

THE SENATE

Ethics Complaint Form

Re: Senator Daniel Zumbach, of Ryan, Iowa, Senator for District 48.

We, the Committee to Save Bloody Run Creek, consisting of and residing at:

- 1. Steve Veysey, 919 Murray Drive, Ames, Iowa 50010**
- 2. Wally Taylor, 2200 S. 31st St., Marion, Iowa 52302**
- 3. Larry Stone, 23312 295th St., Elkader, IA 52043**
- 4. Jessica Mazour, 3111 52nd St., Des Moines, IA 50310**

hereby complain that Senator Zumbach, whose address is 2618 140th Ave, Ryan, IA 52330, has violated the Senate Code of Ethics or Joint Rules Governing Lobbyists in that:

SUMMARY

We are concerned that Senator Zumbach has improperly used his position as a state senator to influence decisions by a regulatory agency that is supposed to base their decisions on the facts, the law and the regulations. Senator Zumbach appears to have used his influence beginning in 2017 and continuing until at least October of 2020, to facilitate the establishment, permitting, and plan approval of a large Concentrated Animal Feeding Operation (CAFO) owned in part by his son-in-law, Jared Walz, of Monona, IA. Neither the facility (Walz Energy LLC a.k.a. Supreme Beef LLC) nor Jared Walz reside in the senator's district. We do not assert that Senator Zumbach has or had a financial interest in either LLC. We do contend there has been interference or the appearance of interference with the Department of Natural Resources (DNR), and the Environmental Protection Commission (EPC). Evidence of interference or the appearance of interference is presented in four areas, all part of the continuum of the facility establishment, permitting and plan approval process:

1. Decision to permit the earthen manure storage basin as an industrial wastewater treatment lagoon because animal feeding operation (AFO) earthen basins are not allowed in karst terrain. Note: This facility is classified as an open feedlot AFO, even though by any reasonable review of the facts it is a confinement. The evidence supporting our concern is circumstantial.

2. Interference with the issuance of the required National Pollutant Discharge Elimination System (NPDES) individual stormwater permit for construction activities. Documented interference began in June 2017 resulting in two face-to-face meetings between Senator Zumbach and DNR staff. The first meeting occurred at the Capitol on July 28, 2017. The second meeting occurred on August 1, 2017 at DNR FO1 offices in Manchester. There are indications that interference may have occurred in April 2017, or even earlier during the “pre-application” phase of the project. The evidence supporting our concern is both direct and circumstantial.
3. Possible interference with the Environmental Protection Commission (EPC) process when DNR staff attempted to refer Walz Energy LLC violations to the Attorney General for more significant fines. The evidence supporting our concern is circumstantial, based upon statistical analysis.
4. Interference in the Nutrient Management Plan review process pertaining specifically to the July 28, 2020, and Oct 7, 2020, applications. Interference in the Feb 1, 2021, NMP application. The evidence supporting our concern is both direct (July 28, 2020, and Oct 7, 2020, NMP applications) and circumstantial (Feb 1, 2021, NMP application).

The Senate Code of Ethics states:

"Every legislator owes a duty to uphold the integrity and honor of the general assembly, to encourage respect for the law and for the general assembly and the members thereof, and to observe the legislative code of ethics. In doing so, members of the senate have a duty to conduct themselves so as to reflect credit on the general assembly, and to inspire the confidence, respect, and trust of the public, and to strive to avoid both unethical and illegal conduct and the appearance of unethical and illegal conduct."

Section 8 of the Code states:

8. *APPEARANCE BEFORE GOVERNMENTAL AGENCY. A senator may appear before a governmental agency or board in any representation case, except that the senator shall not act as a lobbyist. Whenever a senator appears before a governmental agency or board, the senator shall carefully avoid all conduct which might in any way lead members of the general public to conclude that the senator is using the senator's official position to further the senator's professional success or personal financial interest.*

We request that the Senate Ethics Committee investigate this matter, and if deemed appropriate, sanction Senator Zumbach for his unethical conduct.

DISCUSSION

The following claims are supported primarily by public documents, information contained in publicly accessible DNR databases, and documents and emails obtained via several Open Records requests. In general, personal testimony has not been used to support these claims. Clearly the testimony of present and former DNR employees and EPC commissioners would serve to verify or negate each specific claim should the Senate Ethics Committee choose to investigate. Therefore, the names of potential witnesses are presented in an Appendix following the four-part discussion.

The early history of the project and the interrelationship between the parties is given in sworn testimony as part of 2019 litigation between the Walzes, their LLC's and corporations, and parties associated with Feeder Creek, the entity proposing the methane digester-based project.¹ We do not know if Senator Zumbach was aware of or participated in the early Feeder Creek initiative to create an AFO-based methane digester system in N.E. Iowa in partnership with the Walzes.

1. Decision to permit the earthen manure storage basin as an industrial wastewater treatment lagoon

We know from the 2019 court proceedings *Case No. EQCV010637* that Mike Walz, Dean Walz, and Jared Walz (Senator Zumbach's son-in-law) conceptualized the AFO-digester project with Feeder Creek (Jon Haman, Heath Kellogg) in December 2016 and entered into agreements shortly thereafter. The Walz Energy project first surfaced in our Open Records search results as a winter of 2016/2017 "pre-application meeting"² between Jon Haman of Feeder Creek Group and DNR staff, possibly including, or with the knowledge of, Ms. Sharon Tahtinen, the DNR legislative liaison. We do not know the specific DNR attendees or subjects discussed in this meeting. Clearly those discussions occurred, and project decisions were made in the first three months of 2017. Records show that by April 11, 2017, if not earlier, Ms. Tahtinen was involved, showing interest in which permits would be required³, and introducing DNR staff to Mr. Haman. We do not know if Ms. Tahtinen was in communication with Senator Zumbach during this early period regarding the Walz Energy project. The consultant referenced in the email is likely Mr. Alan Goldberg, a former DNR administrator. We know that Mr. Goldberg had been involved as early as March 22, 2017 when a "project initiation" meeting was held with members of the Wastewater Engineering Staff⁴. Mr. Goldberg was at some point retained by Feeder Creek or Walz Energy to deal with permit issues; by June 2, 2017 he was routinely appearing in emails⁵, and was in direct communication with Suresh Kumar and/or Thabit Hamoud of the Wastewater Engineering Section, responsible for issuing industrial wastewater treatment construction

permits. We do not know the nature of Mr. Goldberg's interaction, if any, with Senator Zumbach about this project, but considering Mr. Goldberg's role, we suggest it would be a legitimate area of inquiry for the Senate Ethics Committee.

In 2017 the Walz Energy project proposed a very large cattle confinement operation (initially 10,000 head), limited formed manure storage, anaerobic methane digester structures, and a very large manure digestate earthen storage basin. It is clear from statements⁶ and diagrams⁷ that the earthen pit was not intended to be a treatment lagoon, it was meant to be a storage basin, with the manure digestate eventually applied on crop fields.

NOTE: The terms "basin" and "lagoon" are sometimes used loosely. However, the contextual meaning of "basin" with respect to IAC Chapter 65 is an unformed pit used for manure or effluent storage, without treatment. The size or shape of a basin does not affect its function, so long as it is large enough to hold the manure. The contextual meaning of "lagoon" with respect to IAC Chapter 64 is an unformed pit designed and constructed to promote either the aerobic, or anaerobic biological treatment of effluent. For microbial action to work effectively, size, shape, and intentional dilution with water decidedly do matter.

From the beginning, the status of the manure digestate basin was problematic. Former DNR administrator Alan Goldberg was retained, possibly by Feeder Creek Group and/or Walz Energy, to facilitate the basin permitting process.

There are prohibitions in Iowa Code against having earthen manure basins in karst terrain. Former AFO division head Gene Tinker and AFO permit specialist Paul Petitti, apparently refused to authorize the proposed pit as an AFO unformed manure storage basin. That was made clear during a meeting⁸ held on June 16, 2017. Several days later emails and records show that the basin issue had been referred to the Wastewater Engineering Section (WES)⁹. This is also the first reference to a formal "legislative inquiry".

