



July 13, 2018

Dale Swanson
19509 630th Ave
Nevada, IA 50201-7831

SUBJECT: **Notice of Violation Open Dumping**-Code of Iowa 455B, Complaint #25702 and 25684, Sac County

Dear Mr. Swanson:

This office received two similar complaints on July 3 and July 9, 2018 concerning the stockpiling of a substance. It was at first believed to be manure and then turkey offals across the road for a residence owned by Wilma Fellmeier, 2252 Gard Avenue, Early Iowa. The complainant stated the material was piled in a bunker and it had a very strong and foul odor. The complainant said this open dumping was occurring on land located in the SE quarter of section 2, Cook Township, across from her house and slightly south.

On July 12, I investigated this complaint and found 12 loads of "*industrial process waste*" byproduct, originated from Essentia Proteins in Lytton. The product was stockpiled in the concrete bunker and was in a state of decomposition giving off a foul odor. I discovered you allowed Kiely Murrah to stockpile this material as a free nutrient source for his farmland. It was trucked by Ryan Hansen of Handei Mack, Schaller, Iowa.

Rule 567 Iowa Administrative Code (IAC) 100.4(455B) prohibits the dumping or depositing of any solid waste at any place other than a sanitary disposal project approved by the director or pursuant to permit granted by the department which allows the disposal of solid waste on such land. Code of Iowa section 455B.307 provides that a person shall not dump or deposit, or permit the dumping or depositing of any solid waste at any place other than a sanitary disposal project approved by the director unless the agency has granted a permit which allows the waste on land it owns or leases. "*Solid waste*" is defined by the Code of Iowa Section 455B.301 as meaning garbage, refuse, rubbish, and other similarly discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural and domestic activities. Therefore, the 12 loads of byproducts deposited on your land at 2263 Gard Avenue constitutes illegal dumping. Nothing more may be dumped here and you are required to remove or have removed all solid waste byproduct material and properly dispose of it at Boyer Valley in Denison. I have been informed this is the location that normally takes this material. This material must be removed from your property no later than July 27, 2018. Please notify me when it is all removed.

If you have any questions, please contact me at 712-262-4177.

Sincerely,

Lois Benson

Lois Benson, Environmental Specialist
lois.benson@dnr.iowa.gov
Field Services and Compliance Bureau

LB:lw

c: -Wilma Feilmeier, 2252 Gard Avenue, Early Iowa 50535
-Handei Mack, 2010 Dean Ave, Schaller, IA 51053
-Essentia Proteins, 101 Main St., Lytton, IA 50561

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