

Agenda

Environmental Protection Commission

Tuesday, February 17, 2026

Teleconference: 614-686-0310 PIN: 564 757 480#

Video Conference: meet.google.com/wps-igfq-dsb

6200 Park Ave, Des Moines, IA, 50321

Rm Conference: Walnut Woods

Tuesday, February 17, 2025

10:00 AM – EPC Business Meeting

If you are unable to attend the business meeting, comments may be submitted for public record to Alicia Plathe at Alicia.Plathe@dnr.iowa.gov or 6200 Park Ave, Des Moines IA 50321 up to 24 hours prior to the business meeting.

- | | | |
|---|--|-------------------------------|
| 1 | Approval of Agenda | |
| 2 | Approval of the Minutes | |
| 3 | Monthly Reports | Ed Tormey
(Information) |
| 4 | Director's Remarks | Kayla Lyon
(Information) |
| 5 | Clean Water Act Integrated Report | Mark Moeller
(Information) |
| 6 | Contract with Iowa State University- Iowa Learning Farms and Water Rocks! Programs | Steve Konrady
(Decision) |
| 7 | Contract with Iowa Department of Agriculture and Land Stewardship (IDALS)-Silver Creek Water Quality Project | Miranda Haes
(Decision) |
| 8 | Referral to the Attorney General-Southwest Iowa Renewable Energy, LLC (SIRE) | Bradley Adams
(Decision) |
| 9 | Upcoming Meetings | |
| | • Tuesday, March 17, Des Moines | |
| | • Tuesday, April 21, Des Moines | |

For details on the EPC meeting schedule, visit <http://www.iowadnr.gov/About-DNR/Boards-Commissions>

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¹Comments during the public participation period regarding proposed rules or notices of intended action are not included in the official comments for that rule package unless they are submitted as required in the Notice of Intended Action.

Any person with special requirements such as those related to mobility or hearing impairments who wishes to participate in the public meeting should promptly contact the DNR or ADA Coordinator at 515-725-8200, Relay Iowa TTY Service 800-735-7942, or Webmaster@dnr.iowa.gov to advise of specific needs.

**MINUTES OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING**

January 20, 2026

**6200 Park Ave, Des Moines, Iowa, 50321 and
Video Teleconference**

Approved by the Commission **TBD**

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Meeting Minutes

CALL TO ORDER

The meeting of the Environmental Protection Commission (Commission or EPC) was called to order by Chair Stutsman at 10:30 am on January 20, 2026 via video/teleconference attendees.

COMMISSIONERS PRESENT

Amy Echard
Patricia Foley
Jason Ballard
Dawn Refsell
Kyle Tobiason
Mark Stutsman

COMMISSIONERS ABSENT

Rebecca Dostal
Roger Zylstra
Jim Christensen

APPROVAL OF AGENDA

Motion was made by Patricia Foley to approve the agenda as presented. Seconded by Kyle Tobiason.

Chairperson Mark Stutsman asked for a voice vote. There were no nay votes. Motion passes.

APPROVED AS PRESENTED

APPROVAL OF MINUTES

Motion was made by Kyle Tobiason to approve the item as presented. Seconded by Jason Ballard.

Chairperson Mark Stutsman asked for a voice vote. There were no nay votes. Motion passes.

APPROVED AS PRESENTED

MONTHLY REPORTS

- Division Administrator Ed Tormey announced that on December 18, 2025, EPA designated the city of Muscatine as being in full attainment of the 2010 1-hour sulfur dioxide National Ambient Air Quality Standard (NAAQS). This milestone moved Iowa into full attainment with all federal NAAQS. Iowa is the 17th state in the union to be in full attainment. Mr. Tormey noted that sulfur dioxide emissions in Muscatine are down 13,000 tons since 2011 and ambient data values for sulfur dioxide are around 17 parts per billion, which is well below the NAAQS of 75 parts per billion.
- DA Tormey introduced Jeff Prier and Dr. Dan Andersen from Iowa State to provide a presentation to the EPC regarding Manure Applicator Certification Training. Mr. Prier provided historical training statistics, including number of trainees and the use of online versus in-person training, and training topics covered. Mr. Andersen outlined adjustments to the training for commercial and confinement operators in 2026. Mr. Andersen and Mr. Prier responded to questions regarding training funding needs. Chair Stutsman thanked staff for the presentation and noted the decrease in the number of spills, crediting the training for the improvement.

