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# IOWA DEPARTMENT OF NATURAL RESOURCES
# ADMINISTRATIVE CONSENT ORDER

| IN THE MATTER OF: | ADMINISTRATIVE CONSENT ORDER |
|---|---|
| ZINPRO CORP. | No. 2026-WW-07 |

To: Zinpro Corp.
CT Corp. System, Registered Agent
400 E. Court Ave
Des Moines, IA 50309

Zinpro Corp.
Nick Treblik
Global Director of Operations
880 East Lyon Street
Garner, IA 50438

Zinpro Corp.
Stephanie S. Lamphere
Associate General Counsel
7500 Flying Cloud Drive, Suite 800
Eden Prairie, Minnesota 55344

Re: Violations of Iowa's wastewater discharge law and regulation.

## I. SUMMARY

This Administrative Consent Order is entered into between the Iowa Department of Natural Resources ("DNR") and Zinpro Corporation ("Zinpro") to resolve violations of Iowa's wastewater discharge law and regulation. As detailed below, Zinpro agrees to (1) pay an administrative penalty and fish kill restitution costs, and (2) submit a plan to prevent further discharges.

**Relating to technical requirements:**
Jeremy Klatt, Env. Specialist Sr.
Iowa Department of Natural Resources
Field Office No. 2
2300 15th St. SW
Mason City, IA 50401
Phone: 641-424-4073

**Relating to legal requirements:**
Bradley Adams
Attorney for the DNR
6200 Park Ave., Ste. 200
Des Moines, IA 50321
Phone: (515) 664-8894

**Payment to:**
Director of the Iowa DNR
6200 Park Ave., Ste. 200
Des Moines, Iowa 50321

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## II. JURISDICTION

This Order is issued pursuant to: 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 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; and Iowa Code section 481A.151 and the rules adopted pursuant thereto, which makes persons who pollute a water of the state liable for restitution for injuries to wild animals.

## III. STATEMENT OF FACTS

1. Zinpro is a Minnesota corporation registered in Iowa with a production facility in Garner, Iowa (the facility). The facility manufactures animal feed and supplement products.

2. On August 28, 2025, Ben Deaver (Zinpro Environmental Health and Safety Manager) contacted the DNR's Emergency Spill Line at 7:03 AM to report the discharge of a product called ProPath Copper into the drainage ditch adjacent to the facility. The product's PH level reportedly measured at two, and the discharge consisted of amino acids, proteins, and copper sulfate.

3. That same day, DNR Field Office 2 (FO 2) Environmental Specialist Senior Jeremy Klatt and FO 2 Environmental Specialist Isaiah Lary visited the spill site and met with Adam Hunter (the facility's manager), Hailey Gorman (a corporate Environmental Specialist with Zinpro), and Mr. Deaver. Mr. Hunter explained that sometime overnight, a pipe on the roof had failed and the product eventually flowed into a downspout before reaching a storm drain that discharged into the drainage ditch.

4. That same day, Mr. Klatt and Mr. Lary took water samples upstream of the spill site, near the discharge pipe, and downstream of the spill site. Three different sites were chosen downstream to collect samples from. The samples were sent to the State Hygienic Lab for testing, and the results are as follows:

Lab Test Results for Water Samples Collected from the Drainage Ditch Adjacent to the Facility on Aug. 28

| Sample Location | Copper Result (ppm) |
|---|---|
| Sample 1 – Upstream of Spill Site | <.01 |
| Sample 2 – Near Discharge Pipe | 3.8 |
| Sample 3 – Downstream (Lyons St.) | 5.0 |
| Sample 4 – Downstream (Near Equalization Basin) | 11 |
| Sample 5 - Downstream (Near Tree Burn Site) | 5.9 |

Mr. Klatt and/or Mr. Lary observed dead fish at Lyons Street near the Sample 3 location. Dead and dying fish were observed at the Sample 4 location. Stressed fish were noted at the Sample 5 location. Mr. Klatt noted that the water at the sampling locations had an unnaturally blue hue.

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5. That same day, in immediate response to the spill, Zinpro employees dammed the drainage ditch after becoming aware of the spill, and immediately retained the services of BayWest remediation services to limit the release's environmental impact.

6. On August 29, 2025, DNR Fisheries staff Scott Grummer (Fisheries Biologist), Kurt Meek (Natural Resources Technician), and Austin Engebretson (Natural Resource Aide) performed a formal investigation and fish kill count. The fish kill assessment was completed by performing a Narrow Streams – Incompletely Accessible assessment utilizing methods outlined in American Fisheries Society, Special Publication 35 and 571 Iowa Administrative Code Chapter 113. The fish kill results are as follows:

| Species | Number | Value |
|---|---|---|
| Minnow, Shiner, Dace, Chub | 726 | $87.12 |
| Suckers | 1,595 | $2,564.29 |
| Darters | 55 | $47.52 |
| Common Carp | 143 | $17.16 |
| Green Sunfish | 55 | $58.85 |
| Bullhead | 22 | $29.92 |
| **Total** | **2,596** | **$2,804.86** |

The Fisheries investigation determined that the fish kill's cause was the copper compound released from the facility. DNR Fisheries staff and FO 2 also incurred investigatory expenses of $2,064.98 (total of staff time, travel expenses, and lab testing costs). The total owed for the fish kill and DNR's investigatory costs is $4,869.84.

