



April 8, 2024

Meg McCollister
Region Administrator
Environmental Protection Agency Region 7
Via email to: r7actionline@epa.gov

Re: NEW Cooperative fertilizer leak entering East Nishnabotna River in Iowa

Dear Ms. McCollister:

Sierra Club Iowa Chapter is the oldest and largest grassroots environmental organization in Iowa. We have approximately 7,000 members throughout the state. Sierra Club has been a leader in Iowa on addressing issues surrounding water quality.

We have been monitoring the fertilizer spill that entered the East Nishnabotna River near Red Oak, Iowa, and traveled over 60 miles through Iowa and Missouri, killing all living animals in the river along the way. This is a flagrant violation of the Clean Water Act.

We are asking that EPA become engaged in enforcement actions against NEW Cooperative, Inc. and would encourage both civil and criminal actions to be taken against the cooperative and its employees. The penalties need to be more severe than a simple slap on the wrist.

Background

Between March 9 and March 11, 2024, a valve was left open on a large fertilizer storage tank at NEW Cooperative, Inc. near Red Oak, Iowa. The open valve allowed 1,500 tons (265,000 gallons) of liquid nitrogen fertilizer (32% solution) to drain from the tank into a drainage ditch, which then flowed into the East Nishnabotna River. Over the next few days, the pollution traveled all the way downstream in Iowa, through Missouri, and to the confluence of the Nishnabotna River with the Missouri River. Not only was the valve left open, nobody was monitoring the site over the weekend. The company had not installed any detection equipment for monitoring open valves.

Effects of the spill

According to the Iowa Department of Natural Resources (DNR), contaminated soils are being removed from the tank site, water has been pumped from a site near a levee, the water is being held until it can be tested for the fertilizer content and will then be land applied.

The DNR stated that nearly all fish were killed in the nearly 50-mile Iowa stretch of the river – 749,242 fish. A *New York Times* article by Mitch Smith and Catrin Einhorn reported that Missouri officials estimated an additional 40,000 fish were killed in the 10-mile stretch of the Nishnabotna River in



Missouri. Jared Strong reported in *Iowa Capital Dispatch* that Missouri Department of Conservation staff indicated that they were seeing “a near total fish kill”.

In Iowa the fish killed include game fish such as catfish, bass, and sunfish as well as over 707,000 minnows. The spill affects other living animals – frogs, snakes, mussels, earthworms - and plants along the river.

It also would affect Iowans who want to use the river, for fishing, for wading, for watching wildlife. Further the contamination may affect drinking water wells downstream of the spill.

It will take a long time for the fish numbers to recover.

Concern about Iowa DNR staff to enforce a stiff penalty

With the current Environmental Protection Commission and the state Attorney General, we are not confident that the state will pursue adequate punishment for this egregious violation of the Clean Water Act.

The amount of fertilizer released in this spill is breathtaking. Likewise, the amount of fish killed is breathtaking. This is not a simple accident. This is a very serious release of a pollutant.

In Iowa, the normal penalty is restitution for the killed fish along with a civil penalty. We believe that a large civil penalty and criminal action is appropriate.

Given that a number of segments of the East Nishnabotna River have been on the impaired waters list (303(d)) since 2008, it is very clear that the Iowa Department of Natural Resources has not been able or willing to ensure that efforts are taken to improve its water quality. It is time to take the long-standing pollution in the East Nishnabotna seriously. Now is the time to undertake efforts to improve water quality in the river, while recovery and restoration efforts are underway due to this spill.

Conclusion

Therefore, it is appropriate for the Environmental Protection Agency to engage in the long-term repair of the river, including restoring the river inhabitants and testing of private wells. Further, the penalties assessed against NEW Cooperative and its employees need to be large enough so that other businesses and industry are encouraged to avoid similar carelessness. Most importantly, the penalties need to be more than slaps on the wrist.

Thank you for considering this letter.