INFORMATION

DIRECTOR'S REMARKS

- Director Lyon announced that Governor Reynolds gave her Condition of the State last week and released her budget proposal for FY27. Director Lyon provided an overview of the Governor's proposed budget for the DNR, including a breakdown of various line items.

CONTRACT WITH IOWA STATE UNIVERSITY-AMBIENT LAKES MONITORING

Prior to the contract presentation, DA Tormey introduced Adam Schnieders, Water Quality Resource Coordinator, to give a presentation to the Commission regarding Iowa's ambient water quality network. Mr. Schnieders gave a historical overview of DNR's water quality monitoring and the individual programs and scope of data collection and analysis in each of the programs. Dan Kendall and Jason Palmer responded to questions regarding source tracking efforts for E. coli within the beach monitoring program.

Dan Kendall requested Commission approval for a contract with Iowa State University for ambient lakes monitoring work. DA Tormey responded to questions regarding the contract pricing history and contracting options amidst rising costs.

Public Comments: None

Written Comments: None

Motion was made by Amy Echard to approve the item as presented. Seconded by Patricia Foley.

Chairperson Mark Stutsman asked for a roll call vote. Dawn Refsell-aye, Amy Echard-aye, Jim Christensen-absent, Jason Ballard-aye, Rebecca Dostal-absent, Kyle Tobiason-aye, Patricia Foley-aye, Roger Zylstra-absent, Mark Stutsman-aye. Motion passes.

APPROVED AS PRESENTED

CONTRACT WITH IOWA STATE UNIVERSITY- BLACK HAWK LAKE WATERSHED MONITORING

Jason Palmer requested Commission approval for a contract with Iowa State University for efforts related to the Black Hawk Lake Watershed Monitoring project.

Public Comments: None

Written Comments: None

Motion was made by Kyle Tobiason to approve the item as presented. Seconded by Jason Ballard.

Chairperson Mark Stutsman asked for a roll call vote. Dawn Refsell-aye, Amy Echard-aye, Jim Christensen-absent, Jason Ballard-aye, Rebecca Dostal-absent, Kyle Tobiason-aye, Patricia Foley-aye, Roger Zylstra-absent, Mark Stutsman-aye. Motion passes.

APPROVED AS PRESENTED

CONTRACT WITH IOWA DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP (IDALS)-PROTECT RATHBUN LAKE PROJECT

Ginger Murphy requested Commission approval for a contract with IDALS to continue work on the Protect Rathbun Lake Watershed Project. Ms. Murphy answered questions about the 2026 contract goals that include the addition of hundreds of terraces in the watershed.

Public Comments: None

Written Comments: None

Motion was made by Patricia Foley to approve the item as presented. Seconded by Amy Echard.

Chairperson Mark Stutsman asked for a roll call vote. Dawn Refsell-aye, Amy Echard-aye, Jim Christensen-absent, Jason Ballard-aye, Rebecca Dostal-absent, Kyle Tobiason-aye, Patricia Foley-aye, Roger Zylstra-absent, Mark Stutsman-aye. Motion passes.

APPROVED AS PRESENTED

GENERAL DISCUSSION

- Chair Stutsman requested an update on the windmill blade stockpiling referral. General Counsel McIntosh provided a brief update and confirmed that the site has been cleaned up.
- Commissioner Refsell requested an update on the Underground Storage Tank EO10 rulemaking meetings. DA Tormey announced that the next stakeholder meeting will take place tomorrow, January 21, and that the public hearings will follow the stakeholder engagement meeting.

ADJOURN

Chairperson Mark Stutsman adjourned the Environmental Protection Commission meeting at 11:50 am on January 20, 2026.

ADJOURNED

Fourth Quarter 2025 Chemical Spill, Manure Release and Wastewater By-Pass Report

(Quarterly report to the Environmental Protection Commission)

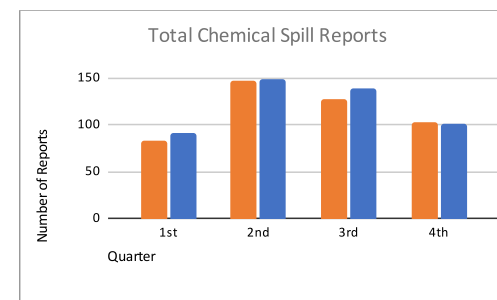
Chemical Spills

During the period October 1, 2025, through December 31, 2025, 102 hazardous conditions were reported to the department (567 IAC 131.2 (455B.386)). This does not include releases from underground storage tanks, which are reported separately.

