

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

IN THE MATTER OF:

**MULTI-ROSE JERSEYS, INC.**  
**Facility #61409**

**Lyon County, Iowa**

ADMINISTRATIVE CONSENT ORDER  
NO. 2023-AFO- 26

TO: Brett Metzger, Owner  
Multi-Rose Jerseys, Inc.  
1632 Fir Ave.  
Rock Rapids, Iowa 51246

Reed Metzger, Registered Agent  
Multi-Rose Jerseys, Inc.  
1632 Fir Ave.  
Rock Rapids, Iowa 51246

**I. SUMMARY**

This administrative consent order is entered into between the Iowa Department of Natural Resources (DNR) and Multi-Rose Jerseys, Inc. (Multi-Rose Jerseys) for the purpose of resolving violations resulting from a manure release from the Multi-Rose Jerseys' open feedlot located in Lyon County. This administrative consent order requires Multi-Rose Jerseys to submit a Plan of Action to ensure future manure releases do not occur and pay a \$500.00 administrative penalty.

Questions regarding this administrative consent order should be directed to:

**Relating to technical requirements:**

Michelle Sabatini-Rosacker, Field Office 3  
Iowa Department of Natural Resources  
1900 N. Grand, Gateway North, Suite E17  
Spencer, Iowa 51301-2200  
Phone: 712/262-4177

**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 to secure compliance with or prevent violations of Iowa Code chapter 455B, Division III, Part 1; and Iowa Code chapter 459 and the rules adopted or permits issued pursuant thereto; and Iowa Code section 455B.109 and 567 Iowa Administrative

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Code (IAC) chapter 10, which authorize the Director to assess administrative penalties.

**III. STATEMENT OF FACTS**

1. Multi-Rose Jerseys owns and operates a confinement feeding operation located in Section 2, Cleveland Township, Lyon County. The facility has a capacity of 3,800 mature dairy cows and 350 immature dairy cows in multiple confinement buildings.

2. On April 25, 2023, a representative from Multi-Rose Jerseys contacted DNR Field Office 3 to report a manure discharge during land application to a tributary of Mud Creek. A drag line broke near the creek causing the manure to flow to the creek. The facility constructed an earthen dam downstream to stop the flow of manure. The representative stated that the creek was pumped all night and the manure laden water was land applied.

3. On April 26, 2023, Michelle Sabatini-Rosacker and Doyle McKeever, DNR Field Office 3 environmental specialists, traveled to the impacted area to observe the cleanup. The facility representatives stated that the creek had been pumped until 11:00 am. The field office personnel conducted an inspection of the impacted areas of the creek. The findings are shown below:

Location	Visual Observations	Field Test Ammonia (ppm)	Laboratory Sample E.Coli (MPN/100mL)	Laboratory Sample Ammonia (mg/L)	BOD (mg/L)
Upstream of Discharge Point	Water was colorless and odorless. No fish observed.	0.2	30	<0.10	<2
At the Earthen Dam	Water was slightly cloudy and smelled earthy. No fish observed	1.2	2,200	1.4	12
Downstream of the Discharge Point	Water was colorless and odorless. No fish observed.	0.9	210	0.77	<6

4. On June 21, 2023 DNR issued a Notice of Violation and Notice of Referral letter to Multi-Rose Jerseys for the violations. The letter stated informed the facility was being referred for further enforcement.



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**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 April 2023 investigation, DNR Field Office 3 noted manure the Multi-Rose Jerseys' facility that was applied to a field was discharged to a tributary of Mud Creek. The above-mentioned facts indicate a violation of these provisions.

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 April 2023 investigation, DNR Field Office 3 noted the manure discharge from the land application caused discolored water and elevated pollutant levels. The above-mentioned facts indicate violations of the general water quality criteria.

4. Iowa Code section 459A.104 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 65.2(3) 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 April 2023 investigation, DNR Field Office 3 noted manure the Multi-Rose Jerseys' facility that was applied to a field was discharged to a tributary of Mud Creek. 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 Multi-Rose Jerseys complies with the provisions listed in Paragraphs 1-2, Section V Order of this administrative consent order.

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**V. ORDER**

THEREFORE, the DNR orders and Multi-Rose Jerseys agrees to do the following:

1. Develop and submit a Standard Operating Procedure documenting the land application procedures, including equipment inspections, employee training, and notification procedures. The Standard Operating Procedure shall be submitted to DNR Field Office 3 within 30 days of the date the Director signs this administrative consent order and implemented immediately upon approval by DNR Field Office 3;
2. Ensure that all future handling, transferring, and land application of manure is done in accordance with the regulations and does not cause water quality violations; and
3. Pay a \$500.00 administrative penalty within 30 days of the date the Director signs this administrative consent order.

**VI. PENALTY**

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 \$500.00. 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 10.2(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 10.2(1) further states, “reasonable estimates of economic benefit should be made where clear data are not available.” Multi-Rose Jerseys has gained a minimal economic benefit in costs associated with monitoring the land application and ensuring the equipment was working properly. It is estimated the economic benefit is \$50.00 and that amount is being assessed for this factor.



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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. DNR Field Office 3 documented a manure release resulting in water quality violations. These violations threaten the integrity of the regulatory programs because compliance with animal feeding operation requirements is required of all persons in this state. Therefore, \$450.00 is assessed for this factor.

Culpability – Multi-Rose Jerseys has a duty to remain knowledgeable of DNR's requirements and to be alert to the probability that its conduct is subject to DNR's rules. Multi-Rose Jerseys took immediate steps to respond to the manure release. Therefore, no monetary amount is being assessed for this factor.

**VII. WAIVER OF APPEAL RIGHTS**

This administrative consent order is entered into knowingly and with the consent of Multi-Rose Jerseys. For that reason, Multi-rose Jerseys waives 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

  
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MULTI-ROSE JERSEYS, INC.

Dated this 11 day of  
December, 2023