Of note is the careful manner in which Paul Petitti responds to the questions in the legislative inquiry referred to by Ms. Tahtinen about whether the stormwater individual permit and the basin construction permit would be subject to public comment periods. *"Sharon, I will have to defer those answers to the appropriate persons. Sorry, I am not sure"*. We are assuming that the legislator was Senator Zumbach since shortly after this, Open Records documents reveal the preparation of timeline and history summaries for Senator Zumbach¹⁰. Why was the legislator concerned about whether public comments would be allowed? Also note the distribution list of this June 20, 2017 email chain. It included senior people in the Legal Office, the Wastewater Engineering Section, the Animal Feeding Operations division, the Stormwater review section, head of the entire Environmental Services Division

(Bill Ehm), and the Director's secretary (Karen Grimes). This suggests that the political sensitivity of this facility was already known to DNR administrators.

The pit would be classified as an "industrial wastewater treatment facility", using the pretext that some amount of food waste feedstock might at some point in the future be co-mingled with the manure fed to the digester. This even though the Amana West manure-digester facility had been approved just a few years earlier with AFO manure storage structures. Of course, Amana West is not located in an area of karst where AFO earthen lagoons are prohibited. While this decision deliberately circumvented the prohibition against AFO earthen basins or lagoons in karst terrain, it raised other issues.

NOTE: The classification of the barns as open feedlot structures rather than confinement structures is a story that needs to be told, but it is not relevant to this ethics complaint. Suffice it to say that cattle in these "open feedlot" barns would each exist in about 25 square feet of space. How is this not a confinement?

It is our understanding that WES can only permit wastewater treatment facilities, not manure storage basins. This is clear from a reading of "Iowa Wastewater Facilities Design Standards"¹¹, a rule-referenced document to be used in the permitting process. Note that on the Construction Permit Application Form Schedule A Document Checklist Form¹² the applicant is expected to choose between K1, K2, or K3 when describing the treatment function of the earthen pit. In fact, the Walz Energy design engineer (Nic Rowe – Pro Ag Solutions) and the overall project manager (Jon Haman – Feeder Creek Group), left that section unchecked in the construction permit application submitted on August 27, 2017. Only after being told by DNR staff that he must check the K3 *anaerobic lagoon* box did Nic Rowe reluctantly do so. Mr. Rowe stated categorically that even though he would check the box as requested by DNR staff, he wanted it to be clear that the pit would not be designed, constructed, or operated as an anaerobic treatment lagoon¹³, it would function simply as a manure storage basin:

"Its neither, it's an earthen storage basin, no treatment, what gets pumped into the basin will be pumped out and land applied."

Nonetheless, DNR's response was: *"We consider this to be an anaerobic treatment lagoon"*. Note that a search of the DNR's W/Wizard database, record # S2017-0491A (Walz Energy LLC) specifies that the permit application type is for a "industrial sewage **treatment** plant", but the typed in description is "anaerobic storage lagoon". It should be noted that a search of the 266 completed industrial STP projects in the database reveals that the Walz Energy LLC permit is the ONLY occurrence of a "lagoon storage" description.

It is also clear that the WES staff approved the construction permit without performing an antidegradation review as required by rule since 2016, nor did WES seek or allow public comments on the proposed construction permit, which is required as part of antidegradation protocols contained in the rules:

567 IAC 64.2(9) Review of applications. a. Review of applications for construction permits shall be based on the criteria contained in the “Iowa Wastewater Facilities Design Standards,” the Ten States Standards, the “Iowa Antidegradation Implementation Procedure” effective August 12, 2016, applicable federal guidelines and standards, standard textbooks, current technical literature and applicable safety standards

In fact, the WES group has had a detailed flowchart on their website since at least 2010 describing how to conduct antidegradation reviews. Yes, the reviews must provide notification and allow public comments.

The only way the DNR staff could allow the manure pit was to inaccurately describe it and to ignore departmental rules. The AFO folks would not authorize the pit as an AFO manure storage basin because of the karst terrain, and the WES folks only had permitting authority for treatment lagoons. All of this was occurring in the same June, July, August 2017 timeframe as the stormwater permit issues discussed in the next section were coming to a head. Multiple emails and documents¹⁴ show that Senator Zumbach, legislative liaison Sharon Tahtinen, and legislative analyst Megan Mutchler were all actively engaged in the permitting processes during this time.

We now know that concerns about constructing the basin in karst terrain were well founded. Records in the *Field Office Compliance* database¹⁵ show that dynamite was used, likely to remove karst bedrock, during the excavation. The complaint was filed on August 24, 2020; FO1 staff verified with Jared Walz that dynamiting had occurred. In the compliance record, FO1 staff expressed concerns and stated that the complaint would be forwarded to the WES permitting group for further investigation and possible action. Based upon the non-response to our direct questions emailed to WES engineer Thabit Hamoud¹⁶ and the non-response to this part of our Open Records request¹⁶, it seems that no further action was taken in this matter. Why not?

Why would DNR make this series of strange and unprecedented accommodations to allow a manure basin in karst terrain? Circumstances suggest that Senator Zumbach, in person or through proxy, for the benefit of his son-in-law, may have influenced the DNR decision to permit an earthen storage basin in karst terrain for a 10,000 head CAFO by deceptively classifying the structure as an “industrial treatment lagoon”.

2. Interference with issuance of the required NPDES stormwater permit

Our research suggests that there has been blatant and occasionally hostile interference by Senator Zumbach in the stormwater permitting process.

The facility was constructed in the watershed of Bloody Run Creek in Clayton County, an Outstanding Iowa Water (OIW). Walz Energy LLC applied for stormwater construction coverage under NPDES General Permit #2 on April 3, 2017¹⁷, but was informed on April 17 that an application for an individual NPDES stormwater permit was required because of the “Outstanding Iowa Water” (OIW) designation of Bloody Run Creek. Despite that notification and many follow-up notices, construction activities contributing to documented polluted stormwater runoff events began in April and continued throughout the entire year without an approved stormwater permit.

“OIW” is an official designation used by the state for a very limited set of waters (32 stream segments and several lakes) that must receive Tier 2.5 protection as required by the federal Clean Water Act. Permanent degradation is not allowed. Lowering of water quality (i.e. caused by construction stormwater activities) must be temporary in nature and mitigated to the greatest extent possible. An application for an individual permit must be submitted for review, public comment, and approval by professional DNR staff. As discussed previously, a “pre-application” meeting pertaining to this facility occurred in the winter of 2016/2017.

Regarding the stormwater permit, an e-mail from DNR permit writer Deb Schiel-Larson (D S-L) states that after being notified that an individual permit was required: *“The close proximity to Bloody Run Creek will require an individual storm water permit for construction instead of a General Permit 2. We are getting some push-back today on this requirement.”*¹⁸ **Pushback from whom?** If the objections came from the applicant there should be a record, but we have not seen it. This was also the period when Ms. Tahtinen, DNR Legislative Liaison, became involved in permit issues. Did the “pushback” come from her? If so, did it result from her interactions with Jon Haman, the Walzes, or Senator Zumbach? We only have the open records emails to guide us. Clearly direct testimony would answer this question. The applicant began construction activities in April 2017 even though reputable construction companies know that on-site activities should not begin until coverage under a construction stormwater permit has been obtained. Mr. Joe Griffin, a DNR environmental specialist with stormwater duties and co-worker of Deb Schiel-Larson, stated in an 04/19/17 email¹⁹ that he told Jon Haman that *“per Legal’s guidance”* they could proceed without a permit as long as there was no discharge. This is suspicious. Other DNR staff have stressed that a permit is required with first phase stormwater best management practices in place before construction begins. Why would Mr. Griffin

state that activities could proceed without a permit, knowing they might cause damage to an Outstanding Iowa Water? Who in “legal” told Mr. Griffin to say this? Why? Was there already pressure to accommodate this facility at the expense of due diligence and established protocol?