		Total Chemical Spills Incidents		Substance						Mode			
				Agricultural		Petroleum		Other Chemicals*		Transportation**		Fixed Facility	
Quarter	Year	Previous Year	Current Year	Previous Year	Current Year	Previous Year	Current Year	Previous Year	Current Year	Previous Year	Current Year	Previous Year	Current Year
1st	2025	84	91	2	0	58	57	31	36	25	30	59	61
2nd	2025	148	149	26	17	76	67	63	72	51	36	97	113
3rd	2025	127	140	8	3	58	72	66	70	37	33	90	107
4th	2025	103	102	14	11	54	56	45	44	41	29	62	73
Calendar Year to Date		462	482	50	31	246	252	205	222	154	128	308	354

* Other includes: non-agricultural and non-petroleum based chemicals including but not limited to chlorine, acids/bases, inorganic and organic chemicals

** Transportation includes: water transportation, vehicle transportation, rail transportation and pipeline transportation. All other types of incidents are considered fixed facility.



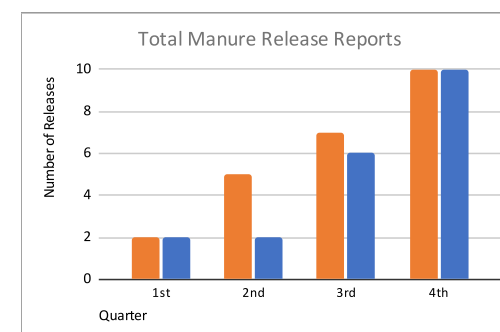
Previous Year
Current Year

Manure Releases

During the period October 1, 2025, through December 31, 2025, 10 manure releases were reported to the department. 567 IAC 65.2 (455B, 459, 459A, 459B)

		Total Reported Manure Releases		Releases Impacting a Water of the State		At an Animal Feeding Operation (on-site)		Not at an Animal Feeding Operation (off-site)*	
Quarter	Year	Previous Year	Current Year	Previous Year	Current Year	Previous Year	Current Year	Previous Year	Current Year
1st	2025	2	2	0	1	1	1	1	1
2nd	2025	5	2	2	0	5	1	0	1
3rd	2025	7	6	3	0	5	3	2	3
4th	2025	10	10	4	4	8	2	2	8
Calendar Year to Date		24	20	9	5	19	7	5	13

* Off Site includes: transportation and land application related incidents.

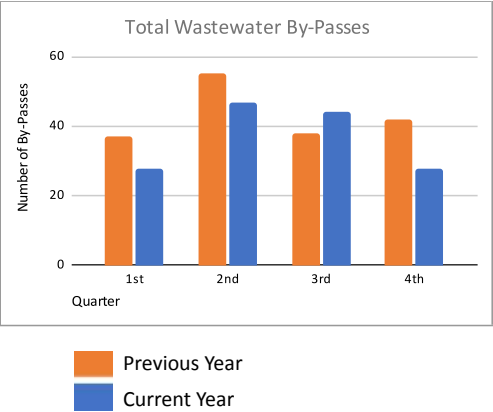


Previous Year
Current Year

Wastewater By-Passes

During the period October 1, 2025 through December 31, 2025, 28 wastewater by-passes were reported to the department (567 IAC 63.6(3) (455B.186)). This does not include by-passes resulting from precipitation events (including flood water infiltration) or bypasses resulting in basement backups.

		Total Wastewater By-passes		Average Length (days)		Average Volume (Million Gallons/Day)		Reported Fish Kills	
Quarter	Year	Previous Year	Current Year	Previous Year	Current Year	Previous Year	Current Year	Previous Year	Current Year
1st	2025	37	28	0.317	0.472	0.208	0.034	0	0
2nd	2025	55	47	0.745	0.325	1.095	0.171	0	0
3rd	2025	38	44	0.363	0.906	0.241	0.014	0	0
4th	2025	42	28	1.282	4.685	0.07	0.061	0	0
Calendar Year to Date		172	147					0	0



