

NEWS/PUBLIC NOTICES

Environmental groups urge EPA to restore nitrate impairment designation on Iowa river segments

Cami Koons
Iowa Captial Dispatch

Environmental groups penned a letter to the U.S. Environmental Protection Agency urging the federal agency to maintain its previously rescinded ruling that seven segments of Iowa rivers were impaired due to nitrate concentrations.

The environmental groups said EPA's decision to delist these segments was "inconsistent" with the law, failed to hold polluters accountable and would lead to increased regulatory costs for water treatment in Iowa.

The decision from EPA followed a summer with near-record high nitrate levels in the Des Moines and Raccoon rivers near Des Moines and the first-ever lawn watering ban from Central Iowa Water Works on account of the high nitrate concentrations, coupled with summer water demand.

Dani Replogle, staff attorney for the environmental group Food & Water Watch, called the EPA decision "baseless" and said it "does not inspire confidence in the federal agency meant to safeguard clean water and protect our health."

"The data is clearer than ever that Iowa waterways are overwhelmed with persistent, toxic nitrate contamination," Replogle said in a statement. "Iowans need more clean water protections — not less."

Background
EPA ruled in January that the Iowa Department of Natural Resources needed to add seven river segments to its 2024 list of impaired water segments. This decision, which EPA said was

due to the high levels of nitrate and "nitrate plus nitrite," another form of combined nitrogen similar to nitrate, in the segments, was rescinded by EPA in July.

EPA said in their letter changing the decision that it is seeking additional information from DNR to determine "whether 'good cause' exists to not include the seven referenced waters."

The original decision was opposed by DNR, with DNR's executive director Kayla Lyon arguing the agency was holding Iowa's department to "a very high standard." DNR argued the designation would yield higher costs and greater regulatory oversight associated with the designation.

The impaired segments, on the Cedar, Des Moines, Raccoon, Iowa and South Skunk rivers, serve as drinking water sources for several municipalities including Des Moines, Iowa City and Cedar Rapids.

EPA holds that concentrations of nitrate and nitrite above 10 milligrams per liter in drinking water can lead to shortness of breath, blue-baby syndrome or even death in infants under the age of 6 months. Other research indicates long-term exposure to nitrate in drinking water is linked to certain types of cancer.

According to the EPA's letter from July, announcing the rescission of the impaired water segments, DNR did not list the segments in its impaired list because it applied standards for nitrate that "solely protect against chronic effects" while EPA applied standards that apply to both chronic and acute effects of nitrate.

Per EPA's letter, this information was made clear in May 2025 when DNR submitted additional information to EPA explaining why the segments do not need an impairment listing.

Iowa Environmental Council, Environmental Law & Policy Center and Food & Water Watch, the groups that penned the letter to EPA, also obtained records, via a public information request, on communications between DNR and EPA. Per the records request, the documents submitted were DNR's 2001 water quality standards document and EPA's subsequent approval of the standards.

The groups allege these documents, being more than 20 years old, were already submitted to EPA. The environmental groups allege any additional information, including explanation from DNR, occurred in an "undocumented oral conversation" which was referenced in an obtained email.

The environmental groups, in their letter, argue these actions were "outside the process contemplated" in the Clean Water Act, which allows for a change to impaired water lists when EPA requests additional documents, and for public comment.

Michael Schmidt, general counsel for Iowa Environmental Council said the decision "lacks transparency" and was "based on outdated" information.

"EPA's action undermines the public process defined in federal regulations and limits public transparency," Schmidt said in a statement.

An EPA spokesperson said in a statement that

DNR's impaired waters list for 2024 made use of data from 2020-2022.

"IDNR is in the process of compiling and assessing water quality data from 2022-2024 and is expected to public notice its draft 2026 list early next year, which will include an assessment of these same seven water segments," the spokesperson said in an emailed statement. "Concurrently, EPA will be working with IDNR to understand and resolve the issues forming the basis for EPA's reconsideration of its 2024 decision."

The spokesperson said it is working with DNR in the "spirit of cooperative federalism" and using "the latest information" to ensure water quality standards are "followed and upheld."

"EPA has been tracking the levels of nitrate and is ensuring that all of the information and data collected by the cities, universities, and other groups is provided to the Iowa Department of Natural Resources (IDNR) for evaluation," the spokesperson said.

Acute vs chronic
DNR argued its application of nitrate parameters pertained to chronic effects, which is why the department chose not to list the seven segments. The environmental groups argued the nitrate standard used does not apply solely to chronic effects.

The letter from environmental groups argued a symptom like blue-baby syndrome is an acute, rather than chronic, health outcome and is prevented by the EPA via the maximum contaminant levels, or MCLs, adopted under the Safe Drinking Water Act. The letter alleges the cited

2001 water quality standards from DNR incorporated these MCLs "as the water quality standard."

A spokesperson for DNR declined to comment on the environmental groups' letter and their position against the department's reasoning.

In public comments to EPA's original action, DNR director Lyon said the federal agency's decision was incorrect because nitrate is not a "toxic pollutant." The letter countered this argument by saying EPA's toxic pollutant list outdated.

