

IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER

IN THE MATTER OF:
BOERDERY, INC.
Section 21, Holland Township
Sioux County, Iowa
Facility #63263

ADMINISTRATIVE CONSENT ORDER
NO. 2009-AFO-52

TO: Robert Wassenaar, Registered Agent
Boerdery, Inc.
4280 Jackson Avenue
Orange City, Iowa 51041

VIOLATION: 567 Iowa Administrative Code (IAC) 65.104(9)"e". You failed to timely submit quarterly reports to the DNR pursuant to the requirements of your facility's NPDES Permit. On January 9, 2006, your facility was issued NPDES Permit #2-84-00-0-38. Section VI of the permit requires the facility to submit quarterly reports to the DNR. On August 23, 2007, you were issued a Notice of Violation letter for failing to submit the quarterly reports that were due January 10, 2007, April 10, 2007, and July 10, 2007. On January 22, 2008, you were issued a Notice of Violation letter for failing to submit the quarterly report due January 10, 2008 and for failing to submit the annual report due January 10, 2008. On May 13, 2009, you were issued a Notice of Violation letter for failing to submit the quarterly report due April 10, 2009. The letter informed you the information must be submitted in a complete and timely manner in order to avoid further enforcement. On July 31, 2009, you were issued a Notice of Violation letter for failing to submit the quarterly report due July 10, 2009. The letter indicated that the matter was being referred for further enforcement.

ORDER: If you have not already done so, you shall submit the complete quarterly report that was due July 10, 2009 to DNR Field Office 3 within 30 days of the date the Director signs this administrative consent order. In addition, a penalty of \$2,250.00 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 based on the economic benefit from the violation; you have been able to avoid and delay the costs associated with the recordkeeping and reporting. \$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. \$950.00 of this amount is for culpability. As an owner and operator of an animal feeding operation you are obligated to be aware of regulations concerning the monitoring and reporting requirements of the NPDES Permit. You have been issued four Notice of Violation letters for failing to timely submit quarterly reports.

AUTHORITY: Iowa Code §455B.109; §459A.104; §459A.502; 567 IAC 10.3; 567 IAC 65.104(9)"e".

APPEAL: This administrative consent order is entered into knowingly and with the consent of Boerdery, Inc. For that reason, Boerdery, Inc. 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 §459A.502.

Boerdery, Inc.
BOERDERY, INC.

Richard A. Leopold
RICHARD A. LEOPOLD, DIRECTOR
IOWA DEPARTMENT OF NATURAL RESOURCES

502 East Ninth Street; Wallace State Office Building, Des Moines, Iowa 50319
#63263 Field Office 3; Kelli Book; EPA; I.B.2.a

Dated this 14th day of December, 2009

Dated this 22 day of

Dec., 2009

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