

**IOWA DEPARTMENT OF NATURAL RESOURCES  
ADMINISTRATIVE ORDER**

IN THE MATTER OF:

**DALLUGE TURKEY FARM, LLP**  
Worth County

AFO #59612

ADMINISTRATIVE ORDER  
NO. 2024-AFO-29

TO: Dalluge Turkey Farm, LLP  
301 4th Street  
Grafton, Iowa 50440

Brad Dalluge, Registered Agent  
3952 Warbler Avenue, PO Box 222  
Grafton, Iowa 50440

**I. SUMMARY**

This administrative order (Order) requires Dalluge Turkey Farm, LLP (Dalluge) to comply with the provision in Section V of this Order, subject to your appeal rights stated in this Order.

Questions regarding this Order should be directed to:

**Relating to technical requirements:**  
Jeremy Klatt, Field Office 2  
Iowa Department of Natural Resources  
2300 15th Street SW  
Mason City, Iowa 50401  
Phone: 641/424-4073

**Relating to legal requirements:**  
Kelli Book, Attorney  
Iowa Department of Natural Resources  
6200 Park Avenue, Suite 200  
Des Moines, Iowa 50321  
Phone: 515/210-3408

**Appeal or Payment of penalty to:**  
Director  
Iowa Department of Natural Resources  
6200 Park Avenue, Suite 200  
Des Moines, Iowa 50321

**II. JURISDICTION**

This 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 a violation of Iowa Code Chapter 455B, Division III, Part 1 or 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.

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**III. STATEMENT OF FACTS**

1. Dalluge owns an animal feeding operation located at 301 4th Street, Grafton, Iowa (Section 3, Union Township, Worth County). The facility has five confinement buildings, with 55,300 turkeys (719.90 animal units).

2. The annual MMP update deadline for the facility was established as May 1 of each calendar year. The annual compliance fee for the facility is \$107.99. Dalluge failed to submit the 2024 MMP update and fee by May 1, 2024. On May 10, 2024, DNR issued a Notice of Violation letter for failing to submit the MMP update and fee. The letter informed Dalluge the violation may be referred for further enforcement. The 2024 MMP update and fee were submitted on July 11, 2024.

3. Dalluge has a history of late submittals of the MMP update and annual compliance fee for this facility. Dalluge failed to timely submit the MMP update and compliance fee in 2023, 2022, 2020, and 2019. Notice of Violation letters were sent for each late submittal. The 2023 and 2022 letters informed that continued late submittals of the MMP update would result in further enforcement.

**IV. CONCLUSIONS OF LAW**

1. 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. The Commission has adopted such rules at 567 IAC Chapter 65.

2. Iowa Code section 459.12(13) and 567 IAC 65.110(3)"b" require an owner of a confinement feeding operation who is required to submit a MMP to submit a complete updated MMP and compliance fee on an annual basis to the DNR. The updated plan must reflect all amendments made during the period of time since the previous MMP submission. The compliance fee is fifteen cents per animal unit. Dalluge failed to timely submit the 2024 MMP update and compliance fee. The MMP update and annual compliance fee were due on May 1, 2024 and were not submitted until July 11, 2024. The above-mentioned facts indicate a violation of this provision.

**V. ORDER**

THEREFORE, the DNR orders Dalluge to do the following:

1. Dalluge shall pay an administrative penalty in the amount of \$3,000.00 within 60 days from the date the Director signs this Order.

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**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 Order with an administrative penalty of \$3,000.00. 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.” Dalluge’s failure to timely MMP update and compliance fee has allowed it to save time and money. It is estimated that Dalluge has gained an economic benefit of at least \$100.00 and that amount is assessed for this factor.

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 MMP submittal is a crucial aspect of the DNR’s animal feeding operation program and the compliance fee is crucial to the budget of the animal feeding program. Dalluge’s repeated delay in timely submitting the annual MMP updates and compliance fees threatens the integrity of the animal feeding operation regulations and causes the DNR to expend valuable resources in assisting Dalluge to come into compliance with the requirements. Therefore, \$1,400.00 is assessed for this factor.

Culpability – Dalluge 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. Dalluge has been repeatedly late with its MMP update submittals and has been issued multiple Notice of Violation letters for the violations with warnings for repeated noncompliance. Therefore, \$1,500.00 is assessed for this factor.

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**VII. APPEAL RIGHTS**

Pursuant to Iowa Code section 455B.175(1)(a) and 567 IAC Chapter 7, a written Notice of Appeal may be filed with the Director, at the address provided above, within 60 days of the date of issuance of this Order. The Notice of Appeal must identify the specific portion or portions of this Order being appealed and include a short and plain statement of the reasons for appeal. A contested case hearing will then be commenced pursuant to Iowa Code Chapter 17A and 561 IAC Chapter 7.

**VIII. NONCOMPLIANCE**

Compliance with Section V of this Order constitutes full satisfaction of all requirements pertaining to the violations described in this administrative consent order. Failure to comply with this 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