

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

WYNJA FEEDLOT, INC.,

Defendant.

Civil Action No.

COMPLAINT

The United States of America, by the authority of the Attorney General of the United States and through the undersigned attorneys, acting at the request of the Administrator of the U.S. Environmental Protection Agency (“EPA”), files this Complaint and alleges as follows:

NATURE OF ACTION

1. This is a civil action against Defendant Wynja Feedlot, Inc., seeking injunctive relief and civil penalties for violations of Section 301 of the Federal Water Pollution Control Act, as amended (commonly referred to as the “Clean Water Act” and hereinafter referred to as the (“CWA”), 33 U.S.C. § 1311, for discharging pollutants from a concentrated animal feeding operation (“CAFO”) in Sioux County, Iowa into a tributary of the West Branch of the Floyd River without a permit.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action under Section 309(b) of the CWA, 33 U.S.C. § 1319(b), and under 28 U.S.C. §§ 1331, 1345, and 1355.

3. Venue is proper in the Northern District of Iowa under Section 309(b) of the CWA, 33 U.S.C. § 1319(b), and 28 U.S.C. §§ 1391(b) and 1395(a), because it is a judicial district in which Defendant conducts business and the judicial district in which the unauthorized discharge of pollutants has occurred and continues to occur.

4. Authority to bring this action is vested in the U.S. Department of Justice under Section 506 of the CWA, 33 U.S.C. § 1366, and under 28 U.S.C. §§ 516 and 519.

5. The United States notified the State of Iowa of commencement of this action under Section 309(b) of the CWA, 33 U.S.C. § 1319(b).

DEFENDANT

6. Defendant Wynja Feedlot, Inc., is an Iowa corporation with a home office address at 3555 Indian Avenue, Orange City, IA, 51041.

7. At all times relevant to this Complaint, Defendant Wynja Feedlot, Inc., has operated a cattle-feeding operation at 3555 Indian Avenue, Orange City, IA, 51041, at which calves are housed and fed until reaching market weight.

STATUTORY AND REGULATORY FRAMEWORK

8. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits “the discharge of any pollutant by any person” except, as applicable here, in compliance with a National Pollutant Discharge Elimination System (“NPDES”) permit issued under Section 402 of the CWA, 33 U.S.C. § 1342(a).

9. Section 502(5) of the CWA, 33 U.S.C. § 1362(5), defines a “person” as “an individual, corporation, partnership, association, State, municipality, commission, or political subdivision of a State, or any interstate body.”

10. “Discharge of a pollutant” and “discharge of pollutants” mean “any addition of any pollutant to navigable waters from any point source” 33 U.S.C. § 1362(12).

11. “Pollutant” includes “biological materials . . . and agricultural waste discharged into water.” 33 U.S.C. § 1362(6).

12. Section 502(7) of the CWA, 33 U.S.C. § 1362(7), defines “navigable waters” as “the waters of the United States, including the territorial seas.”

13. “Point source” means “any discernible, confined and discrete conveyance, including but not limited to any . . . concentrated animal feeding operation . . . from which pollutants are or may be discharged.” 33 U.S.C. § 1362(14).

14. EPA has promulgated rules regulating the discharge of pollutants from concentrated animal feeding operations (“CAFOs”). *See* 73 Fed. Reg. 70,418 (Nov. 20, 2008); 77 Fed. Reg. 44,494 (July 30, 2012).

15. Under these rules, CAFOs are “point sources, subject to NPDES permitting requirements” if they fall within the definition of an “animal feeding operation” and qualify as either a “Large CAFO” or a “Medium CAFO” based on the number and type of animals confined. 40 C.F.R. § 122.23(a)–(b).

16. “A CAFO must be covered by a permit at the time that it discharges.” 40 C.F.R. § 122.23(f).

17. “Animal feeding operation (“AFO”)” means “a lot or facility (other than an aquatic animal production facility) where the following conditions are met:

- (i) Animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period; and

(ii) crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.”

40 C.F.R. § 122.23(b)(1).

18. “An AFO is defined as a ‘Large CAFO’ if it stables or confines as many as or more than . . . 1,000 cattle other than mature dairy cows or veal calves. Cattle includes but is not limited to heifers, steers, bulls and cow/calf pairs.” 40 C.F.R. § 122.23(b)(4).

19. “Once an animal feeding operation is defined as a CAFO for at least one type of animal, the NPDES requirements for CAFOs apply with respect to all animals in confinement at the operation and all manure, litter, and process wastewater generated by those animals or the production of those animals” 40 C.F.R. § 122.23(a).

