40 C.F.R. pt. 257) and Iowa Code section 455B.307 and 567 IAC 100.4(455B) and for transporting, storing, and spreading paunch waste on land not owned by Agriprocessors in violation of RCRA, 42 U.S.C. § 6945 and 567 IAC 121.4.

Agriprocessors violated RCRA and Iowa Code section 455B.307 in 2002 when paunch waste generated by Agriprocessors was stored on the ground at property owned by Duane Gordon and applied to land owned by Mr. Miller without a permit. Agriprocessors violated RCRA and Iowa Code section 455B.307 on or around May 4, 2000, when it maintained an open dump on its property.

NICCW believes that further discovery and investigation will reveal further solid waste disposal and storage violations of a similar nature. These violations indicate that Agriprocessors is in violation of RCRA and applicable state solid waste disposal laws. Therefore, at the close of the 60-day notice period, NICCW intends to file a citizen suit pursuant to section 7002(a)(1) of RCRA, 42 U.S.C. § 6972(a)(1) and (a)(2), and Iowa Code section 455B.111 for these violations and similar violations discovered or which occur after the receipt of this letter. NICCW intends to seek injunctive relief and civil penalties, in addition to its costs, attorneys' fees and litigation expenses.

III. CONCLUSION

The persons giving notice are Northeast Iowa Citizens for Clean Water, David Smith, President, located at 427 Daffodil Road, Postville, Iowa 52162-8529.

The business entities and persons referenced above as “Agriprocessors” include all related business entities and corporate officers who are responsible for the violations outlined in this letter. The city government and persons referenced above as “City of Postville” include all related government and business entities and city officials and/or corporate officers who are responsible for the violations outlined in this letter.

During the 60-day notice period, we will be available to discuss effective remedies and actions and the possibility of resolving this matter without litigation, as well as any facts you believe are incorrectly set forth in this notice letter and other relevant facts not itemized above. You should direct all correspondence or telephone contact to the following attorneys for Northeast Citizens for Clean Water: Jerry L. Anderson, Midwest Environmental Justice Advocates, at 610 East Salem Ave., Indianola, IA 50125, tel. (515) 271-2658 and fax (515)-271-2530; and Mark Landa or Lawrence P. McLellan, Sullivan & Ward, P.C., 801 Grand Ave., Suite 3500, Des Moines, Iowa 50309-2719, tel. (515) 244-3500 and fax (515) 244-3599.

Sincerely,

Jerry L. Anderson, Managing Attorney
Midwest Environmental Justice Advocates

Certificate of Service

A copy of this notice letter has been served, by certified U.S. mail, on the following persons, on or before this 6th day of May, 2003:

- 1) Mayor and City Council, City of Postville
- 2) Owner or Managing Agent, Agriprocessors, Inc.
- 3) Robert J. Douglas, Jr., Registered Agent, Agriprocessors, Inc.
- 3) Jeffrey Vonk, Administratore, Iowa Department of Natural Resources
- 4) Administrator, United States Environmental Protection Agency
- 5) Regional Administrator, United States Environmental Protection Agency, Region VII

Jerry L. Anderson