**Monthly Waiver Report
January 2026**

JAN	DNR Reviewer	Facility/City	Program	Subject	Decision	Date	Agency
1	John Curtin	Seaboard Triumph Foods, LLC	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement for exhaust fan for bone meal handling in Grinding Room.	Approved	12.31.25	26aqw001
2	Keith Wilken	Sioux Center Maintenance Shop	Underground Storage Tank Section	The 6,000 gallon diesel UST at Sioux Center Maintenance Shop failed a cathodic protection test. The county requested the UST be allowed to continue to operate until replaced with an above ground storage tank.	Denied	1.07.26	26utw002
3	Brandon Polzin	Lumen - Davenport	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	Approved	1.09.26	26aqw003
4	Brandon Polzin	Lumen - Marshalltown	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	Approved	1.09.26	26aqw004
5	Brandon Polzin	Lumen - Clinton	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	Approved	1.09.26	26aqw005
6	Brandon Polzin	Lumen - West Liberty	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	Approved	1.09.26	26aqw006
7	Brandon Polzin	Lumen - Belle Plaine	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	Approved	1.09.26	26aqw007
8	Karen Kuhn	Platinum Crush, LLC	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	Approved	1.13.26	26aqw008
10	Karen Kuhn	Platinum Crush, LLC	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	Approved	1.13.26	26aqw009
11	Danjin Zulic	Van Diest Supply Company	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	Approved	1.13.26	26aqw010
12	Michael Hermesen	Moveero – Armstrong	Air Quality Construction Permit	Waiver of Initial Stack Test Requirement.	Approved	1.13.26	26aqw011
13	Lucas Tenborg	POET Biorefining - Jewell	AQ	DNR received a variance to request that the facility be allowed to exceed bypass hours on the Packed Bed Wet Scrubber (CE-CS7)	Approved	1.13.26	26aqw012
14	Tara Naber, PE	City of Tabor	WC - Water Supply Construction	Waiver requested to allow costs for service line work to be deemed eligible for the City of Tabor's drinking water state revolving fund (DWSRF) project (WSE project W2018-0044).	Approved	1.15.26	26wcw013
15	Anna Seeger	Cedar Rapids Utilities Deaprtment	Water Supply Construction (WC)	This waiver is for the allowance for water mains to be placed 6-18 inches underneath both sanitary and storm sewers with additional protections as part of Cedar Rapid's Supplement to SUDAS.	Approved	1.16.26	26wcw014
16	Michael Hermesen	Van Diest Supply Company	Air Quality Construction Permit	Waiver of Initial Stack Test Requirement.	Approved	1.20.26	26aqw015
17	Danjin Zulic	Transco Railway Products, Inc. - Sioux City	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	Approved	1.22.26	26aqw016
18	Brian Hutchins	University of Northern Iowa	AQ	UNI is requesting to conduct an alternative fuel trial burn in Boiler 4 (Construction Permit 07-A-301-P5). UNI is requesting to combust 3,000 tons of energy pellets (50%) with pet coke (50%) prior to obtaining a permit modification.	Approved	1.16.26	26aqw017
19	Julie Ritter	John Deere Engine Works	AQ	Request to install and operate a 1,250 bhp dynamometer (dyno) while the permitted unit	Approved	1.23.26	26aqw018
20	Jasmine Bootman	BARD Materials - Monticello	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	Approved	1.23.26	26aqw019
25	Anna Seeger	City of Merville	Water Supply Construction	The City of Merville has requested a waiver to the 1,200 feet sampling requirement for their Water System Improvements project (W2023-0607).	Approved	1.21.26	26wcw020
26	Erik Day,Dallas Heinkens, Kelli Book, Jessica Ragsdale	Neil Jaschen	AFO - Facility ID63465	Separation distance from an existing well to a confinement building is not met. Water tests show nutrients have not impacted the well. Drilling a new well is costly & current well is constructed at higher elevation than the barns.	Approved	1.15.26	26cpw021
27	Mitchell VanderVeen	City of Creston Waterworks	WC - Water Supply Construction	Waiver requested to allow costs for service line work to be deemed eligible for the City of Creston Waterworks drinking water state revolving fund (DWSRF) project (WSE project W2023-0662).	Approved	1.23.26	26wcw022

Iowa Department of Natural Resources
Environmental Protection Commission

ITEM

#6

DECISION

Contract with IOWA STATE UNIVERSITY

Recommendation:

Commission approval is requested for a service contract with the Conservation Learning Group at the Iowa State University (ISU).

Contract Terms:

Amount: Not to exceed \$446,255

Dates: February 18, 2026 to June 30, 2028.

Funding Source(s): EPA Clean Water Act Section 319 Grant to Iowa (2025 Grant)

Statutory Authority: Funds are administered by DNR under statutory authority granted by Iowa Code 455B.103 and an EPA approved workplan.

