



April 3, 2023

NCIRSWA
ATTN DONNA BICE
2151 GYPSUM HALLOW ROAD
FORT DODGE IA 50501

SUBJECT: Notice of Violation – Prohibited Discharge
NCIRSWA (SDP#94-SDP-01-75P); Webster County

Dear Ms. Bice:

On February 27, 2023, this office received a series of complaints about strong odors originating from the landfill. I investigated the complaint on March 10, 2023, and noted strong sulfur odors from the leachate handling system and from a number of leachate seeps. In addition, a discharge was noted from a sediment basin to Gypsum Creek; this discharge was sampled and showed high concentrations of pollutants commonly found in leachate (sample result enclosed). Moreover, on March 15, 2023, landfill staff found that leachate had overflowed a manhole and flowed directly into Gypsum Creek. The same sediment basin discharge was sampled again on March 15, and again high concentration of pollutants were detected in the discharge (sample result enclosed).

Please be advised that **Iowa Code 455B.186** prohibits a discharge of pollutants to a Water of the State without a permit. While the landfill does have an NPDES permit to discharge stormwater associated with industrial activity, the discharge of landfill leachate is not authorized by this permit. Therefore, the discharge found originating on the landfill property was in violation of this statute.

A written response providing the measures that will be taken to prevent future discharges was received on March 21. The response states that MH#4 will be raised and that the seeps on the east slope will be repaired. Please notify this office when both of these action items are completed. Please be advised that this matter is being considered for referral to the Iowa Department of Natural Resources legal section for initiation of an enforcement action which may include a monetary penalty.

If you have any questions or would like to discuss the matter further, please contact me at 641-424-4073.

Sincerely,

FIELD SERVICES AND COMPLIANCE BUREAU

Jeremy Klatt
Environmental Specialist Senior

C: Becky Jolly, Doug Luzbetak (dluzbetak@hlwengineering.com)

Enclosure: Sample results; Iowa Code 455B.186

455B.186 Prohibited actions.

1. A pollutant shall not be disposed of by dumping, depositing, or discharging such pollutant into any water of the state, except that this section shall not be construed to prohibit the discharge of adequately treated sewage, industrial waste, or other waste in accordance with rules adopted by the commission. A pollutant whether treated or untreated shall not be discharged into any state-owned natural or artificial lake except as authorized in subsection 2.

2. Subsection 1 shall not be construed to prohibit the use or application of a pesticide in accordance with the federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §136 et seq. However, an aquatic pesticide shall not be applied to any water of the United States except as authorized in accordance with rules adopted by the commission.

[C66, 71, §455B.28; C73, 75, 77, 79, 81, §455B.48]

C83, §455B.186

86 Acts, ch 1245, §1899; 90 Acts, ch 1167, §1; 2013 Acts, ch 59, §2

Referred to in §455B.191

Report To	Collection Location fort dodge landfill	Collector and Phone klatt jeremy 641/424-4073	Client Reference	Accession # 2254949
		Collected 2023-03-15 15:05	Received 2023-03-17 09:34	Project 04wqfs
	SPENCER HUMPHREY IDNR-FO 2 2300 15TH ST SW MASON CITY, IA 50401-5630			Sample Description
				Sample Type Non-Drinking Water
				Sample Source Waste Water
				Sample Note(s) 1

RESULTS OF ANALYSIS - FINAL REPORT

TEST	RESULT (mg/L)	QUANT LIMIT	ANALYSIS NOTE(S)
Ammonia as N, LAC 10-107-06-1J			
Ammonia nitrogen as N	55	0.1	
Sulfate, EPA 300.0			
Sulfate	1300	0.2	
Total Kjeldahl Nitrogen as N, LAC 10-107-06-2M			
Total Kjeldahl Nitrogen as N	54	0.2	
BOD, 5 Day, SM 5210 B			
BOD, 5 Day	96	2	
Total Suspended Solids, USGS I-3765-85			
Total Suspended Solids	800	1	

SAMPLE AND ANALYSIS NOTES

1. Upon arrival, sample met container and preservation requirements for the analysis requested. Please review carefully your sample results for additional analyte comments or method exceptions.

ANALYSIS INFORMATION

TEST	ANALYZED	SITE	RELEASED	ANALYSIS PREP
1. Ammonia as N, LAC 10-107-06-1J	2023-03-29 10:12 MLS	3201	2023-03-29 13:49 JAE	
2. Sulfate, EPA 300.0	2023-03-23 14:43 MGB	3201	2023-03-24 10:58 JAE	
3. Total Kjeldahl Nitrogen as N, LAC 10-107-06-2M	2023-03-21 11:55 KAR	3201	2023-03-22 08:44 MLS	
4. BOD, 5 Day, SM 5210 B	2023-03-17 10:20 AMG, MLS	3201	2023-03-23 07:13 KAR	
5. Total Suspended Solids, USGS I-3765-85	2023-03-21 10:00 WMH	3201	2023-03-24 09:18 KAR	

DESCRIPTION OF UNITS

mg/L = Milligrams per Liter

SITE(S) PERFORMING TESTING

3201 STATE HYGIENIC LABORATORY ANKENY, IOWA LABORATORIES COMPLEX, 2220 S ANKENY BLVD, ANKENY, IA 50023; Phone 515/725-1600; Fax 515/725-1642; Michael D. Schueller, M.S., Associate Director; Wade K. Aldous, Ph.D. (D)ABMM, Associate Director; IOWA ENVIRONMENTAL LAB ID #397

The result(s) of this report relate only to the items analyzed. Where the laboratory has not been responsible for the sampling stage the results apply only to the sample as received. This report shall not be reproduced except in full without the written approval of the laboratory. If you have any questions, please call Client Services at 800/421-IOWA (4692) or 319/335-4500.



Report To	Collection Location discharge	Collector and Phone klatt jeremy 641/424-4073	Client Reference	Accession # 2253908
		Collected 2023-03-10 11:48	Received 2023-03-15 09:23	Project 04wqfs
	JEREMY KLATT IDNR-FO 2 2300 15TH ST SW MASON CITY, IA 50401-5630			Sample Description
				Sample Type Non-Drinking Water
				Sample Source
				Sample Note(s) 1

RESULTS OF ANALYSIS - FINAL REPORT

TEST	RESULT (mg/L)	QUANT LIMIT	ANALYSIS NOTE(S)
Ammonia as N, LAC 10-107-06-1J Ammonia nitrogen as N	32	0.1	
Total Kjeldahl Nitrogen as N, LAC 10-107-06-2M Total Kjeldahl Nitrogen as N	37	0.2	
Chemical Oxygen Demand, SM 5220 D Chemical Oxygen Demand	250	10	

SAMPLE AND ANALYSIS NOTES

1. Upon arrival, sample met container and preservation requirements for the analysis requested. Please review carefully your sample results for additional analyte comments or method exceptions.

ANALYSIS INFORMATION

TEST	ANALYZED	SITE	RELEASED	ANALYSIS PREP
1. Ammonia as N, LAC 10-107-06-1J	2023-03-20 09:26 MLS	3201	2023-03-20 12:22 JAE	
2. Total Kjeldahl Nitrogen as N, LAC 10-107-06-2M	2023-03-21 11:55 KAR	3201	2023-03-22 08:44 MLS	
3. Chemical Oxygen Demand, SM 5220 D	2023-03-21 09:20 MLS	3201	2023-03-21 14:35 JAE	

DESCRIPTION OF UNITS

mg/L = Milligrams per Liter

SITE(S) PERFORMING TESTING

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