Stormwater permit applications must include stormwater pollution prevention plans (SWPPPs) that are at least as stringent as the SWPPP in the general permit. Walz Energy LLC began construction activities in April 2017 on or about the time the individual permit application was submitted, and continued construction activities through all of 2017 prior to final stormwater permit approval on January 12, 2018. Walz Energy LLC was issued a Notice of Violation (NOV) in this regard by DNR Field Office 1 (FO1) on June 28, 2017²¹. Notably, Walz Energy was not fined at this time nor were construction activities forced to stop. It was also during this period (May, June 2017) that DNR stormwater permitting staff and possibly FO1 staff were contacted by Senator Zumbach in person or by proxy (possibly Megan Mutchler, Senate Legislative Analyst) and Sharon Tahtinen, DNR Legislative Liaison, about this facility. Contacts increased in scope and intensity through July and August. In June, July, and August, Senator Zumbach was included in at least 12 emails. His legislative analyst, Megan Mutchler, was included in at least 14 emails. DNR legislative liaison Sharon Tahtinen *initiated* at least 8 emails and was included in many more. Documented personal interactions included a “legislative meeting” requested by Senator Zumbach at the Capitol on July 28, 2017, and an August 1, 2017 meeting in Manchester, also requested by Senator Zumbach.

The Friday, July 28 meeting was specifically to discuss the Walz Energy LLC facility stormwater permitting issues. DNR staff believed that this was to be an informational meeting. In preparation for the meeting, DNR staff prepared a detailed timeline of contacts and events related to the stormwater permit, focusing on the SWPPP²². The documentation painted a picture of various aspects of non-compliance, inadequate permit application documents, missing or improperly implemented SWPPP requirements, and contentious phone conversations and email correspondence. There were repeated plan submittals by the engineer and repeated denials by DNR due to insufficiency. The timeline also documented the engineer explicitly telling Deb Schiel-Larson that his client, Walz Energy, would simply not do what was required.

We know that the July 28 meeting included Deb Schiel-Larson and Eric Wiklund from the stormwater group, Jon Tack, the Water Quality Bureau Chief, DNR Legislative Liaison Sharon Tahtinen, Senate Legislative Analyst Megan Mutchler, and Senator Zumbach. There may have been others present. The meeting became contentious, even acrimonious, when DNR staff tasked with reviewing the permit application presented the timeline of non-compliance and incomplete and inaccurate

submissions by Walz Energy LLC. They were prepared to tell Senator Zumbach the reasons why the permit could not be issued, but the Senator apparently did not like what he heard and pushed back vehemently. In a contemporaneous email²³ sent later in the day of July 28, 2017, Ms. Schiel-Larson described the meeting as:

*"We were tied up with the legislative meeting on Walz Energy today. **It was tough.**"*

On August 23, 2017, Ms. Schiel-Larson emailed²⁴ her direct supervisor, Eric Wiklund, who had also been at the meeting:

"I'm still pretty unnerved and off balance.... I would never be intentionally rude or disrespectful. I wanted so much to be prepared in a good way and I'm not sure what to do at this point."

The question would seem to be "What is Senator Zumbach's standard procedure?" What constitutes helping a party understand the process and the regulations in place to protect Iowa's water quality, or applying pressure to evade those regulations while arguing about them? At what point does interest transition to interference? At what point does interference transition to unethical conduct?

One of the outcomes of the contentious July 28 2017 meeting was that Deb Schiel-Larson was tasked with coordinating a conference call for later in August with the construction engineer, Nic Rowe, and other parties. Several emails from late Friday, July 28, document this. However, on Monday, July 31, Sharon Tahtinen seems to have been placed in charge of moving the permitting process forward. Who requested that she take over? Ms. Schiel-Larson was scheduled to be on vacation for one week beginning July 31, but her coworkers and immediate supervisor in the stormwater group were still available, and Nic Rowe had already specified his availability during the second week of August. Nonetheless, a flurry of emails²⁵ to and from Sharon Tahtinen during the morning of Monday, July 31, 2017, document her efforts to arrange for an in-person meeting at FO1 in Manchester for the very next day, August 1, 2017. Senator Zumbach was present in person. **No representatives of the DNR stormwater permitting group were present at that meeting.** Were any invited? We believe that the attendees included Senator Zumbach, Jared Walz, Nic Rowe, Jon Tack, Rick Martens FO1 and Brian Jergenson FO1. Others may have been present.

We have been unable to obtain any written record of the topics discussed or decisions reached at the August 1, 2017, meeting. Perhaps the Senate Ethics Committee will have more success. We believe that the atmosphere was one of threat in the opinion of some, and that the focus of Senator Zumbach was the need to move forward more quickly with speedy approval. The attendees were aware that Senator Zumbach was related to the Walz family, and this seemed a conflict of interest, inappropriate

for a Senator. However, based upon a congratulatory email circulated to senior DNR officials, including Director Chuck Gipp, it is clear that from Senator Zumbach's perspective the meeting was a success²⁶.

"Second, I followed up with Sen. Zumbach and he thought the meeting went well. He specifically complimented Jon, Brian and Rick as being "great to work with." Good job team!"

It is undeniable that accommodations were reached at the meeting that led to the issuance on August 17 of a draft NPDES stormwater permit despite no one from the stormwater group being present at the August 1st meeting. What other issues were discussed? Were lagoon permitting issues also discussed? On August 15, legislative liaison Sharon Tahtinen initiated an email dialog pressing Ms. Deb Schiel-Larson about the status of the draft stormwater permit. The draft stormwater permit was issued by Ms. Deb Schiel-Larson on August 17, 2017, possibly against her professional judgement²⁷, and apparently upon the order of Mr. Jon Tack.

On August 6, 2017, Mr. Tack, a party to the August 1 negotiations, informed Deb Schiel-Larson that she should vet her comments through him before responding to Nic Rowe²⁸. Jon Tack, a lawyer by training and now Water Quality Bureau Chief, had essentially taken the permit application approval process out of the hands of the professionals in the stormwater group. By August 15 it was even more evident. He was communicating directly with Walz Energy about stormwater permit content²⁹. Also, upon his request standard boilerplate language related to penalties for non-compliance, modelled after the language in similar EPA documents and used for years by DNR, was softened to be "less inflammatory"³⁰.

On August 16 Deb Schiel-Larson requested a personal meeting with Mr. Tack because her co-worker, Joe Griffin, was still not satisfied with the responses from Walz Energy about remaining problems in the draft permit. There were unresolved issues related to the size and location of sediment detention basins. The applicant wanted a variance to the requirement, but in Mr. Griffin's opinion had not adequately explained why the requirement could not be met. On the morning of August 16, Ms. Schiel-Larson stated to Mr. Tack: "I'm not sure how to proceed"³¹.

On August 17, 2017, Ms. Schiel-Larson issued the draft stormwater permit anyway. She was told to do so. We have not uncovered a "smoking gun" email from Jon Tack to Ms. Schiel-Larson stating, "I order you to issue the permit, and I'm doing so because of pressure from Senator Zumbach", but the circumstances and culture of interference created by Senator Zumbach speak for themselves. We do know that in a careful phrase buried in a fall of 2017 event summary document, Ms Schiel-Larson reveals that she was "**directed** to issue the draft... permit"²⁷ Directed by who?

When the public notice of the draft stormwater permit appeared in late August, 2017, DNR received numerous requests for a public hearing on the matter. The decision to hold a public hearing was reviewed at the highest levels within DNR before approval. The hearing was held in Elkader on November 29, 2017. More than 100 people showed up at the hearing, the vast majority opposed to the proposed facility. Many people spoke passionately about the impact this 10,000 head cattle operation would have on Bloody Run Creek, an Outstanding Iowa Water, and to the surrounding watersheds where manure would also be spread. Overwhelming verbal and written public comments in opposition detailed inevitable environmental impacts. The potential disaster of locating a huge earthen manure pit in karst terrain was repeatedly brought up. Comments included an actual treatise by Bob Libra, the former State of Iowa Geologist, detailing the extreme risk of locating this specific manure pit in this area of karst terrain. However, in the Public Hearing Response Summary, all of those comments were deemed not relevant, since only comments pertaining to the actual SWPPP and the “temporary” impacts of construction activities were deemed germane. How can that be?

