

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

IN THE MATTER OF:

**CROSMAN LAND AND  
LIVESTOCK, LLC**

Greene County, Iowa

ADMINISTRATIVE CONSENT ORDER  
NO. 2025-AFO-10

**TO:** Eric Crosman, Registered Agent  
Crosman Land and Livestock, LLC  
547 260<sup>th</sup> Street  
Ogden, Iowa 50212

**I. SUMMARY**

This administrative consent order is entered into between the Iowa Department of Natural Resources (DNR) and Crosman Land and Livestock, LLC (Crosman Livestock) for the purpose of resolving water quality violations resulting from a manure release from the Crosman Livestock facility. This administrative consent order requires Crosman Livestock to: 1) maintain the actions taken in the facility's Plan of Action; 2) maintain and monitor the basin and monitoring port; and 3) pay a \$4,000.00 administrative penalty.

Questions regarding this administrative consent order should be directed to:

**Relating to technical requirements:**

Alison Manz, Field Office 4  
Iowa Department of Natural Resources  
1401 Sunnyside Lane  
Atlantic, Iowa 50022  
Phone: 319/653-2135

**Relating to legal requirements:**

Kelli Book, Attorney for the DNR  
Wallace State Office Building  
502 East Ninth Street  
Des Moines, Iowa 50319-0034  
Phone: 515/210-3408

**Payment of penalty to:**

Director of the Iowa DNR  
Wallace State Office Building  
502 East Ninth Street  
Des Moines, Iowa 50319-0034

**II. JURISDICTION**

This administrative consent order is issued pursuant to the provisions of Iowa Code section 455B.175(1), which authorizes the Director to issue any order necessary

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to secure compliance with or prevent a violation of Iowa Code chapter 455B, Division III, Part 1; Iowa Code chapter 459 and the rules adopted or permits issued pursuant thereto; and Iowa Code section 455B.109 and 567 Iowa Administrative Code (IAC) chapter 10, which authorize the Director to assess administrative penalties.

**III. STATEMENT OF FACTS**

1. Crosman Livestock owns and operates a two building 2,200 head swine confinement feeding operation. The manure from the buildings is directed to an earthen manure storage basin. Crosman Livestock purchased the facility in 2019 and the facility's contact person is Eric Crosman.

2. On August 21, 2023, DNR Field Office 4 was notified of a black substance in an unnamed tributary of the North Raccoon River along Q Avenue approximately two miles northeast of the City of Cooper. Logan Oliphant and Jayde Duysen, DNR Field Office 4 environmental specialists, conducted the initial investigation. Upon their arrival to the impacted area of the unnamed tributary, the field office personnel noted that the creek was nearly full of black water with a strong manure odor. The field tests along both sides of Q Avenue indicated high levels of ammonia and a dissolved oxygen levels at zero. The laboratory samples from this location indicated the following concentrations: E.coli – 4,400 MPN/100mL, Total Suspended Solids (TSS) – 1,080 mg/L, Biological Oxygen Demand (BOD) – 780 mg/L, and Ammonia Nitrogen – 120 mg/L.

3. The field office personnel continued downstream approximately 1.5 miles where the unnamed tributary crossed under 305<sup>th</sup> Street before entering the North Raccoon River. The field office staff observed live fish and the laboratory samples from this location indicated the following concentrations: TSS – 10 mg/L, BOD – 2 mg/L, and Ammonia Nitrogen – 0.84 mg/L. The field office personnel continued to track the manure laden water upstream to the beginning of the creek, approximately 1/2 mile to the northwest of Q Avenue. At this location they observed two large county drain tiles that outlet and formed the headwaters of the creek. The west tile line was running clear and the east tile line was running a dark colored foamy liquid with a strong manure odor. The field office personnel began tracking the east tile line further north and noted a tile intake along 290th Street, approximately 1/2 mile north of the where the two county drain tiles converged. Manure laden was coming from this tile intake as well. They continued north approximately 1/2 mile and discovered a broken tile line along P Avenue with the presence of liquid. Based on the color, consistency, and visual observations of the liquid, the field office personnel determined it to be liquid hog manure. At this point they observed the Crosman Livestock facility, about one mile away.

