Message

From: Brink, Theresa [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93E991CDF0C345789A6EF6DDFEBBCACA-BRINK, THERESA]
Sent: 9/1/2021 6:17:38 PM
To: Ethan Vorhes [Ex. 6 Personal Privacy (PP)]
CC: mark.moeller@dnr.iowa.gov
Subject: FW: Clarification of Report

Third times a charm? I think I have it right now, sorry!

Terri

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Terri Brink
U.S. Environmental Protection Agency, Region 7
Ground Water and Drinking Water Branch
11201 Renner Boulevard
Lenexa, KS 66219
913.551.7337
brink.theresa@epa.gov

From: Brink, Theresa
Sent: Wednesday, September 1, 2021 1:15 PM
To: Ethan Vorhes <Ex. 6 Personal Privacy (PP)>
Cc: moeller.mark@dnr.iowa.gov
Subject: FW: Clarification of Report

Sorry, the email address for Mark was incorrect.

Terri

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From: Brink, Theresa
Sent: Wednesday, September 1, 2021 1:12 PM
To: Ethan Vorhes <Ex. 6 Personal Privacy (PP)>
Cc: moeller.mark@dnr.ia.gov
Subject: RE: Clarification of Report

Ethan,

I am forwarding your response to Mark Moeller at IDNR as EPA has no jurisdiction over your complaint. Please reach out to him with any further questions or comments.

Sincerely,

Terri

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From: Ethan Vorhes <Ex. 6 Personal Privacy (PP)>
Sent: Monday, August 30, 2021 5:18 PM
To: Brink, Theresa <Brink.Theresa@epa.gov>
Subject: Re: Clarification of Report

The report is clear as to your recommendations to put a new well in. What the 2009 report did not cover was how my livestock getting sick from farm runoff. It was noted in Senator Grassley's letter and it was stated that since we are down gradient from the sinkhole it could be contributing to our problem. In addition to the Gerhard Farm drainage well is the Well in the ditch that had the sewer discharge from the district. No mention of this outlet was in your report although they were both part of my compliant about the state knowingly allowing the pollution for a decade.
Furthermore the damages caused to our farm by the gross negligence of the county and the district our farm has had a cloud hanging over it and made operating it a nightmare. I would love to see a new well placed on the property, but don't believe that the owners care about the safety of the water. It has been our plans to relocate the well and revamp the cattle feeding operation, but legal difficulties have made it impossible. It seems clear that our well is not being contaminated by the cattle manure since no ecoli or coliform bacteria are present. The farm chemicals showing up in our water aren't ones we use in our operation either. It's clear that drainage wells and improved sinkholes are the real problem that have damaged our operation.
The drainage district has engaged in activities that clearly violated 40 cfr 144.12(a) of the Safe Drinking Water act. We know that surface intakes have accelerated contaminates entering the ground and aided most of them entering for had the improvements not been made the contaminated would simply not enter the aquifer or would at least have a chance to filter a majority of contaminates out. I also point out that it was a county supervisor and the "chair of the district" whose sewer drained into these wells.
Please clarify is it the Epa's intention to allow the district to continue these activities if the state of Iowa Department of Natural resources doesn't see these outlets as a drainage well.
I think it's also worth noting that I received new documentation that shows and indicates deception on the Floyd county's part of reporting the Ag drainage well status as well as what looks like possibly destroying documents pertaining to the drainage wells. I am attaching the documents that I received, it's notable that the first reports from the county were actually accurate minus the sewer emptying in it. It was after Leo Staudt who's land drained into both ag wells became a county supervisor that the reporting became inaccurate. It's notable that 95 percent ag drainage originally entered the well and after it was only surface runoff. It was also report that this well was to be closed by the county. Furthermore all these documents do not support the states finding of a improved sinkhole, but contradict it instead. They mention the well was dug and took ag drainage and injected it into a vertical opening to the aquifer. This by the state code is an ag drainage well. A representative at the Iowa dnr said they used your definition to determine it was a sinkhole, which is a lie, because Epa definitions says its a drainage well. In any case the documents show that the state and county do not have all the documents used in this case. The reply from the Dnr mentions Dennis Sande, the