Sincerely,

Pam Mackey Taylor
Director
Sierra Club Iowa Chapter



References included with this letter

1. DNR press release, "Montgomery County fertilizer spill killed more than 749,000 fish", March 28, 2004
2. Jared Strong, "Fertilizer killed more than 750,000 fish in Nishnabotna", *Iowa Capital Dispatch*, March 27, 2024
3. Mitch Smith and Catrin Einhorn, "Iowa Fertilizer Spill Kills Nearly All Fish Across 60-Mile Stretch of Rivers", *New York Times*, March 29, 2024
4. Dac Collins, "Midwestern Fertilizer Spill Kills Nearly Every Single Fish in 60-Mile Stretch of River", *Outdoor Life*, April 1, 2024

Montgomery County fertilizer spill killed more than 749,000 fish

From: Iowa DNR (iowadnr@public.govdelivery.com)

To: pammackeytaylor@aol.com

Date: Thursday, March 28, 2024 at 03:33 PM CDT

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FOR IMMEDIATE RELEASE

March 28, 2024

Montgomery County fertilizer spill killed more than 749,000 fish

MEDIA CONTACT: Tammie Krausman at tammie.krausman@dnr.iowa.gov

RED OAK – The fertilizer spill near Red Oak in Montgomery County earlier this month killed nearly all the fish in an almost 50-mile stretch of the East Nishnabotna River to the Missouri border.

On March 11, NEW Cooperative, Inc. in Red Oak notified the Iowa Department of Natural Resources (DNR) of a release occurring on-site. Approximately 1,500 tons (265,000 gallons) of liquid nitrogen fertilizer (32% solution) discharged into a drainage ditch, then into the East Nishnabotna River. The release occurred due to an aboveground storage tank valve left open for the weekend.

Upon learning of the release, DNR staff from the Environmental Field Office worked with the NEW Cooperative staff to stop the release and began cleanup efforts. DNR Fisheries staff began investigating the impacts to the Nishnabotna River.

DNR Fisheries staff documented the fish kill occurring in all 49.8 miles of the East Nishnabotna and Nishnabotna Rivers downstream of the spill. The kill continued in Missouri's portion of the Nishnabotna River and ended near the confluence with the Missouri River.

DNR Fisheries staff used methods outlined in American Fisheries Society, Special Publication 35, and 571 Iowa Administrative Code Chapter 113 to evaluate the extent of the fish kill and estimate the number of dead fish. The rules and the use of the American Fisheries Society's methodology are authorized by Iowa Code section 481A.151.

The fish kill count as of March 28th is below. Investigations of the release's impact

to other aquatic life are ongoing.

Species	Number of Fish
Minnow Shiner Dace Chub	707,871
Suckers	1,542
Goldeye	201
Common Carp	9,255
Carp sucker	14,500
Buffalo	4
Sauger	199
Channel Catfish	7,681
Flathead Catfish	264
Green Sunfish	935
Silver Carp	67
Largemouth Bass	69
Grass Carp, diploid	6,654
Total	749,242

Cleanup efforts at the NEW Cooperative facility are ongoing. Contaminated soils continue to be removed from the facility and from around a levee west of the facility. The contaminated soils will be land applied at approved locations, at agronomic rates consistent with Iowa law. Additionally, NEW Cooperative is pumping water from the east side of the levee. The pumped water will be stored in on-site holding tanks until land application can occur. A third-party consultant is collecting samples of the water-fertilizer mixture to determine accurate land application rates.

Per Iowa Code section 455B.186, a pollutant cannot be discharged into a river without a permit. DNR field staff are working with the DNR's Legal Services Bureau to determine next steps with regards to enforcement action and restitution for lost aquatic life. The DNR will continue to monitor cleanup efforts.

Field test results indicate ammonia levels are declining in the river. The DNR continues to advise people to avoid recreating on the river and collecting and/or eating dead fish found on or near the river.



