DEPARTMENT OF NATURAL RESOURCES

GOVERNOR KIM REYNOLDS
LT. GOVERNOR ADAM GREGG
DIRECTOR CHUCK GIPP

April 4, 2018

Walz Energy, LLC
c/o The Feeder Creek Group
5550 Wildrose Lane, Suite 400
West Des Moines, IA 50266

ATTN: Jon Haman

RE: NOTICE OF VIOLATION
NPDES Permit # 22-00-1-05

Please find enclosed one copy of a report resulting from the inspection of your facility by Clark W. Ott of our Field Office staff on March 29, 2018.

Violations of NPDES Permit Number 22-00-1-05 were noted. They are listed in the Conclusions of the attached inspection report. You are required to address them in the time-frame specified.

It is hoped that this report will be self-explanatory. However, should you have any questions, feel free to contact this office.

Sincerely,

ENVIRONMENTAL SERVICES DIVISION

Joe Sanfilippo
Environmental Program Supervisor

c: DNR – Storm Water Section - Des Moines
File – STW/Clayton-Walz Energy
e-file - 22 STW Monona Walz Energy 032918 nov cwo

Enclosure

FIELD OFFICE 1, 909 W MAIN ST STE 4, MANCHESTER IA 52057
Phone: 563-927-2640 www.IowaDNR.gov Fax: 563-927-2075

IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL SERVICES DIVISION
Field Office 1
909 W. Main, Suite 4, Manchester, Iowa 52057
Phone: (563) 927-2640 FAX: (563) 927-2075

REPORT OF INVESTIGATION

INVESTIGATION DATE **CURRENT:** 3/29/18 **LAST:** 1/25/18

TO: Walz Energy, LLC, c/o The Feeder Creek Group, 5550 Wildrose Lane, Suite 400, West Des Moines, IA 50266

SUBJECT: Storm water complaint – Complaint #25253
Permit # 22-00-1-05

PERSONS CONTACTED: Blake Dougherty – General Manager
Jon Haman - COO

DISTRIBUTION: Field Office: Central Office: Inspected Facility
COPIES:

AUTHENTICATION

INSPECTOR: **DATE:** 4/3/18
Clark Ott, Environmental Specialist Senior

REVIEWER: **DATE:** 4/3/18
Amber Sauser, Environmental Specialist Senior

File Name: 22 STW Monona Walz Energy 032918 nov cwo

OBSERVATIONS/RECOMMENDATIONS:

On March 29, 2018 I responded to an anonymous storm water complaint at Walz Energy, LLC at 22578 Hwy. 18, Monona, IA. At the site I met with Blake Dougherty, General Manager, and Jon Haman, Chief Operating Officer, for Walz Energy. At the site I noted that there was mulch on a large portion of the disturbed soil; however, several areas appeared to have lost cover due to wind or rain. There were areas of disturbed soil on the site that had no stabilization material at all. The berm for the lagoon was mulched with straw on the downstream side. The straw had not been disk-anchored. As mentioned in the inspection of January 25, 2018 the storm water pollution prevention plan (SWPPP) required the berm to have wood fiber matting for the back slopes of greater than 3:1. The report also mentioned that the SWPPP required the straw to be disk-anchored on slopes less than 4:1. The downslope side of the temporary soil pile on the east side of the property did not have any ersosion control as the SWPPP required. Silt fence specifically had been required. There were different portable toilets on the site than were there the previous visit.

I asked Dougherty if there had been any changes to the SWPPP since I had been there in January. He said there had not. I told him that we had discussed the silt fence on the downslope side of the termporary soil piles, the need to locate the portable toilets on the SWPPP, wood fiber matting for the berm and disk-anchored mulch requirments in the SWPPP in January and were discussed in the report that was sent to them following that inspection.

I reviewed the inspection notes. Dougherty was keeping timely records. All records noted that mulch was satisfactory on the site. The last inspection by Dougherty was done three days prior to my inspection. I told Dougherty that his inspections were inadequate since they were not noting the mulch that was missing in the areas that had been stabilized and for the areas that should have had stabilization.

We discussed the two basins that the site now has. I asked Dougherty if they had a plan on when to empty a basin should it be filled to a height that would reduce the capacity it could hold for a 1" rain. We focused on the

smaller basin upstream from the large lagoon. He said that the water was seeping into the ground and had a lot of capacity, but he did not know if it had the capacity to hold the amount that the SWPPP stated that it should. I told him that he would need to determine a way to know when the basin was no longer able to hold the required capacity. I told him that they should do that with the larger basin also. They will currently empty the smaller basin into the larger basin if capacity is needed in the smaller basin. Once work begins on putting a liner in the larger basin, an alternate method of emptying the upper basin may be required.

