



STATE OF IOWA

TERRY E. BRANSTAD, GOVERNOR
KIM REYNOLDS, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
CHUCK GIPP, DIRECTOR

July 21, 2014

Randy Epting
Hawkeye Pride Egg Farms LLP
1275 Deer Ave
Corwith, IA 50430

Subject: **Notice of Violation** - Failure to Contain Manure
Hawkeye Pride Egg Farms LLP (#66173), Sec. 21, Magor Twsp, Hancock County

Mr. Epting,

On Saturday June 14, 2014 Iowa DNR FO 2 received a complaint about manure spilled over the wall of the manure containment building at Hawkeye Pride Egg Farm located south of Corwith, IA. The complainant stated heavy rain is falling and caller is concerned about run-off.

I responded to the call at 8:05 P.M. on Saturday June 14, 2014. While at the facility I observed manure spilled over the west wall of the manure containment building, a layer of manure on the driveway between the manure containment building and the production buildings and a discharge of discolored water that had a manure smell coming from the storm drain outlet discharging to the open ditch at the south end of the property.

On Tuesday morning June 17, 2014 Daniel Watterson, IDNR FO2 and I visited the facility following a heavy rainfall the night before. When we arrived at the location of the storm water basin outlet pipe we observed a discharge from the storm water basin. The discharge was entering the road ditch which is not a water of the state but could allow the contaminated water to flow to a water of the state.

While there we collected samples from the discharge and from several locations upstream and downstream from the discharge. The laboratory results from these samples show that ammonia levels at the storm water basin discharge were 4.0 mg/L ammonia, considerably higher than any of the other samples gathered. This indicated that storm water was probably contaminated by manure.

On Tuesday afternoon June 17, 2014 Daniel Watterson and I met with you in your office at the Hawkeye Pride Egg Farms facility. During this meeting you admitted that on Friday June 13, 2014 your staff had failed to practice good housekeeping procedures and had not cleaned up manure that had been spilled. You stated that your staff had since cleaned up any spilled manure. You also acknowledged that there are some flaws in the storm water drain system at the facility, specifically that the storm drain intakes should not be located so close to the manure conveyers which could allow manure to enter the storm drain system. You stated that you were already talking to your engineers about remedies for these flaws.

FIELD OFFICE #2 / 2300 15TH ST. S.W. / MASON CITY, IOWA 50401
641-424-4073 / FAX 641-424-9342

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Failure to contain the manure is a violation of Subrule 567 IAC 65.2(3) (copy enclosed) which states that the minimum level of manure control for a confinement feeding operation shall be the retention of all manure produced in the confinement enclosures between periods of manure application.

Also be advised that Section 455B.186, Code of Iowa (copy enclosed), prohibits the discharge of a pollutant to a water of the state unless it is properly treated and permitted by this Agency. Although the discharge from the storm water basin was not documented to have entered a water of the state it was reaching the road ditch which would be considered a conduit to a water of the state and may cause a violation of this rule if the problems with the storm water drain system are not remedied.

Please submit a written response to this office, **within 15 days receipt** of this letter, describing the actions you will take, or have taken, to correct the deficiencies described in this letter. Please submit your written response to: Iowa Dept. of Natural Resources, attn: Mr. Dan Bratrud, 2300 15th St. SW, Mason City, IA 50401. Should you have questions, please feel free to contact me at dan.bratrud@dnr.iowa.gov or 641-424-4073.

Please be advised that the Department does not intend to proceed with additional enforcement at this time, however failure to contain manure or discharge of a pollutant to a water of the state in the future could result in enforcement action that includes monetary penalties.

Please contact me with any questions you have regarding this letter.

Sincerely,

FIELD SERVICES AND COMPLIANCE BUREAU



Dan Bratrud
Environmental Specialist

DB

Enclosures: IAC 65.2 (3), 455B.186

C: IDNR AFO Section