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AG + ENVIRONMENT

Fertilizer killed more than 750,000 fish in Nishnabotna

BY: **JARED STRONG** - MARCH 27, 2024 3:31 PM

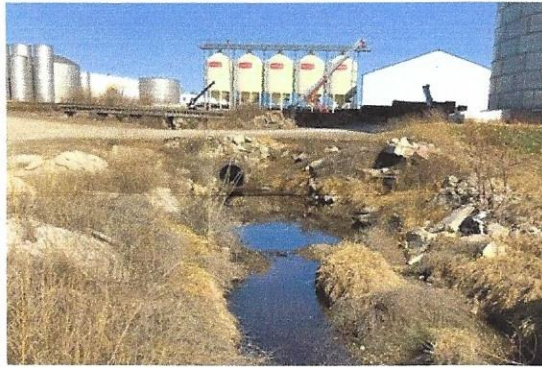
📷 A fertilizer spill in March 2024 killed nearly all the fish in the affected segments of the East Nishnabotna and Nishnabotna rivers. (Photo courtesy of ©Tracy Lovett)

A fertilizer spill this month in southwest Iowa killed nearly all the fish in a 60-mile stretch of river with an estimated death toll of more than 750,000, according to Iowa and Missouri conservation officers.

That is the biggest fish kill in Iowa in at least a decade and the fifth-largest on record, according to state data.

And it could have been worse: Fish populations were likely smaller than normal when the spill happened because of cold water temperatures and low river flows.

“Thank goodness, in a way, it happened when it did,” said Joe Larscheid, chief of the Iowa Department of Natural Resources’ fisheries bureau. “But this is a big one. It’s a lot of river miles that have been impacted.”



NEW Cooperative in Red Oak spilled about 265,000 gallons of liquid nitrogen fertilizer. (Photo courtesy of Iowa DNR)

The spill originated at NEW Cooperative in Red Oak, where a valve that either malfunctioned or was not properly closed leaked about 265,000 gallons of liquid nitrogen fertilizer, most of which went into the nearby East Nishnabotna River.

The leak happened on a weekend from March 9 to 11 in an area where

the fertilizer is distributed to customers of the farmers' co-op. That area is not required by state rules to have barriers that would prevent a leak from reaching the river.

The result was a widespread annihilation of aquatic life.

A DNR investigation found dead or dying fish for 50 miles of river – beyond where the East and West Nishnabotnas meet – all the way to the Missouri border. There were also numerous dead frogs, snakes, mussels and earthworms.

The DNR will return in late spring to note whether the fertilizer killed turtles that had buried themselves in the river bottom for winter. Their bloated carcasses will float to the river surface.

Todd Meyer, of Shenandoah, planned to fish the East Nishnabotna not long after hearing about the spill. River contaminations have happened in the area but have never impeded his boating trips on the east or west segments of the river.

For example: About a week after the fertilizer spill, gasoline overflowed from an underground tank at an Atlantic convenience store, and some of it went into the East Nishnabotna. That did not result in an apparent fish kill, the DNR said.

But after the fertilizer spill, “the whole river was full of dead fish,” Meyer recalled. “It was just nuts.”

Meyer used a drone to survey the dead fish in the East Nishnabotna River a few days after the spill.

2024 fish kill on East Nishnabotna River



Missouri finds 'near total fish kill'

The carnage continued into Missouri, where the unified Nishnabotna River flows for about 10 miles before it meets the Missouri River.

Matt Combes, a science unit supervisor for the Missouri Department of Conservation, said there was “a near total fish kill” in that state.

“I can’t even think of another instance where a fish kill occurred out of state and moved into our state,” he said.

The department surveyed one bank of the river for about two miles and counted nearly 4,000 dead fish. It will use that sample to estimate the total number of fish that were killed, Combes said, which will likely be in the tens of thousands.

The department is continuing to monitor the Missouri and Nishnabotna rivers for additional effects from the contamination. It’s possible NEW Cooperative will face sanctions in both states.

The size of the fish kill in Iowa was estimated to be about 749,000, said Chris Larson, a fisheries supervisor for the DNR. Small fish such as minnows and chubs account for the vast majority of those fish, but among them were also about 7,700 channel catfish that anglers target.

