

IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE ORDER

IN THE MATTER OF:
Wapsi Pig Corp.
Facility ID #58634
Section 6, Perry Township
Buchanan County, Iowa

ADMINISTRATIVE ORDER
NO. 2009-AFO- 43

TO: Keith Rottinghaus, President
Wapsi Pig Corp.
1096 160th Street
Jesup, Iowa 50629

VIOLATION: 567 Iowa Administrative Code (IAC) 65.16(3)"b" and "c" and 567 IAC 65.17(17) "h" (3). Wapsi Pig Corp. (Wapsi) 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 the confinement feeding operation is located, and to the board of supervisors of each county where manure from the confinement feeding operation is land-applied, by the mandatory April 1, 2009 deadline. Wapsi was sent a notice of these requirements on October 3, 2008, February 16, 2009, and a Notice of Violation, on April 29, 2009, and May 8, 2009. On June 5, 2009, a complete MMP was submitted to the Department.

ORDER: In the future Wapsi shall timely submit to Department Field Office #1 a complete MMP. In addition, a penalty of \$3,000.00 is assessed effective 30 days from receipt of this order, and shall be paid to the Department, at the address listed below, within 60 days of receipt of this order, unless Wapsi appeals as provided below. \$200.00 of this amount is assessed for economic benefit from delayed payment of fees and delayed preparation costs. \$1200.00 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. \$1600.00 of this amount is for culpability; the MMP requirements have been widely publicized in the industry, ample time for compliance was allowed and Wapsi was sent numerous notices of the requirement by the Department.

AUTHORITY: Iowa Code §455B.109, §459.103(3); 567 IAC 10.3, 65.16(3)"b" and "c".

APPEAL: Iowa Code §455B.109; 561 IAC 7.5(1) A written Notice of Appeal may be filed with the Director, at the address provided below, within 30 days of receipt of this Order. A contested case hearing will then be commenced pursuant to Iowa Code chapter 17A and 561 IAC 7. Wapsi may contact Carrie Schoenebaum, attorney for the Department, at (515) 281-0824 for more information regarding appeal procedures and resolution of this Order.

NONCOMPLIANCE: If Wapsi fails to comply with this Order it 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.


Richard A. Leopold, DIRECTOR
IOWA DEPARTMENT OF NATURAL RESOURCES

Dated this 28 day of October, 2009