



STATE OF IOWA

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

DEPARTMENT OF NATURAL RESOURCES
CHUCK GIPP, DIRECTOR

October 2, 2014

Michael Foods
Attn: Shane Menefee
301 Carlson Parkway, Suite 400
Minnetonka, MN 55305

Subject: Irrigation Complaint Investigation
Michael Foods (Permit #4100905); Hancock County
Letter of Noncompliance – Land Application Setback Violation

Dear Mr. Menefee:

On September 24, 2014, this office received a complaint about Michael Foods violating the permit condition that requires 50 ft. of separation between wastewater application and the property line and the permit condition that prohibits land application if the wind speed is greater than 15 mph.

On September 26, 2014, I met with Emilio Escobar and Mark Tendall, Michael Foods, and they confirmed that wastewater was applied on the neighbor's property north of the application field in violation of the permit condition. Moreover, while on-site I observed application from the east pivot within 50 ft. of the south property line (picture attached). This is a violation of Subrule 567 IAC 64.3(1) which requires Michael Foods to comply with all conditions of the permit.

You indicated that wind speeds at the weather station on Michael Foods' property were less than 15 mph at the time of the complaint; however, you were not able to provide documentation of these measurements. I have enclosed the wind speed measurements at two nearby weather stations (Clear Lake and Forest City). Both locations experienced winds in excess of 15 mph for several hours on September 24, including during the time of the complaint. Based on this information and the video submitted by the complainant, I believe that the wind likely exceeded 15 mph on September 24. To demonstrate compliance with this condition, Michael Foods must start documenting measured wind speeds on days when land application is occurring.

Please be advised that continued operation in violation of the permit could result in an enforcement action which may include a monetary penalty. If you have questions regarding this matter please contact me at 641-424-4073.

Sincerely,

FIELD SERVICES AND COMPLIANCE BUREAU

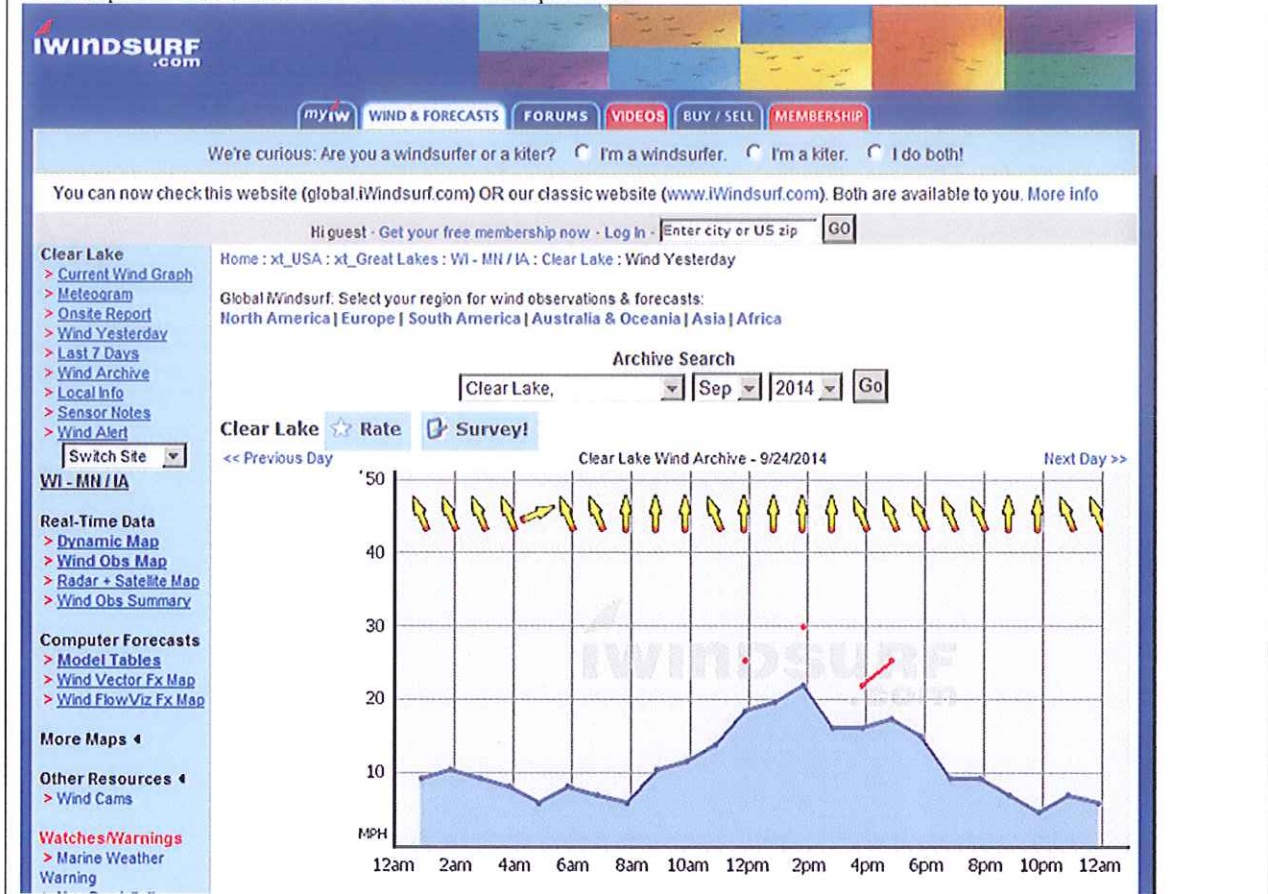
Jeremy Klatt
Environmental Specialist

c: Don Hejlik (via email)
Enclosures: Photo of irrigation, Wind Speed Reports

Picture from road down south property line showing irrigation within 50 ft of property line



Wind Report at Clear Lake from iwindsurf.com for September 24



Wind Report at Forest City from:

<http://www.wunderground.com/history/airport/KFXY/2014/9/24/DailyHistory.html>

