



IOWA DEPARTMENT OF NATURAL RESOURCES

August 4, 2005

For immediate release

- 1. EPC to address standards for open feedlots and water quality in August**
- 2. Fish and water samples at Pierce Pond indicate no mercury contamination**
- 3. Dunkerton fish kill extends to Crane Creek**
- 4. Applying manure this fall? Check your manure applicator certification requirements (NOTE TO EDITORS: This item is a joint press release from the Iowa DNR and ISU Extension)**
- 5. DNR names new underground tanks section supervisor**
- 6. DNR enforcement actions**

EPC TO ADDRESS STANDARDS FOR OPEN FEEDLOTS AND WATER QUALITY IN AUGUST

FAIRFIELD – Two items that were postponed at the July meeting will be proposed by the DNR at the Aug. 15 meeting of the Environmental Protection Commission to be held in Fairfield.

“Emergency rules for the design of runoff controls for open feedlots will be proposed to provide standards for producers who are planning improvements,” said Gene Tinker, the coordinator of the DNR animal feeding operations program. “The rules will also meet the requirements of legislation passed this spring.”

At the same time, the DNR will take open feedlot rules through the normal rulemaking process to ensure that producers and other stakeholders have a chance to comment.

The DNR will also provide information about a rule proposal that would change water quality standards for streams with very low flows. If approved, those changes will protect

all intermittent streams with perennial pools and perennial streams for recreational and aquatic life uses.

The DNR will ask commissioners to approve moving forward with a rule proposal for a method to determine the appropriate aquatic life uses for warm water streams. This proposal redefines two existing warm water aquatic life use categories and adds a third category that protects intermittent streams with perennial pools.

The commission will meet at 10 a.m. at the Fairfield Public Library, 104 W Adams Ave. in Fairfield. Public participation is scheduled for 10:30 a.m. The meeting is open to the public.

The regular meeting of the commission will be preceded by a tour of Commissioner Francis Thicke's Radiance Dairy at 4 p.m. on Aug. 14. Commissioners will also tour the Fairfield Wastewater Treatment Plant at 8:30 a.m. on Aug. 15 prior to the EPC meeting.

The complete agenda follows:

- Approval of Agenda
- Approval of Minutes
- Director's Remarks
- Solid Waste Alternatives Program – Recommendations
- Contract - Clear Channel Radio – Smoking Tailpipe Radio Advertising
- Final Rule - Chapter 23, Clarification Regarding Ordinary Travel on Unpaved Public Roads
- Final Rule - Chapter 22, Controlling Pollution (Air Construction Permitting Exemptions)
- Contract - Iowa Department of Economic Development – Small Business Environmental Assistance Liaison
- Contract - University of Northern Iowa's (UNI) Iowa Waste Reduction Center – Small Business Assistance Program
- Contract – Iowa State University – Phosphorous Flux Protocol
- Contract - University Hygienic Laboratory (UHL) for Stream Biological Assessment
- Grant Agreement – U.S. Fish & Wildlife Service – Wetland Mapping
- Adopted and Filed Emergency - Chapter 65 - Open Feedlot Regulations
- Notice of Intended Action - Chapter 65 - Open Feedlot Regulations
- Proposed Rule – Chapter 65 – Technical Corrections to Table 1: Major Water Sources – Rivers and Streams
- Notice of Intended Action – Chapter 61, Water Quality Standards (Protected Flow, General Use Classification Changes and the “Rebuttable Presumption” Approach)
- Notice of Intended Action – Chapter 61 – Water Quality Standards (Use Designation Changes and Warm Water Protocol)
- Referrals to the Attorney General

- a. Dean Gettler (Emerson) - AFO
- b. Plymouth Dairy Farms, Inc. (Plymouth County) - AFO
- Proposed Contested Case Decisions - David Meyer, Hunt Brothers, and Chad Kooima
- Proposed Contested Case Decision - Leland Heisdorffer
- Fiscal Year 2007 Budget Request
- Monthly Reports
- General Discussion
- Items for next month's meeting

More information about the agenda items can be found on the DNR Web site under Commissions and Boards at www.iowadnr.com.

