IOWA DEPARTMENT OF NATURAL RESOURCES

GOVERNOR KIM REYNOLDS
LT. GOVERNOR ADAM GREGG
INTERIM DIRECTOR BRUCE TRAUTMAN

August 21, 2018

Walz Energy, LLC
c/o The Feeder Creek Group
5550 Wildrose Lane, Suite 400
West Des Moines, IA 50266
ATTN: Jon Haman (email only)

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

Please find enclosed one copy of a report resulting from the inspections of your facility by Tom McCarthy of our Field Office staff on July 16 and 24, 2018.

Violations of above noted regulations 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 for
**Joe Sanfilippo**
**Environmental Program Supervisor**

Enclosure

c: DNR – Wastewater Section - Des Moines - Attn: Thabit Hamoud
DNR – Legal Section – Attn: Carrie Schoenebaum
File – AFO - WW/Clayton-Walz Energy
E-file - 22 WW Monona Walz Energy 0716 to 072418 nov tem

**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: 07/16 and 07/24/18** **LAST:** May 2018

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

**SUBJECT:** Wastewater complaint – Complaint # 25745
Permit # 22-00-1-05

**PERSONS CONTACTED**: Jon Haman - COO

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

**AUTHENTICATION**

**INSPECTOR:** Tom McCarthy **DATE:** 08/21/18
**Tom McCarthy, Environmental Specialist Senior**

**REVIEWER:** Amber Sauser **DATE:** 8/21/18
**Amber Sauser, Environmental Specialist Senior**

File Name: 22 WW Monona Walz Energy 072418 nov tem

**OBSERVATIONS/RECOMMENDATIONS**:

**07/16/18**

I arrived at Walz Energy, LLC, 22578 Hwy. 18, Monona, IA. No one associated with Walz Energy appeared to be present. I noted a large increase in the natural grasses and weeds on site. There were still large areas of disturbed soil on the site that had no stabilization material at all. No earth work or stabilization had occurred since my last visit. I noted storm water in the site's basins.

At the Greenfield Ave. Bridge over Bloody Run Bloody Run Creek, I noted a large amount of yellow silt on the creek bottom and the water was slightly turbid.

At the three tile outlets west of Greenfield Rd and south of Bloody Run Creek, one tile from Walz Energy and two from Meyer's farm fields were noted. I noted clear water discharges from all three tiles. The pH and ammonia nitrogen levels were normal. I did note a large amount of yellow silt below the tile outlets.

On 07/20/18, this office received an anonymous complaint stating that Porta Potties remain on site. The caller was concerned about the site not being seeded down properly.

On 07/24/18, I left Jon Haman a voice message and email informing him of the complaint and my visit on that day.

**07/24/18**

I arrived at Walz Energy, LLC, 22578 Hwy. 18, Monona, IA. No one associated with Walz Energy appeared to be present. I noted a large increase in the native grasses and weeds on site. Some of the grasses and weeds were five feet high. There were large areas of disturbed soil on the site that had no stabilization material at all. No earth work or stabilization had occurred since my last visit. I noted storm water in the site's basins. I noted the food storage basin was full and discharging into the large east basin. A field test kit showed ammonia nitrogen was greater than 3 ppm in the food storage basin. The Porta Potties location is consistent with the 04/03/18 SWPPP and is not an issue.

At the Greenfield Ave. Bridge over Bloody Run Bloody Run Creek the water was mostly clear. I noted a large amount of yellow silt on the creek bottom.

At the three tile outlets west of Greenfield Rd and south of Bloody Run Creek, one tile from Walz Energy and two from Meyer's farm fields were noted. I noted clear water discharges from all three tiles. The pH and ammonia levels were normal. I did note a large amount of yellow silt below the tile outlets.

On 07/27/18, I left a phone message for Mr. Haman detailing my 07/24/18 inspection. I asked that Walz Energy immediately pump down the food storage basin and properly land apply the contents.

On 07/30/18, Mr. Haman returned my call and stated he was on vacation in an area without cell phone coverage. He agreed to pump down and land apply the food storage basin ASAP. We discussed that DNR would consider a SWPPP change that included mowing and managing the natural vegetation to promote better coverage in areas with a large amount of natural vegetation. Mr. Haman stated that construction may begin in two weeks.

08/14/18, via phone, Mr. Haman stated the food storage basin had pumped down soon after our 07/30/18 call. He stated construction could start in the next few days and was hesitant to put much work into stabilization at this time.

**CONCLUSIONS:**

Deficiencies noted during review of the SWPPP and site during the 07/16/18 and 07/24/18 inspections.

- 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.
- The area has not been seeded properly as required by the SWPPP.
- Natural vegetation is not included in the SWPPP and it is not properly managed to provide adequate protection.

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 required to implement all portions of the SWPPP and to include items to the SWPPP that are lacking, such as waste disposal, within 7 days of receipt of this letter. Contractor co-permittee certification statements are required to be in place prior to the contractor(s) implementing their part of the SWPPP.

**REQUIREMENTS:**
Walz Energy is required to comply with all provisions of the SWPPP within 7 days of receipt of this letter.