



STATE OF IOWA

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

DEPARTMENT OF NATURAL RESOURCES
CHUCK GIPP, DIRECTOR

November 25, 2014

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

Subject: Irrigation Complaint Investigation
Michael Foods (Permit #4100905); Hancock County
Notice of Violation – Land Application Setback Violation
Application in Poned Area

Dear Mr. Menefee:

As you know, this office has received additional complaints regarding the land application occurring on the Michael Foods irrigation field. Specifically, the complaints stated that land application occurred with wind speeds in excess of 15 mph on October 6 and November 4; that application occurred to areas with ponded wastewater on October 13, October 27 and November 3; and that application to the County road occurred on October 27 and October 28.

I met with you and inspected the irrigation field on October 30 to address the complaints. The irrigation equipment was not running at the time, but I did note some ponded wastewater in the application field. I also returned to the site on November 5 and the large pivot was in operation. I noted that the application on this day was resulting in substantial ponding in the field.

Additionally, pictures submitted by the complainant, Don Hejlik, show application in a ponded area of the application field on October 13, October 27 and November 3, and application to the County road on October 27 and October 28. These pictures are enclosed. Michael Foods' permit requires a 50 ft. separation distance to all property lines and that careful operation of the irrigation system be practiced to assure that there will be no ponding of wastewater.

It is a violation of Subrule 567 IAC 64.3(1) to operate the irrigation equipment contrary to the conditions of the permit. Violations of the permit were documented on October 13 (ponding), October 27 (ponding and setback violation), October 28 (setback violation), October 30 (ponding), November 3 (ponding) and November 5 (ponding).

Additionally, review of wind speed records from Michael Foods and nearby weather stations on October 6 and November 4 show significant discrepancies. I believe that the current location of the weather station may not be representative of the wind speeds at the application field. Michael Foods must find a location that will provide representative wind speed measurements.

Michael Foods Land Application Complaint
November 24, 2014
Page 2 of 2

Michael Foods received a Notice of Violation on November 5, 2013, after an inspection found ponded areas in the application field amongst other violations. Additionally, Michael Foods received a Letter of Noncompliance dated October 2, 2014, for applying wastewater on a neighboring field. Therefore, this is the third time that land application violations have been documented in slightly greater than a year. Please be advised that this matter is being considered for referral to the Department's legal section for initiation of an enforcement action which may include a monetary penalty.

Sincerely,

FIELD SERVICES AND COMPLIANCE BUREAU

A handwritten signature in black ink, appearing to read 'Jeremy Klatt', written over a horizontal line.

Jeremy Klatt
Environmental Specialist

Enclosures: Pictures

C: Don Hejlik

Picture 1. October 30 showing ponded wastewater in application field (picture by DNR)



Picture 2. November 5 showing ponded wastewater in application field (picture by DNR)



Picture 3. October 13 showing application in ponded area (picture from Don Hejlik)



Picture 4. October 27 showing application in ponded area (picture from Don Hejlik)



Picture 5. November 3 showing application in ponded area (picture from Don Hejlik)



Picture 6. October 27 showing road wet from application (picture from Don Hejlik)



Picture 7. October 28 showing truck window on road wet from application (picture from Don Hejlik)

