

IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER

IN THE MATTER OF:

Roger Langreck
ID #58989
Section 17, Auburn Township
Fayette County, Iowa

ADMINISTRATIVE CONSENT ORDER

NO. 2009-AFO-46

TO: Roger Langreck
28207 Quail Rd.
West Union, IA 52175

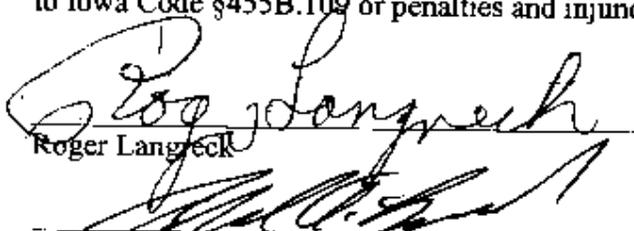
VIOLATION: 567 Iowa Administrative Code (IAC) 65.16(3) "b" and "c" and 567 IAC 65.17(17) "h" (3). You failed to submit a complete Iowa Phosphorus Index manure management plan (MMP) to the Iowa Department of Natural Resources (Department), the board of supervisors of the county where your confinement feeding operation is located, and to the board of supervisors of each county by the June 1, 2009 deadline. You were sent a notice of these requirements on December 16, 2008, March 31, 2009, and a notice of incomplete submittal on June 4, 2009, another notice of incomplete on June 10, 2009, via certified mail and a notice of referral on July 13, 2009, a complete MMP was submitted to the Department on July 17, 2009.

ORDER: In the future you shall timely submit to Department Field Office #1 your complete MMP. In addition, a penalty of \$1,500.00 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 preparation costs. \$500.00 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. \$500.00 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 Roger Langreck. For that reason, Roger Langreck 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.


Roger Langreck

Dated this 8th day of November, 2009

Dated this 11 day of Nov, 2009

Richard A. Leopold, DIRECTOR

IOWA DEPARTMENT OF NATURAL RESOURCES

502 East Ninth Street, Wallace State Office Building, Des Moines, Iowa 50319
VII. C.1, EPA, Carrie Schoenebaum, Ken Hennesius, Field Office 1

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