

**IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER**

<p>IN THE MATTER OF:</p> <p>RAM NUTRIENT APPLICATIONS, LLC</p> <p>Franklin County, Iowa</p>	<p>ADMINISTRATIVE CONSENT ORDER NO. 2022-AFO-12</p>
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TO: Mark Rankin, Registered Agent
RAM Nutrient Applications, LLC
225 Highway 65
Iowa Falls, Iowa 50126

I. SUMMARY

This administrative consent order is entered into between the Iowa Department of Natural Resources (DNR) and RAM Nutrient Applications, LLC (RAM Nutrients) for the purpose of resolving water quality violations resulting from a manure release during land application in Franklin County, Iowa. In the interest of avoiding litigation, the parties have agreed to the provisions below.

Questions regarding this administrative consent order should be directed to:

Relating to technical requirements:

David Knoll
DNR Field Office 2
2300 15th Street SW
Mason City, Iowa 50401
Phone: 641/424-4073

Relating to legal requirements:

Kelli Book, Attorney for the DNR
Wallace State Office Building
502 East Ninth Street
Des Moines, Iowa 50319-0034
Phone: 515/210-3408

Payment of penalty to:

Director of the Iowa DNR
Wallace State Office Building
502 East Ninth Street
Des Moines, Iowa 50319-0034

II. JURISDICTION

This administrative consent order is issued pursuant to the provisions of Iowa Code section 455B.175(1), which authorizes the Director to issue any order necessary to secure compliance with or prevent a violation of Iowa Code chapter 455B, Division III, Part 1; Iowa Code chapter 459 and the rules adopted or permits issued pursuant

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thereto; and Iowa Code section 455B.109 and 567 Iowa Administrative Code (IAC) chapter 10, which authorize the Director to assess administrative penalties.

III. STATEMENT OF FACTS

1. RAM Nutrient is a licensed commercial manure service based out of Iowa Falls, Iowa. Wohlford Farms hired RAM Nutrient to land apply manure from its facility to nearby farm fields.

2. On December 13, 2021, DNR Field Office 2 received a telephone call from Mark Rankin, RAM Nutrient representative. Mr. Rankin reported that a manure release occurred when one of RAM Nutrient's applicators overfilled a tank causing approximately 500 gallons of manure to spill on a farm field. The manure flowed to the south road ditch of 105th Street, approximately ¼ mile east of 2079 105th Street, Geneva, Iowa. The manure flowed approximately 100 feet down the road ditch and approximately 100 gallons of manure entered an unnamed tributary of Maynes Creek before the unnamed tributary could be dammed.

3. On December 14, 2021, David Knoll, DNR Field Office 2 environmental specialist senior, and Isaiah Lary, DNR Field Office 2 environmental specialist, visited the impacted area. Mr. Knoll and Mr. Lary confirmed the manure was released to the farm field and it travelled to the road ditch as Mr. Rankin explained. They noted that an earthen dam had been constructed in the ditch just before its confluence with the unnamed tributary. The field office personnel did not observe any visible impacts to the unnamed tributary.

4. The field office personnel noted RAM Nutrient had scraped the road ditch of the manure. The field test indicated manure in the area where it first entered the road ditch. Mr. Rankin agreed to continue to scrape the road ditch of manure. The field office personnel continued to check the unnamed tributary for any impacts from the release. They conducted field tests in several areas of the unnamed tributary downstream of the release point. The field tests showed no discernable impact to the unnamed tributary and there were no observed impacts to aquatic life. Additionally, the field office personnel did not note any visual or olfactory evidence of manure in the unnamed tributary.

5. On January 3, 2022, a Notice of Violation letter was issued to RAM Nutrient for the violations resulting from the manure release. The letter indicated the matter was being referred for further enforcement.

IV. CONCLUSIONS OF LAW

1. Iowa Code section 455B.173 provides that the Environmental Protection Commission (Commission) shall adopt rules related to water quality

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standards, pretreatment standards, and effluent standards. The Commission has adopted such rules at 567 IAC chapters 61 and 62.

2. Iowa Code section 455B.186 and 567 IAC 62.1(1) prohibit the discharge of pollutants into a water of the state, except for adequately treated pollutants discharged pursuant to a permit from the DNR. RAM Nutrient notified the DNR of a manure release to an unnamed tributary of Maynes Creek. The above-mentioned facts indicate a violation of these provisions.

3. Iowa Code section 459.103 provides that the Commission shall adopt rules related to the construction or operation of animal feeding operations, including permit and minimum manure control requirements. The Commission has adopted such rules at 567 IAC chapter 65.

4. 567 IAC 65.2(3) states that the minimum level of manure control for a confinement feeding operation shall be the retention of all manure produced in the confinement enclosures between periods of manure application. In no case shall manure from a confinement feeding operation be discharged directly into a water of the state or into a tile line that discharges to waters of the state. RAM Nutrient notified the DNR of a manure release to an unnamed tributary of Maynes Creek. The above-mentioned facts indicate a violation of this provision.

5. The DNR has determined that there is no likelihood that the violations identified in Paragraphs 2 and 4, Section IV [Conclusions of Law] will occur again if RAM Nutrient implements the plan outlined in Paragraphs 1 and 2, Section V [Order] of the administrative consent order.

V. ORDER

THEREFORE, the DNR orders and RAM Nutrient agrees to do the following:

1. RAM Nutrients shall ensure that all handling, transferring and land application of manure is done in a manner that does not result in a manure discharge to a water of the state and
2. RAM Nutrients shall develop and implement a Standard Operating Procedure detailing a plan for ongoing employee training on handling, transferring, and applying manure. The Standard Operation Procedure shall be submitted for DNR Field Office 2 within 30 days of the date the Director signs this administrative consent order and shall be implemented immediately upon approval from DNR Field Office 2.

VI. PENALTY

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While the facts of this administrative consent order indicate there was a manure release from application to the unnamed tributary of Maynes Creek, there was no observable impact to the water quality of the unnamed tributary. RAM Nutrient took immediate action to stop the release and dam the unnamed tributary in a manner that prevented water quality violations. The impacted area of soil and water was small in size and RAM Nutrient immediately scraped the manure from the road ditch. DNR Field Office 2 did not observe any visual water quality impacts nor any damage to aquatic life.

Due to the immediate action from RAM Nutrient and no observable impact on the water quality of the unnamed tributary, the DNR has determined that an administrative penalty is not appropriate. The purpose of this administrative consent order is to implement the permanent remedy noted in Paragraphs 1 and 2, Section V [Order].

VII. WAIVER OF APPEAL RIGHTS

This administrative consent order is entered into knowingly and with the consent of RAM Nutrient. For that reason, RAM Nutrient waives the right to appeal this administrative consent order or any part thereof.

VIII. NONCOMPLIANCE

Compliance with Section V of this administrative consent order constitutes full satisfaction of all requirements pertaining to the violations described in this administrative consent order. Failure to comply with this administrative consent order may result in the imposition of administrative penalties pursuant to an administrative order or referral to the Attorney General to obtain injunctive relief and civil penalties pursuant to Iowa Code section 455B.191.

KAYLA LYON, DIRECTOR
Iowa Department of Natural Resources



RAM NUTRIENT APPLICATIONS, LLC

Dated this 6th day of
May, 2022