

IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER

IN THE MATTER OF:
Wesley Allender
ID #62881
Section 6, Marion Township
Henry County, Iowa

ADMINISTRATIVE CONSENT ORDER
NO. 2009-AFO-2.8

TO: Wesley Allender
1542 160th Street
Mt. Pleasant, Iowa 52641

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) update 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 is land-applied by the March 1, 2009, deadline. You were sent a notice of these requirements on January 14, 2009 and a Notice of Violation by certified mail, for failure to submit, on March 11, 2009, with a request to submit by March 31, 2009. On April 10, 2009, you were sent a notice that the matter will be referred to the Department's Legal Services Bureau for enforcement. On April 22, 2009, a complete MMP was submitted to the Department.

ORDER: In the future you shall timely submit to Department Field Office #6 your complete MMP. In addition, you shall pay a penalty of \$1,500.00 due within 30 days after the date 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. \$625.00 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. \$625.00 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 Wesley Allender. For that reason, Wesley Allender waives his 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.


Wesley Allender

Dated this 7 day of 17, 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 Hassenius, Field Office#6

Dated this 22 day of July, 2009

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