4. Over the next few weeks, DNR Field Office 4 personnel and Crosman Livestock personnel worked together to determine the cause of the manure release from the facility. It was determined that manure was released from the facility

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through a previously unknown tile in the berm of the manure storage basin at the facility. Crosman Livestock pumped manure-laden water from the creek and flushed the county drain line to clean up the impacted areas.

5. On September 15, 2023, DNR issued a Notice of Violation letter to Crosman Livestock for the violations discovered in August 2023. The letter requested a plan of action. The letter also informed Mr. Crosman that the violations may be referred for further enforcement.

6. Following the September letter, Crosman Livestock's consultant submitted a plan of action to the DNR. The plan verified that an existing clay tile was discovered on the inside of the east slope of the basin. The plan would be to make the basin operational again with final reseeding by December 31, 2023. The following steps were included in the plan: 1) Excavation and removal of approximately fourteen linear feet of clay tile in order to allow for the installation of a two-foot compacted clay liner. The sixty-eight feet of clay tile that extends through the east basin berm to the nearest inspection trench will be grouted to prevent any conveyance through the tile; 2) The compacted clay liner in the area of the exposed clay liner has been compromised and the removal of a section of the tile will require excavation of the inside basin slope. The liner will be replaced with compacted clay liner to a depth of two feet below the inside slope surface in the area of the required clay tile excavation. The compacted clay liner will be tested and must not exceed a seepage rate of 1/16th of an inch per day; and 3) A perimeter tile drain will be installed that empties into an inspection riser to be located near the northeast corner of the basin. The tile will be backfilled with clean granular rock up to the identified seasonal high groundwater level in the vicinity of the basin. Pumping is to be a manual action observed at all times. The severed groundwater lower tile may be rerouted outside of the basin perimeter the trench but shall be connected to the perimeter tile drain and the inspection riser.

#### **IV. CONCLUSIONS OF LAW**

1. Iowa Code section 455B.173 provides that the Environmental Protection Commission (Commission) shall adopt rules related to water quality standards, pretreatment standards, and effluent standards. The Commission has adopted such rules at 567 IAC chapters 61 and 62.

2. Iowa Code section 455B.186 and 567 IAC 62.1(1) prohibit the discharge of pollutants into a water of the state, except for adequately treated pollutants discharged pursuant to a permit from the DNR. During the August 2023 investigation, DNR Field Office 4 noted that a manure release from the Crosman Livestock facility entered a water of the state. The above-mentioned facts indicate a violation of these provisions.

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3. 567 IAC 61.3(2) provides general water quality criteria and prohibits discharges that will produce objectionable color, odor or other aesthetically objectionable conditions; settle to form sludge deposits; interfere with livestock watering; or are toxic to animal or plant life. During the August 2023 investigation, DNR Field Office 2 noted that a manure release from the Crosman Livestock facility entered a water of the state causing discolored water, a manure odor, and elevated pollutant levels. The above-mentioned facts indicate violations of the general water quality criteria.

4. Iowa Code section 459.103 provides that the Environmental Protection Commission (Commission) shall adopt rules related to the construction or operation of animal feeding operations, including permit and minimum manure control requirements. The Commission has adopted such rules at 567 IAC chapter 65.

5. 567 IAC 65.100(1) states that the minimum level of control for a confinement feeding operation shall be the retention of all wastes between periods of application. In no case shall manure from a confinement feeding operation be discharged directly into a water of the state or into a tile line that discharges to a water of the state. During the August 2023 investigation, DNR Field Office 4 noted that a manure release from the Crosman Livestock facility entered a water of the state. The above-mentioned facts indicate a violation of this provision.

