

IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER

IN THE MATTER OF:
CRAIG BENJEGERDES
Section 25, Danville Township
Worth County, Iowa
Facility #60189

ADMINISTRATIVE CONSENT ORDER
NO. 2009-AFO- 42

RECEIVED

OCT 23 2009

Director's Office

TO: Craig Benjegerdes
3526 Mallard Avenue
Manly, Iowa 50456

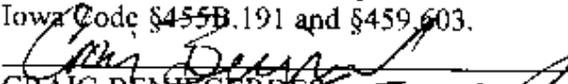
VIOLATION: 567 Iowa Administrative Code (IAC) 65.16(3) and 65.17(1). You failed to submit a complete manure management plan (MMP) update with an Iowa Phosphorus Index to the DNR, to the board of supervisors of the county where your confinement feeding operation is located, and to the board of supervisors of each county where manure from your confinement feeding operation is land-applied, by June 1, 2009. You also failed to submit your annual compliance fee of \$0.15 per animal unit capacity at your animal feeding operation by that date. You were sent notices of the requirements on December 17, 2008 and April 14, 2009. On June 11, 2009, you were issued a Notice of Violation letter. On July 16, 2009, you were sent a Notice of Referral letter. On August 20, 2009, DNR Field Office 2 received your MMP update.

ORDER: A penalty of \$3,000.00 is being assessed and shall be paid to the Director at the address below within 30 days of the date the Director signs this administrative consent order. \$300.00 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 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. \$1,200.00 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 several notices of the requirements by the DNR.

AUTHORITY: Iowa Code §455B.109; §459.312; §459.601; §459.603; 567 IAC 10.3; 567 IAC 65.16(3); 567 IAC 65.17(1).

APPEAL: This administrative consent order is entered into knowingly and with the consent of Craig Benjegerdes. For that reason, Craig Benjegerdes waives the right to appeal this administrative consent 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.


CRAIG BENJEGERDES

Dated this 19 day of
October, 2009

Dated this 23 day of

RICHARD A. LEOPOLD, DIRECTOR
IOWA DEPARTMENT OF NATURAL RESOURCES
502 East Ninth Street; Wallace State Office Building, Des Moines, Iowa 50319

Oct., 2009