20. “Process wastewater” means “water directly or indirectly used in the operation of the AFO for any or all of the following: spillage or overflow from animal or poultry watering systems; washing, cleaning, or flushing pens, barns, manure pits, or other AFO facilities; direct contact swimming, washing, or spray cooling of animals; or dust control.” 40 C.F.R. § 122.23(b)(7).

21. “Process wastewater also includes any water which comes into contact with any raw materials, products, or byproducts including manure, litter, feed, milk, eggs or bedding.” 40 C.F.R. § 122.23(b)(7).

22. “In order to obtain authorization under an NPDES permit, the CAFO owner or operator must either apply for an individual NPDES permit or submit a notice of intent for coverage under an NPDES general permit.” 40 C.F.R. § 122.23(d)(1).

23. Section 402(b) of the CWA, 33 U.S.C. § 1342(b), authorizes each state to administer its own NPDES permit program under state law if the state program has been approved by the EPA Administrator.

24. EPA authorized the State of Iowa to administer its NPDES program in 1978. Memorandum of Agreement between the Regional Administrator of EPA Region 7 and the Executive Director of the Iowa Department of Environmental Quality, August 10, 1978.

25. When a state is authorized to administer a NPDES permit program under Section 402(b) of the CWA, 33 U.S.C. § 1342(b), EPA retains the authority, concurrent with the authorized state, to take enforcement actions under Section 309 of the Act, 33 U.S.C. § 1319. 33 U.S.C. § 1342(i).

26. Section 309(b) of the CWA, 33 U.S.C. § 1319(b), authorizes EPA to commence a civil action for appropriate relief, including a permanent or temporary injunction, when any person is in violation of Section 301, 33 U.S.C. § 1311.

27. Under Section 309(d) of the CWA, 33 U.S.C. § 1319(d), any person who violates Section 301, 33 U.S.C. § 1311, “shall be subject to a civil penalty not to exceed \$25,000 per day for each violation.” Under the Federal Civil Penalties Inflation Adjustment Act, 28 U.S.C. § 2461 note, and 40 C.F.R. § 19.4, Table 1, the civil penalty amount was raised to a maximum of \$68,445 per day for violations that occur after November 2, 2015, where penalties are assessed on or after January 8, 2025.

GENERAL ALLEGATIONS

28. On March 23, 2021, EPA inspected the cattle-feeding operation at 3555 Indian Avenue, Orange City, IA, 51041 (hereinafter the “Facility”).
29. The Facility includes open lots with a design capacity of 999 cattle, a deep-pit confinement barn with a design capacity of 999 cattle, feedstock storage areas, manure storage areas, and a solids-settling area.
30. During the March 2021 inspection, a tile outlet at the Facility was discharging process wastewater into an unnamed tributary to the West Branch of the Floyd River (hereinafter the “Tributary”).
31. During the March 2021 inspection, EPA took three water samples, including samples from: (1) the tile pipe discharge, (2) a location in the Tributary upstream of the discharge, and (3) a location in the Tributary downstream of the discharge.
32. The sampling results indicated that the process wastewater discharged from the tile pipe contained high levels of *E. coli*, ammonia, chlorides, and biological oxygen demand (“BOD”), among other pollutants.
33. The sampling results also demonstrated elevated levels of *E. coli*, ammonia, chlorides, and BOD, among other pollutants, in the Tributary downstream of the discharge.
34. The sampling results upstream of the discharge demonstrated lower levels of *E. coli*, ammonia, chlorides, and BOD, among other pollutants, than those measured downstream of the discharge.
35. The State of Iowa has designated the Tributary and the West Branch of the Floyd River as impaired waters under Section 303(d) of the CWA, 33 U.S.C. § 1313(d).
36. The Tributary flows along the southern edge of the Facility.

37. The Tributary is a jurisdictional water of the United States.
38. The Tributary flows approximately two miles southeast of the Facility before emptying into the West Branch of the Floyd River.
39. The West Branch of the Floyd River is a jurisdictional water of the United States that flows into the Floyd River, a traditional navigable water.
40. The Floyd River empties into the Missouri River, a traditional, interstate navigable water.
41. The Facility is a “lot or facility” within the meaning of 40 C.F.R. § 122.23(b)(1).
42. The Facility has stabled or confined and fed or maintained more than 1,000 cattle for a total of 45 days or more in any 12-month period since at least March 2018.
43. At all times relevant to this complaint, crops, vegetation, forage growth, or post-harvest residues are not and have not been sustained in the normal growing season over any portion of the Facility.
44. Process wastewater from the open lots, feedstock storage areas, manure storage areas, and other parts of the Facility flows south and southeast into an unlined solids-settling area located south of the open lots and approximately 50 feet north of the Tributary.
45. The process wastewater that flows into the solids-settling area from the open lots, feedstock storage areas, manure storage areas, and other parts of the Facility is untreated.
46. When this flow is within the capacity of the solids-settling area, the process wastewater that flows into the solids-settling area dissipates into the ground while solid manure remains on the surface.

