

**IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE ORDER**

IN THE MATTER OF:

**WILLIAM LAWLER AND JEFF
LAWLER**

Dubuque County, Iowa

**CONSENT AMENDMENT TO
ADMINISTRATIVE ORDER
NO. 2015-AFO-27**

TO: William Lawler and Jeff Lawler Lawler Family Dairy 18655 Old Highway Road Peosta, Iowa 52068	Eldon McAfee Brick Gentry, P.C. 6701 Westown Parkway, Suite 100 West Des Moines, Iowa 50266
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Administrative Order No. 2015-AFO-27 was issued to William Lawler and Jeff Lawler on September 14, 2015, and was appealed. In the interest of settling this appeal, the order is amended as follows:

1. Section III. Statement of Facts, Paragraph 15 is replaced with the following:

On April 13, 2015, representatives with the DNR and representatives for the Lawlers met to discuss a possible settlement to the violations documented by the field office. During the meeting, William Lawler stated that there was no increase in the animal units in 2013 when the old building was replaced with two new buildings and the robotic milking system was installed. Mr. Lawler also explained that all solids had dredged and removed from the basin in late December 2014, early January 2015. He also stated that all the sand had been removed from the buildings and the facility would no longer be using sand in the buildings. The sand had been replaced with rubber mats. On April 30, 2015, the Lawlers submitted the manure release report.

2. Section V. ORDER is replaced with the following:

THEREFORE, it is hereby ordered that William and Jeff Lawler do the following:

1. Operate and maintain all animal feeding operation structures in compliance with all applicable DNR rules and regulations;
2. Submit an engineer's statement regarding the soundness of the original unformed manure storage structure to DNR Field Office 1 and Paul Petitti, DNR Engineer at DNR Field Office 3, by June 1, 2016. The

engineer's report shall include the following information: 1) a visual inspection by the engineer; 2) engineer's statement on the soundness of the basin; and 3) the capacity and amount of manure storage. If the unformed manure storage structure is not structurally sound, William and Jeff Lawler must submit a plan to correct the unformed manure storage structure to DNR Field Office 1 and Paul Petitti by June 15, 2016. If the unformed manure storage structure is not structurally sound, William and Jeff Lawler shall take the actions to make the unformed manure storage structure structurally sound by July 30, 2016;

3. If the secondary basin will remain in place, submit to DNR Field Office 1 and Paul Petitti a statement from the engineer that the basin is suitable to hold manure. The statement shall be submitted by June 1, 2016;
4. Pay fish restitution in the amount of \$39.80, Fisheries Bureau investigative costs in the amount of \$623.19, and Field Office investigative costs in the amount of \$455.14 for a total restitution and investigative costs of \$1,118.13 within 30 days of the date the Director signs this Consent Amendment; and
5. Pay an administrative penalty in the amount of \$6,000.00 within 30 days of the date the Directors signs this Consent Amendment.

3. Section VI. PENALTY is replaced with the following:

For purposes of settlement of the appeal of Administrative Order No. 2015-AFO-27, the parties have agreed that William and Jeff Lawler, jointly and severally liable, shall pay a penalty in the amount of \$6,000.00 within 30 days of the date the Director signs this Consent Amendment.

4. Section VII. APPEAL RIGHTS is replaced with the following:

This Consent Amendment to Administrative Order No. 2015-AFO-27 is entered into knowingly and with the consent of William and Jeff Lawler. For this reason, William and Jeff Lawler waive their right to appeal this Consent Amendment to Administrative Order No. 2015-AFO-27.

5. In all other respects, Administrative Order No. 2015-AFO-27 remains in full force and effect.

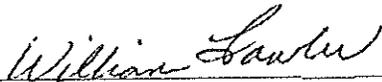
Any questions regarding this Consent Amendment should be directed to:

Kelli Book
Iowa Department of Natural Resources
Legal Services Bureau
7900 Hickman Road, Suite 1
Windsor Heights, Iowa 50324
515-725-9572



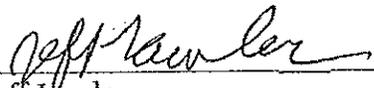
Chuck Gipp, DIRECTOR
Iowa Department of Natural Resources

Dated this 9th day of
February, 2016



William Lawler

Dated this 8 day of
February, 2016



Jeff Lawler

Dated this 8 day of
February, 2016

Kelli Book; DNR Field Office 1; EPA; I.C.1, VIII.D.1.a and VIII.3.a