On December 1, 2017 the Walz Energy construction engineer admitted that 80% of construction had already been completed without an approved permit³²: *“Since construction is 80% complete do I only submit the SWPPP for the remaining construction?”* On Dec 22, 2017, a detailed SWPPP Compliance spreadsheet³² and executive summary³² of non-compliance with the SWPPP revealed numerous on-going deficiencies with the implementation of the SWPPP and other draft permit requirements. Construction had continued for nine months without a final permit and without proper implementation of the SWPPP requirements. DNR had documented stormwater sediment discharges impacting Bloody Run Creek and issued a Notice of Violation (NOV). More would follow in 2018. Public comments had been received that were scathingly against the facility because of environmental concerns. None of this was enough to stop the project. Why?

On Jan 12, 2018, Joe Griffin (not Deb Schiel-Larson) signed and issued the final permit³³. There is nothing in the open records we have seen to explain why. There is nothing in our open records to indicate that the numerous deficiencies detailed on Dec 22, 2017 had been corrected. It appears to us that by this stage of the process, Walz Energy LLC felt politically “protected” by Senator Zumbach, and DNR staff clearly understood that this project must move forward. So Mr. Griffin signed.

Efforts by DNR FO1 staff to enforce the requirements of the NPDES stormwater permit and SWPPP requirements continued to be ignored by Walz Energy LLC. This led to the decision by DNR staff in June 2018 to recommend to the EPC that the matter of fines and penalties should be referred to the Attorney General’s office. The July 2018 EPC meeting dealt with the request for referral.

3. Possible Interference with the Environmental Protection Commission process

As previously stated, the matter of Walz Energy LLC stormwater violations and non-compliance with the NPDES stormwater permit was the subject of a request for referral made by DNR staff in June 2018 and considered by the Environmental Protection Commission at their July 17, 2018 meeting³⁴. Several months prior to the EPC referral request, a draft “consent order”³⁵ to address continuing non-compliance and discharge violations was proposed by FO1 staff and DNR attorneys. This listed actual damages at \$91,000 at the time. For their part, FO1 staff made only one request beyond the default \$10,000 penalty in the draft consent order:

1. *Walz Energy LLC will pay a penalty in the amount of \$10,000.00.*
2. *Walz Energy LLC will submit weekly records of construction activities to Field Office 1. The records will be in the form of a log, detailing daily construction and include all records required in a storm water pollution prevention plan. In addition, a visual inspection of the wastewater lagoon will be conducted any day there is lagoon construction activities. **The daily inspection will note any rock, rock outcrops or voids observed in the area of the lagoon.***

Clearly FO1 staff were still concerned about the issue of constructing an earthen pit in karst terrain. However, when the final “consent order” was issued, the one request made by FO1 staff that would have kept the issue of excavating in karst terrain in plain view had been removed. Why? By whom?

The failure of the flawed and poorly implemented SWPPP rammed through the stormwater permitting process was evident. The frustration of Field Office 1 staff with the continuing degradation of Bloody Run Creek from construction activities was also evident. However, DNR field office staff and to some degree middle management were still “fighting the good fight”. It must have been devastating to staff morale when the EPC rejected their request for referral of the matter to the Attorney General’s Office without even giving it a vote. Evidence for political interference is circumstantial, based upon a statistical analysis, and is therefore presented in context.

NOTE: The complete minutes of this meeting can be found at <https://www.iowadnr.gov/About-DNR/Boards-Commissions/Environmental-Protection-EPC>. From the archives, select the file: 20180717epc.pdf. Commissioners present included: Mary Boote, Nancy Couser, Rebecca Guinn, Harold Hommes and Ralph Lents, Chair. Commissioners absent included Howard Hill, Joe Riding, and Bob Sinclair.

The request for referral was presented by Ms. Carrie Schoenebaum, DNR Attorney. Assisting her were technical DNR staff Michael Steuck (Fisheries), Tom McCarthy (FO 1), and Joe Sanfilippo, (FO 1). Ms. Schoenebaum distributed a packet of materials to the Commissioners which contained (1) DNR

photos from the October 2017 discharge to a water of the state, (2) the facility's NPDES stormwater permit, (3) DNR photos from the May 2018 discharge to a water of the state, and (4) EPA site visit inspection photos from June 2018. She had specific pages marked to explain what was being observed in the photos. The photos highlighted the areas of sediment loss, sediment in the waterways, and aerial maps indicating the location of the facility, sampling sites, and path of discharge. She also had marked pages from the NPDES permit requiring various actions to control sediment. She explained the environmental damage from sediment in the waterway. Throughout her presentation, rebuttal, and answers to questions, she focused on the facility inadequately controlling sediment run-off. Through standard construction practices or by following the SWPPP in the NPDES permit, stabilization practices could have been put in place. Because Walz Energy repeatedly did not follow the DNR Field Office instructions or properly implement the requirements of the permit, she stated that the Department had no further abilities to ensure compliance without referral to the Attorney General.

Walz Energy LLC was represented by counsel at the meeting. He, along with representatives of Walz Energy LLC, spoke against the referral. Representatives of the Iowa Chapter of the Sierra Club, the Clayton County Conservation Awareness Network, and several neighbors spoke and/or submitted written comments prior to the meeting in support of the referral. From the EPC minutes:

*Motion was made by Rebecca Guinn to refer Walz Energy to the Attorney General. There was no second to the motion.
Chairperson Lents sought additional motions and there were none.*

There was no second to the motion! This is unprecedented. We have researched the minutes of the last ten years of EPC monthly meetings³⁶. During that period there were 36 requests by DNR for referral to the Attorney General's office. Thirty of those requests were approved unanimously. Two were approved with only one dissenting vote. The three that were not approved (due to unique EPC procedural rules) were either 4-3 in favor or tied at 4-4. The Walz Energy LLC referral request died for lack of a second and was never voted upon! **Taken in context, this is strong circumstantial evidence that there was interference with the EPC process.** This is a resolvable question. The Ethics Committee need only ask under oath the people who were EPC commissioners at the time:

- *Prior to the EPC meeting did you know that Senator Zumbach's family was involved with Walz Energy? Did that influence your decision?*
- *Prior to the EPC meeting were you contacted in any way by Senator Zumbach about this matter?*
- *Prior to the EPC meeting were you contacted by anyone else about this matter? Who?*

It would be a serious ethics violation if Senator Zumbach used his influence to affect the deliberations of the Environmental Protection Commission to receive favorable treatment for the company owned in part by his son-in-law.

4. Interference in the Nutrient Management Plan approval process

Walz Energy LLC was initially intended to be a manure-to-methane digester facility owned by Supreme Beef LLC and Feeder Creek LLC. Supreme Beef was responsible for establishing the CAFO and Feeder Creek LLC was responsible primarily for the methane digester part of the plan. The digester was to be located on-site with the 10,000 head CAFO. Manure flushed from the barns was to be stored temporarily in one or two cylindrical formed-manure-storage tanks prior to treatment in the digester. After methane production and removal, digestate, still containing all of the manure N and P and most of the other manure organic matter, would then flow to and be stored in the 39-million-gallon earthen basin, eventually to be spread on crop fields as fertilizer. Initially the earthen pit was permitted by the WES staff as an industrial sewage treatment plant requiring a construction permit. Under DNR rules, at the time of the industrial permit application a Nutrient Management Plan was required to be submitted. It was not, yet the permit was issued anyway by WES in mid-September 2017. Why? Upon whose direction?

The first NMP was submitted to DNR on Dec 31, 2018³⁷, when the facility was still intended to include the methane digester. The plan was found deficient in numerous ways. The deficiencies were carefully enumerated as part of the denial sent on January 15, 2019³⁸. Note that Iowa Code only allows DNR two choices regarding the review of NMPs; approve or disapprove without prejudice. The applicant may resubmit at any time, presumably after correcting deficiencies described in the denial letter. This was the process followed by DNR staff in denying the first NMP application on Jan 15, 2019.