47. Upon information and belief, subject to a reasonable opportunity for further investigation or discovery, the tile outlet that was discharging during the March 2021 inspection was located underneath and discharged process wastewater from the solids-settling area into the Tributary.

48. Upon information and belief, subject to a reasonable opportunity for further investigation or discovery, the tile outlet discharged process wastewater into the Tributary on multiple occasions during and before the March 2021 inspection.

49. After the March 2021 inspection, Defendant cut and capped the tile outlet that was discharging into the Tributary during the inspection.

50. On October 4, 2023, EPA conducted a second inspection of the Facility.

51. The capacity of the solids-settling area at the Facility is insufficient to prevent overflow of process wastewater into the Tributary during significant precipitation events.

52. Upon information and belief, subject to a reasonable opportunity for further investigation or discovery, the Facility has discharged and will continue to discharge process wastewater due to overflow from the solids-settling area into the Tributary during significant precipitation events.

53. Upon information and belief, subject to a reasonable opportunity for further investigation or discovery, between March 2021 and May 2025, there were at least three precipitation events during which the Facility discharged process wastewater from the solids-settling area into the Tributary.

54. Defendant did not apply for or obtain coverage under a NPDES permit authorizing discharges from the Facility before the discharges alleged in this Complaint.

CLAIM FOR RELIEF
UNAUTHORIZED DISCHARGE OF POLLUTANTS

55. Paragraphs 1 through 54 are realleged and incorporated herein by reference.

56. Defendant has discharged and continues to discharge process wastewater from the Facility into the Tributary without a NPDES permit.

57. Defendant is a “person” within the meaning of Section 502(5) of the CWA, 33 U.S.C. § 1362(5).

58. The process wastewater discharged into the Tributary contains “pollutants” within the meaning of Section 502(6) of the CWA, 33 U.S.C. § 1362(6).

59. The Tributary is a “navigable water” within the meaning of Section 502(7) of the CWA, 33 U.S.C. § 1362(7).

60. Since at least March 2018, the Facility has been a “Large CAFO” and a “point source” within the meaning of 40 C.F.R. § 122.23(b) and Section 502(14) of the CWA, 33 U.S.C. § 1362(14).

61. Each discharge of process wastewater described herein is a “discharge of pollutants” within the meaning of Section 502(12) of the CWA, 33 U.S.C. § 1362(12).

62. The discharges from the Facility described herein are not authorized by a permit, in violation of Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

63. Under Sections 309(b) and (d) of the CWA, 33 U.S.C. § 1319(b) and (d), Defendant is liable for injunctive relief and civil penalties up to \$68,445 per day for each violation occurring after November 2, 2015.

64. Unless enjoined, Defendant’s violations will continue or recur.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff, the United States of America, requests that this Court:

1. Order such injunctive relief as appropriate to prevent Defendant from discharging pollutants from the Facility, except as expressly authorized by the CWA;
2. Enter a judgment against Defendant for civil penalties in an amount up to \$68,445 per day for each violation occurring after November 2, 2015;
3. Award the United States its costs in this action; and
4. Grant the United States such other relief as the Court deems just and proper.

Dated: November 17, 2025

RESPECTFULLY SUBMITTED,

ADAM R.F. GUSTAFSON
Principal Deputy Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice

s/ Katherine L. Matthews
KATHERINE L. MATTHEWS
Senior Counsel
Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
999 18th Street, Suite 600
North Terrace
Denver, CO 80202
Telephone: (303) 514-4192
Email: katherine.matthews@usdoj.gov

LEIF OLSON
United States Attorney
Northern District of Iowa

s/ Brandon J. Gray
BRANDON J. GRAY
Assistant United States Attorney
Northern District of Iowa
111 7th Avenue SE, Box #1

Cedar Rapids, IA 52401

OF COUNSEL:

NATASHA GOSS

Attorney-Advisor

Office of Regional Counsel

Region 7

U.S. Environmental Protection Agency

11201 Renner Boulevard

Lenexa, KS 66219

ERANDI RATNAYAKE

KRISTIN TERRY

Attorney-Advisors

Water Enforcement Division

Office of Civil Enforcement

Office of Enforcement and Compliance Assurance

U.S. Environmental Protection Agency

1200 Pennsylvania Avenue NW

Washington, DC 20460