

IOWA DEPARTMENT OF NATURAL RESOURCES  
ADMINISTRATIVE CONSENT ORDER

IN THE MATTER OF:  
Tammy & Rand Faaborg  
ID #60145  
Section 23, Scott Township  
Hamilton County, Iowa

ADMINISTRATIVE CONSENT ORDER  
NO. 2009-AFO-12

TO: Tammy & Rand Faaborg  
3490 370<sup>th</sup> Street  
Radcliffe, Iowa 50230

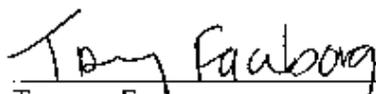
**VIOLATION:** 567 Iowa Administrative Code (IAC) 65.16(3)"b" and "c" and 567 IAC 65.17. You failed to submit a complete Iowa Phosphorus Index manure management plan (MMP) to the Iowa Department of Natural Resources (Department), the board of supervisors of the county where your confinement feeding operation is located, and to the board of supervisors of each county by the October 1, 2008 deadline. You were sent a notice of these requirements on April 16, 2008, August 15, 2008 and a Notice of Violation (NOV), by certified mail, for failure to submit on October 13, 2008 and November 18, 2008. On December 5, 2008, you were sent a notice that the matter will be referred to the Department's Legal Services Bureau for enforcement.

**ORDER:** You shall submit to Department Field Office #2 your complete MMP and fee within 30 days of the Director signing this Consent Order (Order). In addition, a penalty of \$2,500.00 shall be paid 30 days after the date the Director signs this Order. This penalty shall be paid to the Department, at the address listed below. \$500.00 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 numerous notices of the requirement and a notice of referral 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 Tammy and Rand Faaborg. For that reason, they waive their right to appeal this Order or any part thereof.

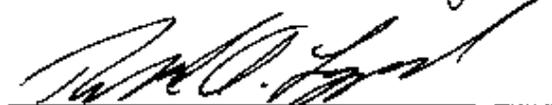
**NONCOMPLIANCE:** If you fail to comply with this Order you may be subject to further penalties pursuant to Iowa Code §455B.109 or penalties and injunction pursuant to Iowa Code §455B.191 and §459.603.

  
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Tammy Faaborg

Dated this 30 day of March, 2009

  
\_\_\_\_\_  
Rand Faaborg

Dated this 30 day of March, 2009

  
\_\_\_\_\_  
Richard A. Leopold, DIRECTOR

Dated this 9 day of April, 2009

IOWA DEPARTMENT OF NATURAL RESOURCES  
502 East Ninth Street, Wallace State Office Building, Des Moines, Iowa 50319  
VII C-1, EPA, Carrie Schreenebaum, Ken Hesseinus, Field Office 6