On Nov 4, 2019, Feeder Creek LLC was removed by court order from the Walz Energy LLC partnership, leaving just the Supreme Beef LLC CAFO. On July 28, 2020, the second NMP³⁹ was submitted based upon 11,600 head of cattle to be housed in the six barns constructed as part of the Walz Energy project and one existing barn. Untreated manure would be stored in the illicitly permitted Walz Energy LLC “industrial wastewater anaerobic treatment lagoon” until it was removed for land application. No explanation or approval was presented that would allow the permitted “industrial wastewater treatment lagoon” to be repurposed and used as an open feedlot “earthen manure storage basin” located in karst terrain. It was simply identified on Page 1 Table 1 of the NMP as

“storage basin effluent”. Note that on page 7 (A) of the standard NMP form there is the opportunity for the applicant to describe in detail (“*Attach additional sheets if needed*”) manure storage structure operation and maintenance. This section was left completely blank in the July 28, 2020, Oct 7, 2020, and Feb 2, 2021, Supreme Beef NMP applications. Why is this significant? **Any information reported in section (A) on Page 7 would be subject to public comment and would force DNR to respond to the illicit basin issue.** Who in DNR decided that it was OK to ignore details of manure storage structure operation and maintenance? Was Senator Zumbach directly or indirectly involved in this?

In fact, on several occasions Paul Petitti (Field Office 3, AFO permitting specialist) has questioned whether this manure storage structure was appropriate.⁴⁰ Earthen manure storage basins in karst terrain are not allowed under several Iowa Code sections. DNR was aware during the August and September review of the July 28, 2020, NMP that dynamite blasting and potential karst removal was being used to excavate at the site¹⁵. Why was this obvious flaw with the NMP ignored? These exact concerns, earthen lagoons in areas of karst terrain, were raised repeatedly during the public comment period, including by Bob Libra, former DNR State Geologist of Iowa, and deemed not relevant by DNR staff to the NMP review process. Why? From the DNR Public Comments Response Summary regarding the July 28, 2020, NMP application⁴¹:

“The only decision before the DNR was to approve or deny the NMP for Supreme Beef. The NMP detailed how manure generated from the facility will be disposed of. [False. Page 7 section (A) was left blank] The determination before the DNR did not involve approving or denying the actual facility nor any of its structures. “

During the public comment period for the July 28, 2020, NMP, Steve Veysey raised a number of technical questions, primarily regarding the required RUSLE2 soil loss calculations and the required phosphorous index (P-index) calculations contained in the NMP. There were basic inconsistencies in the numbers and parameters used in the calculations. Those concerns were evaluated by Mr. Jeremy Klatt of FO2 and Mr. Brian Jergenson of FO1 who both were involved in the technical review of this Supreme Beef LLC NMP, and subsequently the October 7, 2020, and Feb 1, 2021, NMPs. Mr. Veysey’s concerns were deemed valid. Eventually 34 of the 47 manure application fields listed in the NMP were found ineligible as presented. This created a dilemma for DNR. The NMP should simply have been disapproved without prejudice when these flaws were confirmed. But considering the perceived political interference by Senator Zumbach during the stormwater permitting process, and arguably during the EPC review and basin/lagoon permitting processes, some DNR field staff may have been unsure of their role. Were they expected to “approve or disapprove” the submittal by Oct 3rd as the

law and past practice required or were they expected to identify and correct the flaws in the plan? This confusion is clearly expressed in the Sept 23, 2020 email⁴² from Jeremy Klatt to Brian Jergenson. After discussing a myriad of RUSLE2 and P-index errors made by Twin Lakes Environmental, the paid consultant for Supreme Beef tasked with preparing an accurate and complete NMP submittal, Jeremy Klatt asks:

“So I do believe that there are issues that will need to be resolved before we can approve, I have not relayed any of these issues to Becky [Sexton, of Twin Lakes Environmental] at this point. Do you know if the idea is to make a decision to approve or deny the plan as submitted on October 3? Or do we want to allow them to amend the submitted plan? Just wondering if I should be working actively with Becky as I go here - or if I should hold onto my comments til I'm done reviewing.”

It's important to understand that due to limited resources DNR Field Office staff normally only review NMP applications for completeness, (they have a checklist) but only rarely are these plans reviewed for truthfulness or accuracy. Specific comments received during the public review process questioning technical aspects of the RUSLE2 and P-Index calculations triggered the full review conducted by Jeremy Klatt. Later in the review process Klatt questioned whether he should follow normal practice and document plan deficiencies to be listed in a denial letter or *work actively with the paid consultant* to amend the plan. It seems clear that Field Office staff were aware of the political sensitivity surrounding the Supreme Beef facility.

As the deadline for an “approve or deny” decision approached, DNR Field Office staff decided in the end to act in accordance with the law and past practice. Supreme Beef LLC was informed shortly after noon on October 2, 2020, that their options were to withdraw the NMP application, or it would be denied. This set off a flurry of communication between the plan author (Ms. Becky Sexton of Twin Lakes Environmental), Jared Walz, and his father-in-law, Senator Zumbach. This culminated in Senator Zumbach calling Director Kayla Lyon that very afternoon and striking a deal⁴³. An interim NMP for 2750 (actually 2700) head would be approved without further public comment or review, using just the 13 fields that had not been disqualified from the July 28, 2020, NMP. Furthermore, it was agreed that Supreme Beef could then submit an NMP for the remaining cattle. Becky Sexton wrote:

“After your phone call earlier today to advise we had two options, either withdrawal our application or be denied by the DNR, Jared Walz and I have had many lengthy discussions. He ultimately spoke with his state senator, Dan Zumbach, who made a call to Kayla Lyons about this site. She said he could apply for 2750 head at this time and apply for the remaining number in the future. How long must we wait to apply for the remaining 8,900 head?”

It is important to note that this email from Ms. Sexton was sent to the Field Office 1 staff person assigned to review the NMP application but was also copied to Kelli Book (DNR attorney), Jason Marcel

(Chief, Field Services and Compliance Bureau), and Joe Sanfilippo (Field Office 1 Supervisor). As noted before, Senator Zumbach is the father-in-law of Jared Walz, but is not his senator.

Based upon the documented actions of DNR staff later in the fall of 2020, it is reasonable to infer that as part of, or resulting from, the October 2 interference by Senator Zumbach, DNR staff up and down the line knew they were expected to assist Jared Walz and Twin Lakes Environmental so that approval of the next Supreme Beef NMP would be assured⁴⁴. That is of course what actually happened in the spring of 2021.

It should be noted that the NMP emerging from the Oct 2, 2020, conversation between Senator Zumbach and Director Lyon was officially approved on October 5, 2020⁴⁵ but the plan itself is dated and signed Oct 7, 2020⁴⁶. The approval letter pre-dated the application! How is that possible without collusion? The approval letter issued on October 5 was also sent by Tammie Krausman (Sharon Tahtinen's replacement) to Megan Schlesky (Megan Mutchler), the legislative analyst involved with Senator Zumbach during the stormwater approval process as early as June 2017. The October 7, 2020, NMP was never publicly noticed to allow comments as is required by Iowa Code for all NMPs. When questioned about this, DNR staff expressed the position that (paraphrasing) *"since the new NMP was just a subset of the Aug 28, 2020, NMP which had already received public comments, no additional notification and public comment period was necessary"*. That position was wrong and clearly violated DNR rules. Was there pressure to exclude further public scrutiny?

Later in October 2020 when it became evident that a Supreme Beef NMP substantially different from the Aug 28, 2020, NMP had been approved, Veysey did another technical evaluation, again focusing on the RUSLE2 and P-Index calculations for the remaining 13 fields in the new plan. He again found serious errors in the P-Index calculations for many of the fields and immediately notified DNR staff⁴⁷ (Brian Jergenson FO1 and Jeremy Klatt FO2). After careful review, Jeremy Klatt confirmed that the calculations for 7 fields were incorrect and expressed some concern with the lack of knowledge and/or care of the author of the Supreme Beef application⁴⁷:

"The SDR is a function of the landform region and the distance to the nearest stream - really quite difficult to mess that up and I'm not sure how Becky missed the mark so badly."

