

**IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER**

IN THE MATTER OF:

DALE HUMPAL

Winneshiek County Iowa
AFO #70517

ADMINISTRATIVE CONSENT ORDER
NO. 2026-AFO-02

TO: Dale Humpal
2667 Town Line Road
Ridgeway, Iowa 52165

I. SUMMARY

This administrative consent order is entered into between the Iowa Department of Natural Resources (DNR) and Dale Humpal for the purpose of resolving water quality violations and a fish kill resulting from a manure discharge from Mr. Humpal's facility. This administrative consent order requires Mr. Humpal to: 1) submit a professional engineer report on the manure storage capacity at his facility; 2) rework and maintain the grass waterway to prevent any processed wastewater and manure runoff from entering the tile intake; 3) develop and implement a plan for the maintenance of the open feedlots; and 4) pay fish restitution and investigative costs in the amount of \$33,470.39 and an administrative penalty in the amount of \$5,000.00.

Questions regarding this administrative consent order should be directed to:

Relating to technical requirements:

Brett Meyers, Field Office 1
Iowa Department of Natural Resources
1101 Commercial Ct., Suite 10
Manchester, Iowa 52057
Phone: 563/929-1497

Relating to legal requirements:

Kelli Book, Attorney for the DNR
Iowa Department of Natural Resources
6200 Park Avenue, Suite 200
Des Moines, Iowa 50321
Phone: 515/210-3408

Payment of penalty to:

Director of the Iowa DNR
Iowa Department of Natural Resources
6200 Park Avenue, Suite 200
Des Moines, Iowa 50321

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II. JURISDICTION

This administrative consent order is issued pursuant to the provisions of Iowa Code section 455B.175(1), which authorizes the Director to issue any order necessary to secure compliance with or prevent a violation of Iowa Code chapter 455B, Division III, Part 1; Iowa Code chapter 459 and the rules adopted or permits issued pursuant thereto; Iowa Code chapter 459A and the rules adopted or permits issued pursuant thereto and Iowa Code section 455B.109 and 567 Iowa Administrative Code (IAC) chapter 10, which authorize the Director to assess administrative penalties. Iowa Code section 481A.151 authorizes the assessment and recovery of damages to natural resources.

III. STATEMENT OF FACTS

1. Dale Humpal owns and operates a small dairy facility located at 2667 Town Line Road, Ridgeway, Iowa (Section 5, Calmar Township, Winneshiek County). It is a combined operation with both open feedlots and a confinement building. In addition to the confinement building, there are two main open feedlot areas with buildings, a large feed bunk area for food storage, a milking parlor, and other farm implement buildings onsite. The confinement building uses sand as bedding and has a sand lane that is used to recirculate the sand. Manure from the confinement building is stored in an earthen basin. The operation has 330 head of mature dairy cattle, 50-60 head of immature heifers, and 15 head of calves.

2. On March 10, 2025, DNR Field Office 1 received two complaint calls about manure runoff into an unnamed tributary of Dry Run Creek. The first complaint stated it appeared manure runoff was occurring upstream from 2576 219th Street, Ridgeway, Iowa, and the second complaint observed dead fish at the end of 233rd Avenue in Dry Creek.

3. On March 11, 2025, Brett Meyers and Jessica Ragsdale, DNR Field Office 1 environmental specialists, traveled to the impacted area and began their investigation. They first stopped at the tributary of Dry Creek along 210th Street and 255th Avenue. The tributary was clear and the field test did not indicate the presence of ammonia. The field office personnel continued downstream in Dry Creek to 233rd Avenue and Town Line Road. They noted that the water was turbid, very murky and foaming along the tributary banks. Dead fish, along with struggling fish were observed at this location. The fish appeared to have recently died; they had not deteriorated at the time of the investigation. The field test indicated the presence of ammonia. The laboratory sample indicated an ammonia concentration of 10 ppm.

4. The field office personnel traveled upstream to the location of the first complaint near 255th Avenue. The tile outlet had discolored and foul-smelling water. The field test indicated the presences of ammonia and the laboratory sampled indicated an ammonia concentration of 23 ppm. The field office personnel went to

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the other end of the field and observed runoff from Mr. Humpal's facility cutting a channel through the soil. The runoff appeared to have manure chunks in it. The field test indicated the presence of ammonia and the laboratory sample indicated an ammonia concentration of 23 ppm.

5. The field office personnel visited Mr. Humpal's facility, but he was unavailable and the investigation was continued to the following day due to the field office personnel's inspection schedule.

6. On March 12, 2025, Mr. Meyers contacted Mr. Humpal to discuss the investigation. Mr. Humpal stated the earthen basin was full but was not running over and he was not aware of any runoff from the open feedlots. Mr. Meyers and Mr. Humpal agreed to meet at the facility later in the day. During the visit, Mr. Meyers noted the earthen basin was full and exceeded the freeboard levels but was not overflowing. They next went to the field tile at the edge of the property. Mr. Meyers showed Mr. Humpal the field test indicating the presence of ammonia and that ammonia was detected downstream at 233rd Avenue. Further inspection of the facility indicated that the runoff was coming from the west side of the facility. Mr. Humpal stated he placed a few berms near the east side of the open feedlots to prevent runoff to the grassed waterway. There was an area near the west side of the open feedlots where snow had been stacked and a waterline broke during the winter causing more water to accumulate in this area. At the end of the visit, Mr. Humpal questioned the impact of other contributors along the tributary. Mr. Meyers stated he would check on the possibility of other contributors.