We discussed the need for every contractor that implements any part of the SWPPP to sign on as a co-permittee.

CONCLUSIONS:

Deficiencies noted during review of the SWPPP and site:

- The SWPPP had not been updated to state that strewn straw mulch would be used on the back slope of the berms. The SWPPP required wood fiber matting to be used on berms that had back slopes greater than 3:1. (See Photo #1)
- The SWPPP required silt fence on the back slopes of temporary soil piles. There was no protection on the back slope of the temporary soil pile that was adjacent to the large detention basin. (See Photo #2)
- The SWPPP had not been updated to show that strewn straw would be used for slopes less than 4:1. The SWPPP required stabilization using disc-anchored mulch on slopes that were less than 4:1.
- The mulch that was applied did not adequately cover the disturbed soil and there were areas that had no stabilization implemented. (See Photo #3)
- The SWPPP had not been updated to include the portable toilets that were on the site.
- The SWPPP was not updated to include the portable toilet vendor as a co-permittee in the SWPPP.
- A more complete review of the site must be done when performing site inspections.

Walz Energy, LLC is in violation of NPDES Permit #22-00-1-05 Part II.B for failure to update the storm water pollution prevention plan provided to the department prior to the issuance of the permit.

Walz Energy, LLC is in violation of NPDES Permit #22-00-1-05 Part II C2.A.(1) for failure to stabilize disturbed soil within 14 days of the last disturbance of soil that had not been disturbed for 21 days or more.

Walz Energy, LLC is in violation of NPDES Permit #22-00-1-05 Part II C2.A.(2) for failure to install silt fence as indicated in the storm water pollution prevention plan.

Walz Energy, LLC is in violation of NPDES Permit #22-00-1-05 Part II C2.C.(3) for failure to address the controls for waste disposal pertaining to the portable toilets in the storm water pollution prevention plan.

Walz Energy, LLC is in violation of NPDES Permit #22-00-1-05 Part II C5 for failure to have the portable toilet contractor sign on as a co-permittee.

Walz Energy, LLC is in violation of NPDES Permit #22-00-1-05 Part II C4 for failure to perform adequate inspections.

Walz Energy, LLC is required to implement all portions of the SWPPP and to include items to the SWPPP that are lacking, such as waste disposal, within seven days of receipt of this report. Contractor co-permittee certification statements are required to be in place prior to the contractor(s) implementing their part of the SWPPP.

The Walz Energy, LLC SWPPP and its site map are required to be updated as changes are made to the design, construction, operation, maintenance or contractors of the project.

It is recommended that Walz develop a method of ascertaining the capacity of the basins, so that they can insure that they maintain adequate capacity when they are holding water.

