

IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER

IN THE MATTER OF:

Ernest Greiner
ID #62432
Section 20
Keokuk County, Iowa

ADMINISTRATIVE CONSENT ORDER

NO. 2010-AFO-19

TO: Ernest Greiner
23387 320th Street
Ollie, Iowa 52576

VIOLATION: 567 Iowa Administrative Code (IAC) 65.16(3) "b" and "c" and 567 IAC 65.17(17) "h" (3). You failed to submit an annual manure management plan update 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 August 1, 2009, deadline. You were sent a notice of these requirements on April 17, 2009 and a notice of violation on August 13, 2009. On September 3, 2009, you were sent a notice that the matter was being referred to the Department's Legal Services Bureau for enforcement. On September 8, 2009, a complete annual update was submitted.

ORDER: In the future you shall timely submit your annual MMP update. 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. \$50.00 of this amount is assessed for economic benefit from delayed preparation costs. \$725.00 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. \$725.00 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 you were sent numerous notices of the requirement and a notice of referral by the Department. Payment of the penalty shall be in accordance with the following schedule: \$500 due on April 30, 2010; \$500 due on August 30, 2010; and \$500.00 due on December 30, 2010. If any of the above mentioned payments are not paid in accordance with the schedule the remainder of the penalty shall be due to the Department immediately.

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 Ernest Greiner. For that reason, Mr. Greiner 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. Compliance with the terms of this Order constitutes full satisfaction of all requirements pertaining to the violations described in this Order.


Ernest Greiner

Dated this 12 day of April, 2010


Richard A. Leopold, DIRECTOR

Dated this 19 day of April, 2010

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 1