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# STATE OF IOWA

CHESTER J. CULVER, GOVERNOR  
PATTY JUDGE, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES  
RICHARD A. LEOPOLD, DIRECTOR

## Certified Mail

May 21, 2007

Mr. Marty Vander Molen  
Sully Truck Wash  
P.O. Box 447  
Sully, Iowa 51251

**Subject: Iowa Wastewater Operation Permit  
Lynnvile Transport, Inc.  
Permit No.: 50-00-1-06**

Dear Mr. Vander Molen:

On September 9, 1998 the Iowa Department of Natural Resources issued a permit to Lynnvile Transport, Inc. that authorized the operation of a wastewater disposal system (copy enclosed). At the same time, the department also issued a permit for construction of a lagoon for storing wastewater to be reused in your commercial truck washing operation. The operation permit expired on September 8, 2003 and has not been reissued. After further evaluation we have concluded that a written permit is not required for the continued operation of this system for the reasons stated below.

Iowa Administrative Code 567-64.3(1) states "no person shall operate a wastewater disposal system or part thereof without, or contrary to any condition of, an operation permit issued by the director..." The term "wastewater disposal system" is define in state law as "a system for disposing of sewage, industrial waste, or other wastes, or for the use or disposal of sewage sludge."

According to our records the system you operate is designed to recycle all of the truck wash water. If this is correct and all water is recycled and you do not dispose of wastewater either by land application or discharge to a water of the state then you do not operate a "wastewater disposal system" and are not required to have an operation permit. The permit issued in 1998 prohibited the discharge of wastewater to a water of the state and land application of wastewater however a permit to prohibit these activities is unnecessary because state rules already prohibit both of these activities. A permit is not necessary to prohibit an activity which is already prohibited by rule.

The operation permit issued September 9, 1998 is expired and will not be reissued. Unless we hear differently from you within 15 days of your receipt of this letter we will assume you concur with this decision.

You may contact me at 515-281-8884 if you have any questions concerning this letter, operation permits, state rules, or other wastewater related issues.

Sincerely,

*Steven N. Williams*

Steven N. Williams  
Environmental Specialist, Sr.  
NPDES Section

c: Janet Gastineau, Field Office #5

STATE OF IOWA  
DEPARTMENT OF NATURAL RESOURCES  
HENRY A. WALLACE BUILDING  
DES MOINES, IOWA 50319

AMENDMENT TO IOWA OPERATION PERMIT

Iowa Operation Permit No.: 50-00-1-06

Date of Issuance: 9/9/98

Date of Expiration: 9/1/03

Date of this Amendment: 9/25/98

Name and Mailing Address of Applicant:

Lynnville Transport, Inc.  
P.O. Box 455  
13051 Highway 225 East  
Sully, Iowa 50251

ATTN: Marty Vander Molen

Identity and Location of Facility:

Lynnville Transport, Inc.  
Truckwash Wastewater Storage/Recycle Lagoon  
N 1/2 of the NW 1/4 of Sec 12,  
T78N, R18W, Jasper County

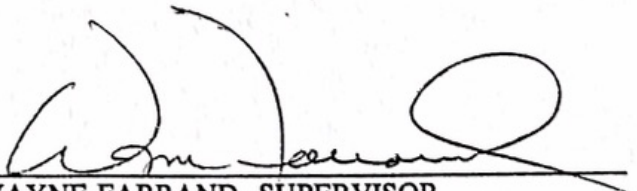
Pursuant to the authority of Iowa Code Section 455B.174 and Rule of Iowa and Rule 567-64.3, Iowa Administrative Code, the Director of the Department of Natural Resources does has issued the above permit. Pursuant to the same authority, the director hereby amends said permit as set forth below:

Page 2 of 4 of the current permit shall be replaced with the attached page 2 of 4.

For the Department of Natural Resources:

LARRY J. WILSON, DIRECTOR

By:

  
WAYNE FARRAND, SUPERVISOR  
WASTEWATER PERMITS SECTION  
ENVIRONMENTAL PROTECTION DIVISION

Facility Name: Lynnvile Transport, Inc. - Iowa Operation Permit Number: 50-00-1-06

**OPERATING REQUIREMENTS FOR THE WASTEWATER STORAGE/RECYCLE SYSTEM.**

The permittee is authorized to operate the storage/recycle system in accordance with the conditions set forth below:

1. The permittee shall report to this department any discharge of waste into a watercourse or to the land surface from operation. Such notification shall be given by telephone call to our Des Moines office (515/281-9069) within twenty-four (24) hours of the discharge occurrence. In addition, the permittee shall provide the following information, in writing, within five (5) days of such discharge.
  - a) A description of the cause of discharge;
  - b) The period of discharge, including the exact dates and times of discharge. If the discharge has not ceased, notification shall include the anticipated duration of the discharge and the steps being taken to reduce, eliminate and prevent recurrence of the discharge.
2. Operational Conditions:
  - a) A minimum of 2.0 feet of freeboard shall be maintained in the storage/recycle lagoon at all times. Freeboard shall be defined as the difference in elevation between the liquid level and the top of the lagoon dike.
  - b) No wastewater generated off site shall be accepted for disposal.

