

2. Respondent neither admits nor denies the factual allegations set forth in the Complaint.

3. Respondent agrees not to contest the terms and conditions set forth in this CAFO in this or subsequent proceedings to enforce the terms of this CAFO and agrees not to appeal the Final Order set forth below.

4. Respondent explicitly waives its right to a hearing on any issue of fact or law set forth in the Complaint.

5. EPA has considered the appropriateness of the penalty pursuant to Section 309(g) of the CWA, 33 U.S.C. § 1319(g), and has determined that the appropriate penalty for settlement of the violations set forth in the Complaint is Thirty-nine Thousand Dollars (\$39,000). Payment of this penalty shall satisfy all claims arising out of the facts alleged in the Complaint.

6. Respondent consents to the issuance of the Final Order and consents to the payment of a civil penalty of Thirty-nine Thousand Dollars (\$39,000). Due to the fact that Respondent has incurred significant expense in the construction of livestock waste management controls, EPA permits Respondent to pay the penalty on an installment schedule. The payments shall be as follows:

A. Respondent shall pay the penalty in two installments. The first installment of Nineteen Thousand Five Hundred Dollars (\$19,500) shall be due within thirty (30) days after the effective date of this Consent Agreement and Final Order. The second and final installment of Nineteen Thousand Eight Hundred Eighty-eight Dollars and Ninety-three cents (\$19,888.93), that includes principal and accrued interest for a period of six (6) months, shall be due within six (6) months after the due date of the first installment.

B. Respondent agrees that interest shall accrue on the outstanding balance at the rate determined by the Secretary of the Treasury (currently 4 percent per annum for the period January 1, 2007, through December 31, 2007), compounded daily.

C. Respondent agrees that a failure to submit the required payments by the respective due date will result in the entire remaining balance becoming immediately due and payable, along with any costs, handling charges, penalties, and accumulated interest.

D. The parties agree that Respondent shall not be subject to a penalty for early payment of the penalty.

7. No portion of the civil penalty or interest paid by the Respondent pursuant to the requirements of this Consent Agreement and Final Order shall be claimed by the Respondent as a deduction for federal, state, or local income tax purposes.

8. Respondent's failure to pay the civil penalty assessed herein in accordance with the provisions of this Order may result in the commencement of a civil action in Federal District Court to collect said penalty, together with costs and interest thereon at the applicable statutory rate.

9. Payment of the penalty shall be by cashier or certified check made payable to "United States Treasury." The check must include the docket number and the name of the case. The check must be remitted to:

US Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000.

Copies of the transmittal letter and the check shall simultaneously be sent to:

Regional Hearing Clerk
U.S. Environmental Protection Agency - Region 7
901 N. 5th Street
Kansas City, Kansas 66101;

and

J. Daniel Breedlove
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency - Region 7
901 N. 5th Street
Kansas City, Kansas 66101.

10. Payment of the entire civil penalty shall resolve all civil and administrative claims of the United States alleged in the Complaint.

11. Respondent certifies by the signing of this Consent Agreement and Final Order that it is in compliance with the requirements of Sections 301, 308, and 402 of the CWA, 33 U.S.C.

§§ 1311, 1318, and 1342. The effect of the settlement described in paragraph 10 above is conditional upon the accuracy of this certification.

12. The EPA reserves the right to take any enforcement action with respect to any other violations of the CWA or any other applicable law and to enforce the terms and conditions of this Consent Agreement and Final Order. Respondent reserves the right to defend against such actions on any basis in law or fact.

13. Respondent and EPA each agree to bear their own costs and attorneys' fees.

14. Each signatory of this CAFO certifies he or she is fully authorized to enter into the terms of the CAFO.

Marion Rus Feedlot
Consent Agreement/Final Order

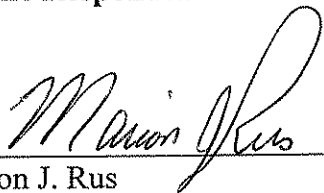
11. Respondent certifies by the signing of this Consent Agreement and Final Order that it is in compliance with the requirements of Sections 301, 308, and 402 of the CWA, 33 U.S.C. §§ 1311, 1318, and 1342. The effect of the settlement described in paragraph 10 above is conditional upon the accuracy of this certification.

12. The EPA reserves the right to take any enforcement action with respect to any other violations of the CWA or any other applicable law and to enforce the terms and conditions of this Consent Agreement and Final Order. Respondent reserves the right to defend against such actions on any basis in law or fact.

13. Respondent and EPA each agree to bear their own costs and attorneys' fees.

14. Each signatory of this CAFO certifies he or she is fully authorized to enter into the terms of the CAFO.

For the Respondent:



Marion J. Rus

10-30-07

Date

For the Complainant:

The United States Environmental Protection Agency

J. Daniel Breedlove
Assistant Regional Counsel

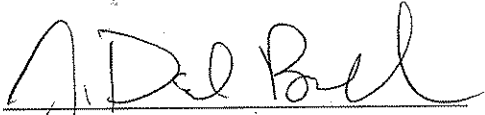
Date

William A. Spratlin
Director
Water, Wetlands and Pesticides Division

Date

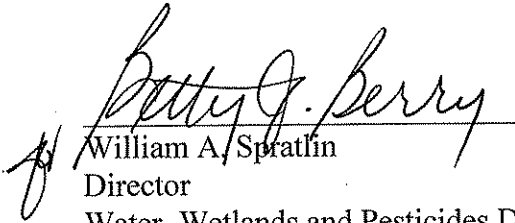
For the Complainant:

The United States Environmental Protection Agency



J. Daniel Breedlove
Assistant Regional Counsel

10/29/2007
Date



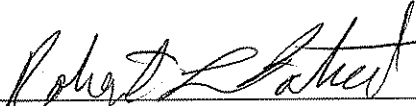
William A. Spratlin
Director
Water, Wetlands and Pesticides Division

10/30/07
Date

FINAL ORDER

The foregoing Consent Agreement is hereby approved and incorporated by reference into this Final Order. The Respondent is ordered to comply with the terms of the above Consent Agreement, effective immediately.

IT IS SO ORDERED.



ROBERT L. PATRICK
Regional Judicial Officer
U.S. Environmental Protection Agency
Region 7

Date: November 14, 2007

IN THE MATTER OF Marion Rus d/b/a Marion Rus Feedlot, Respondent
Docket No. CWA-07-2007-0077

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Consent Agreement and Final Order was sent this day in the following manner to the addressees:


Copy hand delivered to
Attorney for Complainant:

J. Daniel Breedlove
Assistant Regional Counsel
Region VII
United States Environmental Protection Agency
901 N. 5th Street
Kansas City, Kansas 66101

Copy by U.S. Certified Mail,
Return Receipt Requested, to:

Eldon L. McAfee
Beving, Swanson & Forrest, P.C.
Lawyers
Suite 200 Northwestern Building
321 East Walnut Street
Des Moines, Iowa 50309-2048

Dated: 11/15/07


Kathy Robinson
Hearing Clerk, Region 7