Environmental Groups Continue Efforts to Stop Massive Supreme Beef CAFO

Sierra Club Iowa Chapter, Iowa Environmental Council and others file petition for hearing with the DNR's Environmental Protection Commission

May 10, 2021 -- Des Moines, IA. Today the Sierra Club Iowa Chapter, the Iowa Environmental Council, and Iowa conservationists Steve Veysey and Larry Stone filed a petition for a hearing with the Iowa Environmental Protection Commission (EPC) to appeal the Supreme Beef Nutrient Management Plan (NMP) approved by the staff of the Iowa Department of Natural Resources (DNR) last month.

Supreme Beef, which plans to house 11,600 beef cattle, sits at the headwaters of Bloody Run Creek near Monona, Iowa. The NMP lists farm fields where manure from the facility will be applied, which are in the watersheds of Bloody Run Creek and other northeast Iowa rivers and streams. Bloody Run Creek is designated an Outstanding Iowa Water, a title granted for a water body designated by the DNR to receive stronger protection under the State’s Antidegradation Rule.

The petitioners claim that DNR approved an incomplete and incorrect NMP, despite being made aware of errors during the official public comment period. The facility was originally proposed in 2017 under the name of Walz Energy, with the plan to produce methane for sale as a biogas. That effort failed due to environmental violations and legal and financial troubles. In August 2020, Jared Walz, Mike Walz, and Dean Walz resubmitted an application to operate an 11,600-head cattle feedlot under the name of Supreme Beef.

Environmentalists pointed out errors in the August application, causing the DNR to notify Supreme Beef on October 2, 2020, that it must withdraw the application or have it denied.

In an Open Records Request, petitioners discovered that later that same day, state senator Dan Zumbach, who is chair of the Senate Agriculture Committee, communicated with DNR Director Kayla Lyon about the project. DNR then approved a version of the proposal that allowed only 2,700 head.
Jared Walz called Senator Zumbach, who is his father-in-law, although Walz is not in Sen. Zumbach’s Senate district. Senator Zumbach then called Director Lyon.

Consider this email, which was sent to Brian Jergenson, DNR Environmental Specialist Senior, from Becky Sexton, wife of State Representative Mike Sexton and owner of Twin Lakes Environmental Services, who prepared the NMP for Supreme Beef:

“After your phone call earlier today to advise we had two options, either withdrawal (sic) 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 (sic) about the site. She said he could apply for 2,750 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?”

In February 2021, Supreme Beef resubmitted an application for 11,600 head. DNR approved the application – ignoring approximately 100 public comments in opposition, including comments from the Sierra Club, Iowa Environmental Council and others that it was filled with errors.

The challenge to the NMP is based in part on these errors and concerns:

- DNR should have done an antidegradation review for facilities that will likely cause degradation of water quality. Bloody Run Creek is an Outstanding Iowa Water entitled to protection under Iowa’s Antidegradation Policy.
- The current manure storage lagoon, which was designed for waste from a methane digester, is not appropriate for a cattle feedlot.
- Supreme Beef under-calculated the nitrogen and phosphorus in the manure it will produce by 1.3 million pounds.
- The NMP does not have enough acres to receive the nitrogen and phosphorus that will be produced.
- Manure fields do not have a current grid-based soil test, as required by Iowa law, to determine the existing amount of phosphorus in the soil.
- The NMP incorrectly calculates soil loss because it does not account for tillage to apply commercial fertilizer.
- The NMP ignores gully erosion in calculating soil loss, which is necessary to correctly determine phosphorus runoff.
- The NMP failed to accurately calculate the distance from the center of the field to the nearest streams on 13 fields, leading to inaccurate P-index values, the potential for phosphorus to impact nearby streams.
- The NMP proposes applying manure to fields that are disallowed by rules because when calculated correctly, the P-Index value is too high.
- 98% of the manure fields are “Highly Erodible Land,” including fields with greater than 10% slopes, for which landowners have signed statements that they have no soil erosion control practices.
- 92% of the manure fields have phosphorus soil test results in the High or Very High range and should only receive phosphorus from manure at agronomic rates.
Because of the miscalculations on erosion, runoff, and the nutrient content of the manure, DNR should presume that Supreme Beef needs a Clean Water Act permit.