Those who are responsible for fish kills typically pay restitution to the state based on the number and types of fish that die. Larson said a total restitution amount has not yet been solidified, but that the estimated value of the small fish is about \$85,000. The value of the catfish would be about \$115,000.

Those two figures combined would be the largest valuation for a documented Iowa fish kill, according to DNR data.

Others that have caused recent fish kills have typically paid fish restitutions and a fines of up to \$10,000 – the maximum the DNR can order administratively. The department has the option to seek higher penalties in district court.

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JARED STRONG



Senior reporter Jared Strong has written about lowans and the important issues that affect them for more than 15 years, previously for the Carroll Times Herald and the Des Moines Register.

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Iowa Fertilizer Spill Kills Nearly All Fish Across 60-Mile Stretch of Rivers

Officials in Iowa and Missouri estimated that nearly 800,000 fish had died in waters that flow into the Missouri River.



By Mitch Smith and Catrin Einhorn

March 29, 2024

A fertilizer spill in Iowa this month wiped out much of the aquatic life across a 60-mile stretch of rivers in two states, officials said, leaving an estimated 789,000 fish dead in one of the region's most ecologically devastating chemical spills in recent years.

A Missouri official who surveyed the damage said that the banks of the Nishnabotna River had been lined with fish carcasses, and that dead fish were visible through the water.

"I refer to this one as 'the big one,'" said the official, Matt Combes, an ecological health unit science supervisor for the Missouri Department of Conservation. He added: "Calling something a near-total fish kill for 60 miles of a river is astounding and disheartening."

While fish kills on that scale are unusual, smaller kills are common. Comparing the scope of fish kills across different states is difficult because of limited data and tracking, experts said.

The latest die-off started, Iowa officials said, when a valve was left open over a weekend on a storage tank at NEW Cooperative, an agricultural business in Red Oak, in southwestern Iowa. The Iowa Department of Natural Resources, which learned of the spill on March 11, said this week that 265,000 gallons of liquid nitrogen fertilizer spilled into a drainage ditch and into the East Nishnabotna River, which flows into the Nishnabotna River and then the Missouri River.

Iowa officials estimated that more than 749,000 fish died in that state. Most of them were small species, such as minnows and shiners, but thousands of larger fish, including catfish and carp, also perished. Mr. Combes, the Missouri official, estimated that around 40,000 fish died in his state. He said he saw large catfish dead, as well as shovelnose sturgeon.

The fish kill was one of the five largest on record in Iowa, according to state data, and the worst since runoff from a dairy farm in 2013 killed more than 800,000 fish. The federal Environmental Protection Agency does not keep similar data on the national level, a spokesman said.

"People would be surprised how many small to moderate-size kills there are in the United States," said Andrew Loftus, a fisheries biologist and co-author of a book that is widely used to assess the monetary damages related to small and medium fish kills. "We just don't have a number of them."

But they are happening quite frequently.”

Fish kills are often caused by contaminants including fertilizer or industrial chemicals. They can also stem from releases of sewage from water treatment plants or heated water from power plants.

On a national scale, the fish kill in Iowa and Missouri was considered a medium to large event, according to fisheries experts.

“Certainly the length of river affected is pretty large and the numbers large,” said Gary Whelan, a vice president at the American Fisheries Society, a nonprofit focused on aquatic conservation and fisheries management. “But the biomass affected is likely pretty low as the kill was mostly minnow and chub species.”

A spokesman for NEW Cooperative declined to comment on Friday. A spokeswoman for the Iowa Department of Natural Resources declined to make officials available for interviews, citing “anticipated litigation.”

The ecosystem could take decades to fully recover, Mr. Loftus said.

At the spill site, contaminated soil and tainted water was still being removed, Iowa officials said. Mr. Combes said some pollutants had flowed into the much larger Missouri River, but there had been no immediate fish kill there.

