

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

DATE: September 14, 2020

TO: The Record

FROM: Dan Bratrud DB

SUBJECT: Complaint ID #28376 Follow-Up Memo

Rural Iowa Waste Management Association (RIWMA) Landfill,
20488 M Avenue Eldora IA 50627

On September 2, 2020, I conducted a follow-up visit to the adjoining crop field, east of the RIWMA landfill, at the request of the landowner, Richard Gehrke. On June 12, 2020, I conducted a complaint investigation about storm water run-off from the landfill. The anonymous complainant alleged that storm water run-off from the landfill was causing erosion and sediment deposits on his crop field east of the landfill. It now became clear that the anonymous complainant was Richard Gehrke.

When I arrived at the field driveway on September 2, 2020, I was met by Richard Gehrke, Bob Gerhrke (Richard's brother) and Zack Knutson (Richard's tenant). I informed the three gentlemen about the results of my complaint investigation back in June. At that time the only place I saw any storm water impacts to the crop field was from a silted in storm water catchment in the far southeast corner of the landfill property. I also gave Richard a copy of the NOV letter that was issued by David Miller, IDNR FO2 ESS, for multiple violations, including storm water violations, that he documented during a recent inspection.

Richard proceeded to show me pictures and historic aerial photos that he claimed were showing ongoing damage to his crop field that was being caused from the landfill run-off. At that time, he informed me that he was just recovering from a case of the Covid 19 virus so he proposed that we tour the areas of the field he wanted to show me from separate vehicles. Richard rode a four-wheeler and I rode with Bob and Zack in a side by side utility vehicle. On our way across the CRP field and waterway Richard pointed out some eroded areas but they did not necessarily appear to be caused by the landfill.

We reached the boundary fence between the field and the landfill. Richard crossed onto the landfill through a spot that the fence was down and Bob followed. I told Richard that I did not expect to go onto the landfill property and that we probably should have called before entering. All he could say was that it was easier to see the problem areas from that side and continued south along the fence line. As we traveled south he pointed out several areas that gully erosion was occurring. Although it was washing silt into a grassy area between the newly disturbed soil and the fence line, we did not observe any silt entering the crop field.

When we got to the southeast corner of the landfill property I could see that the storm water catchment basin that was silted in back in June had been cleaned out and there was some rip rap piled nearby. As we were observing the work that had been done in the southeast corner Dan Aastrup, landfill manager, and Josh Emerson, employee approached on an UTV. Mr. Aastrup was not very happy to see us.

After an exchange of some very colorful words between Richard Gehrke and Dan Aastrup, I apologized to Mr. Aastrup and told him that if I had known we would be entering the landfill property I would have notified him. I then acknowledged the progress they had made toward better storm water controls and discussed several small items that needed attention yet. He told me that they are still working on it and stressed, once again with colorful language, that it takes time. He then told us that if anyone was caught on the landfill property again he would contact the authorities and left.

As we exited the landfill property we observed another gully erosion area on the land fill property that has the "potential" to allow sediment run-off to enter the field. I explained to Richard that the IAC storm water regulations do not require the water to be diverted or contained on the property, just the sediment or sediment laden water. Therefore, unless and until we (IDNR FO2) can document a sediment or sediment laden discharge on to his field, there is nothing more that we can do.

I pointed out that David Miller had documented a storm water discharge to the field south of the landfill and is requiring controls in his NOV letter. I told Richard that I believe this will prompt the landfill to be more aware of storm water controls in all areas around the landfill. He doubted it will do any good. I then told him that if it is just water run-off causing erosion on his field this would likely be an Iowa Drainage Law case that he would have to take up with an attorney. He thanked me for the visit and told me that once the crop is out he may be calling back. I stressed that we need to document sediment on his field and he appeared to understand. No further action is required at this time.



New cell constructed with silt fence installed.



Gully erosion occurring on east berm of the new cell, no sediment leaving the site.



More gully erosion near east boundary.



East berm looking south uphill, some vegetation has started to grow.



Picture taken looking northeast from east berm toward the crop field shows a cut bank with vegetation between the disturbed soil and the crop keeping sediment on the landfill property.



Silted-in stormwater catchment has been cleaned out.



Rip rap installed in the channel leading to the storm water catchment to slow down flow and minimize sediment delivery to the catchment.



Rip rap that will be installed along south boundary and at the catchment outlet.