

Kayla Lyon, Director
Iowa Department of Natural Resources
6300 Park Ave.
Des Moines, Iowa 50321

April 29, 2024

Dear Director Lyon:

As director of the Iowa Department of Natural Resources (DNR) you are Iowa's designated leader in protecting our natural resources, including the waters of the state. No doubt you shared in the shock all Iowans experienced in early March when news of the tragic nitrogen fertilizer spill into the East Nishnabotna River at Red Oak became public. The extent of this pollution event is unprecedented and requires the attention of all Iowans. The devastation of life in over 50 miles of the river, including the death of 750,000 fish as reported by your dedicated staff, is difficult to even comprehend. Counting dead fish is inadequate to measure and truly understand the magnitude of this unfortunate and preventable disaster.

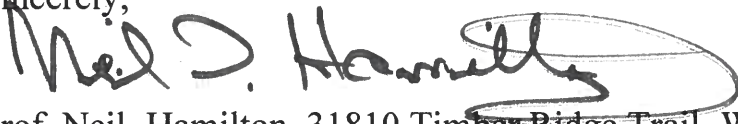
News reports concerning the event indicate your professional staff at Iowa DNR are actively investigating the incident, working to evaluate the damage, and hopefully, preparing recommendations for you to consider as next steps for the state to hold accountable those responsible for the damages. As concerned Iowa citizens we expect the DNR investigation and your actions to include appropriate penalties and civil damages, as well as any needed corrective actions, to help prevent similar events happening to any other stream or river in Iowa. It is our hope addressing this matter is one of your highest priorities and we look forward to learning the results of your actions.

We are writing today pursuant to the authority of Iowa Code Section 455B.174(1) detailing your duty to investigate events like this. As provided under Iowa law, the 63 signatories to this letter represent more than 25 residents of the state, and we formally request you investigate this incident of water pollution to determine the cause and identify who was responsible. We urge you to pursue all available remedies, including referring the matter to the office of the Iowa Attorney General, as authorized in Iowa Code Section 455B.112 for consideration of all appropriate civil and criminal actions to address the matter. As part of your investigation into the cause of the incident we request you also make a thorough examination, in cooperation with the appropriate officials at the Iowa Department of Agriculture and Land Stewardship (IDALS), of the rules relating to the storage of agricultural chemicals such as the liquid nitrogen involved in this episode, as well as the

administration and enforcement of those rules. If your investigation identifies gaps or inadequacies in the rules or their enforcement we expect you to propose corrective measures so the potential for another incident like this is eliminated. We will follow the news of your investigations and actions.

As you are well aware, under Iowa Code section 455B.111, citizens who have standing are authorized to bring civil actions to ensure Iowa's laws related to water quality and its protection are followed. We are optimistic the state's investigation and actions regarding this event will be robust and sufficient to protect the interests of all Iowans in the health and future of our rivers. If so then the need for Iowans impacted by this disaster to resort to other possible legal actions will not be necessary. Thank you for your attention to our letter and for understanding the good faith in which it is authored. We wish you and your staff continued success in your efforts to protect the Iowa we all cherish – including its natural resources.

Sincerely,

A handwritten signature in black ink, appearing to read "Neil D. Hamilton". The signature is fluid and cursive, with a large loop at the end of the last name.

Prof. Neil. Hamilton, 31810 Timber Ridge Trail, Waukee, IA 50263 – Dallas Co.

cc: Members of Iowa Environmental Protection Commission
Mike Naig, Secretary, Iowa Department of Agriculture and Land Stewardship
Brenna Bird, Attorney General of Iowa
Governor of Iowa, Kim Reynolds
New Cooperative

Also signed by these 62 other residents of Iowa, living in 18 counties:

Mark Ackelson, 5525 Schweiker Drive, Pleasant Hill IA 50327, Polk County

Linda Appelgate, 2835 46th Street, Des Moines IA 50310, Polk County

Jackie Armstrong, 1259 475th Street, Saint Ansgar IA 50472, Mitchell County

Pat Boddy, 7932 Rocklyn Drive, Urbandale IA 50322, Polk County

Dale Braun, 6724 Brentwood Drive NE, Cedar Rapids IA 52402, Linn County

Rita Bresnan, 600 W. Ashland Avenue, Indianola IA 50125, Warren County

Dave Busiek, 2922 37th Street, Des Moines IA 50310, Polk County

Cornelia Butler Flora, 1902 George Allen Avenue, Ames, IA 50010, Story County

Anita Christensen, 8918 110th Avenue, Indianola IA 50125, Warren County

Curtis Cokeley, 2801 EP True Parkway #304, West Des Moines IA 50265, Polk County

Christine Curry, 2801 EP True Parkway #304, West Des Moines IA 50265, Polk County