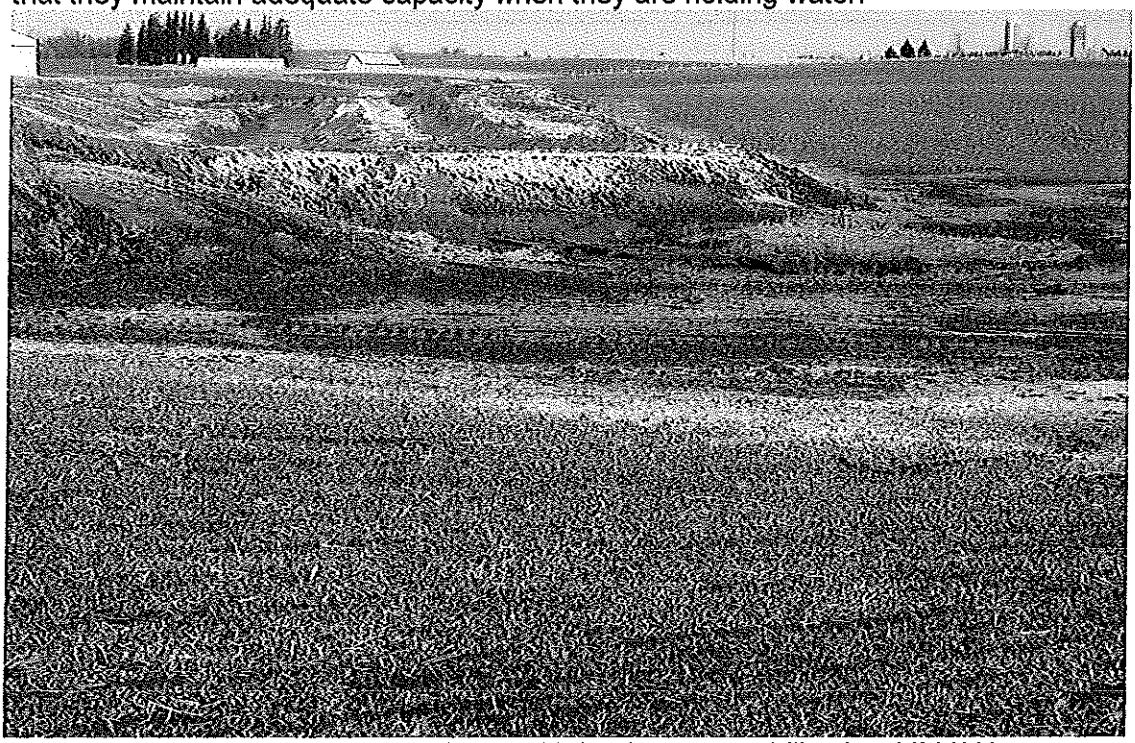


Photo #1 - Back slope view of the berm with inadequate stabilization 3/29/18*



Photo #2 - Back slope view of the temporary soil pile 3/29/18*



Photo #3 - Area of disturbed soil with no stabilization 3/29/18*

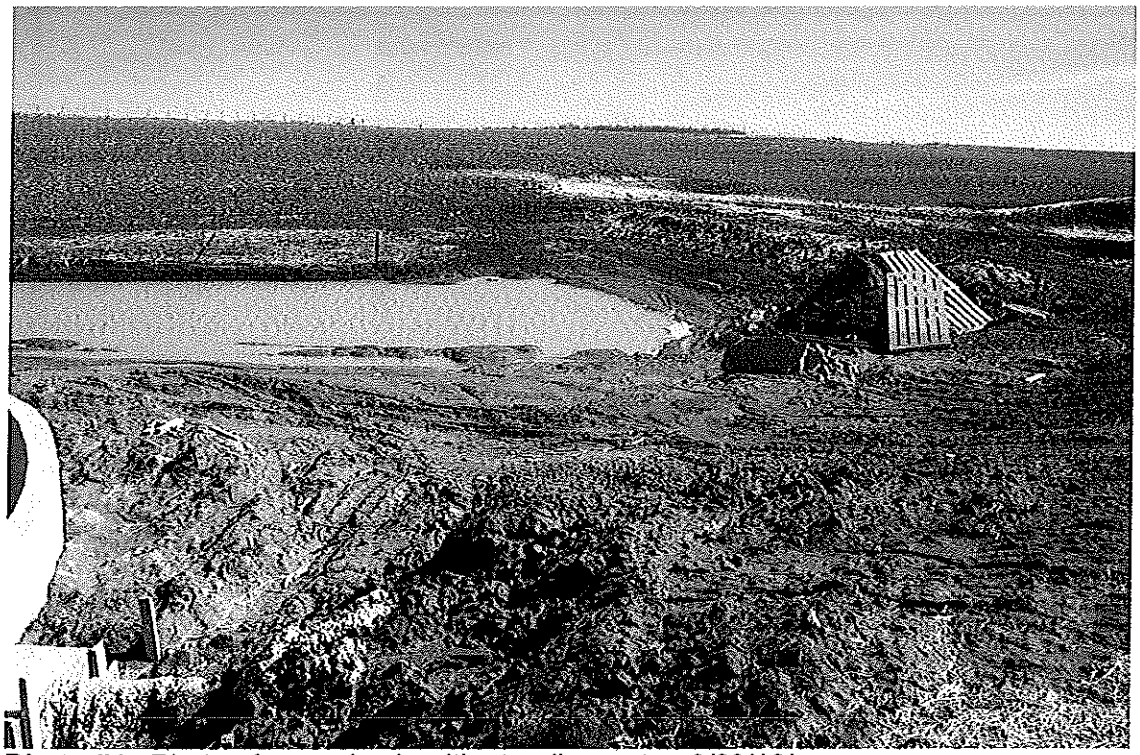


Photo #4 - Photo of upper basin with standing water 3/29/18*

*The lower portion of each photo was cropped to remove inaccurate date stamps