The letter said "overlooking the acute consequences" of high nitrate is inconsistent with the Safe Drinking Water Act.

Environmental groups also cited Iowa Code for water quality standards and argued the "narrative" standards for surface water prohibit "toxic pollutants in toxic amounts."

The referenced state standards note that substances toxic to humans, or "detrimental to treatment process" must have limited concentrations in surface water.

Water treatment facilities are responsible for keeping contaminants, like nitrate, within legal limits for drinking water. In Des Moines, where the Des Moines and Raccoon rivers were both elevated above 10 mg/L for nearly 70 days this summer, water treatment facilities were forced to run costly nitrate removal systems for more than 110 days this summer.

Environmental groups via the letter, said removing the segments from the impaired list "fails to address the causes" of pollution and "unfairly

burdens" water treatment facilities.

Leadership from Des Moines Water Works echoed this sentiment following EPA's delisting decision. They said in a news release that the decision did not align with financial and operational realities the utility faced in providing clean drinking water to the city.

Once a water segment is listed as impaired, EPA and DNR develop water quality improvement plans, known as a Total Maximum Daily Load or TMDLs, that require reductions to the known pollutant.

"Drinking water issues across the state, from western Iowa to the waters removed from the list by EPA, demonstrate the necessity for further action to address pollution in drinking water sources," the letter said.

Iowa Environmental Council Water Program Director Colleen Fowle said EPA's decision holds that the waterways in question meet safe drinking water standards, which she said is an "unjustified and dangerous" claim.

"Removing the impairment at the same time Central Iowa had to implement unprecedented water use restrictions made no sense," Fowle said in the statement. "EPA's action fails to put the onus on the polluters to adopt practices that will actually fix the problem."

The environmental groups called for EPA to restore the impaired waters designation and consider their stated concerns as the agency reevaluates Iowa's impaired waters list.

LEGALS

Continued from pg. 8

LEGALS

Cox Law Firm, LLP
105 W Van Buren
Centerville, IA 52544
Date of second publication
October 17, 2025.

**THE IOWA DISTRICT COURT
FOR WAYNE COUNTY
IN THE MATTER OF
THE ESTATE OF
JOHN E. SELLERS, JR.,
Deceased
CASE NO. ESPR008401
NOTICE OF PROBATE OF
WILL, OF APPOINTMENT OF
EXECUTOR, AND NOTICE TO
CREDITORS**

To All Persons Interested in the Estate of John E. Sellers, Jr., Deceased, who died on or about September 21, 2025:

You are hereby notified that on September 26, 2025, the Last Will and Testament of John E. Sellers, Jr., deceased, bearing date of May 17, 2022, was admitted to probate in the above-named court and that Charles H. Sellers was appointed Executor of the estate. Any action to set aside the will must be brought in the district court of said county within the later to occur of four months from the date of the second publication of this notice or one month from the date of mailing of this notice to all heirs of the decedent and devisees under the will whose identities are reasonably ascertainable, or thereafter be forever barred.

Notice is further given that all persons indebted to the estate are requested to make immediate payment to the undersigned, and creditors having claims against the estate shall file them with the clerk of the above-named district court, as provided by law, duly authenticated, for allowance, and unless so filed by the later to occur of four months from the date of the second publication of this notice or one month from the date of mailing of this notice (unless otherwise allowed or paid) a claim is there after forever barred.

Dated September 29, 2025.
Charles H. Sellers,
Executor of Estate
2108 NW Harvest Dr.

LEGALS

Grimes, IA 50111
Jenna K. Lain,
ICIS#: AT0010353
Attorney for Executor
Meyer & Lain
P.O. Box 386
Corydon, IA 50060
Date of second publication
October 17, 2025.

**TRUST NOTICE
IN THE MATTER OF THE
TRUST:
Paul H. Smith and Clarice M.
Smith Revocable Trust**

To all persons regarding Clarice M. Smith, deceased, who died on or about August 25, 2025. You are hereby notified that the trustees listed below are the trustees of the Paul H. Smith and Clarice M. Smith Revocable Trust dated May 16, 2008. Any action to contest the validity of the trust must be brought in the District Court of Wayne County, Iowa, within the later to occur of four (4) months from the date of second publication of this notice or thirty (30) days from the date of mailing this notice to the spouse of the decedent settlor, and to all heirs of the decedent settlor whose identities are reasonably ascertainable. Any suit not filed within this period shall be forever barred.

Notice is further given that any person or entity possessing a claim against the trust must mail proof of the claim to the trustee at the address listed below via certified mail, return receipt requested, by the later to occur of four (4) months from the second publication of this notice or thirty (30) days from the date of mailing this notice if required or the claim shall be forever barred unless paid or otherwise satisfied.

Dated on September 26, 2025.
Gregory P. Smith
Dixie A. Daughton

Verle W. Norris #12631,
Attorney for Trustees
Law Office of Verle W. Norris
108 S. Franklin,
P.O. Box 256,
Corydon, IA 50060
Date of second publication:
October 17, 2025.

