

IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER

IN THE MATTER OF:

Hocker Swine L.L.C.
ID #63958
Section 24
Iowa County, Iowa

ADMINISTRATIVE CONSENT ORDER

NO. 2010-AFO- 20

TO: David E Hocker/Registered Agent for
Hocker Swine L.L.C.
100 Bailey Park Rd
Williamsburg, Iowa 52361

VIOLATION: 567 Iowa Administrative Code (IAC) 65.16(3) "b" and "c" and 567 IAC 65.17(17) "h" (3). Hocker Swine L.L.C. (Hocker Swine) failed to submit a complete Iowa Phosphorus Index manure management plan (P-Index) to the Iowa Department of Natural Resources (Department), the board of supervisors of the county where the confinement feeding operation is located, and to the board of supervisors of each county where the manure is to be applied, by the August 1, 2009, deadline. Hocker Swine was sent a notice of these requirements on April 20, 2009. On August 13, 2009, Hocker Swine was sent a notice of an incomplete submittal of its P-Index and on September 3, 2009, Hocker Swine was sent a notice that the matter was being referred to the Department's Legal Services Bureau for enforcement.

ORDER: Submit complete P-Index. In addition, a penalty of \$1,500.00 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. \$100.00 of this amount is assessed for economic benefit from delayed preparation costs. \$650.00 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. \$750.00 of this amount is for culpability; the manure management plan requirements have been widely publicized in the industry, ample time for compliance was allowed and Hocker Swine was 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.

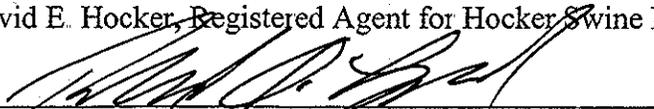
WAIVER OF APPEAL: This Order is entered into knowingly by and with the consent of Hocker Swine. For that reason, Hocker Swine waives its right to appeal this Order or any part thereof.

NONCOMPLIANCE: If Hocker Swine fails to comply with this Order it 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. Compliance with the terms of this Order constitutes full satisfaction of all requirements pertaining to the violations described in this Order.



Dated this 16 day of April, 2010

David E. Hocker, Registered Agent for Hocker Swine L.L.C.



Dated this 21 day of April, 2010

Richard A. Leopold, DIRECTOR

IOWA DEPARTMENT OF NATURAL RESOURCES

502 East Ninth Street; Wallace State Office Building; Des Moines, Iowa 50319
VIII C.1; EPA, Carrie Schoenebaum, Ken Hassenius Field Office 1