Based on these errors, DNR should not have approved this plan. The petition to the EPC asserts that DNR violated state and federal rules when approving the Supreme Beef NMP.

DNR did acknowledge some of the errors in the Nutrient Management Plan, resulting in two manure fields being removed because of incorrect calculations, but a majority of the errors were ignored by DNR during the approval process. These errors, left unaddressed, pose an imminent threat to coldwater trout streams in the area, including Bloody Run Creek, one of Iowa’s few Outstanding Iowa Water bodies. A number of other rivers and streams also could be threatened.

Because DNR failed to address the most serious errors in the NMP, Steve Veysey, a retired Iowa State University chemist analyzing the NMP, submitted an Open Records Act request to identify conversations, calculations, or justifications as to why DNR ignored a majority of the claims.

The Open Records Act request returned little substantive information or discussion of the proposal, leading the petitioners to believe that DNR approved the application because of political pressure or that conversations regarding the NMP deficiencies were via private email, phone conversations, or other means to avoid the public record.

Sierra Club Iowa Chapter and Iowa Environmental Council believe this problem is systemic, and goes beyond Supreme Beef. It is implausible that the DNR is completing adequate reviews of NMPs and Manure Management Plans for more than 10,000 CAFOs in Iowa.

Sierra Club Iowa Chapter and Iowa Environmental Council will make their case to the Environmental Protection Commission to overturn DNR’s decision to approve the Supreme Beef facility at a future meeting to be decided by the EPC.

Quotes:

**Wally Taylor, Sierra Club Iowa Chapter Legal Chair:**
“This is clearly a case where there will be discharges into the water and the DNR should require a NPDES permit and review under the antidegradation policy.”

**Michael Schmidt, Iowa Environmental Council Staff Attorney:**
“DNR’s process and approval of this plan show that our current regulations prioritize feedlots at the expense of water quality. Iowa’s streams, rivers, and lakes will continue to deteriorate until the state is willing to enforce real regulations.”

**Steve Veysey, retired Iowa State University chemist:**
“We have just a handful of designated Outstanding Iowa Waters; only 114 miles of exceptional, pristine cold-water trout streams in the farthest NE corner of the state. That's less than 0.1% of all the rivers and streams in Iowa subject to abuse from poorly sited CAFOs. And we can't even protect those. It's shameful.”

Larry Stone, Clayton County resident:
“Supreme Beef’s location in the watershed of Bloody Run Creek, in karst topography containing numerous sinkholes, is no place for pens holding 11,600 cattle. And when it’s applied to fields, the manure from those animals could enter many other streams. The threat to our surface water and groundwater is simply unacceptable.”

Jess Mazour, Sierra Club Iowa Chapter Conservation Program Coordinator:
“The Supreme Beef application should never have been approved. DNR needs to do its job and abide by the law to make sure manure does not pollute our water. If they don’t have the capacity to oversee 10,000 manure plans, then we need a moratorium now.”

Alicia Vasto, Iowa Environmental Council Water Program Associate Director:
“DNR’s approval of this NMP demonstrates the inability of the state to enforce the weak regulations we have in Iowa, let alone adequately protect water quality and public health. The EPC has the opportunity to reverse this decision and place the interests of Iowans over those of industrial agriculture.”

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The Iowa Environmental Council (IEC) is an alliance of diverse organizations and individuals working together to protect Iowa's natural environment. Founded in 1995, it is the largest and most comprehensive environmental coalition in the state. Through education, advocacy and coalition building, the Council raises awareness, generates action and creates large-scale change that makes Iowa a better place to live, work and explore. Learn more at iaenvironment.org.

The Iowa Chapter of the Sierra Club is the largest environmental non-profit in Iowa that endorses candidates, lobbies at the Capitol and empowers volunteers to engage with elected officials on key issues impacting our environment. www.sierraclub.org/iowa

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