Robert E. Davis, 7932 Rocklyn Drive, Urbandale IA 50322, Polk County

Michael E. Delaney, 6700 University Avenue, Windsor Heights IA 50324, Polk County

Richard Dietz, 5782 Felber Street, Ames IA 50010, Story County

Mark Dorhout, 211 Oakridge Drive, Panora IA 50216, Guthrie County

Nora Dwyer, 3407 Clermont Drive, Muscatine IA 52761, Muscatine County

Steve Falck, 686 Foster Drive, Des Moines IA 50312, Polk County

Robin Fortney, 688 Polk Blvd, Des Moines IA 50312, Polk County

Elizabeth Garst, 1700 130th Street, Coon Rapids IA 50058, Guthrie County

Raymond Harden, 2517 1st Avenue, Perry IA, Dallas County

Larry Harris, 59624 Chicago Road, Atlantic IA 50022, Cass County

Susan Heathcote, 11774 SE 36th Avenue, Runnells IA 50237, Polk County

Chris Henning, 1931 Q Avenue, Jefferson IA 50129, Greene County

Charlotte Hubbell, 3721 Lincoln Place Drive, Des Moines IA 50312, Polk County

Fred Hubbell, 3721 Lincoln Place Drive, Des Moines IA 50312, Polk County

Trudy Holman Hurd, 300 Walnut #183, Des Moines IA 50309, Polk County

Sue Johannsen, 3014 Provence Lane, Muscatine IA 52761, Muscatine County

Jack Johnson, PO Box 241, Schleswig IA, Crawford County

Susan Judkins, Clive City Council Member, 14067 S. Shore Drive, Clive IA 50325, Polk County

Terry Langan, 52716 Cheyenne Avenue, Griswold IA 51535, Pottawatomie County

Mary Kline-Misol, 1660 NW 120th Street, Clive IA 50325, Polk County

Matt Liebman, 615 11th Street, Ames IA 50010, Story County

Deb Marriott, 703 N G Street, Indianola IA 50125, Warren County

Maggie McQuown, 1580 200th Street, Red Oak IA 51566, Montgomery County

Loree Miles, 19548 T Avenue, Dallas Center IA 50063, Dallas County

Mary Ellen Miller, 1760 Ohio Road, Corydon IA 50060, Wayne County

Connie Mutel, 2345 Sugar Bottom Road, Solon IA 52333, Johnson County

Denise O'Brien, 59624 Chicago Road, Atlantic IA 50022, Cass County

Mark Odell, 1555 Washington Street, Muscatine IA 52761, Muscatine County

David Osterberg, 318 2nd Avenue NW, Mt. Vernon IA 52314, Linn County

Steven Paulsrud, 2116 Skylane Drive, Muscatine IA 52761, Muscatine County

Mark Patton, 1611 Cedar-Muscatine Road, Wilton IA 52778, Muscatine County

Sally Peterson, 3707 Grand Avenue #108, Des Moines IA 50312, Polk County

Darwin Pierce, 1700 130th Street, Coon Rapids IA 50058, Guthrie County

Elise Pohl, MSc, 8689 Sunny Hill Drive, Clive IA 50325, Polk County

Mark Pranger, 2405 NE Beaverbrooke Blvd, Grimes IA 50111, Polk County

Mark Rasmussen, 5519 Valley Road, Ames IA, Story County

Jodi Reese, 52716 Cheyenne Avenue, Griswold IA 51535, Pottawatomie County

Kay Riley, 2910 Cayuga Point, Des Moines IA 50321, Polk County

Steve Roe, 6380 Panorama Drive, Panora IA 50216, Guthrie County

Ralph Rosenberg, 910 Ridgewood Avenue, Ames IA, Story County

Laura Sands, 2922 37th Street, Des Moines IA 50310, Polk County

Joy Smith, 1317 Rochester Avenue, Iowa City IA 52245, Johnson County

Michael H. Smith, 3013 Terrace Drive, Des Moines IA 50312, Polk County

Ryan Smith, 10134 NE 46th St, Mitchellville, IA 50169, Polk County

Larry Stone, 23312 295th Street, Elkader IA 52043, Clayton County

Marsha Ternus, 800 SW Timberview Drive, Grimes IA 50111, Polk County

Steven Turman, 1580 200th Street, Red Oak IA 51566, Montgomery County

Tim Wagner, 505 Franklin Street, Decorah IA 5210, Winneshiek County

Christy Watkins, 2983 230th Street, Clarinda IA 51632, Page County

Seth Watkins, 2983 230th Street, Clarinda IA 51632, Page County

Sue Wickham, 1216 East 33rd Street, Des Moines IA 50317, Polk County