

IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE ORDER

IN THE MATTER OF:

J & J PORK, L.L.C.

Section 13, Fillmore Township

Iowa County, Iowa

Facility ID #63843

ADMINISTRATIVE ORDER

NO. 2009-AFO-50

TO: Jared Kinsinger
J & J Pork, L.L.C.
207 11th Street, P.O. Box 25
Wellman, Iowa 52356

Steven C. Anderson, Registered Agent
J & J Pork, L.L.C.
568 Hwy 1 West
Iowa City, Iowa 52246

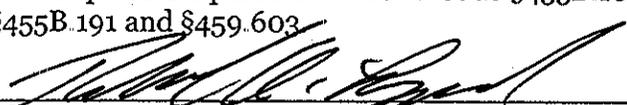
VIOLATION: 567 Iowa Administrative Code (IAC) 65.16(3) and 65.17(1). You failed to submit a complete manure management plan (MMP) update with an Iowa Phosphorus Index to the DNR, to the board of supervisors of the county where your confinement feeding operation is located, and to the board of supervisors of each county where manure from your confinement feeding operation is land-applied, by June 1, 2009. You were sent notices of the requirements on February 5, 2009 and April 8, 2009. On June 18, 2009, you were issued a Notice of Violation letter requiring you to submit the complete MMP update with the Phosphorus Index by June 30, 2009. On June 24, 2009, you submitted the Verification of County Receipt and annual compliance fees to DNR Field Office 6. On July 10, 2009, you were sent a Notice of Referral letter indicating the matter was being referred because the submittal did not include the MMP update and the Phosphorus Index.

ORDER: You shall submit the complete MMP with a Phosphorus Index to DNR Field Office 6 within 30 days from receipt of this administrative order. In addition, a penalty of \$3,500.00 is assessed effective 30 days from your receipt of this administrative order, and shall be paid to the DNR, at the address listed below, within 60 days of your receipt of this administrative order, unless you appeal as provided below. \$500.00 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. \$1,500.00 of this amount is for culpability; the MMP requirements have been widely publicized in the industry, ample time for compliance was allowed, and the facility was 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: Iowa Code §455B.109; 561 IAC 7.4(1) A written Notice of Appeal may be filed with the Director, at the address provided below, within 30 days of your receipt of this administrative order. A contested case hearing will then be commenced pursuant to Iowa Code chapter 17A and 561 IAC 7. You may contact Kelli Book, attorney for the DNR, at (515) 281-8563 for more information regarding appeal procedures and resolution of this administrative order.

NONCOMPLIANCE: Compliance with the "Order" section of this administrative order constitutes full satisfaction of all requirements pertaining to the violations described in this administrative order. If you fail to comply with this administrative 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.


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

Dated this 18 day of

Dec, 2009