Water contamination from agricultural nitrates has been a longstanding issue in Iowa. But the policy changes that environmental advocates desire have been a tough political sell in a state where Republicans run the legislature and farming powers the economy.

“I’m not really holding my breath,” said Alicia Vasto, the water program director for the Iowa Environmental Council, a nonprofit group that wants more stringent regulations. “But I really hope that this kind of wakes some people up to the sad situation of our waterways here.”

Mitch Smith is a Chicago-based national correspondent for The Times, covering the Midwest and Great Plains. More about Mitch Smith

Catrin Einhorn covers biodiversity, climate and the environment for The Times. More about Catrin Einhorn

A version of this article appears in print on , Section A, Page 22 of the New York edition with the headline: Iowa Fertilizer Spill Kills Nearly All Fish Across 60-Mile Stretch of Rivers



FISHING ► FRESHWATER

Midwestern Fertilizer Spill Kills Nearly Every Single Fish in 60-Mile Stretch of River

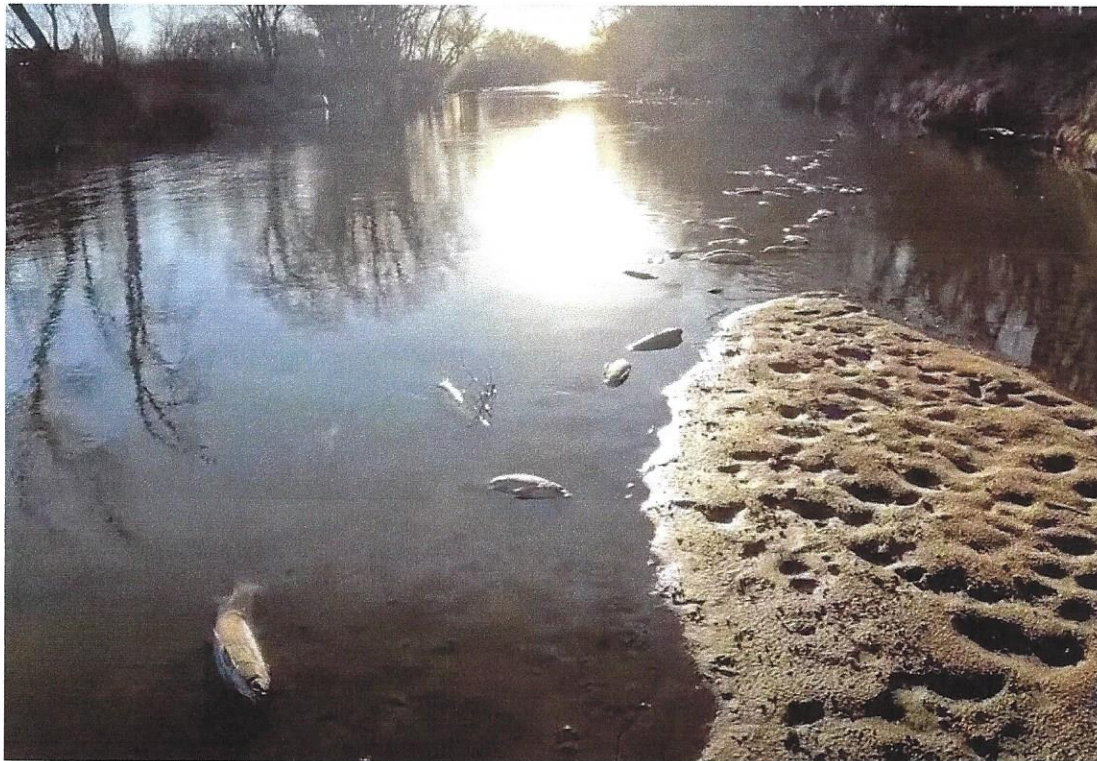
Iowa's largest fish kill in a decade bled across the state line and into the Missouri portion of the Nishnabotna River



By [Dac Collins](#)