**MONITORING AND REPORTING REQUIREMENTS FOR THE WASTEWATER STORAGE/RECYCLE SYSTEM.**

Operation monitoring reports shall be submitted to the department's Des Moines office (607 East Second Street, Des Moines, Iowa 50309) by the 15th day of the month following the month being reported.

| WASTEWATER<br>PARAMETER | FREQUENCY | SAMPLE TYPE | SAMPLING LOCATION                           |
|-------------------------|-----------|-------------|---------------------------------------------|
| Liquid Depth            | 2/Week    | Measurement | Each Wastewater Storage/Recycle Lagoon Cell |

# Iowa Department of Natural Resources

## Operation Permit for a Land Application System

**PERMITTEE:**

Lynnville Transport, Inc.  
P.O. Box 455  
13051 Highway 225 East  
Sully, Iowa 50251

Attn: Marty Vander Molen

IOWA OPERATION PERMIT NUMBER: 50-00-1-06

DATE OF ISSUANCE: September 9, 1998

DATE OF EXPIRATION: September 1, 2003

YOU ARE REQUIRED TO FILE FOR RENEWAL  
OF THIS PERMIT BY: March 1, 2003

**IDENTITY AND LOCATION OF FACILITY:**

Lynnville Transport, Inc.  
Truckwash Wastewater Storage/Recycle Lagoon  
N 1/2 of the NW 1/4 of Sec 12,  
T78N, R18W, Jasper County

**WASTEWATER STORAGE/RECYCLE SYSTEM**

No waste discharge into waters of the State of Iowa or to the land surface shall be caused, allowed or permitted from the wastewater storage/recycle lagoon.

This permit is issued pursuant to the authority of section 402(b) of the Clean Water Act (33 U.S.C 1342(b)), Iowa Code section 455B.174 and rule 567-64.3, Iowa Administrative Code. You are authorized to operate the disposal system in accordance with the terms set forth in this permit.

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**DESCRIPTION**


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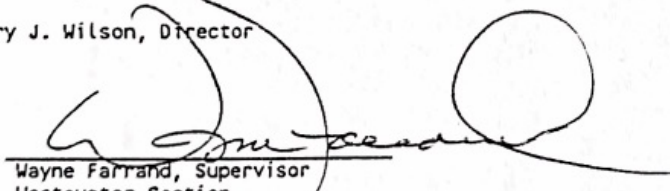
An average of 1,000 gallons per day of fresh water and 9,000 gallons per day of recycled wastewater will be used for a truckwash operation. Wastewater from the operation will flow through a concrete solids settling basin and be held for recycle in a earthen storage lagoon. No discharge of process waste to surface waters or the land surface is permitted.

Any existing, unexpired Iowa operation permit or Iowa NPDES permit previously issued by the department for the facility identified above is revoked by the issuance of this Iowa operation permit unless the facility is being upgraded or replaced by a new facility; then the existing permit will remain in effect until the new facility is completed and in operation.

You may appeal any condition of this permit by filing a written notice of appeal and request for administrative hearing with the director of this department within 30 days of your receipt of this permit. Contact the Iowa Department of Natural Resources for extra report forms, details on performing monitoring or any additional information at 607 East Second Street, Des Moines, Iowa 50309, or phone 515/281-9069.

For the Department of Natural Resources:

Larry J. Wilson, Director

By: 

Wayne Farrand, Supervisor  
Wastewater Section  
ENVIRONMENTAL PROTECTION DIVISION

**DISTRIBUTION**

1 - Permittee  
1 - Field Office 4

1 - Wastewater Permits Section  
1 - Records Center

Facility Name: Lynnvile Transport, Inc. - Iowa Operation Permit Number: 50-00-1-06

#### OPERATING REQUIREMENTS FOR THE WASTEWATER STORAGE/RECYCLE SYSTEM.

The permittee is authorized to operate the storage/recycle system in accordance with the conditions set forth below:

1. The permittee shall report to this department any discharge of waste into a watercourse or to the land surface from operation. Such notification shall be given by telephone call to our Des Moines office (515/281-9069) within twenty-four (24) hours of the discharge occurrence. In addition, the permittee shall provide the following information, in writing, within five (5) days of such discharge.
  - a) A description of the cause of discharge;
  - b) The period of discharge, including the exact dates and times of discharge. If the discharge has not ceased, notification shall include the anticipated duration of the discharge and the steps being taken to reduce, eliminate and prevent recurrence of the discharge.
2. Operational Conditions:
  - a) A minimum of 2.0 feet of freeboard shall be maintained in the storage/recycle lagoon at all times. Freeboard shall be defined as the difference in elevation between the liquid level and the top of the lagoon dike.
  - b) No wastewater generated off site shall be accepted for disposal.

