

IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER

IN THE MATTER OF:

Nolan Dewall
ID #65919
Section 19
Black Hawk County, Iowa

ADMINISTRATIVE CONSENT ORDER

NO. 2016-AFO- 26

TO: Nolan Dewall
417 South Butler Rd
Cedar Falls, Iowa 50613-9216

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 complete Iowa Phosphorus Index manure management plan (MMP) 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, 2016, deadline. You were sent a notice of the requirements on May 12, 2016, June 3, 2016, and June 15, 2016. On July 26, 2016, the Department hand delivered a Notice of Violation (NOV) and notice that the matter was being referred to the Department's Legal Services Bureau for enforcement. Moreover, in 2009, 2010, 2011, 2012, 2013, 2014 and 2015 you were sent NOV's for the same violations.

ORDER: Submit an updated MMP, pay all fees and in the future timely submit all MMP updates. In addition, a penalty of \$3,000.00 shall be paid within 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 an NOV 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 Nolan Dewall. For that reason you waive your right to appeal this Order or any part thereof.

NONCOMPLIANCE: If Mr. Dewall 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.



Nolan Dewall

Dated this 18th day of Nov, 2016



Chuck Gipp, DIRECTOR

Dated this 29th day of November, 2016

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 3

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