Mr. Klatt then continues:

Practically speaking - it's not a huge deal since that basin is so huge I can't imagine they will land apply anything for at least a year (or two) and will probably be re-submitting a new NMP before they apply. But it's definitely not ideal since we approved the 2700 head based on the fields. Thoughts on how to proceed?

Mr. Jergenson response is⁴⁷:

It would be good to know if/when Becky plans to re-submit the NMP and alert her of the issue. We certainly cannot allow manure application on those fields in question until the P index issues are resolved. Can you tell me which 7 of the fields we have issues with and I can reach out to Becky?

The decision that nothing needed to be done regarding the fatally flawed NMP approved by DNR on Oct 5, 2020 (without providing public notice or allowing public comment), is astounding. This sequence of events can only be explained by the “*very special status*” of this facility, which we contend derived directly from Senator Zumbach’s interference in all matters pertaining to the facility since mid-2017, or possibly before. Public records from the fall of 2020 show repeated communications between DNR staff and representatives of Supreme Beef designed to pre-approve manure application fields for the upcoming NMP submittal.

On February 1, 2021, Supreme Beef submitted their 4th NMP for this facility⁴⁸. The plan still included 11,600 head of cattle, still specified “storage basin effluent”, and still provided no details on Page 7 Section (A) regarding the design, maintenance, or operation of the manure storage structure. Forty-five manure application fields were listed. There were clearly several changes in the Supreme Beef / Twin Lakes Environmental plan-approval strategy. The one most concerning was their extreme deviation from the expected N and P nutrient content in the manure. The plan incorrectly calculated the amount of nutrients (N and P) that would be in the manure, and therefore the number of acres that would be needed to agronomically apply the manure. They used a trick, a mathematical *non sequitur*, to predict annual nutrient content that was x4 lower in N and x6 lower in P than we believe is correct, and as they had specified in their July 28, 2020, and Oct 7, 2020, NMPs.

This allowed them to significantly underestimate the number of crop acres they would really need for manure application; this will result in massive over-application of N and P to the fields. The mistake was clearly pointed out to DNR staff during the public comment period by many reviewers but was ignored. The obvious question is “*If the mistake was so obvious, why is DNR allowing it?*”. It is apparent to us that DNR staff are reacting to an explicit or implied directive from the highest level... **approve this plan, allow this facility to operate.**

Another significant change in this NMP was the approach to RUSLE2 and P-Index calculations. Rather than provide accurate and true information for the RUSLE2 calculations, the applicant provided what appears to be false information, perhaps simulating worst case scenarios, designed to prevent reviewers from challenging the accuracy of the calculations on a field-by-field basis, and making every field “approvable” in theory. *Note: In reality the applicant still made mistakes in the SDR-factor used in the P-Index calculations, resulting in some fields not approvable.* By adopting this new and false

approach, the applicant presented soil loss scenarios in the extreme that were well beyond the acceptable limits of any approvable NRCS conservation plan. Unfortunately, DNR has decided that NRCS conservation plans are not relevant to NMP approval. By presenting false RUSLE2 information, the applicant also removed one of the few tools in the Iowa Administrative Code whereby DNR could assess whether the NMP contains adequate: *“Methods to reduce soil loss and potential surface water pollution”*. The issue is “where did the idea to falsify RUSLE2 calculations for expediency come from?” If this approach was suggested or agreed to by DNR staff to “guarantee NMP approval”, despite the conflicts with state laws and agency rules, this could only be the result of the *“very special status”* of this facility.

IN CONCLUSION

For all matters pertaining to Supreme Beef LLC, partially owned by Senator Zumbach’s son-in-law, it appears to us that the Senator has improperly influenced DNR administrators and field staff. We believe this is the result of unethical conduct by Senator Zumbach from 2017 through 2020, with the consequences continuing to the present. We request that the Senate Ethics Committee investigate this matter, and if deemed appropriate, sanction Senator Zumbach for his unethical conduct.

Under penalty of perjury and pursuant to the laws of the State of Iowa the foregoing is true and correct to the best of my knowledge and belief.

Steve Veysey

Wally Taylor

Larry Stone

Jessica Mazour

Appendix - People Mentioned in the Ethics Complaint		
Name (Last)	Name (First)	Affiliation
Walz	Michael	Owner Walz Energy & Supreme Beef LLC
Walz	Dean	Owner Walz Energy & Supreme Beef LLC
Walz	Jared	Owner Walz Energy & Supreme Beef LLC
Haman	Jon	Feeder Creek Group; Walz Energy LLC
Kellogg	Heath	Feeder Creek Group; Walz Energy LLC
Tahtinen	Sharon	DNR Legislative Liaison (former)
Goldberg	Alan	Consultant to the Walz Energy project
Kumar	Suresh	DNR Wastewater Engineering Section
Hamoud	Thabit	DNR Wastewater Engineering Section
Tinker	Gene	DNR AFO Head (former)
Petitti	Paul	DNR AFO specialist FO 3
Ehm	William	DNR ESD Head (former)
Grimes	Karen	DNR Director's office
Gipp	Chuck	DNR Director (former)
Rowe	Nicholas	ProAg Engineering
Mutchler (Schlesky)	Megan	Legislative Analyst (Senate Caucus)
Schiel-Larson	Deb	DNR Stormwater group (former)
Griffin	Joe	DNR Stormwater group
Wiklund	Eric	DNR Stormwater group
Tack	Jon	DNR Water Quality Bureau Head (former)
Martens	Rick	DNR FO 1 (former)
Jergenson	Brian	DNR FO 1
Boote	Mary	2018 EPC commissioner
Couser	Nancy	2018 EPC commissioner
Guinn	Rebecca	2018 EPC commissioner
Hommes	Harold	2018 EPC commissioner
Lents	Ralph	2018 EPC commissioner
Hill	Howard	2018 EPC commissioner
Riding	Joe	2018 EPC commissioner
Sinclair	Bob	2018 EPC commissioner
Schoenebaum	Carrie	DNR attorney
Steuck	Michael	DNR FO 1
McCarthy	Tom	DNR FO 1
Sanfilippo	Joe	DNR FO 1 (former)
Klatt	Jeremy	DNR FO 2
Sexton	Becky	Twin Lakes Environmental
Sexton	Mike	Twin Lakes Environmental
Lyon	Kayla	DNR Director (current)
Book	Kelli	DNR attorney
Marcel	Jason	DNR Chief, Field Services and Compliance
Krausman	Tammie	DNR Legislative Liaison

Footnote Documents

Most of the footnotes refer to documents received via Open Records requests made to Peggy Ellscott and Renae Girdler and received from Michael Belli. Unfortunately, the majority of OR search results do not seem to be available through the DNR Open Records portal found at: <https://www.iowadnr.gov/about-dnr/social-media-press-room/iowa-dnr-records-center>. Some are and some are not. We have asked to see if these past searches can all be made available through the public records portal. In the interim, we have placed all the NMPs and the 50+ Open Record search documents that are footnoted in this complaint in a Google Drive folder. The link is: <https://drive.google.com/drive/folders/17GqSBEs2vZTjscx9WeuXHZPs9AkfiIR0?usp=sharing>
The larger folder with 1000+ open records documents is also available should the Senate Ethics Committee request access. Please contact Steve Veysey (sveysey@gmail.com).