## IV. CONCLUSIONS OF LAW

1. Iowa Code section 455B.186 prohibits the discharge of pollutants into a water of the state, except for adequately treated pollutants discharged pursuant to rules adopted by the Environmental Protection Commission (Commission).

   The above stated facts establish violations of this provision.

2. Iowa Code section 455B.173(3) authorizes and requires the Commission to promulgate rules relating to the discharge of pollutants into waters of the state. The Commission has promulgated such rules at 567 Iowa Administrative Code (IAC) chapters 60 through 63.

3. 567 IAC 61.3(2)(c) states that "waters shall be free from materials attributable to wastewater discharges or agricultural practices producing objectionable color [or] odor."

   The above stated facts establish violations of this provision.

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4. 567 IAC 61.3(2)(d) states that "waters shall be free from substances attributable to wastewater discharges or agricultural practices in concentrations or combinations which are acutely toxic to...animal...life."

   The above stated facts establish violations of this provision.

5. Iowa Code section 481A.151 states that those 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. This statute directs the Natural Resource Commission to promulgate rules establishing the procedures for investigation and administrative assessment of restitution amounts. The Natural Resource Commission has done so at 571 Iowa Administrative Code 113.

   The above-stated facts show compliance with Chapter 113.

## V. ORDER

Therefore, the DNR orders, and Zinpro agrees to, the following:

1. Zinpro shall submit a plan outlining steps they will take to prevent future discharges within 60 days this Order's effective date.

2. Zinpro shall pay a $5,000.00 administrative penalty, and shall pay $4,869.84 in restitution. The administrative penalty and restitution costs shall be paid within 30 days of this Order's effective date.

## VI. ADMINISTRATIVE PENALTY

1. Iowa Code section 455B.109 authorizes the Commission to establish by rule a schedule of administrative penalties up to $10,000.00 that may be assessed administratively. The Commission has adopted this schedule with procedures authorizing the Director to assess administrative penalties at 567 IAC 10.

2. Iowa Code section 455B.191 provides for penalties of up to $5,000 per day for wastewater violations.

3. 567 IAC 10 establishes the criteria that the DNR must consider in determining whether an administrative penalty is warranted, and if so how much the penalty should be. The general categories for consideration are the economic benefit of the alleged non-compliance by the violator, the gravity of the alleged violation, and the culpability of the violator. 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 assessed by this Order is determined as follows:

   a. Economic Benefit: 567 IAC chapter 10 requires that the DNR consider the costs saved or that were likely to be saved by noncompliance. 567 IAC 10.30(1) states

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that "where a violator realizes an economic benefit through the violation or by not taking timely compliance or corrective measures, the department shall take enforcement action which includes penalties to 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."

Zinpro recognized no economic benefit from this matter.

b. Gravity of the Violations: Elements to consider when determining the gravity of a violation include the actual or threatened harm to the environment or public health and safety, and whether the violation threatens the integrity of the regulatory program.

The release resulted in substantial environmental harm, including a fish kill. DNR Fisheries conducted a fish kill assessment and estimated that 2,596 fish were killed as a result of the release. In addition, copper is highly toxic to freshwater invertebrates and algae at the concentrations measured in the drainage ditch. The Department expended significant resources in documenting and responding to the violation including wages, transportation, and laboratory costs.

As such, $4,000 is assessed for this factor.

c. Culpability: The factors to be considered in determining the culpability of the violator include the degree of intent or negligence of the violator, whether the case involves false reporting of required information and whether the violator has taken remedial measures to address the harm caused by the violations.

As a manufacturer that handles products that pose a danger to human health and the environment, Zinpro has a duty to inspect the facility and ensure that its equipment is in proper functioning order.

As such, $1,000 is assessed for this factor.

## VII. APPEAL RIGHTS

As this Order is entered by consent of the parties, there is no right of appeal.

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## VIII. NONCOMPLIANCE WITH THIS ORDER

Failure to comply with any requirement of this Order may result in the imposition of further administrative penalties or referral to the Iowa Attorney General to obtain injunctive relief and/or civil penalties.

Kayla Lyon Digitally signed by Kayla Lyon
Date: 2026.04.27 10:07:23 -05'00'

Kayla Lyon, Director
Iowa Department of Natural Resources

DocuSigned by:
Patrick Brunner
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Patrick Brunner, COO
Zinpro Corp.

4/16/2026
Month Day, 2026.