PUBLIC AUCTION
SATURDAY, OCT. 25, 2025, 10 AM
10790 Stag Lane, Moravia, Iowa

Boat, Vehicles, Trailers and ATV'S: Lund 1890 Pro V DLX Fishing Boat W/ Evinrude E-Tec H.O 150 HP Motor, Shoreland-r Trailer, Humminbird Fish Finder, Min-Kota Trolling Motor; 2007 Ford F150 4X4 XLT 4-Door; 1996 Ford Escort; 1995 Ford F250; 2014 Hull CF1208 Utility Trailer; Homemade Tilt Bed Trailer; Honda Rancher 420 4-Wheeler; Honda Fourtrax 4-Wheeler; JD Z915E 60 Inch Zero Turn

Tools and Shop Items: Magna Force Air Compressor; DeWalt Chop Saw; Dewalt Impact; Dewalt Bench Grinder; Lincoln AC-225-5 Welder; Gas Log Splitter; Engine Hoist; Torch Set & Cart; Lawn Sweep; Wheel Barrow; Yard Tools; 3 Stihl Chainsaws; Stihl Weedeater; WEN 4500W Generator; Shop Fan; Craftsman Power Washer; Delta Model 9 Table Saw; Table Top Drill Press; Ladders; Extension Cords; Hand Tools; Bench Saw; Car Ramps; Chain Binders; Heaters; FINCO Sprayer; Seeder; Fishing Poles; Ice Fishing Poles; Vexilar Ice Flashers; Fishing Tackle; Trail Cameras; Tree Stands; Load of Firewood and More;

Household, Wildlife Art, Furniture: Lazy Boy Recliner; Leather Sofa; Outdoor Table & Chairs; Samsung 50 in. TV; Dorm Fridge; Vintage Dressers; Wooden Gun Cabinet; Cedar Chest; Aquaterra 2 Person Hot Tub; Maximus Personal Trainer; Everlast Speed Bag; Schwinn Airdyne; Health-O- Meter Scale; Supra Pro Total Gym; Native American Prints; R.Schmidt Indian Chief Print; Large Amount Wildlife Prints (Mostly Larry Zach); Deer Mounts & Sheds; Antelope Mount; Concrete Eagle Statues; Much More Too Numerous To Mention

Firearms: Colt M4 Carbine 5.56; Ruger AR-556; Thompson Center Arms 50 Cal; Remington Wingmaster 870 12 Ga; Remington Target Master 510 22 Cal; Smith & Wesson M&P 5.7X28MM; Browning Hi-Power Luger 9MM; Smith & Wesson 15-3 38 Special.

Demry Auction LLC and the Sellers require permits for all gun Purchases at this Auction. We are aware of HF756 as of July 1, 2021, and to assure guns are sold to eligible buyers you must supply a valid IOWA ID AND A VALID IOWA PERMIT TO ACQUIRE, VALID IOWA CONCEALED WEAPON PERMIT OR FFL.

Seller: Jim McGinness 2014 Trust
Brad Grothe Trustee

DEMRY AUCTION, LLC
Tom Demry 641-895-2508
Kristy Demry 641-895-2509
Janet Demry 641-895-4310
Dalton Ott 563-880-5626



FARM ESTATE AUCTION
Saturday, Oct. 25th, 2025
Starting at 10 am
Located: 56042 250th Ave., Chariton
Directions: 5.2 miles north of Chariton
on Hwy 14 then turn onto 250th North
for 3 miles

Tractors and Dozer
John Deere 4450 2WD Tractor 0542 Hrs., power shift, cab with air and heat 18-4-42 rears, 1100 fronts, duel hydraulics, Very clean and well maintained.
John Deere 4440 2 WD tractor 10,999 hrs, power shift, cab and air dual hydraulic valves, 18-4-38 rear w/duals
John Deer 4020 open station, power shift, 18-4-38 rears, dual hydraulic valves,
Farmall 560 with narrow front
Farmall Super M TA
Caterpillar D6 H high track good tracks and under carriage, runs good
Caterpillar D4 track loader with bucket
Case T 420 trencher

Farm Machinery
Kinze 2500 split row planter 8/15, JD 7000 6 row planter, Vermeer 605 Round Baler, JD 956 mower conditioner, V wheel rake, JD HX 15' brush mower 1000 PTO, Westfield Grain auger 8"x60', Case IH 5400 grain drill with Yetter no till disk attachment 15', Box Blade 8', 7 ft blade, JD 6620 Combine 4700 hours, JD 6620 Combine 5371 hrs, (2) 13' grain heads and corn heads, grain head trailer, Rem 1026B grain vac, fertilizer cart, IH 496 disc, 4 section harrow, 6 bale hay trailer with stabber, selection of gravity flow wagons, 200 to 275 bu. JD Gt 235 lawn mower runs good, Danuser post hole digger, 2 wheel trailer, John Deer 3 pt field cultivator, disc chisel 9 shank, Anhydrous tool bar 9 shank, JD 400 Grinder, Other misc. items too numerous to mention.

Roger Krutsinger Estate
Go to Curran Auction Facebook Page to view items

Curran Auction
Adam Curran 641-203-2931
Jim Curran 641-203-2930