The members of the commission are Darrell Hanson, chair, Manchester; Jerry Peckumn, vice chair, Jefferson; Lisa Davis-Cook, secretary, West Des Moines; Francis Thicke, Fairfield; Donna Buell, Spirit Lake; Mary Gail Scott, Cedar Rapids; David Petty, Eldora; Suzanne Morrow, Storm Lake; and Henry Marquard, Muscatine. The director of the DNR is Jeff Vonk.

For more information, contact Karen Grimes at (515) 281-5135.

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FISH AND WATER SAMPLES AT PIERCE POND INDICATE NO MERCURY CONTAMINATION

MASON CITY - Water and fish samples taken from Pierce Pond in Mason City show no mercury contamination.

Local citizens raised concerns about water quality in the pond, located in Mason City's industrial park, earlier this summer when an oil sheen developed and a fish kill occurred. The DNR's investigation determined that the fish had died from post spawn stress. The oil sheen was caused by #6 fuel oil that had entered the pond in April when a tile line at the Ag Processing Inc. (AGP) facility, apparently containing the #6 fuel oil, was flushed out by heavy rain. The oil was contained within the pond and cleaned up by AGP. AGP has left an absorbent boom in Chelsea Creek to catch any residual sheen.

Separate from the DNR investigation, the U.S. Environmental Protection Agency (EPA) has inspected equipment at Alexander Technologies USA Inc., near Pierce Pond, because of concerns that it might have been contaminated with mercury. The EPA is now reviewing results of its inspection and testing done by DNR.

For more information, contact Jeff Vansteenburgh or Cindy Garza at 641-424-4073.

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DUNKERTON FISH KILL EXTENDS TO CRANE CREEK

DUNKERTON — A Wednesday fish kill along a tributary of Crane Creek in Black Hawk County has now spread to Crane Creek.

DNR fisheries staff completed a fish count along the tributary late Wednesday, finding almost 26,000 dead fish along a 1.5-mile stretch, considering it a total kill. Most of the fish were non-game species such as minnows, darters and suckers, but 19 small northern pike and 35 small largemouth bass were also found.

DNR fisheries staff also observed dying fish in Crane Creek Wednesday evening and Thursday. The fish kill in the creek is ongoing, and staff members will conduct a fish count when the fish kill is over, most likely Friday.

It was discovered last night that the tributary does not flow directly through a downstream marsh, as previously thought. The farmer, Jim Fettkether, made efforts Thursday to divert more of the flow of contaminated water in the tributary into the marshy area, which soaks up excess nitrogen and will work to reduce the continuing impact along Crane Creek.

The fish kill began Wednesday following the collapse of a storage tank holding approximately 22,500 gallons of 28 percent nitrogen fertilizer northwest of Dunkerton. The fertilizer rushed onto a field, but a small amount reached a yard drain that runs into a tributary of Crane Creek.

For more information, contact Doug Hawker or Clark Ott at (563) 927-2640.

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APPLYING MANURE THIS FALL? CHECK YOUR MANURE APPLICATOR CERTIFICATION REQUIREMENTS

NOTE TO EDITORS: This is a joint news release on manure application from the DNR and Iowa State University Extension Service.

DES MOINES — Manure applicators who haul or handle manure from a confinement site facility with more than 500 animal units and commercial manure applicators are required by law to be certified to apply manure in Iowa.

“My best estimate, based on historical numbers of certified applicators, is that up to 800 applicators still need to attend training this year to maintain or renew their licenses to apply manure before the fall application season,” says Angie Rieck-Hinz, Extension Program Specialist.

Confinement site applicators must attend two hours of annual training to maintain their three-year license. Applicators who miss an annual training session are required to take a

make-up exam to qualify for renewal. Certification and education fees are part of the certification process. After March 1 of the current year, applicators who renew their certificates must also pay a late fee.

