

IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER

IN THE MATTER OF:

Rick Riessen
Facility ID #62878
T78 NRIE S 1/2 SE SE Section 16, Fulton
Township
Muscatine County, Iowa

ADMINISTRATIVE CONSENT ORDER
NO. 2007-AFO-33

TO: Rick Riessen
1292 Western Avenue
Stockton, Iowa 52679


VIOLATION: 567 Iowa Administrative Code (IAC)-65.16(3)"b" and "c" and 567 IAC-65.17. You failed to submit a complete Iowa Phosphorus Index 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 April 1, 2007. You were sent notices of these requirements on January 26, 2007 and February 13, 2007, and a Notice of Incomplete Submittal on May 24, 2007. On July 19, 2007, a notice of referral was sent to you and on August 17, 2007, a complete MMP was submitted to the Department.

ORDER: In the future you shall timely submit to the Department Field Office # 6 the following: complete MMPs, fees and MMP updates. In addition, a penalty of \$2,000.00 shall be paid 30 days after the Director signs this Order. This penalty shall be paid to the Department, at the address listed below. \$250.00 of this amount is assessed for economic benefit from delayed payment of fees and delayed preparation costs. \$750.00 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 two notices of the requirement by the Department.

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 Rick Riessen. For that reason, Rick Riessen waives the right to appeal this Order or any part thereof.

NONCOMPLIANCE: 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.


Rick Riessen

Dated this 16th day of October, 2007


Richard A. Leopold, DIRECTOR

Dated this 20th day of October, 2007

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

VIII. C.1; EPA, Carrie Schoenebaum, Ken Hassenius, Field Office 6

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