7. Mr. Meyers continued the investigation downstream from Mr. Humpal's property. Mr. Meyers visited the 255th Street bridge; the field test of the water in the tributary indicated the presence of ammonia. Mr. Meyers observed another tile outlet flowing into the tributary upstream of this location; the field test of the outlet flow did not indicate the presence of ammonia. Mr. Meyers continued downstream to the 245th Avenue bridge; the field test of the water in the tributary indicated the presence of ammonia. Mr. Meyers observed a tile outlet flowing into the tributary upstream of this location; the field test of the outlet flow did not indicate the presence of ammonia. Mr. Meyers continued downstream to the 210th Street bridge. At this location, a different tributary flowed into the tributary from the Humpal facility. The field test of the different tributary did not indicate the presence of ammonia. Mr. Meyers continued downstream to the 245th Avenue bridge near Dry Run Road; the field test of the water did not indicate the presence of ammonia. Mr. Meyers proceeded to the Town Line Road bridge; the field test indicated the presence of ammonia and dead fish were noted. Mr. Meyers continued downstream to the HWY 9 bridge near Decorah; the field test indicated the presence of ammonia. The laboratory sample of the area indicated an ammonia concentration of 5.2 ppm.

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8. On March 26, 2025, Mr. Meyers travelled back to the impacted area to see if there was continued runoff. Several field tests of the impacted area did not indicate the presence of ammonia.

9. On March 31, 2025, Mr. Meyers contacted Mr. Humpal and informed him the investigation had been completed. He confirmed that the open feedlot runoff from Mr. Humpal's facility had caused the manure to flow into the tile intake and into the unnamed tributary to Dry Creek. Additionally, Mr. Meyers informed Mr. Humpal that there were no other contributors. Mr. Meyers explained that a substantial number of fish had been killed as a result of the manure runoff.

10. Between March 11 - 14, 2025, DNR's Fisheries Bureau personnel surveyed the impacted area of the unnamed tributary to Dry Run Creek and Dry Run Creek. Theresa Shay, Josh Hefflefinger, Caleb Schnitzler, and Steve Pecinovsky conducted the fish kill investigation. The Fisheries personnel determined the fish kill extended downstream for approximately 10.2 miles. The Fisheries Bureau personnel surveyed the impacted area in accordance with the "Narrow Stream, Incompletely Accessible" method outlined in American Fisheries Society, Special Publication 35.

11. The fish kill assessment determined that 126,469 fish were killed, valued at \$30,923.54. The Fisheries Bureau investigative costs were \$1,750.63 and the field office investigative costs were \$796.22. The total fish value and investigative costs totaled \$33,470.39.

12. On April 1, 2025, DNR issued a Notice of Violation letter to Mr. Humpal for the violations observed during the March investigation. The letter informed him that the matter would be referred for further formal enforcement.

IV. CONCLUSIONS OF LAW

1. Iowa Code section 455B.173 provides that the Environmental Protection Commission (Commission) shall adopt rules related to water quality standards, pretreatment standards, and effluent standards. The Commission has adopted such rules at 567 IAC chapters 61 and 62.

2. Iowa Code section 455B.186 and 567 IAC 62.1(1) prohibit the discharge of pollutants into a water of the state, except for adequately treated pollutants discharged pursuant to a permit from the DNR. During the March 2025 investigation, DNR Field Office 1 noted that a release from Mr. Humpal's facility entered an unnamed tributary. The above-mentioned facts indicate a violation of these provisions.

3. 567 IAC 61.3(2) provides general water quality criteria and prohibits discharges that will produce objectionable color, odor or other aesthetically objectionable conditions; settle to form sludge deposits; interfere with livestock

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watering; or are toxic to animal or plant life. During the March 2025, investigation, DNR Field Office 1 noted that a release from Mr. Humpal's facility entered the unnamed tributary and caused a fish kill, discolored water, foaming water, turbid water, and elevated pollutant levels. The above-mentioned facts indicate violations of the general water quality criteria.

4. Iowa Code section 459.103 provides that the Environmental Protection Commission (Commission) shall adopt rules related to the construction or operation of animal feeding operations, including permit and minimum manure control requirements. The Commission has adopted such rules at 567 IAC chapter 65.

5. 65.100(1)"b" requires that manure stored in unformed manure storage structures shall be removed from the structures as necessary to maintain a minimum of two feet of freeboard in the structure. During the March 2025 investigation, DNR Field Office 1 noted that the earthen basin at Mr. Humpal's facility did not have the two feet of freeboard. The above-mentioned facts indicate a violation of this provision.

