

**IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER**

IN THE MATTER OF:

**Mark L. Yeggy
ID #65816
Section 3
Washington County, Iowa**

ADMINISTRATIVE CONSENT ORDER

NO. 2010-AFO-22

**TO: Mark L. Yeggy
2545 160th Street
Riverside, Iowa 52327**

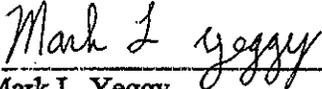
VIOLATION: 567 Iowa Administrative Code (IAC) 65.16(3) "b" and "c" and 567 IAC 65.17(17) "h" (3). You failed to submit a manure management plan (MMP) annual update and complete Iowa Phosphorus Index manure management plan (P-Index) to the Iowa Department of Natural Resources (Department), the board of 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 May 1, 2009, deadline. On April 18, 2008, your MMP was administratively approved by the Department. 567 IAC 65.17(17)"e" requires that acceptable soil samples be submitted no more than one year after the MMP is approved. On April 28, 2008, DNR Field Office 6 sent you a letter explaining the requirement, stating that soil samples must be submitted by April 1, 2009. On March 20, 2009, you were sent a notice that your annual MMP update with a P-Index was due by May 1, 2009. On May 13, 2009, you were sent a notice of violation for failure to submit your MMP annual update and on June 18, 2009, you were sent a notice that the matter was being referred to the Department's Legal Services Bureau for enforcement.

ORDER: Submit a MMP annual update, a complete P-Index and pay the annual fees. In addition, a penalty of \$3,000.00 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. \$1,400.00 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. \$1,500.00 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.

WAIVER OF APPEAL: This Order is entered into knowingly by and with the consent of Mark L. Yeggy. For that reason, he waives his right to appeal this Order or any part thereof.

NONCOMPLIANCE: If ^{Mark L.} Yeggy fails to comply with this Order he 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.



Mark L. Yeggy

Dated this 3 day of May, 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 6

Dated this 5 day of May, 2010