Contract Background: The Iowa Learning Farms, Water Rocks! and Conservation Station programs directly support Iowa's Nonpoint Source Management Plan (NPSMP) Vision by providing targeted leadership and focus to the outreach and education action category. Working hand-in-hand with planning, practice implementation, and measurements and monitoring, these outreach and education efforts support Iowa's NPSMP goals of 1) Improving Iowa's Surface Water and Groundwater Quality, 2) Improving Iowa Waters Affecting Public Health, 3) Improving Iowa's Waters for Native Wildlife and Fish, and Recreation; and 4) Reducing Excess Nutrient Delivery to Iowa Waters. Further, the outreach and education delivered by these programs directly supports the DNR's Strategic Plan in striving "to conserve and enhance our natural resources in cooperation with individuals and organizations to improve the quality of life in Iowa and ensure a legacy for future generations."

Contract Purpose: The parties propose to enter into this contract to retain the Contractor to utilize the deliverables in this contract to fulfill parts of several portions of Iowa's Nutrient Reduction Strategy goals and NPSMP goals and take action steps related to water quality education and outreach.

Statement of Work and Budget:

Iowa Learning Farms Tasks:

Tasks 1-3: Outreach Event Support - Iowa Learning Farms will conduct at least 20 field days, 45 webinars, and 45 community outreach events throughout the term of this contract. Each will be targeted towards on farm conservation, water quality, or otherwise consistent with the goals of the NPSMP and Iowa Nutrient Reduction Strategy as stated above.

Tasks 9-11: Reporting - For all tasks provide quarterly reporting at the January 15, April 15, and July 15 checkpoints; Annual federal fiscal reports by October 15 checkpoints, and a final completion report 45 days prior to the end of this contract term (Currently: June 30, 2028). Each Annual and Final report will fulfil the needs of the more frequent reports (e.g., Annual replaces Quarterly for October, Final replaces Annual for 2028 and Quarterly for July).

Water Rocks! Tasks:

Tasks 4-5: School Activity Support - Water Rocks! will conduct at least 150 in-person school educational learning experiences, and at least 60 live streaming virtual school educational learning experiences throughout the term of this contract. These are available to schools from grades K-12, but are largely targeted at grades 3-7. Each combines music, art, and science to engage students in interactive learning about water quality, conservation, agriculture, and applied sciences (biology, chemistry, etc).

Task 6: Teacher Training Workshops - Water Rocks! can also be an ongoing curriculum opportunity for teachers. During the first two years of the contract, teacher summits will be held at the ISU campus to reach teachers from 12-15 schools each summit. This will continue a long-running program that has reached over 400 teachers and environmental

educators who continue the learning from the Water Rocks! and Iowa Learning Farms programs year-round at their schools.

Tasks 7-8: Digital Content Production and Upkeep - The award-winning Water Rocks! Website and teacher and environmental educator-focused e-newsletter extend the reach of the programming and direct outreach components of the two programs supported by this contract. At least 40 issues of the newsletter will be distributed, and the website will be updated and supported consistently throughout.

Tasks 9-11: Reporting - The reporting tasks for Water Rocks! are consistent with the same Tasks 9-11 in the "Iowa Learning Farms Tasks" section above.

Combined Budget:

Category	Contract Year 1	Contract Year 2	Contract Year 3	TOTAL By Category
Personnel, Travel*	\$117,740	\$120,422	\$28,579	\$266,741
Teacher Support Costs**	\$4,000	\$4,000	\$0	\$8,000
Supplies, Services, Rentals	\$55,484	\$55,484	\$8,370	\$119,338
Indirect Costs (@ 13.24%***	\$23,464	\$23,820	\$4,892	\$52,176
TOTAL By Year	\$200,688	\$203,726	\$41,841	Grand Tot: \$446,255

*Personnel support in the form of salary support, fringe benefits, and travel for parts of 6 full-time and 1 student intern during duration of contract

**Stipends as direct support for individual teachers for travel, lodging, and participation in the two Teacher Summits

***The 13.24% indirect rate was the DNR-negotiated rate with EPA for this grant's cycle and was agreed upon between ISU and DNR to facilitate enhanced support for this subaward program at ISU but within the bounds of EPA acceptability.

Contractor Selection Process: Intergovernmental contracting is authorized by 11 IAC 118.4, and statutory authority is granted by Iowa Code 455B.103. DNR has an EPA approved work plan. ISU was chosen for this project because they serve as the host university for the Conservation Learning Group which contains the Iowa Learning Farms and Water Rocks! Programs that are now funded jointly via this contract rather than through separate contracts.

Recent Contract History: Contracts 1-3 are Water Rocks! support only, Contract 4 represents Iowa Learning Farms support only; currently proposed contract blends DNR support of both programs and takes advantage of Iowa Department of Agriculture and Land Stewardship (IDALS) match of \$1,000,000.

