

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

DATE: May 8, 2020
TO: The Record
FROM: Jeremy Klatt *JK*
SUBJECT: Land Application Complaint
Michael Foods (Permit No. 4100105); Hancock County

On April 6, 2020, I received pictures from Heather Noble, a neighbor of Michael Foods, that showed the lagoons were full and that land application was occurring through a ponded area (see attached emails from April 6). I contacted both Mike Butcher, the plant manager and Chris Weldon, who is a corporate environmental person for the company and discussed the photos that I had received. Both were aware that the lagoons were quite full. Mr. Weldon reported that the larger pivot on the lagoon property was not operational and a part was needed that would take 7-10 days to receive. Further, Mr. Weldon explained that they are not able to apply with the new pivot due to an agreement with the land owner. I forwarded the land application picture to Mr. Butcher. Mr. Weldon reported that after seeing the photo, he advised Michael Foods staff to shut down the pivot. I explained to both that I would plan on inspecting the site the following day.

On April 7, 2020, I arrived at the Michael Foods lagoon site at about 3 PM. I walked around the perimeter of the lagoon and observed that at spots there was no freeboard remaining. As I was walking around the lagoons I called Mr. Weldon to explain my findings. During our conversation, I walked around the northwest corner of the northwest cell and found that wastewater was flowing out of the lagoon at this location. The overflow was evident as the berm was wet in a flow path over the top of the berm, and down a portion of the outer berm. Based on my observations, wastewater had not yet flowed down to the toe of the outer berm.

I advised Mr. Weldon that freeboard must be restored; he indicated that land application had been stopped the previous day because of the ponding noted in the picture I had provided. I indicated that given the extremely full lagoons, that if land application was ceased due to the ponding, that Michael Foods should have recognized the need to find an alternative disposal method. I noted that while there were areas of ponded water in the application field, there was also a significant amount of land that was not ponded where land application could be conducted by other means (e.g. traveling irrigation gun). I also suggested that he plead with the landowner where the new pivot sits to allow land application on that field. I also suggested that water could be hauled to a wastewater treatment plant and told him that I was aware that at least two similar facilities had hauled this wastewater to a treatment plant for similar reasons. He indicated that they had talked to the City of Britt previously and felt that they could not take the water. Following my inspection, Mr. Weldon submitted a plan of action (see attached email from Mr. Weldon on April 9).

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On April 16, 2020, I drove by the lagoons and noted that some freeboard had been restored to the lagoon. No application was occurring at the time, but it was evident that the new pivot had been used since my previous visit.

On April 18, 2020, Heather Noble again emailed me indicating that Michael Foods was irrigating with winds in excess of 15 mph. I emailed Mr. Weldon about this, Mr. Weldon indicated that he did not believe that the winds were in excess of 15 mph. I asked if they maintain records of wind speeds during application from the weather station at the plant and he indicated that they did not. I was able to find wind speed data for the Mason City airport (~30 miles away); at this location for April 18 and found that between 6 AM and 6 PM wind speeds were in excess of 15 mph with gusts over 30 mph (see attached graph from weather underground).

On May 8, 2020, Mike Butcher reported that the lagoons now have 2.5-3 feet of freeboard. I plan to drive by the facility in the area to verify the lagoon freeboard has been restored.

I plan to issue Michael Foods a Notice of Violation for allowing the lagoons to overflow.

<https://www.wunderground.com/history/daily/us/ia/clear-lake/KMCW/date/2020-4-18>

