Wastewater Enforcement: U.S. Environmental Protection Agency and Sioux County, Iowa Cattle Feeding Operation Enter into Consent Decree



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The United States Department of Justice and Wynja Feedlot, Inc. ("WF") entered into a November 17th Consent Decree ("CD") addressing alleged violations of the Clean Water Act.

The Consent Decree was filed in the United States District Court for the Northern District of Iowa.

The Complaint provides that WF discharges pollutants from a point source in Sioux County, Iowa, into a tributary of the West Branch of the Floyd River. The activity is stated to involve a large concentrated animal feeding operation which includes:

- Open lots with a design capacity of 999 cattle.
- Deep-pit confinement barn with design capacity of 999 cattle.
- Feedstock storage areas.
- Manure storage areas.
- Solids-settling area.

The Unite States Environmental Protection Agency is stated to have identified what is described as a process wastewater discharging from the facility during a March 2021 inspection. The discharge is stated to have been through a drainage pipe to a relatively permanent tributary that flows into the Floyd River, which is stated to be a traditional navigable water.

Discharges are stated to have occurred without a Clean Water Act National Pollutant Discharge Elimination System ("NPDES") Permit.

The CD requires that WF take actions to cease unauthorized discharges and achieve compliance with the Clean Water Act by actions including:

- Applying for an NPDES permit.
- Constructing a lined containment basin to contain process wastewater.
- Sampling a drainage pipe for pollutants, including ammonia, nitrate-nitrite, chlorides, and bacteria.

WF is stated to have already applied for the NPDES Permit and received a Construction Permit for the basin.

A civil penalty of $20,000.00 is assessed which was mitigated by a documented claim of limited ability to pay.

A copy of the CD can be found here.