Contract #1: Timeframe: 1/1/2015 to 6/15/2019; Amount \$607,883; Amendments: Amended for additional time at no additional cost (original end date 3/31/2018); also expanded scope of work to allow for additional school year of assemblies and programming.

Contract #2: Timeframe: 11/19/2019 to 3/31/2024; Amount \$275,000; Amendments: Amended for additional time at no additional cost (original end date 12/31/2022); No modifications to scope outside of activities over additional time. Water Rocks! was able to operate at lower cost during this timeframe which was impacted by the strict limits on in-person events at schools.

Contract #3: Timeframe: 2/1/2024 to 6/30/2026; Amount \$300,000; Amendments: Amended for additional time at no additional cost (original end date 12/31/2025); **Overlap with currently proposed contract timeline will allow for uninterrupted services during the 2025-2026 school year in Iowa.**

Contract #4: Timeframe: 1/1/2022 to 12/31/2025; Amount \$324,127; Amendments: Amended for additional time once and additional costs twice (Original Contract Value: \$150,336; Original Contract End Date: 12/31/2024) along with scope changes to support additional work items including development of a new outreach trailer and support for additional educational webinars. Note: Overlapping timeframe of this contract and Contracts #2 and 3 above is

due to differing purposes (Iowa Learning Farms vs Water Rocks! support). The currently proposed contract now combines purposes of these previous contracts for efficiency and is paired better with IDALS matching funds.

Steve Konrady, Nonpoint Source Coordinator, Water Quality Bureau
Environmental Services Division
February 17, 2026

**Iowa Department of Natural Resources
Environmental Protection Commission**

#7

Decision Item

Contract with Iowa Department of Agriculture and Land Stewardship (IDALS) – Silver Creek (Howard County) Water Quality Project

Commission approval is requested for a Contract with IDALS of Des Moines, IA.

Contract Terms:

Amount: Not to exceed \$300,000.00

Dates: March 1, 2026 through February 28, 2029.

DNR shall have the option to extend this Contract for up to six years from the beginning date of the original contract by executing a signed amendment prior to the expiration of this Contract.

Funding Source(s): U. S. Environmental Protection Agency (EPA) Clean Water Act (CWA) Section 319 funds to DNR.

Statutory Authority: EPA Section 319 and Iowa Code section 455B.103.

Contract Background:

Silver Creek is a tributary of the Upper Iowa River located in northeast Iowa in Howard and Winneshiek Counties. The 22,410-acre Silver Creek watershed consists of row crops, grassland, and timber, and the city of Cresco (pop. 3,868). Silver Creek is a Class A1 waterbody and is impaired for the bacteria *E. coli*. Primary sources of impairment include open feedlot livestock operations, pasture runoff, runoff from field-applied manure, livestock with direct access to streams, and outdated or faulty septic systems.

The Silver Creek (Howard County) Water Quality Project (Project) aims to reduce bacterial loading to the stream through the installation of agricultural best management practices (BMPs). Practices targeted by the Project include, but are not limited to: grassed waterways, infiltration practices, terraces, wetland creations, native buffer seedings, nutrient management plans, animal mortality facilities, cover crops, and streambank stabilization structures. Funds from this Contract will primarily support waste storage facility, septic system upgrade, and pasture and hayland management.

Monitoring in Silver Creek has shown declines in bacterial loading in specific segments and tributaries, which coincides with the nutrient and sediment loading reductions from previously installed BMPs. These water quality improvements have led DNR Fisheries staff to reintroduce native brook trout to specific branches of the Silver Creek system, highlighting the overall water quality improvement and giving landowners the accomplishment of completing a very tangible local goal.

Contract Purpose: The purpose of this Contract is to designate CWA Section 319 funding to support this Project. This Contract will work to carry out the goals of the Silver Creek (Howard County) Watershed Management Plan (updated in 2015) for the stated Contract term. Other funding partners are identified below.

Statement of Work/Task:

Task 1: Provide Project Coordinator

Task 2: Submit to DNR the Annual Work Plan and Budget

Task 3: Carry Out Project Activities in the Project Workplan

Task 4: Provide Quarterly Financial Report

Task 5: Provide Quarterly Progress Report

Task 6: Submit Annual Report

Task 7: Submit Final Project Report

The cost table is attached as Exhibit A.

