

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

IN THE MATTER OF:

Christensen Farms Midwest, LLC
Section 25, Wyacondah Township
Davis County, Iowa
Facility ID#61720 - Facility Name C-53

ADMINISTRATIVE CONSENT ORDER
NO. 2009-AFO-23

TO: Eldon McAfee, Registered Agent
Beving, Swanson & Forrest, P.C.
321 East Walnut Street, Suite 200
Des Moines, Iowa 50309

Gary Koch
Gislason & Hunter LLP
2700 South Broadway - P.O. Box 458
New Ulm, Minnesota 56073

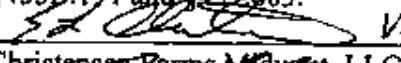
VIOLATION: Iowa Code §459.312(3); 567 Iowa Administrative Code (IAC) 65.16(3)"b" and "c". You failed to submit a complete manure management plan (MMP) update to the Iowa Department of Natural Resources (DNR), to the board of supervisors of the county where your confinement feeding operation is located, and to the board of supervisors of each county where manure from your confinement feeding operation is land-applied, by July 1, 2008. You also failed to submit the annual compliance fees. The facility contact was sent a notice of the requirements on May 13, 2008 and a notice of violation letter on July 17, 2008. On August 5, 2008, the facility was sent a notice of referral.

ORDER: If you have not already done so, you shall submit your complete MMP update and fees within 30 days of the date the Director signs this administrative consent order. In addition, a penalty of \$3,000.00 shall be paid within 30 days of the date the Director signs this administrative consent order. This penalty shall be paid to the DNR at the address listed below. \$100.00 of this amount is assessed for economic benefit from delayed payment of fees and delayed preparation costs. \$1,500.00 of this amount is based on the gravity of the violation; considering the size of the facility, agency costs in addressing the violations, the importance of the animal feeding operation program, and the threat to the integrity of the animal feeding operation program. \$1,400.00 of this amount is for culpability; the MMP requirements have been widely publicized in the industry, ample time for compliance was allowed, and the facility was sent three notices of the requirements by the DNR. Christensen Farms Midwest, LLC neither admits nor denies the statements in this administrative consent order and enters into the administrative consent order for settlement purposes only.


AUTHORITY: Iowa Code §455B.109; §459.601 (2)(a); §459.312(3); 567 IAC 10.3; 65.16(3)"b" and "c".

APPEAL: This administrative consent order is entered into knowingly by and with the consent of Christensen Farms Midwest, LLC. For that reason, Christensen Farms Midwest, LLC waives the right to appeal this administrative consent order or any part thereof. This administrative consent order is entered into as an alternative to an administrative order.

NONCOMPLIANCE: If you fail to comply with this administrative consent 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.


Christensen Farms Midwest, LLC

Dated this 19 day of June, 2009.


Richard A. Leopold, Director

Dated this 30 day of June, 2009.

Iowa Department of Natural Resources
502 East Ninth Street; Wallace State Office Building; Des Moines, Iowa 50319
#61720; Kelli Book; Field Office 6; EPA; VIII.C.2