

IOWA DEPARTMENT OF NATURAL RESOURCES  
FIELD SERVICES AND COMPLIANCE BUREAU  
FIELD OFFICE #2 - MASON CITY IOWA

DATE: October 2, 2014

TO: The Record

FROM: Jeremy Klatt 

SUBJECT: Michael Foods Land Application Complaint  
Permit # 4100105; Hancock County

On September 24, 2014, this office received a call from Don Hejlik stating the Michael Foods was violating their permit by land applying wastewater on his property and by applying when the wind speed exceeded 15 mph. Mr. Hejlik owns the corn field immediately north of the permitted land application field.

On September 26, 2014, I observed the land application field. The east pivot was in operation at the time of the application. The wind speed appeared to be less than 15 mph at the time. While I was on-site, Emilio Escobar and Mark Tendall, Michael Foods employees, drove up from the western part of the application field. I explained the complaint and we drove to the property line between the Michael Foods property and Mr. Hejlik's property. Mr. Tendall reported that the end gun routinely sprayed Mr. Hejlik's field until about 2 weeks ago when Mr. Hejlik approached Michael Foods about spraying his field. Mr. Tendall reported that the center pivot was immediately reprogrammed to turn the end gun off as necessary to maintain a 50 ft. setback to the field.

I asked Mr. Escobar if he had records from their weather station showing the wind speed on the day of the application. Mr. Escobar was unsure if he would be able to retrieve the data, but indicated that he would send the data to me if he could retrieve it. No data was received. I later found the wind speeds from the closest weather stations available (Clear Lake and Forest City). Both stations showed a windspeed that exceeded 15 mph during the afternoon of September 24. I spoke with Shane Menefee, Michael Foods Corporate Environmental Staff, about the wind speeds. Mr. Menefee indicated that after Michael Foods was made aware of the complaint on the 24<sup>th</sup>, he had Michael Foods staff observe the weather station and they reported that the wind speed was <15 mph. He then advised that the application could continue.

Before I left the area, I observed the east center pivot applying adjacent to the south property line. The application appeared to be right up to the property line (see attached picture).

A Letter of Noncompliance was sent to Michael's Foods regarding the application within 50 ft. of a property line (both north and south property lines).