#### MONITORING AND REPORTING REQUIREMENTS FOR THE WASTEWATER STORAGE/RECYCLE SYSTEM.

Operation monitoring reports shall be submitted to the department's Des Moines office (607 East Second Street, Des Moines, Iowa 50309) by the 15th day of the month following the month being reported.

| WASTEWATER<br>PARAMETER | FREQUENCY | SAMPLE TYPE   | SAMPLING LOCATION                            |
|-------------------------|-----------|---------------|----------------------------------------------|
| Flow                    | Daily     | 24-Hour Total | Raw Wastewater To The Storage/Recycle Lagoon |
| Liquid Depth            | 2/Week    | Measurement   | Each Wastewater Storage/Recycle Lagoon Cell  |
| Water Usage             | Daily     | 24-Hour Total | Clean Water Used In The Washing Operation    |

## STANDARD CONDITIONS

### 1. DUTY TO COMPLY

You must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Iowa Administrative Code and is grounds for enforcement action; permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. Issuance of this permit does not relieve you of the responsibility to comply with all local, state and federal laws, ordinances, regulations or other legal requirements applying to the operation of your facility.

### 2. DUTY TO REAPPLY

If you wish to continue to operate the wastewater storage/recycle system after the expiration date of this permit you must file an application for reissuance at least 180 days prior to the expiration date of this permit.

### 3. NEED TO HALT OR REDUCE ACTIVITY

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

### 4. DUTY TO MITIGATE

You shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

### 5. PROPERTY RIGHTS

This permit does not convey any property rights of any sort or any exclusive privileges.

### 6. TRANSFER OF TITLE

If title to your facility, or any part of it, is transferred the new owner shall be subject to this permit. You are required to notify the new owner of the requirements of this permit in writing prior to any transfer of title. The Director shall be notified in writing within 30 days of the transfer.

### 7. PROPER OPERATION AND MAINTENANCE

All facilities and control systems shall be operated as efficiently as possible and maintained in good working order. A sufficient number of staff, adequately trained and knowledgeable in the operation of your facility shall be retained at all times and adequate laboratory controls and appropriate quality assurance procedures shall be provided to maintain compliance with the conditions of this permit.

### 8. DUTY TO PROVIDE INFORMATION

You must furnish to the Director, within a reasonable time, any information the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine

compliance with this permit. You must also furnish to the Director, upon request, copies of any records required to be kept by this permit.

### 9. MAINTENANCE OF RECORDS

You are required to maintain records of your operation in accordance with 567-63.2 IAC.

### 10. PERMIT MODIFICATION, SUSPENSION OR REVOCATION

(a) This permit may be modified, suspended, or revoked and reissued for cause including but not limited to those specified in 567-64.3(11) IAC.

(b) This permit may be modified due to conditions or information on which this permit is based, including any new standard the department may adopt that would change the required effluent limits.

The filing of a request for a permit modification, revocation or suspension, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

### 11. SEVERABILITY

The provisions of this permit are severable and if any provision or application of any provision to any circumstance is found to be invalid by this department or a court of law, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected by such finding.

### 12. INSPECTION OF PREMISES, RECORDS, EQUIPMENT, METHODS AND DISCHARGES

You are required to permit authorized personnel to:

(a) Enter upon the premises where a regulated facility or activity is located or conducted or where records are kept under conditions of this permit.

(b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit.

(c) Inspect, at reasonable times, any facilities, equipment, practices or operations regulated or required under this permit.

(d) Sample or monitor, at reasonable times, for the purpose of assuring compliance or as otherwise authorized by State Law.

### 13. TWENTY-FOUR HOUR REPORTING

You shall report any noncompliance that may endanger human health or the environment. Information shall be provided orally within 24 hours from the time you become aware of the circumstances. A written submission

## STANDARD CONDITIONS

that includes a description of noncompliance and its cause; the period of noncompliance including exact dates and times, whether the noncompliance has been corrected or the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent a reoccurrence of the noncompliance must be provided within 5 days of the occurrence.

### 14. OTHER NONCOMPLIANCE

You shall report all instances of noncompliance not reported under Condition #13 at the time monitoring reports are submitted.

### 15. ADMINISTRATIVE RULES

Rules of this Department which govern the operation of your facility in connection with this permit are published in Part 567 of the Iowa Administrative Code (IAC) in Chapters 60-64 and 120-122. Reference to the term "rule" in this permit means the designated provision of Part 567 of the Iowa Administrative Code.

### 16. NOTICE OF CHANGED CONDITIONS

You are required to report any changes in existing conditions or information on which this permit is based:

- (a) Facility expansions, production increases or process modifications which may result in the disposal of new or increased pollutants must be reported to the Director in advance.
- (b) If any modification of, addition to, or construction of a disposal system is to be made, you must first obtain a written permit from this Department.
- (c) You shall notify the Director as soon as you know or have reason to believe that any activity has occurred or will occur which would result in the discharge of any toxic pollutant which is not limited in this permit.  
You must also notify the Director if you have begun or will begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the permit application

### 17. OTHER INFORMATION

Where you become aware that you failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report, you must promptly submit such facts or information.

### 18. SIGNATORY REQUIREMENTS

Applications, reports or other information submitted to the Department in connection with this permit must be signed and certified as required by 567-64.3(8) IAC.