

IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER

IN THE MATTER OF:
Lu-Jen Farms, Inc.
ID #62699
Section 29, Iowa Township
Cedar County, Iowa

ADMINISTRATIVE CONSENT ORDER
NO. 2009-AFO- 2.7

TO: Roberta Bowie, President
Lu-Jen Farms, Inc.
756 Garfield Road
West Branch, Iowa 52358

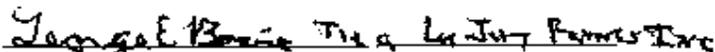
VIOLATION: 567 Iowa Administrative Code (IAC) 65.16(3) "b" and "c" and 567 IAC 65.17(17) "h" (3). You failed to submit a complete manure management plan (MMP) and Iowa Phosphorus Index to the Iowa Department of Natural Resources (Department), the board of supervisors of the county where your confinement feeding operation is located, and to the board of supervisors of each county by the February 1, 2009, deadline. You were sent a notice of these requirements on October 9, 2008, December 12, 2008, and a Notice of Violation by certified mail, for failure to submit, on February 13, 2009. On March 11, 2009, 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 #6 your complete MMP, including the Iowa Phosphorus Index and fee within 30 days of the Director signing this Consent Order (Order). In addition, a penalty of \$2,000.00 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. \$200.00 of this amount is assessed for economic benefit from delayed payment of fees and delayed preparation costs. \$900.00 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. \$900.00 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; §459.601; §459.603; 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 Lu-Jen Farms, Inc. For that reason, Lu-Jen Farms, Inc. waives its 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.


Roberta Bowie, President Lu-Jen Farms, Inc.

Dated this 16 day of July, 2009


Richard A. Leopold, DIRECTOR
IOWA DEPARTMENT OF NATURAL RESOURCES
502 East Ninth Street, Wallace State Office Building, Des Moines, Iowa 50319
VIII. C.1: EPA, Carrie Schoenebaum, Ken Hennesius, Field Office6

Dated this 22 day of July, 2009

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