



*Information gathered
by Mardi Allen*

A derailed BNSF Railway train that spilled thousands of gallons of crude oil into a swollen river in southern Lyon County near its border with Sioux

County. Burlington Northern Santa Fe Railroad officials now say 230,000 gallons of crude oil leaked into the floodwaters of the Little Rock River just above the Rock River South of Doon early Friday morning.

(Spirit Lake)-- KU00 news has learned oil-

contaminated soil from that BNSF train derailment near Doon last month is being disposed of locally. Alex Moon, Land Quality Bureau Chief with the Iowa Department of Natural Resources confirmed to us late Thursday the contaminated soil is being hauled to the landfill east of Arnolds Park. *"It's not material that has, you know, you can't just go and put it back on the land, so they're putting it in the landfill. They are working with Waste Management, who owns and operates the Dickinson County Landfill and taking the material to the landfill to be buried."* Moon says the landfill is designed to handle material of that type and he's confident the correct procedures are in place.

"They put down a composite liner which is both compacted clay and then plastic, then they have a leachate collection system which is in place for any of the liquids that go through the landfill, they collect those liquids and those get treated. Along with that, we don't just trust that those liners, you know, you put them in and they're going to do their job forever. We hope they do, but we've required monitoring wells all around the landfill and they're sampling groundwater to see if there's any concerns, and there's requirements that if they see anything how they would address that. This is just one material that a landfill would take, but they're designed these days to be able to handle those types of materials."

7-18-18

I sent emails to Paul Petitti (DNR) and Debra McDonald (WM) who forwarded my email to Ken Hessenius (DNR) and Bryan Whiting (DNR), who forwarded it to Alex Moon (DNR) and Julie Ketchum (WM).

7-18-18 Email from Ken Hessenius

Mardi,

This is Ken Hessenius, Iowa DNR from Spencer. I am responding to the note you sent to Paul Petitti, our Ag engineer.

Dickinson County landfill has received all approvals to accept this waste material. The landfill is lined and properly permitted so no problems are expected. The local landfill at Sheldon is much smaller and not equipped to accept this amount of material.

If you have any questions, please contact me at 712/262-4177.

Ken

7-18-18

Phone message from Alex Moon: IDNR land Quality Bureau Chief

Voice message from Alex Moon saying he was available if we had questions.

Alex Moon's contact information:

Alex.moon@dnr.iowa.gov

515-725-8327

Wallace Bld

502 East 9th St.

Des Moines, Ia 50319

7-18-18

I emailed Representative John Wills – here is his email back:

Mardi,

Yes, I had heard this a few weeks ago. I have tried to get it redirected to Sheldon. A much closer landfill. I am not sure why Arnolds Park is the one chosen...and no answer as to why.

Typically what happens, I am told, is it is laid out on top of the ground and allowed to evaporate and then buried after all the combustibles have evaporated away. A discussion was had that perhaps they could do that on site but that idea must have been discarded.

Right now, it is above my head...Maybe King and Ernst/Grassley can do something? It is kind of directed by the EPA right now...and they aren't too interested in telling the why's to a local guy. The railroad takes all their marching orders from the feds. I will see King tomorrow...I hope and I was planning on bringing it up to him then.

John

7-19-18

John called to report on the conversation he had with Congressman King. The Congressman was going to see if he could get in contact with the EPA and find out who approved the permit. King agreed that this contaminated soil should not come to Dickinson County.

7-23 -18

I called a former WM employee who wishes not to be named at this time:

He suggested any complains regarding the landfill be directed to Mike Smith of the IDNR. Mike's contact info is below.

He also said to get a copy of the Waste Management permit and find out whether WM is laying out the soil or burying it. If it laid out then it must be turned daily

and if they are burying it, it must have at least 6" of cover within 24 hours and 24" within 6 months. WM may not meet this regulation.
He is also sure that there are areas – he thought the east and north – that do not have a rubber lining.

7-23-18

Congressman King's aide called to give me an update on the research done on the transporting of the contaminated soil to the Dickinson County Landfill. I asked me to send me an email with the information he gave me on the phone.

See below:

Mardi,

I hope this update helps. Alex Moon, Land Quality Bureau Chief at the Iowa DNR has informed me that the state has the responsibility to make this decision since it was on state land and not federal. The merits of the situation are that BNSF, the rail company, has a nation-wide contract with Waste Management. Since this was crude oil, farming (which is what they say when they mean disking) will not work on this soil. The only thing they are able to do is bury it in a liner at a landfill. The local landfill, which is publicly owned/operated is near Sheldon Iowa. The Solid Waste Planning Area is the board that makes the decisions with the Sheldon landfill. They held the position to not take the soil because they are simply not large enough to handle such a quantity. The landfill in Dickinson county, which is also a waste management landfill—so BNSF has a contract with it—is large enough and did say that they wanted to take the soil. Transferring the soil to the Dickinson county landfill was agreed upon by the two and the paper work was signed by the state DNR, who ultimately has to "Ok" the action. BNSF trucks were hauling the soil through downtown Spirit Lake. There was public push-back against this and the Iowa DNR contacted BNSF and told them to change their route to the Dickinson landfill. It has been reported that they have done so.

The contact that I have had with the EPA is them letting us know that they are monitoring the situation but they do not make any direct decisions.

This email is not saying that one landfill or location is better/worse than any other. This is simply an update from the Iowa DNR and EPA.

Thank you,

Matt Meiners
Legislative Assistant
Agriculture Policy Adviser
Congressman Steve King (IA-04)
2210 Rayburn Building
202.225.4426

7-23-18 – have a call in to Mike Smith asking for the WM permit.
Iowa DNR [Smith, Mike](#)

- [Natural Resources Department](#)
- mike.smith@dnr.iowa.gov
- (515) 725-8314

7-23-18

Called Alex Moon, Land Quality Bureau Chief – He will send me a copy of the permit filled by Waste Management and approved by the DNR.

He explained all of the things that I had already heard.

He did speak about the trucks filled with the contaminated soil going through Spirit Lake causing concern and that the route to the landfill was changed.

He also said that some of the contaminated dirt was going to the landfill in Lyon County but that landfill was not owned by WM.

I talked briefly about the mistrust of WM, the issues with the methane gas smells and the truckloads of creosol railroad ties buried in the Dickinson County landfill last year.

He and others have told me that the railroad had a contract with Waste Management.

I asked Alex if the County would decide to purchase the landfill, if it was his office that would help us through the process after the purchase. He said yes and suggested we talk to Spencer since they had purchased their from a private owner some years back.

7-23-18

Email from Alex Moon;

Hi Mardi,

I have forwarded Mike Smith's email with the permit for the Waste Management landfill. Provision #7 of the permit is the new condition allowing petroleum contaminated soil to be direct buried at the landfill as opposed to having to be landfarmed. Provision #7 also references a variance request from WM to allow the direct burial at the landfill. I thought you might like to have a copy of their variance request so it is attached as well.

I will have my cell phone (515-971-6940) with me tomorrow as I am traveling. You are welcome to call me if you or the board has questions. Thank you.



Alex Moon | Land Quality Bureau Chief

Iowa Department of Natural Resources

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