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RECEIVED
2015 MAY 28 AM 9:30
LEE COUNTY AUDITOR

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May 25, 2015

Chuck Gipp, Director
Iowa Department of Natural Resources
Wallace State Office Building
502 E. 9th St.
Des Moines, IA 50319-0034

Lee County Iowa
c/o Denise Fraise, Auditor
933 Ave. H
Ft. Madison, IA 52627

Ernest Steffensmeier
Lee County Engineer's Office
933 Ave. H
Ft. Madison, IA 52627

Iowa Fertilizer Company, LLC
3550 180th St.
Wever, IA 52658

Iowa Fertilizer Company, LLC
c/o G R Rick Newmann
700 Walnut St., Suite 1600
Des Moines, IA 50309

Re: Intent to proceed with legal action pursuant to 455B.111

Att: Lee County, Iowa DNR & Iowa Fertilizer Company, LLC

Please be advised that I represent Frankie Reyes & Geriann Reyes who reside at 1489 320th Ave., Wever, IA 52658. Since the construction of the new Iowa Fertilizer Plant in Wever, Iowa began, the trucks using the road in front of the Reyes' residence have generated dust to the extent that the Reyes' residence is covered in dust and they are unable to use their residence for its intended purpose. The amount of dust created on the road prohibits the Reyes from going outside as they wish but also creates health problems associated with the dust. The Reyes have already incurred significant damages as a result of this violation. The Reyes have made prior complaints regarding this matter to the Iowa Department of Natural Resources as well as Lee County, Iowa,

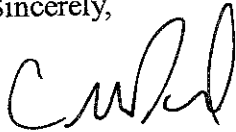
however, the problem still exists and no action is being taken to abate this nuisance. Any action which has been taken has not abated the nuisance and/or violation.

Pursuant to Iowa Code Section 455B.111(2) notice is hereby given to the Director of the Iowa Department of Natural Resources and the alleged violators, Lee County, Iowa and Iowa Fertilizer Company, LLC, that Frankie and Geriann Reyes intend to commence a civil action in District Court sixty days from the date of this letter unless the violation identified herein is abated and remedial action is taken and the Reyes are compensated for the damages they have incurred. Additionally, the Reyes may file a claim against the state of Iowa for a violation of Chapter 455 and for failing to require Lee County, Iowa to abate the nuisance and/or violation identified as well as failing to ensure that Lee County, Iowa complied with all directives to abate the violation.

Additionally, if the Iowa Department of Natural Resources has commenced and is actively prosecuting a civil action or is actively negotiating an out-of-court settlement to require the abatement of the violation and remediation of damages with any of the violators, herein, then please let me know as the Reyes intend to intervene in any such action.

Should there be any questions regarding this matter please feel free to contact my office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Curtis Dial', written in a cursive style.

Curtis Dial
Attorney At Law