Selection Process Summary: Statute or federal grant contracting with IDALS is authorized by 11 IAC §§ 117.5(5) and 118.7, which allows for agreements with entities without competition when the law or federal grant requires them. In

addition, intergovernmental contracting with IDALS is authorized under 11 IAC § 118.4. Contracts with public agencies for laboratory work, scientific field measurement and environmental quality evaluation services necessary to implement Iowa Code Chapter 455B is authorized under Iowa Code section 455B.103(3).

Contract History:

The DNR has contracted with IDALS to administer CWA Section 319-funded watershed projects since the early 1990s. The purpose of the contracts with IDALS is to provide funds and project management support to IDALS, which then enters into subsequent agreements with soil and water conservation districts to implement the specific watershed implementation project activities.

Contracts for watershed projects overlap to enable project work to continue without interruption, as new contracts are executed with each new CWA Section 319 grant award. In this manner, project coordinators who work with farmers and landowners to implement conservation practices within watersheds can do so continuously between contracts. Projects typically spend their oldest contract dollars first before utilizing new contract funds.

Below is a list of contracts with IDALS over the previous five years that support this Project:

- Contract #1:** Silver Creek (Howard) Phase 1 Implementation – 14ESDGSBKAMen-0001: 10/15/2013 – 9/30/2016, \$242,160
- Contract #2:** Silver Creek (Howard) Phase 1 Implementation – 15ESDWQBKAMEN-0001: 9/1/2015 – 9/30/2019, \$383,421
- Contract #3:** Silver Creek (Howard) Phase 2 Implementation – 18ESDWQBKONR-0004: 8/1/2018 – 8/31/2021, \$154,300
- Contract #4:** Silver Creek (Howard) Phase 2 Implementation – 20ESDWQBKONR-0005: 9/17/2019 – 8/31/2022, \$461,400
- Contract #5:** Silver Creek (Howard) Phase 2 Implementation - 22ESDWQBJBALK-0002: 1/1/2022 – 12/30/2023, \$200,000
- Contract #6:** Silver Creek (Howard) Water Quality Project – 23ESDWQBMHAES-0003: 12/1/2022 – 11/30/2024, \$322,750
- Contract #7:** Silver Creek (Howard) Water Quality Project – 26ESDWQBMHAES-0001: 3/1/2026 – 2/28/2029, \$300,000

Partnerships Summary:

The DNR's primary funding partnerships for this Contract include:

- IDALS Division of Soil Conservation and Water Quality
- Howard County Soil and Water Conservation District
- Winneshiek Soil and Water Conservation District
- US Department of Agriculture Farm Service Agency and Natural Resources Conservation Service
- EPA
- Participating landowners of the Silver Creek (Howard County) Watershed

Miranda Haes, Northeast Iowa Basin Coordinator, Water Quality Improvement Section
Environmental Services Division
February 17, 2026

Exhibit A

Silver Creek Project Proposed Budget (3-year budget)	Contract Amount (DNR 319 Costs)	Match Funding Share (State/Local)	Leveraged Funds (Non-Match)
Staffing/Admin Support (Top Line Costs)	\$113,000		
Watershed Practice Support (Bottom Line Costs)	\$187,000	\$527,500	\$733,000
Totals	\$300,000	\$527,500	\$733,000
Overall Proposed Project Total	\$1,560,500		
<p>Practices include: cover crops, ag waste projects, septic system upgrades, buffers, grassed waterways, wetlands, terraces, streambank stabilization</p>			

LITIGATION REPORT

Prepared by: Bradley Adams

Date: February 17, 2026

1. Summary

The Department of Natural Resources (DNR) seeks referral of Southwest Iowa Renewable Energy, LLC (SIRE) to the Iowa Attorney General's Office for violations of Iowa's wastewater laws and regulations.

SIRE operates a wastewater treatment facility (the facility) pursuant to a National Pollutant Discharge Elimination System (NPDES) permit. Part of its discharge treatment process creates clarifier sludge, which may not be discharged into the river, per the facility's NPDES permit. SIRE's historical practice was to store clarifier sludge in a holding tank before hauling it off site for proper disposal. Beginning in March of 2025, SIRE began discharging the holding tank's untreated clarifier sludge directly to the Missouri River, in violation of the facility's NPDES permit. The facility avoided more than \$50,000 in disposal costs through violating its permit terms.

Therefore, the DNR is requesting that this matter be referred to the Attorney General's office.

