

**IOWA DEPARTMENT OF NATURAL RESOURCES  
ADMINISTRATIVE CONSENT ORDER**

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| <b>IN THE MATTER OF:</b><br><br><b>AMPC, LLC dba Essentia Protein Solutions</b><br><b>NPDES permit No. 1467-1596</b><br><b>Sac County, Iowa</b> | <b>ADMINISTRATIVE<br/>CONSENT ORDER</b><br><b>NO. 2026-WW-02</b> |
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**TO:** Corey Jansen, President/CEO Essentia North America  
2425 SW Oak Tree Ct  
Ankeny, IA  
50021

John Wheeler, RA  
2425 SW Oak Tree Ct  
Ankeny, IA  
50021

**I. SUMMARY**

This administrative consent order (order) is entered into between the AMPC, LLC dba Essentia Protein Solutions (Essentia) and the Iowa Department of Natural Resources (Department). The parties hereby agree to the issuance of this order due to violations of Essentia's storm water National Pollutant Discharge Elimination System (NPDES) permit and its Operation Permit for Land Application of Wastewater. In the interest of avoiding litigation, the parties have agreed to resolve the violations alleged herein through entry of this order.

Any questions or responses regarding this order should be directed to:

**Relating to technical requirements:**  
Jacob Simonsen  
IDNR Field Office No. 3  
1900 Grand Ave., Ste. E 17  
Spencer, IA 51301  
Phone: 712-262-4177

**Relating to legal requirements:**  
Carrie Schoenebaum, Attorney  
Iowa Department of Natural Resources  
6200 Park Ave. Ste 200  
Des Moines, Iowa 50321  
Phone: 515-444-8165

**Payment of penalty to:**  
Iowa Department of Natural Resources

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6200 Park Ave. Ste 200  
Des Moines, Iowa 50321

**II. JURISDICTION**

This order is issued pursuant to Iowa Code section 455B.175(1), which authorizes the Director to issue any order necessary to secure compliance with or prevent a violation of Iowa Code chapter 455B, Division III, Part I and the rules promulgated or permits issued pursuant thereto; and Iowa Code section 455B.109 and 567 Iowa Administrative Code (IAC) chapter 10, which authorize the Director to assess administrative penalties.

**III. STATEMENT OF FACTS**

Storm Water Permit Violations

1. On October 1, 1992, Essentia issued a notice of coverage under NPDES General Permit No. 1 for stormwater discharge associated with industrial activity at the location of Essentia in Lytton, Iowa. This permit was most recently reissued on September 9, 2025. This site is located at the NE Section 24, Township 88 Range 35 W in Sac County, Iowa. At this location Essentia processes animal byproducts for use in numerous human and animal foods. The facility sits on approximately 3 acres.

2. On July 15, 2025, the Department conducted a routine NPDES permit compliance inspection. Once on site, the Department met with Jack Wolf, Plant Manager, who accompanied the Department on its inspection. The Department observed and documented the following:

a. The Department reviewed the Storm Water Pollution Prevention Plan (SWPPP). The description of facility's production was not accurate, a current responsible person was not identified, it contained incorrect maps and drainage locations. Mr. Wolf stated that an updated SWPPP was being worked on. Further, Essentia was not able to provide documentation of more than one year of employee training records, and visual inspection records were not available for inspection by the Department.

c. The Department observed that the sidewalk in front of door number 7 had recently been washed. Mr. Wolf stated that employees use the exit for breaks and may track blood or processing waste onto the sidewalk via their footwear. The sidewalk is washed and the wash water flows into the street and into a storm sewer intake.

d. Four silos are located on the east side of the facility. They store liquid fats and oils used in processing. These silos are located within a concrete secondary containment basin that contains two drain plugs. During the inspection, one of the drain plugs was observed leaking, which allowed the process material to escape the containment area.

3. On July 18, 2025, the Department returned to Essentia following a request from the City of Lytton. Once on site, the Department observed and documented the following:

a. The Department observed a discharge of process material in the area of the loading and unloading bay on the south east side of the facility. Raw process material had spilled onto the

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grated drain below the loading bay and entered the nearby storm sewer intake. The intake is connected to a county tile line that discharges to the West Fork Camp Creek (creek). Samples were taken of the wastewater in the storm sewer and were sent to the University Hygienic Laboratory for analysis. The results are in the below table:

| Pollutant              | Results             | Quantitation Limit |
|------------------------|---------------------|--------------------|
| E. coli                | >2400 (fMPN/100 mL) | 10 (fMPN/100 mL)   |
| Ammonia nitrogen as N  | 330 mg/L            | .05 mg/L           |
| BOD, 5 day             | 6400 mg/L           | 2 mg/L             |
| Total Suspended Solids | 4200 mg/L           | 1 mg/L             |

4. On October 1, 2025, a Notice of Violation (NOV) was sent for the above discussed violations. Included with this NOV was a copy of the inspection report a summary of the law and recommended corrective actions.