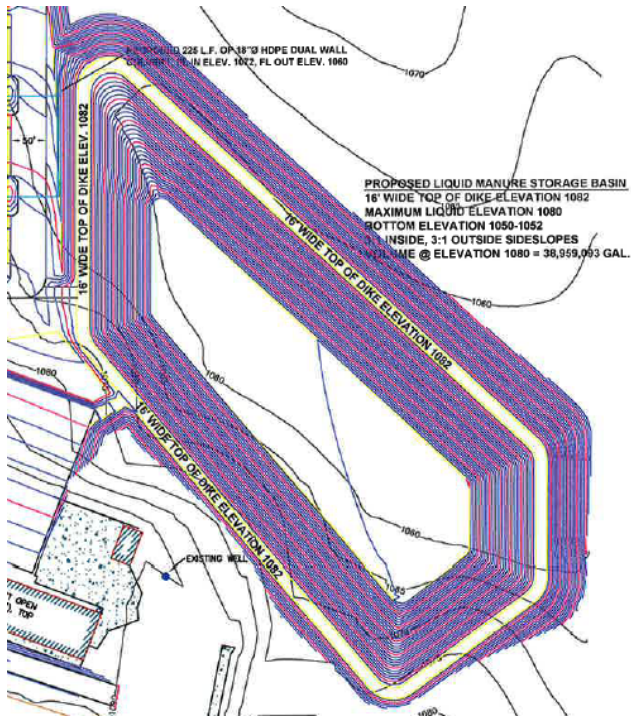
- (1) E-FILED 2019 NOV 04 1:26 PM CLAYTON - CLERK OF DISTRICT COURT - Case No. EQCV010637 p.3

I. Walz Energy Timeline of Events

In late December 2016, Jon Haman and Kellogg became in contact with Mike Walz, Dean Walz, and Jared Walz. The parties began discussing the idea of a cattle feeding facility that would have anaerobic digesters. Haman had previously been employed with Amana Farms, a beef cattle farm that used anaerobic digesters, and Kellogg had previously been responsible for raising financing for a Sysco cattle-related investment in Iowa. During these initial discussions, the parties discussed the possible revenue and risks involved with the cattle feeding and anaerobic digester operation. After discussing proposals over the company, the parties entered into an operating agreement and formed Walz Energy.

******* 1. Lagoon Permit *******

- (2) FOIAs Reduced\08.17.21 Larry Stone\DocumentsRport-16.pdf.
*Good morning, Sharon [Tahtinen];
I have the chronology prepared except I need to verify the pre-application meeting date(s) that Walz Energy/Feeder Creek Energy had with you and DNR staff. Can you email it to me?
Deb Schiel-Larson | Environmental Specialist*
- (3) FOIAs Reduced\08.17.21 Larry Stone\DocumentsReport-14.pdf
*From: Tahtinen, Sharon <sharon.tahtinen@dnr.iowa.gov>
Date: Tue, Apr 11, 2017 at 1:06 PM
Subject: Stormwater Permitting
To: jon@feedercreekgroup.com
Jon - I am writing to send you a contact for our Stormwater Permitting in the event that you/your consultant have not had the opportunity to consult with that group yet. Joe Griffin - Joe.Griffin@dnr.iowa.gov or via phone at 515-725-8417.
Thanks
Sharon*
- (4) FOIA's Reduced\03.04.21 Wally Taylor\Walz Energy Emails \ State of Iowa Mail - Fwd_ Walz Energy Center,.pdf p.4
- (5) FOIA's Reduced\03.04.21 Wally Taylor\Walz Energy Emails \ State of Iowa Mail - Fwd_ Walz Energy LLC - Walz Engergy LLC - DNR Project Manager Assignment.pdf p.3.
- (6) FOIAs Reduced\10.08.21 Steve Veysey \ DocumentsReport-1 (15).pdf p.4
FOIAs Reduced\10.08.21 Steve Veysey \ DocumentsReport-1 (17).pdf p.3,4
FOIAs Reduced\03.04.21 Wally Taylor\Walz Energy Emails \ State of Iowa Mail - Fwd_ Walz Energy LLC.pdf p.6
- (7) FOIAs Reduced\10.01.17 Gail Sawyer \2017 7 28 Prep for Senator Zumbach \ 2017 6 12 SWPPP WalzEnergy MapsOnly.pdf



- (8) FOIAs Reduced\08.17.21 Larry Stone \DocumentsReport-22.pdf

*IOWA DEPARTMENT OF NATURAL RESOURCES WATER QUALITY BUREAU UPDATE JUNE 29, 2017
 WES: Coordination meeting with Walz Energy owners and engineer, FO, NPDES, CAFO, SW-LQB staff to
 provide regulatory and technical assistance for their proposed digester complex in NE Iowa.*

FOIAs Reduced\10.01.17 Gail Sawyer\2017 11 29 WALZ Energy_Information Requests \ 2017 6 16 Email
 BackgroundWalzEnergy.pdf

- (9) FOIAs Reduced\10.01.17 Gail Sawyer\2017 11 29 WALZ Energy_Information Requests \ 2017 6 20
 LegislativeInquiry EmailResponse.pdf

Re: Legislative Inquiry

Petitti, Paul <paul.petitti@dnr.iowa.gov>

Tue, Jun 20, 2017 at 9:04 AM

To: "Tahtinen, Sharon" <sharon.tahtinen@dnr.iowa.gov>

Cc: Jason Marcel <jason.marcel@dnr.iowa.gov>, Gene Tinker <gene.tinker@dnr.iowa.gov>, "Tack, Jon" <jon.tack@dnr.iowa.gov>, William Ehm <william.ehm@dnr.iowa.gov>, Kenneth Hessenius <kenneth.hessenius@dnr.iowa.gov>, Kelli Book <kelli.book@dnr.iowa.gov>, Karen Grimes <karen.grimes@dnr.iowa.gov>, "Schiel-Larson, Deb" <deb.schiel-larson@dnr.iowa.gov>, Thabit Hamoud <thabit.hamoud@dnr.iowa.gov>

Sharon, I will have to defer those answers to the appropriate persons.

sorry I am not sure

On Tue, Jun 20, 2017 at 8:56 AM, Tahtinen, Sharon <sharon.tahtinen@dnr.iowa.gov> wrote:

Will the stormwater individual permit and the basin construction permit be subject to public comment periods?

Sharon

On Tue, Jun 20, 2017 at 8:50 AM, Petitti, Paul <paul.petitti@dnr.iowa.gov> wrote:

Hello Sharon, we have decided that the facility will not be permitted under the AFO rules as they will be taking outside waste and inputting that into the digester. They will need an NMP since they will be an open lot facility greater than 1000 Animal Units.

They do not plan on applying for a NPDES permit.

I do believe they are trying to obtain a DNR Waste Water construction permit for the earthen basin proposed on site.

Hope this helps

On Tue, Jun 20, 2017 at 8:34 AM, Tahtinen, Sharon <sharon.tahtinen@dnr.iowa.gov> wrote:

Good morning:

I received this legislative inquiry on the Walz operation.

Please let me know what permits will be needed - I know that we have requested that an individual stormwater permit be secured. Any other permits? Any other-any other insights related to the questions asked? Will an MMP be needed?

Thanks

Sharon

- (10) FOIAs Reduced\10.01.17 Gail Sawyer\2017 7 28 Prep for Senator Zumbach \ 2017 7 28 MeetingPrep For SenatorZumbach_WALZ Energy.pdf
- (11) <https://www.iowadnr.gov/portals/idnr/uploads/water/wastewater/dstandards/dstandards.pdf>
- (12) FOIAs Reduced\03.04.21 Wally Taylor\Walz Energy \ Site inspection report 8-2017.pdf p.6.
- (13) FOIAs Reduced\10.08.21 Steve Veysey \ DocumentsReport-1 (23).pdf
- (14) Search results from \FOIAs Reduced\

Tahtinen	71 docs; 312 instances	many duplicates
Mutchler	25 docs; 102 instances	many duplicates
Zumbach	53 docs; 144 instances	many duplicates
Ehm	13 docs; 60 instances	many duplicates
- (15) FOIAs Reduced\11.12.21 Steve Veysey \ 28689.pdf
"Tom Mccarthy of FO1 called Jared Walz who stated they did conduct blasting by direction of their engineer. This has been forwarded on to the DNR construction permit writers to determine if further testing will be necessary due to the blasting".
- (16) FOIAs Reduced\11.12.21 Steve Veysey \ Summary of 11-12-21 OR request.pdf

***** **2. Stormwater Permit** *****

- (17) FOIAs Reduced\10.01.17 Gail Sawyer \2017 7 28 Prep for Senator Zumbach \ 2017 7 28 MeetingPrep For SenatorZumbach_WALZ Energy.pdf
- (18) FOIAs Reduced\03.04.21 Wally Taylor\Walz Energy \ Walz 5-22.pdf p.5.
- (19) FOIAs Reduced\03.04.21 Wally Taylor\Walz Energy\ Walz 5-22.pdf p.3,4

On Wed, Apr 19, 2017 at 8:26 AM, Griffin, Joe <joe.griffin@dnr.iowa.gov> wrote:

Well, I probably did say that if they do not discharge, no discharge permit is required per Legal's guidance. But, the next time it rains, they'll likely have a discharge.

