

IOWA DEPARTMENT OF NATURAL RESOURCES  
ADMINISTRATIVE ORDER

IN THE MATTER OF:  
PETER HOOGENDOORN  
Section 35, Lyon Township  
Lyon County, Iowa Facility #56506

ADMINISTRATIVE ORDER  
NO. 2010-AFO-10

TO: Peter Hoogendoorn  
Hoogendoorn Feedlot  
28956 486<sup>th</sup> Avenue  
Fairview, South Dakota 57027

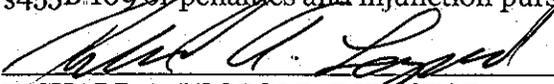
**VIOLATION:** 567 Iowa Administrative Code (IAC) 65.104(9)"e". You own and operate a feedlot located at 2663 Buchanan Avenue; Inwood, Iowa. You failed to timely submit quarterly reports to the DNR pursuant to the requirements of your facility's NPDES Permit. On January 3, 2006, your facility was issued NPDES Permit #2-60-00-0-07. Section VI of the permit requires the facility to submit quarterly reports to the DNR. On August 23, 2007, you were issued a Notice of Violation letter for failing to submit any of the quarterly reports. On January 22, 2008, you were issued a Notice of Violation letter for failing to submit the quarterly report that was due January 10, 2008. On May 8, 2008, you were issued a Notice of Violation letter for failing to submit the quarterly report that was due April 10, 2008. On January 26, 2009, you were issued a Notice of Violation letter for failing to submit the quarterly report that was due January 10, 2009. On August 11, 2009, you were issued a Notice of Violation letter for failing to submit complete reports. On January 22, 2010, you were issued a Notice of Violation letter for failing to submit the quarterly report that was due January 10, 2010. The letter indicated that the matter was being referred for further enforcement. All reports have since been submitted to the DNR.

**ORDER:** A penalty of \$3,000.00 is being assessed and shall be paid within 30 days from the date the Director signs this administrative order. \$250.00 of this amount is based on the economic benefit from the violation; you have been able to avoid and delay the costs associated with the recordkeeping and reporting. \$1,500.00 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. As an owner and operator of an animal feeding operation you are obligated to be aware of regulations concerning the monitoring and reporting requirements of the NPDES Permit. Since the issuance of your NPDES Permit you have been issued six Notice of Violation letters for incomplete or late quarterly reports.

**AUTHORITY:** Iowa Code §455B.109; §459A.104; §459A.502; 567 IAC 10.3; 567 IAC 65.104(9)"e".

**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 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 §459A.502.

  
RICHARD A. LEOPOLD, DIRECTOR  
IOWA DEPARTMENT OF NATURAL RESOURCES  
502 East Ninth Street; Wallace State Office Building, Des Moines, Iowa 50319

Dated this 8 day of  
March, 2010