Posted On Apr 1, 2024 3:39 PM EDT

3 Minute Read



A line of dead fish found in the Missouri stretch of the Nishnabotna River. This photo was taken more than 40 miles downstream of where the spill occurred. Photograph by Trapper J / via YouTube

Officials in Iowa and Missouri are still taking stock of a massive fish kill that occurred in the Nishnabotna River system last month after a large amount of fertilizer was spilled near Red Oak. The [Iowa Department of Natural Resources](#) announced Thursday that nearly every fish living in a 60-mile stretch of the East Nishnabotna and main Nishnabotna Rivers died in the event. This included the Missouri portion of the Nishnabotna, which flows through the

northwest corner of the state for about 10 miles before it meets the Missouri River.

The Iowa DNR's latest count shows roughly 750,000 dead fish, which makes it the state's biggest fish kill in a decade and the fifth largest on record, according to the *Iowa Capital Dispatch*. The majority of these fish (more than 700,000) were small baitfish like minnows and shiners, but the tally also includes nearly 8,000 catfish, along with more than 1,000 sunfish and largemouth bass. The death toll for crayfish, mussels, amphibians, and other aquatic species is unknown, and the Iowa DNR says it's still working to determine the full impact of the fish kill.

Species	Number of Fish
Minnow Shiner Dace Chub	707,871
Suckers	1,542
Goldeye	201
Common Carp	9,255
Carp sucker	14,500
Buffalo	4
Sauger	199
Channel Catfish	7,681
Flathead Catfish	264
Green Sunfish	935
Silver Carp	67
Largemouth Bass	69
Grass Carp, diploid	6,654
Total	749,242

The best available tally of fish killed, by species, in Iowa, as of March 28. Courtesy of Iowa DNR

Although the Missouri Department of Conservation hasn't released an exact figure, the agency's Ecological Health Unit science supervisor Matt Combes said an estimated 40,000 are thought to have died in the Missouri portion of the Nishnabotna. Residents in both states have posted videos on YouTube and social media showing dead

fish floating in the river.

“That included catfish of the size that anglers live to catch and shovelnose sturgeon ... and blue suckers and other native fish that we have, you know, been trying to protect for decades,” Combes told KMIZ News on Friday.

massive fertilizer spill kills all the fish through two states! Part 1



Officials say the massive fish kill was triggered by a fertilizer spill that occurred near Red Oak. The source of the spill was NEW Cooperative, Inc., a member-owned farmers’ co-op that serves Montgomery County.

On March 11, the co-op notified the DNR that approximately 265,000 gallons (or roughly 1,500 tons) of liquid nitrogen fertilizer were accidentally discharged into a drainage ditch that flows directly into the East Nishnabotna River. This occurred after an aboveground storage tank valve was left open overnight, according to the agency.

Read Next: [Nearly a Million Dead Fish Wash Up on Louisiana Coast, Commercial Fishing Boats to Blame](#)

Combes explained that when large amounts of liquid nitrogen mix

with water, it creates ammonia, which is deadly for aquatic animals. And because of the relatively small size of the Nishnabotna, which runs even lower during the winter months, there wasn't enough water to dilute the toxic substance until it reached the larger Missouri River (which was unaffected by the spill, according to Combes). Iowa DNR fisheries bureau chief Joe Larscheid said it was actually a good thing the spill took place in the wintertime and not the spring or summer, when the river's fish populations are typically higher.

"Thank goodness it happened when it did," Larscheid said last week. "But this is a big one. It's a lot of river miles that have been impacted."

As the DNR continues to monitor the ecological impacts of the fertilizer spill, the agency will also determine how it will penalize NEW Cooperative for allowing the spill to happen in the first place. Similar violations in the past have led to around \$10,000 in fines and restitution, according to the *Iowa Capital Dispatch*, but the DNR could seek higher amounts in court. The estimated value of the damage in Iowa is \$226,000, with at least \$3,500 already spent in investigation expenses. The farmer's co-op could face additional penalties in Missouri as well.

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