6. 567 IAC 65.200(1) required that all settleable solids from open feedlot effluent shall be removed prior to a discharge into a water of the state. During the March 2025 investigation, DNR Field Office 1 personnel noted manure solids in the unnamed tributary. The above-mentioned facts indicate a violation of this provision.

7. Iowa Code section 481A.151 provides that a person who is liable for polluting a water of the state in violation of state law shall also be liable to pay restitution to the DNR for injury caused to a wild animal by the pollution. The DNR has adopted 571 IAC 113. 571 IAC 113 provides that a person who is liable for polluting a water of this state in violation of state law shall also be liable to pay restitution to the DNR for injury caused to a wild animal by the pollution. A fish kill resulted from a release from Mr. Humpal's facility that entered the unnamed tributary.

8. DNR has determined that there is no likelihood that the violations identified in this administrative consent order will recur if Mr. Humpal complies with the provisions listed in Paragraph 1, Section V Order of this administrative consent order.

V. ORDER

THEREFORE, the DNR orders and Dale Humpal agrees to do the following:

1. Mr. Humpal shall provide a professional engineer report on the manure storage capacity at his facility. The report shall be submitted to DNR Field Office 1 within 30 days of the date the Director signs this administrative consent order;

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2. Mr. Humpal shall rework and maintain the grass waterway to prevent any processed wastewater and manure runoff from entering the tile intake;
3. Mr. Humpal shall develop and implement a plan for the maintenance of the open feedlots. The plan shall include how the manure will be removed and stored. The plan shall be submitted to DNR Field Office 1 within 30 days of the date the Director signs this administrative consent order; and
4. Mr. Humpal shall pay fish restitution and investigative costs in the amount of \$33,470.39 and an administrative penalty in the amount of \$5,000.00 in accordance with the following payment plan:

\$9,610.39 due March 15, 2026 \$9,620.00 due March 15, 2027
\$9,620.00 due September 15, 2026 \$9,620.00 due September 15, 2027

The administrative penalty shall be paid with the first payment, with the remainder of the first payment and the following payments to the fish restitution. If any of the payments are not received by the due date, the remaining amount payments shall be due immediately.

VI. PENALTY

1. Iowa Code section 455B.191 authorizes the assessment of civil penalties of up to \$5,000.00 per day of violation for each of the water quality violations involved in this matter. Iowa Code section 455B.146 authorizes the assessment of civil penalties of up to \$10,000.00 per day of violation for the air quality violations involved in this matter.

2. Iowa Code section 455B.109 authorizes the Commission to establish by rule a schedule of civil penalties up to \$10,000.00, which may be assessed administratively. The Commission has adopted this schedule with procedures and criteria for assessment of penalties in 567 IAC chapter 10. Pursuant to this chapter, the DNR has determined that the most effective and efficient means of addressing the above-cited violations is the issuance of an administrative consent order with an administrative penalty of \$5,000.00. The administrative penalty is determined as follows:

Economic Benefit – 567 IAC chapter 10 requires that the DNR consider the costs saved or likely to be saved by noncompliance. 567 IAC 10.30(1) states that “where the violator received an economic benefit through the violation or by not taking timely compliance or corrective measures, the department shall take enforcement action which includes penalties which at least offset the economic benefit.” 567 IAC 10.30(1) further states, “reasonable estimates of economic benefit should be made where clear data are not available.” Mr. Humpal gained an economic

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benefit by avoiding maintenance costs associated with proper manure removal of the manure from the open feedlots and proper maintenance of the grass waterway. and failure to properly maintain the waterline. It is estimated that Mr. Humpal avoided at least \$1,000.00 in maintenance costs. Based on the above-mentioned facts, \$1,000.00 is being assessed for this factor.

Gravity – One of the factors to be considered in determining the gravity of a violation is the amount of penalty authorized by the Iowa Code for that type of violation. As indicated above, substantial civil penalties are authorized by statute. Despite the high penalties authorized, the DNR has decided to handle the violations administratively at this time, as the most equitable and efficient means of resolving the matter. The release of runoff from Mr. Humpal's facility ultimately resulted in the degradation of water quality and caused a fish kill. The failure to contain runoff threatens the integrity of the animal feeding operation regulations. Therefore, \$3,000.00 is assessed for this factor.

Culpability – Mr. Humpal has a duty to know the regulations and to be aware that his actions are subject to the regulations. Based on the information above, \$1,000.00 is being assessed.

VII. WAIVER OF APPEAL RIGHTS

This administrative consent order is entered into knowingly and with the consent of Dale Humpal. For that reason, Dale Humpal waives the right to appeal this administrative consent order or any part thereof.

VIII. NONCOMPLIANCE

Compliance with Section V of this administrative consent order constitutes full satisfaction of all requirements pertaining to the violations described in this administrative consent order. Failure to comply with this administrative consent order may result in the imposition of administrative penalties pursuant to an administrative order or referral to the Attorney General to obtain injunctive relief and civil penalties pursuant to Iowa Code section 455B.191.

KAYLA LYON, DIRECTOR
Iowa Department of Natural Resources



DALE HUMPAL

Dated this 30th day of
January, 2026.