Operation Permit for Land Application Violations

5. On October 11, 2024, Essentia was issued an Operation Permit for Land Application of Wastewater (permit No. 1300103). This permit authorizes the land application of wastewater from the wastewater lagoon located on its property.

6. On July 28, 2025, the Department received a complaint alleging that Essentia's lagoon berms had been breached and wastewater was discharging from the lagoon.

7. On July 29, 2025, the Department went to the site to investigate. Once on site the Department met with Mr. Wolf. Mr. Wolf noticed that the emergency pump pumps wastewater from the lagoon had run out of gas and was not functioning. The Department observed that lagoons had less than two feet of freeboard. The lagoon contains 3 cells (a large aeration cell a south and a west cell). The south cell and the aeration cell were full of solids. The Department observed the south cell overflowing in 3 locations:

a. The Department observed wastewater flowing over the lagoon's western berm into the driveway then into the grass along the driveway and stopping at the west gate to the facility;

b. The Department observed a flow path of wastewater out of the lagoon flowing south at least 20 rows into the corn field; and

c. The Department observed wastewater flowing out of the east side of the cell onto Conservation Reserve Program (CRP) ground along the banks of the Creek.

7. On July 29, 2025, at 12:00 pm Essentia submitted a written report for Hazardous Conditions to the Department. In this report Essentia stated the following:

On 07/28/25 at approximately 6:30 am a line break was noted near the gas station in town. The production plant ceased operation in order to repair the break and minimize loss of wastewater. A plug further down the line had caused over pressure in the pipe, breaking it; as well as an overflow situation in the anaerobic cell [above

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referenced as south cell] of the wastewater lagoon. No wastewater reached adjacent water bodies.

8. On August 18, 2025, a NOV was sent to Essentia for the above discussed violations. Included in this NOV was a summary of the law and recommended corrective actions.

**IV. CONCLUSIONS OF LAW**

1. Iowa Code section 455B.186 prohibits the discharge of pollutants into a water of the state, except for adequately treated pollutants discharged pursuant to a permit issued by the Department. The above stated facts demonstrate non-compliance with this provision of law.

2. Iowa Code section 455B.173 authorizes and requires the Environmental Protection Commission (Commission) to promulgate rules relating to water quality standards, the operation of wastewater disposal systems, the discharge of pollutants into waters of the state, and the issuance of permits to wastewater disposal systems. The Commission has done so at 567 IAC Chapter 60 through 69.

3. Additionally, Iowa Code sections 455B.103A and 455B.197 authorize the issuance of permits for storm water discharges. The Commission has adopted regulations pertaining to the issuance of NPDES permits for storm water discharge at 567 IAC Chapter 60.

4. 567 IAC 60.3(1) provides that no person shall operate any wastewater disposal system or part thereof without, or contrary to any condition of, an operation permit issued by the Director. The above stated facts demonstrate noncompliance with this provision.

5. 567 IAC Chapter 61 contains water quality standards. Surface water quality criteria is found in subrule 61.3. Specifically, subparagraphs 61.3(2)“c” and “e” state:

c. Such waters shall be free from materials attributable to wastewater discharges or agricultural practices producing objectional color, odor or other aesthetically objectional conditions. [and]

e. Such waters shall be free from substances, attributable to wastewater discharges or agricultural practices, in quantities which would produce undesirable or nuisance aquatic life.

The above stated facts demonstrate noncompliance with these provisions of law.

6. NPDES permit No. 1467-1596 Standard Condition No. III C (3) requires SWPPP be updated to reflect current site conditions. Standard Condition No. III C (b) (8) requires that the SWPPP identify dates for periodic employee training. Last, Standard Condition No. III (C) (4) specifies the minimum requires regarding the contents of the SWPPP. The above stated facts demonstrate noncompliance with these provisions of law.

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7. Operation Permit for Land Application No. 1300103 Section I (1) prohibits land application to areas not identified in the permit; Section I (2) requires that permittee notify the Department no later than six hours after onset or discovery of a hazardous condition; and Section I (5) prohibits land application when it cannot be visually observed. The above stated facts demonstrate noncompliance with these provisions of law.
8. Operation Permit for Land Application No. 1300103 Section III (3) requires that a minimum of 2 feet of freeboard be maintained in all wastewater storage devices. The above stated facts demonstrate noncompliance with this provision of law.
9. Operation Permit for Land Application No. 1300103 Section X (7) requires the following "You shall report any noncompliance that may endanger human health or the environment. Information shall be provided orally within 24 hours from the time you become aware of the circumstances." The above stated facts demonstrate noncompliance with this provision of law.

