

IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER

IN THE MATTER OF:

Jay Heim
ID #58926
Section 5, Union Township
Harrison County, Iowa

ADMINISTRATIVE CONSENT ORDER

NO. ~~2009~~-AFO-03
2010

TO: Jay Heim
2898 Reading Trail
Logan, IA 51546

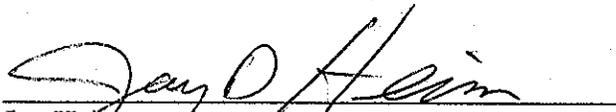
VIOLATION: 567 Iowa Administrative Code (IAC) 65 16(3) "b" and "c" and 567 IAC 65.17(17) "h" (3). You failed to submit a complete manure management plan (MMP) to the Iowa Department of Natural Resources (Department), the board of supervisors of the county where your confinement feeding operation is located, and to the board of supervisors of each county by the March 1, 2009, deadline. You were sent a notice of these requirements on January 15, 2009, a notice of violation on March 12, 2009, and a second notice of violation on March 31, 2009. On July 17, 2009, you were sent a notice that the matter was being referred to the Department's Legal Services Bureau for enforcement.

ORDER: You shall submit to Department Field Office #4 your complete MMP and fee within 30 days of the Director signing this Consent Order (Order). In addition, a penalty of \$3,000.00 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. \$1,000.00 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 you were sent numerous notices of the requirement and a notice of referral by the Department.

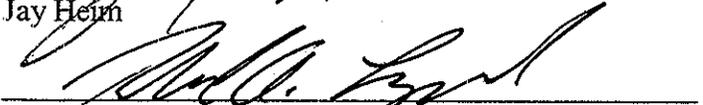
AUTHORITY: Iowa Code §455B.109; §459.601; §459.603; 567 IAC 10.3, 65 16(3) "b" and "c", 567 IAC 65 17.

APPEAL: This Order is entered into knowingly by and with the consent of Jay Heim. For that reason, Jay Heim 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.


Jay Heim

Dated this 13 day of January, 2010, ~~2009~~


Richard A. Leopold, DIRECTOR

Dated this 25 day of Jan., 2010, ~~2009~~

IOWA DEPARTMENT OF NATURAL RESOURCES
502 East Ninth Street; Wallace State Office Building; Des Moines, Iowa 50319
VIII C.1; EPA, Carrie Schoenebaum, Ken Hessenius, Field Office 4

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