2. Alleged Violators

Southwest Iowa Renewable Energy, LLC (SIRE)

3. Description of Facility

SIRE operates under NPDES permit no. 7800106. The facility's permitted discharge to the Missouri River consists of non-process wastewater, specifically: cooling tower blowdown, reverse osmosis reject wastewater, softener regeneration water, and filter backwash. The facility treats for iron and manganese removal via an oxidation tank, a primary clarifier, and multimedia sand filters. Sludge that accumulates in the clarifier (clarifier sludge) is not authorized for discharge under the NPDES permit. Instead, it is deposited to a backwash tank and requires off-site disposal.

4. Alleged Violations

A. FACTS

1. On August 25, 2025, DNR Field Office 4 (FO 4) received a complaint regarding dark orange water entering the Missouri River via the facility's effluent discharge pipe.

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2. On August 26, 2025, FO 4 Environmental Specialist Senior Kristi Burg and FO 4 Environmental Specialist Brianna Martens investigated the complaint. The pair observed orange water discharging from the effluent pipe, orange coloration of the riprap along the river bank where the discharged material formed sludge deposits, and orange coloration of the water beneath the effluent pipe.
3. That same day, FO 4 spoke with Brett Schulte (SIRE's Environmental Health and Safety Coordinator). Ms. Schulte stated that no operational malfunctions, special cleaning, or backwash operations had occurred during or before the time of the complaint. Ms. Schulte confirmed that the effluent discharge pipe under investigation was attached to the SIRE facility.
4. On August 27, 2025, FO 4 contacted SIRE and requested sample data and wastewater process information. Records provided by SIRE indicated that the clarifier sludge levels dropped from a level 10 on Sunday, August 24, 2025 at 11:50 a.m. to a level 8 on Monday, August 25, 2025 at 11:55 p.m. SIRE confirmed that sludge is sent to the backwash tank as part of its normal operation.
5. On September 2, 2025, Ben Parsley (SIRE's Director of Operations) confirmed via email that clarifier sludge is pumped to a backwash tank, which he referred to as "blowdown." According to Mr. Parsley, the backwash tank flows to the outfall roughly every other day, usually 3,000 gallons of water containing "higher iron levels." Additionally, Mr. Parsley stated that "the backwash tank blowdown mentioned above is what SIRE believes to have occurred on [August 24] that caused the [discharge] as our data suggests the tank was in blowdown around 4:30 pm for around 18 minutes."
6. On September 3, 2025, SIRE confirmed that the clarifier sludge was no longer being hauled off site, and was instead being discharged into the Missouri River.
7. On September 17, 2025, FO 4 issued SIRE a Notice of Violation for general water quality violations and permit violations.
8. On September 25, 2025, SIRE provided FO 4 with documentation confirming that the discharge of the clarifier sludge to the Missouri River began in March of 2025.
9. SIRE generates approximately 52,000 gallons of clarifier sludge per month. Estimated hauling and disposal costs are \$8,840 monthly. The clarifier sludge discharge occurred over a six-month period, between

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March 2025 and September 2025. The DNR estimates that \$53,040 was saved during this time period.

B. APPLICABLE LAW

1. Iowa Code section 455B.186 prohibits the discharge of pollutants into a water of the state, except for adequately treated pollutants discharged pursuant to a permit issued by the Department and consistent with rules adopted by the Environmental Protection Commission (Commission).
2. Iowa Code section 455B.173(3) authorizes and requires the Commission to promulgate rules relating to the discharge of pollutants into waters of the state. The Commission has promulgated such rules at 567 Iowa Administrative Code (IAC) chapters 60 through 64.
3. 567 IAC 60.3(1) provides that no person shall operate any wastewater disposal system or part thereof without, or contrary to any condition of, an operation permit issued by the Director.
4. 567 IAC 61.3(2)(a) states that “waters shall be free from substances attributable to point source wastewater discharges that will settle to form sludge deposits.”
5. 567 IAC 61.3(2)(b) states that “waters shall be free from floating debris, oil, grease, scum and other floating materials attributable to wastewater discharges or agricultural practices in amounts sufficient to create a nuisance.”
6. 567 IAC 61.3(2)(c) states that “waters shall be free from materials attributable to wastewater discharges or agricultural practices producing objectionable color, odor or other aesthetically objectionable conditions.”
7. NPDES permit No. 7800106 only authorized the discharge of cooling tower blowdown, reverse osmosis reject wastewater, softener regeneration water, and filter backwash. Clarifier sludge is not an authorized discharge under the facility’s permit. NPDES permit No. 7800106 Standard Condition 12 requires SIRE to “take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.”

The above stated facts demonstrate violations of these provisions.

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5. Witnesses

Kristi Burg, FO 4 Environmental Specialist Senior
Brianna Martens, FO 4 Environmental Specialist