

IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER

IN THE MATTER OF:

Jodie Puff d/b/a J & R Farms
ID #61507
Section 5, Byron Township
Buchanan County, Iowa

ADMINISTRATIVE CONSENT ORDER

NO. 2013-AFO-02.

TO: Jodie Puff
1747 150th Street
Hazelton, IA 50641

VIOLATION: 567 Iowa Administrative Code (IAC) 65.16(3)“b” and “c” and 567 IAC 65.17. You failed to submit a complete updated manure management plan (MMP) to the Iowa Department of Natural Resources (Department), the board of supervisors of the county where your confinement feeding operation is located, and to the board of supervisors of each county where manure from your confinement feeding operation is land-applied, by September 1, 2007, 2008, 2009, 2010, 2011 and 2012 deadline. You were sent a notice of violation for failure to submit each year and at various times you discussed the matter with DNR Field Office 1 via telephone. On November 5, 2012, a letter was sent to you indicating that the 2012 MMP update had been received and was complete but the matter was being referred to the Legal Service’s Bureau for enforcement.

ORDER: In the future you shall timely submit to Department Field Office 1 your complete MMP and fee. In addition, a penalty of \$3,000.00 shall be paid within 30 days after the date the Director signs this Order. This penalty shall be paid to the Department, at the address listed below. \$1,000.00 of this amount is assessed for economic benefit from delayed payment of fees and delayed preparation costs. \$1,000.00 of this amount is based on the gravity of the violation, considering the size of this facility, agency costs in addressing this violation, the importance of the animal feeding operation program, and the threat to the integrity of the animal feeding operation program. \$1,000.00 of this amount is for culpability; the MMP requirements have been widely publicized in the industry, ample time for compliance was allowed and you were sent a notice of the requirement.

AUTHORITY: Iowa Code §455B.109, §459.103(3); 567 IAC 10.3, 65.16(3)“b” and “c”, 567 IAC 65.17.

APPEAL: This Order is entered into knowingly by and with the consent of Jodie Puff. For that reason, you waive your right to appeal this Order or any part thereof.

NONCOMPLIANCE: Compliance with this Order constitutes full satisfaction of all requirements pertaining to the violations described in this Order. If you fail to comply with this Order you may be subject to further penalties pursuant to Iowa Code §455B.109 or penalties and injunction pursuant to Iowa Code §455B.191 and §459.603.

Jodie Puff dba J & R Farms
Jodie Puff d/b/a J & R Farms

Dated this 28 day of Feb, 2013

Chuck Gipp
Chuck Gipp, DIRECTOR

Dated this 5th day of March, 2013

IOWA DEPARTMENT OF NATURAL RESOURCES
502 East Ninth Street; Wallace State Office Building; Des Moines, Iowa 50319

VIII. C.1; EPA, Carrie Schoenebaum, Ken Hessenius, Field Office I.