



May 15, 2020

MICHAEL FOODS
ATTN: CHRIS WELDON
301 CARLSON PARKWAY, SUITE 400
MINNETONKA, MN 55305

Subject: **Notice of Violation** – Wastewater Lagoon Overflow
Michael Foods (Permit #4100905); Hancock County

Dear Mr. Weldon:

On April 6, 2020, this office received a complaint stating that the wastewater lagoons were full and that land application was occurring through a ponded area. I investigated this complaint on April 7, 2020, and found that wastewater was overflowing from the facility's treatment lagoon. This is a violation of Standard Condition #11 in the above-referenced permit, which requires that facilities and control systems be operated as efficiently as possible and maintained in good working order.

Additionally, photos submitted by the complainant appear to show land application through a ponded area on the Michael Food's property on April 6. As you know, applying wastewater in ponded areas is prohibited by your permit. I observed the area depicted in the photo while on-site on April 7 and noted significant ponding in that area.

Lastly, this office also received a complaint that land application was occurring on April 18, 2020, when wind speeds were significantly above 15 miles per hour (mph). You indicated that maintenance staff checked the wind speed after speaking with the complainant and that the wind speeds were less than 15 mph with the exception of a gust of 17 mph. I checked the wind speed records for April 18 at the Mason City airport and found that there were sustained winds in excess of 15 mph for much of that day at that location (see attached). As we discussed, Michael Foods should document wind speeds on the days when land application is occurring in order to demonstrate compliance with this permit condition.

It is important to note that Administrative Consent Order No. 2015-WW-15 was entered into between Michael Foods and the Iowa Department of Natural Resources (DNR) in June of 2015 to resolve violations related to the land application of wastewater. While no additional enforcement action is planned at this time, please be advised that any future violations of the permit may result in additional enforcement action with additional monetary penalties.

If you have any questions regarding this matter, please contact me at 641-424-4073.

Sincerely,

FIELD SERVICES & COMPLIANCE BUREAU

Jeremy Klatt
Environmental Specialist Senior

Enclosures: Wind Report from Clear Lake

C: Michael Foods, Attn: Mike Butcher– 1260 Hwy 18, Britt, IA 500423 (w/ attachment)

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

43.14 °N, 93.38 °W

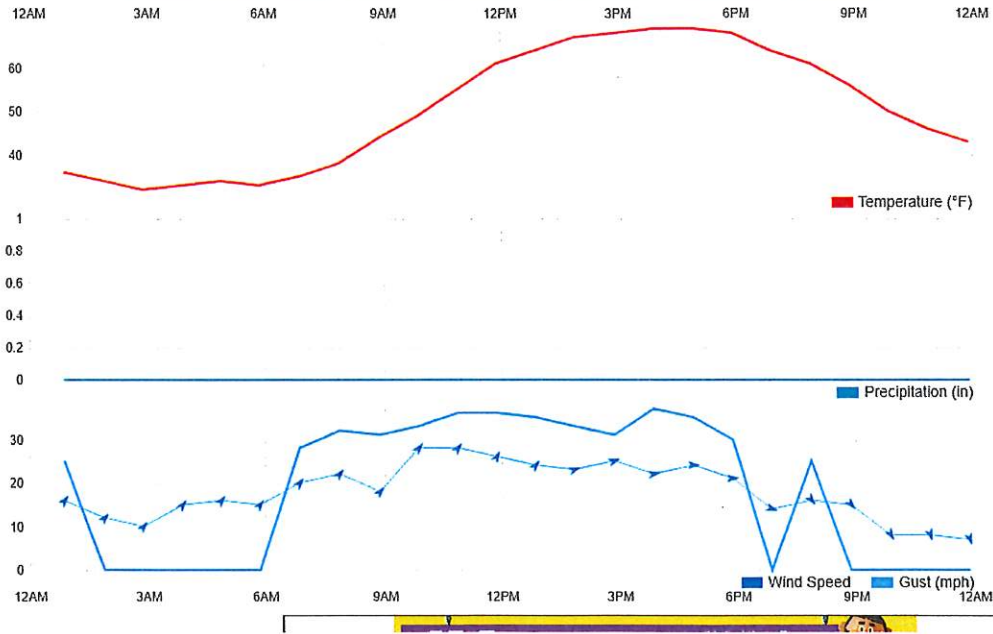
Clear Lake, IA Weather History

61° MASON CITY MUNI STATION | CHANGE

TODAY HOURLY 10-DAY CALENDAR **HISTORY** WUNDERMAP

Daily Weekly Monthly

April 18 2020 View



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