6. DNR has determined that there is no likelihood that the violations identified in this administrative consent order will recur if Crosman Livestock complies with the Plan of Action noted in Paragraph 6, Section III Statement of Facts and with the provisions listed in Paragraphs 1 - 4, Section V Order of this administrative consent order.

**V. ORDER**

THEREFORE, the DNR orders and Crosman Livestock agrees to do the following:

1. Maintain the steps taken in the Plan of Action noted in Paragraph 6, Section III. Statement of Facts;
2. Ensure the basin is maintained at all times, including but not limited to frequent inspections and repairs as needed;
3. Monitor the liquid levels in the basin on a frequent basis;
4. Monitor the monitoring port associated with the newly installed groundwater lowering tile and pump the water to the surface of the ground when needed; and

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5. Pay an administrative penalty in the amount of \$4,000.00 within 30 days of the date the Director signs this administrative consent order.

**VI. PENALTY**

Crosman Livestock neither admits nor denies the Penalty and enters into this administrative consent order for settlement purposes only.

1. Iowa Code section 455B.191 authorizes the assessment of civil penalties of up to \$5,000.00 per day of violation for each of the water quality violations involved in this matter.

2. Iowa Code section 455B.109 authorizes the Commission to establish by rule a schedule of civil penalties up to \$10,000.00, which may be assessed administratively. The Commission has adopted this schedule with procedures and criteria for assessment of penalties in 567 IAC chapter 10. Pursuant to this chapter, the DNR has determined that the most effective and efficient means of addressing the above-cited violations is the issuance of an administrative consent order with an administrative penalty of \$4,000.00. The administrative penalty is determined as follows:

Economic Benefit – 567 IAC chapter 10 requires that the DNR consider the costs saved or likely to be saved by noncompliance. 567 IAC 10.30(1) states that “where the violator received an economic benefit through the violation or by not taking timely compliance or corrective measures, the department shall take enforcement action which includes penalties which at least offset the economic benefit.” 567 IAC 10.30(1) further states, “reasonable estimates of economic benefit should be made where clear data are not available.” Crosman Livestock made repairs to the berm in 2022 but did not become aware of the unknown tile located in the berm. Any economic benefit that Crosman Livestock received was negated by the lengthy and costly clean up. Therefore, no economic benefit is being assessed.

Gravity – One of the factors to be considered in determining the gravity of a violation is the amount of penalty authorized by the Iowa Code for that type of violation. As indicated above, substantial civil penalties are authorized by statute. Despite the high penalties authorized, the DNR has decided to handle the violations administratively at this time, as the most equitable and efficient means of resolving the matter. The release of manure from the Crosman Livestock facility resulted in the degradation of water quality. The manure containment requirements are integral parts of the animal feeding operation programs and violations of the regulations threaten the integrity of the animal feeding operation regulations. Based on the information above, \$3,000.00 is assessed for this factor.

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Culpability – Crosman Livestock has a duty to know the regulations and to be aware that its actions are subject to the regulations. Based on the information above, \$1,000.00 is assessed for this factor.

**VII. WAIVER OF APPEAL RIGHTS**

This administrative consent order is entered into knowingly and with the consent of Crosman Livestock. For that reason, Crosman Livestock waive the right to appeal this administrative consent order or any part thereof.

**VIII. NONCOMPLIANCE**

Compliance with Section V of this administrative consent order constitutes full satisfaction of all requirements pertaining to the violations described in this administrative consent order. Failure to comply with this administrative consent order may result in the imposition of administrative penalties pursuant to an administrative order or referral to the Attorney General to obtain injunctive relief and civil penalties pursuant to Iowa Code section 455B.191.

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KAYLA LYON, DIRECTOR  
Iowa Department of Natural Resources

Crosman Land & Livestock LLC rec. by Eric Brown - member  
CROSMAN LAND & LIVESTOCK COMPANY  
LLC

Dated this 21 day of  
February, 2025.