

IOWA DEPARTMENT OF NATURAL RESOURCES  
ADMINISTRATIVE ORDER

IN THE MATTER OF:

Christopher P. Hardt  
ID #63042  
Section 1  
Kossuth County, Iowa

ADMINISTRATIVE ORDER

NO. 2010-AFO-21

**TO:** Christopher P. Hardt  
4509 70<sup>th</sup> Avenue  
Swea City, IA 50590

**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 where the manure is to be applied by the June 1, 2009, deadline. You were sent a notice of these requirements on April 14, 2009, and a notice of violation on June 11, 2009. On June 30, 2009, you submitted an MMP to the Department, however the check submitted along with the MMP to pay the associated fee could not be cashed due to insufficient funds. On July 22, 2009, you were sent a notice of incomplete MMP and on July 28, 2009, you were sent a letter from the Department informing you that check number 3926 was returned from your bank for insufficient funds. On August 28, 2009, you were sent a notice that the matter was being referred to the Department's Legal Services Bureau for enforcement. To date the fee has not been submitted.

**ORDER:** Submit a complete MMP which includes submission of the \$187.20 fee. In addition, a penalty of \$2,000.00 shall be paid 30 days after the date the Director signs this Order unless you appeal as provided below. This penalty shall be paid to the Department, at the address listed below. \$100.00 of this amount is assessed for economic benefit from delayed payment of the fee and delayed preparation costs. \$950.00 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; 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:** 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 receipt of this Order. A contested case hearing will then be commenced pursuant to Iowa Code chapter 17A and 561 IAC 7. Mr. Hardt may contact Carrie Schoenebaum, attorney for the Department, at (515) 281-0824 for more information regarding appeal procedures and resolution of this Order.

**NONCOMPLIANCE:** Compliance with this Order constitutes full satisfaction of all requirements pertaining to the violations described in this Order. 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.

  
Richard A. Leopold, DIRECTOR  
IOWA DEPARTMENT OF NATURAL RESOURCES

Dated this 28 day of April, 2010