**V. ORDER**

THEREFORE, the Department orders, and the Essentia consents to do, the following:

1. Cease all illegal discharges to waters of the state;
2. Comply with all conditions of its NPDES permit;
3. Comply with all conditions of its Operation Permit for Land Application of Wastewater;
4. Within 60 submit an engineering report to the Department which at a minimum includes the following:
  - i. The storage capacity of the lagoon system;
  - ii. A determination as to whether the storage capacity is adequate to store wastewater between periods of land application while maintaining the freeboard requirement;
  - iii. A construction schedule detailing the upgrades necessary to comply with the Iowa Land Application of Wastewater permit or an alternative plan that assures compliance with that permit; and
  - iii. An evaluation of the wastewater lines that convey wastewater to the lagoon system.
5. Pay an administrative penalty of \$8,000.00 within 30 days of the date the Director signs this order.

**VI. PENALTY**

1. Iowa Code section 455B.191 authorizes the assessment of civil penalties of up to \$5,000.00 per day of violation for the violations involved in this matter.

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2. Iowa Code section 455B.109 authorizes the Commission to establish by rule a schedule of civil penalties up to \$10,000.00 which may be assessed administratively. The Commission has adopted this schedule with procedures and criteria for assessment of penalties in 567 IAC chapter 10. Pursuant to this chapter, the Department has determined that the most effective and efficient means of addressing the above-cited violations is the issuance of an administrative order with an administrative penalty. The administrative penalty is determined as follows:

a. **Economic Benefit.** 567 IAC chapter 10 requires that the Department consider the costs saved or likely to be saved by noncompliance. 567 IAC 10.30(1) states that "where the violator received an economic benefit through the violation or by not taking timely compliance or corrective measures, the department shall take enforcement action which includes penalties which at least offset the economic benefit." 567 IAC 10.30(1) further states, "reasonable estimates of economic benefit should be made where clear data are not available." An economic benefit was obtained through failing to take the time to implement proper containment and handling procedures at the loading bay, by not having a complete SWPPP, and by failing to perform the proper monitoring. An economic benefit was also obtained by allowing the lagoon to overflow rather than utilizing staff to land apply the wastewater in accordance to its permit. This avoided several thousand dollars in labor expenses. Thus, it is reasonable to estimate that \$4,000.00 was saved. Therefore, \$4,000.00 is assessed for this factor.

b. **Gravity of the Violation.** One of the factors to be considered in determining the gravity of a violation is the amount of penalty authorized by the Iowa Code for the type of violation. As indicated above, substantial civil penalties are authorized by statute. Failure to properly manage wastewater runoff from industrial sites degrades surface water quality and deposits excess pollutants in Iowa's water bodies. Pollution of Iowa's waterways is a serious problem, and regulatory agencies have recognized that uncontrolled industrial wastewater discharges is a significant contributor to these problems. Degraded water quality harms aquatic life, prevents the attainment of state water quality goals, and causes a decline in the quality of life generally. The provisions contained in Essentia's NPDES permit and Operation Permit for Land Application of Wastewater protect Iowa's waterways from pollutants. Such noncompliance thwarts the integrity of the NPDES permit and water quality programs. Therefore, the amount of \$2,000.00 is assessed for this factor.

c. **Culpability.** Essentia was aware of the terms of its NPDES permit its Operation permit for Land Application. Nevertheless, those permits were not complied with. Thus, the amount of \$2,000.00 is assessed for this factor.

**VII. WAIVER OF APPEAL RIGHTS**

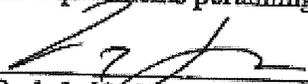
Iowa Code section 455B.175(1) and 561 IAC 7.4(1), as adopted by reference by 567 IAC chapter 7, authorize a written notice of appeal to the Commission. This order is entered into

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knowingly by and with the consent Essentia. By signature to this order, all rights to appeal this order are waived by Essentia.

VIII. NONCOMPLIANCE

Failure to comply with this order may result in the imposition of further administrative penalties or referral to the Attorney General to obtain injunctive relief and civil penalties pursuant to Iowa Code section 455B.191. Compliance with Section V. of this order constitutes full satisfaction of all requirements pertaining to the violations described in this order.

  
On behalf of the AMPC, LLC \_\_\_\_\_ Dated this 22<sup>nd</sup> day of 2026

Kayla Lyon Digitally signed by Kayla Lyon  
Date: 2026.01.23 11:39:43 -05'00'  
Kayla Lyon, DIRECTOR  
IOWA DEPARTMENT OF NATURAL RESOURCES

AMPC, LLC (Copy of Order to Central Office Records File), FO 3, Carrie Schoenebaum- Legal Services Bureau,  
U.S. E.P.A, I.C.7.b.