On Tue, Apr 18, 2017 at 3:47 PM, Jergenson, Brian <brian.jergenson@dnr.iowa.gov> wrote:

I talked to Jon Haman. He said Joe Griffin told him yesterday that they can work until the permit is acquired as long as they are not discharging. He is planning to call Deb ASAP to get a clarification on this. My understanding is that Joe Griffin is out until tomorrow.

On Tue, Apr 18, 2017 at 3:21 PM, Schiel-Larson, Deb <deb.schiel-larson@dnr.iowa.gov> wrote:

Thanks very much, Clark and Brian.

They don't have a storm water permit yet and should not have started construction.

I'm copying Eric, Joe and Mark in too.

- (21) FOIAs Reduced\03.04.21 Wally Taylor\Walz Energy \ Walz 114.pdf
 - (22) FOIAs Reduced\10.01.17 Gail Sawyer \ 2017 7 28 Prep for Senator Zumbach \ 2017 7 28 MeetingPrep For SenatorZumbach_WALZ Energy.pdf
 - (23) FOIAs Reduced\08.17.21 Larry Stone \ DocumentsReport-2.pdf
 - (24) FOIAs Reduced\10.08.21 Steve Veysey \ DocumentsReport-1 (11).pdf
- Eric;
If you have time this week, could we meet briefly and talk through the Walz Energy meeting at the state Capitol? I'm still pretty unnerved and off balance. It would help to know how you feel at this point. In all honesty, I've said "with all

due respect" my whole life and meant it sincerely. It's been my jumping off point for years in dialogue or presentations to offer additional information, a correction – something different from what is being said. I would never be intentionally rude or disrespectful. I wanted so much to be prepared in a good way and I'm not sure what to do at this point. My self confidence is at a low point. Suggestions will be appreciated.
 Deb Schiel-Larson | Environmental Specialist

- (25) FOIAs Reduced\04.19.21 Charlie Smithson \ Zumbach meeting 1.pdf
 FOIAs Reduced\04.19.21 Charlie Smithson \ Zumbach meeting 2.pdf
- (26) FOIAs Reduced\10.08.21 Steve Veysey \ DocumentsReport-1 (4).pdf
- (27) FOIAs Reduced\03.04.21 Wally Taylor\Walz Energy \ 2017 11 30 ActivitySummary WalzEnergy (1).pdf p.7
- (28) FOIAs Reduced\10.08.21 Steve Veysey \ DocumentsReport-1 (1).pdf
- (29) FOIAs Reduced\10.08.21 Steve Veysey \ DocumentsReport-1 (40).pdf
 "Jon Tack has spoken with Jon Haman about these remaining issues and we feel like they can be addressed."
- (30) FOIAs Reduced\10.08.21 Steve Veysey \ DocumentsReport-49.pdf
- (31) FOIAs Reduced\10.08.21 Steve Veysey \ DocumentsReport-1 (27).pdf
- (32) FOIAs Reduced\10.01.17 Gail Sawyer\2017 12 18 SWPPP 6th submittal \ 2017 12 22 Email FromDeb SWPPPPreview.pdf p.1-2 (executive summary); p.11-15 (compliance spreadsheet); p.4 (construction 80% complete without a permit)
- (33) FOIAs Reduced\10.01.17 Gail Sawyer\FINAL Permit \ 2018 1 12 Final NPDES Permit 22 00 1 05 WalzEnergy Permit.pdf
- (34) FOIAs Reduced\Other Docs \ 20180717epc.pdf

***** **3. Interference with EPC Action** *****

- (35) FOIAs Reduced\03.04.21 Wally Taylor\Walz Energy Field Office \ Walz Referral with penalty.pdf p.6
- (36) FOIAs Reduced\Other Docs\ EPC Referrals to the AG - 10 Years.xlsx

Fate of DNR Referral to the Attorney General Requests - 10 years			
date	EPC referral	EPC vote	who
7-Jun-21	yes	unanimous	Global Fiberglass Solutions
16-Jun-20	yes	unanimous	J-Dog Junk Removal, Justin Pollard
15-Oct-19	yes	unanimous	Steven Kerns
16-Oct-18	yes	unanimous	John Goldsmith
17-Jul-18	no	no second	Walz Energy
15-May-18	yes	unanimous	Recycling Services LLC
20-Mar-18	yes	unanimous	61 Park, LLC
20-Feb-18	yes	unanimous	Deere and Company
17-Oct-17	yes	unanimous	McDowell and Sons, Contractors
18-Sep-17	yes	unanimous	Joel Thys
15-Aug-17	yes	unanimous	Siouxland PC and Electronic Recycling LLC
15-Nov-16	yes	unanimous	Frank Robark; leaking storage tank
20-Sep-16	no	4 nay, 4 yea	J.S. Properties, L.L.C. (J.S. Properties) and Terry Anderson
20-Sep-16	yes	unanimous	swiss valley farms cooperative
10-Aug-16	yes	unanimous	Gary Eggers
21-Jun-16	yes	unanimous	City of Sioux City
21-Jun-16	yes	unanimous	Sedore, Inc. and Troy and Emily Sedore
16-Feb-16	yes	unanimous	Jim Frye
16-Feb-16	yes	unanimous	Cedar Rapids Community School District and Abatement Specialties
16-Jun-15	yes	unanimous	SABEER LLC dba Sleepy Hollow Campground and RV Park
14-Apr-15	yes	unanimous	Marty Feinberg, dba Feinberg Metals Recycling Corp
14-May-14	yes	unanimous	Jim Scallon
18-Mar-14	yes	unanimous	Peeters Development Co. Inc. dba Mt. Joy Mobile Home Park
15-Apr-14	yes	unanimous	BCB Ag. LLC-animal feeding operations
15-Apr-14	yes	8 yea, 1 nay	Matt Hoffman - Animal Feeding Operations
17-Sep-13	yes	unanimous	sioux-preme packing co.
17-Sep-13	yes	unanimous	north central iowa regional solid waste agency
19-Mar-13	yes	unanimous	Ramona, Larry and Thomas Gronbach - Solid Waste / Air Quality
15-Jan-13	yes	6 yea, 1 nay	Northern Iowa Area Solid Waste Agency
15-Jan-13	no	4 yea, 3 nay	Ziegler Industries, Inc (Des Moines) - Air Quality (Asbestos)
16-Oct-12	yes	6 yea, 1 nay	Vern Van Beek - Lone Tree Feedlot
18-Sep-12	yes	unanimous	Bhupen Patel and Jai Santoshi Ma, Inc - Air Quality
19-Jun-12	yes	unanimous	Phil McMains - Air Quality and Solid Waste
19-Jun-12	no	4 yea, 3 nay	Mac's Convenience Stores
17-Apr-12	yes	unanimous	Alchemist USA
21-Feb-12	yes	unanimous	Bruce Click (Clay County) Animal Feeding Operations

***** 4. Interference with NMP review *****

- (37) NMP's/Dec 31 2018/ 71007.NMP.12-31-18.pdf
- (38) NMP's/Dec 31 2018/ Pages from 71007.Supreme.Beef.2019-2.pdf
- (39) NMP's/July 28 2020/ 71007.MMP.Application.7-28-20.pdf
- (40) FOIAs Reduced\11.12.21 Steve Veysey \ Petitti email (1).pdf
FOIAs Reduced\06.01.21 Larry Stone \ DocumentsReport-138.pdf
- ...
- (41) FOIAs Reduced\10.27.20 Steve Veysey \ 71007.Supreme.Beef..2020 (1).pdf p.2
- (42) FOIAs Reduced\11.06.20 Steve Veysey\DNR_INC0722097 \ DocumentsReport-180.pdf
- (43) FOIAs Reduced\11.06.20 Steve Veysey\DNR_INC0722097 \ DocumentsReport-136.pdf

Thank you.

[illegible]