pre 1950 Era, tile problems, and a 3 ft square by 12ft opening. Not one of these documents mention a sinkhole or any of those terms or persons. This shows that the documentation is incomplete. I have request this from the state and county several times and nobody can produce it. As with the Leo Staudt letter the state can't produce any evidence that would have indicated this to be a sinkhole at somepoint. I have requested this information for well over 10 years and it's clear it doesn't exist. In Leo's letter he indicates he included a map with his letter. Nowhere in his letter does he supply the Dnr with the required information to determine whether or not the district needed to be permitted as per 567 51 (567_50.1 Iac. Iowa law is so that whether or not this was a drainage well or not the diversion of water from a tile tor a ditch into a sinkhole needs to be permitted. 567 51.3 Iac.
By definition the area qualifies as a designated drainage area because of the lagoon and would not have been permitted and the adw should have been closed.
If the Iowa dnr does not enforce the law does the Epa have the right to enforce the authority granted in the Sdwa. If the state cared to enforce the law they would have acted on the numerous violations that the district and its owners have violated. It's clear that they have errored and don't want to admit that they dropped the ball on regulating these outlets. I fear that a lawsuit is the only thing that will get these issues resolved at this point. Speaking of which did you ever respond to our attorney Mark Huegel? He was wanting clarification as to what you mean by there is no inconsistencies. If I haven't presented you with clear evidence that the state, county and landowners have clearly failed to uphold the law and protect my water supply please inform me of where I have failed to connect the dots or fill in the gaps and I will get you the documentation need to prove what I have been saying all along about the abuse of power amongst the regulators. I know it's out of your perveiw, but Leo Staudt and Mike Staudt have never been properly elected and have both perpetrated fraud to keep the district from spending money to repair and maintain the tile system in good repair. I beleive that someone needs fined or punished for this ongoing abuse. If nobody ever acts how do we expect the Epa to have any credence.
Please address my questions and give me clarity as how the Dnr can allow the people to abuse the system and not follow the law when they clearly are aware. Thanks Ethan

Sent from Yahoo Mail on Android

On Mon, Aug 30, 2021 at 4:00 PM, Brink, Theresa
<Brink.Theresa@epa.gov> wrote:

Mr. Vorhes,

Attached is a clarification to EPA's Inspection report dated July 19, 2021 that was sent to the Gerhard Farm.

Additionally, we would like to clarify our stance on the Vorhes personal drinking water well:

Based upon the EPA Memorandum of April 16, 2009, written by Kurt Hildebrandt to Charles Grassley, U.S. Senator, EPA's inspectors noted that the Vorhes drinking water well is located approximately 30 feet east of Mr. Vorhes cattle holding area and approximately 30 feet north of a manure storage area. The wellhead is close to the surface of the ground and just north and east of a below-ground chamber that contains the pressure pump and storage/pressure tank. Mr. Bill Vorhes stated that the chamber fills with water when there are heavy rains or flooding in the field. It would appear that this well which is approximately 75 feet deep is at a high risk of contamination from both surface runoff from the adjacent farms and from the cattle holding and manure storage areas. Mr. Bill Vorhes stated that the well casing was replaced in the early 1970s

but is uncertain if the well casing was cemented in place along its' entire length or if the casing was just placed in the well bore.

EPA Region 7 encourages the Vorhes Farm to evaluate its own drainage and construction of a new drinking water well to be drilled into a lower portion of the Mississippian aquifer or in a location a safe distance from obvious sources of contamination.

If you have any questions or comments, please contact Mr. Mark Moeller at IDNR (mark.moeller@dnr.iowa.gov)

Terri

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