Commercial manure applicators must attend three hours of training, or take and pass an exam annually. Commercial applicators who need to renew their licenses after March 1 will need to pay a late fee in addition to the certification fee and education fee. Commercial manure applicators are reminded they must be associated with a commercial manure service.

“Not all manure applicators take pleasure in the annual training, but many say that the training has helped them respond to a spill, or learn about new regulations that directly affect their business,” said Jen Christian, DNR environmental specialist. “Receiving annual training promotes better water quality in Iowa, and may help applicators avoid a possible penalty, too.”

Commercial and confinement site applicators may meet certification requirements by scheduling an appointment with their local ISU Extension county office to watch a videotape or by contacting their local DNR field office to schedule an appointment to take the certification exam.

A Dry Manure Application Field Day, scheduled for August 16 near Clarion will meet the certification training requirements for both commercial and confinement site manure applicators. For more information regarding this field day, please call the Wright County Extension Office at 515-532-3453.

For more information about manure applicator certification requirements contact your local county extension office, visit the Manure Applicator Certification Web page at: <http://extension.agron.iastate.edu/immag/mac.html> or contact the regional DNR field office.

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Jennifer Christian or Jeff Prier, DNR Spencer Field Office, (712) 262-4177

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DNR NAMES NEW UNDERGROUND TANKS SECTION SUPERVISOR

DES MOINES — Fred Huston has been named supervisor of the DNR’s underground storage tanks (UST) program.

Huston has worked for 20 years on UST issues with the Missouri Department of Natural Resources. He holds a bachelor of science degree in geology and geophysics, and a master of science degree in geology.

“I am confident that Fred’s knowledge of USTs and his regulatory experience will serve us well in continuing to move the UST program forward, and to meet the needs of Iowa stakeholders,” said Tim Hall, head of the DNR’s Iowa Geological Survey and land quality bureau.

Huston will join the Iowa DNR August 29.

For more information, contact Tim Hall at (515) 281-8169.

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DNR ENFORCEMENT ACTIONS

DES MOINES — The DNR took the following enforcement actions between June and July 2005, unless otherwise noted. Responsible parties have 30 days to appeal the charges or 60 days to pay the penalty. The following are only briefs; please contact Jessie Rolph Brown of the DNR for more information at (515) 281-5131.

- Scott Lenz, of Carroll, was ordered to institute proper solids settling structures, to eliminate or redirect all subsurface tile lines associated with the solids settling structure, to obtain a National Pollutant Discharge Elimination System (NPDES) permit and to pay an \$8,000 penalty. The order is in regard to fish kills in Elk Run Creek in Carroll County.
- Douglas J. Pudenz, of Carroll, was ordered to institute proper solids settling structures, to eliminate or redirect all subsurface tile lines associated with the solids settling structure, to obtain a National Pollutant Discharge Elimination System (NPDES) permit and to pay an \$8,000 penalty. The order is in regard to fish kills in Elk Run Creek in Carroll County.
- William Mauw and Mauw’s Egg Ranch, of Sheldon, were ordered to submit a complete manure management plan (MMP) and fees, and to pay a \$3,000 penalty. The order is in regard to failure to submit an MMP and fees for a site in Sioux County.

Consent Orders

A consent order is issued in settlement of an administrative order or as an alternative to issuing an administrative order. A consent order indicates that the DNR has voluntarily entered into a legally enforceable agreement with the other party.

- The City of Exira agreed to pay a \$5,000 penalty. The consent order is in regards to the city’s open burning and improper disposal of a house in Exira.

- Walters Investments International, Inc., of Des Moines, agreed in a consent order to comply with all storm water permit requirements and pay a penalty of \$10,000. The order is in regard to storm water violations at construction sites.
- Monsanto Company, of St. Louis, Mo., agreed to a consent amendment regarding air quality regulations concerning use of and recordkeeping for Azo residue at its Muscatine site. This order amends an order originally issued in 1995 that was also amended in 1997.

For more information, contact Jessie Brown at (515) 281-5131 or Jessie.Brown@dnr.state.ia.us.