

**IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE ORDER**

IN THE MATTER OF: RICHARD WINKLEMAN Section 3, Harrison Township Kossuth County, Iowa Facility #61400	ADMINISTRATIVE ORDER NO. 2010-AFO- 13
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TO: Richard Winkleman
1010 460th Avenue
Ledyard, Iowa 50556

VIOLATION: 567 Iowa Administrative Code (IAC) 65.16(3) and 65.17(1)"d". 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 August 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 February 17, 2009 and on April 15, 2009. On August 11, 2009, you were issued a Notice of Violation letter for failing to submit a complete MMP update with an Iowa Phosphorus Index and compliance fee by August 1, 2009. On December 3, 2009, you were sent a Notice of Referral letter.

ORDER: You shall submit a complete MMP update with an Iowa Phosphorus Index and compliance fee within 60 days of your receipt of this administrative order, unless you appeal as provided below. In addition, a penalty of \$3,000.00 is being assessed and shall be paid to the Director 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 preparation costs. \$1,250.00 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. \$1,250.00 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 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)"d".

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 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 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.

IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE ORDER
RICHARD WINKLEMAN



RICHARD A. LEOPOLD, DIRECTOR

IOWA DEPARTMENT OF NATURAL RESOURCES

502 East Ninth Street; Wallace State Office Building, Des Moines, Iowa 50319
#61400; Field Office 2; Kelli Book; Gene Tinker; EPA VIII.C.2

Dated this 23 day of
March, 2010