

**IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE ORDER**

<p>IN THE MATTER OF:</p> <p>ANDERSON EXCAVATING CO., INC. Permit No. 78-SDP-04-89P</p>	<p>ADMINISTRATIVE ORDER</p> <p>Amendment to Administrative Order No. 2013-SW-03</p>
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To: Mr. Virgil Anderson
Anderson Excavating Co., Inc.
1920 Dorcas Street
Omaha, NE 68108

I. SUMMARY

This administrative order (Order) amends Administrative Order No. 2013-SW-03 (Previous Order) issued to Anderson Excavating Co., Inc. (Anderson) and signed by the Director of the Iowa Department of Natural Resources (DNR) on January 30, 2013. The Director has determined that due to Anderson's compliance with the requirements of the Previous Order—including, among other things, providing proper financial assurance for the Anderson Excavating Construction and Demolition Waste Landfill (Landfill) that is subject to the permit referenced above—the DNR will amend the requirements of the Previous Order including the requirement for Anderson to pay a penalty of \$10,000.00. Anderson was issued a closure permit for its Landfill on April 11, 2016 and Anderson is expected to comply with the terms of that closure permit for the life of the permit.

Any questions regarding this Order should be directed to:

David Scott, Attorney
Iowa Department of Natural Resources
Legal Services Bureau
Wallace State Office Building
502 E. 9th St.
Des Moines, IA 50319
Phone: 515-725-8239

II. JURISDICTION

This Order is issued pursuant to Iowa Code § 455B.307(2) which authorizes the Director of the DNR to issue any order necessary to secure

IOWA DEPARTMENT OF NATURAL RESOURCES
AMENDMENT TO ADMINISTRATIVE ORDER
ISSUED TO: ANDERSON EXCAVATING CO., INC.

compliance with or prevent a violation of Iowa Code chapter 455B, Division IV, Part 1 (solid waste) and the rules and regulations adopted pursuant to that part; and, Iowa Code § 455B.109 and 567 Iowa Administrative Code (IAC) 10, which authorize the Director to assess administrative penalties.

III. STATEMENT OF FACTS

All statements of facts enumerated in the Previous Order are incorporated herein by reference. In addition:

36. On June 24, 2015 Anderson received notice from the DNR that the company had adequately complied with the financial assurance requirements of 567 IAC 114.31.

37. On April 11, 2016 the DNR issued a closure permit to Anderson for the Landfill.

V. ORDER

All outstanding requirements of the Previous Order are rescinded and replaced by the following:

1. Anderson Excavating Co., Inc. agrees to comply with all terms enumerated in the closure permit issued by the DNR to Anderson on April 11, 2016.

VI. CIVIL PENALTY

For the reasons explained above, the civil penalty included in the Previous Order has been rescinded.

VII. APPEAL RIGHTS

A written Notice of Appeal may be filed with the Director within 30 days of your receipt of this Order. A contested case hearing will then be commenced pursuant to Iowa Code chapter 17A and 561 IAC 7. Please note that failure to file a timely appeal within 30 days will result in you forfeiting the right to appeal this Order.

VIII. NONCOMPLIANCE WITH THIS ORDER

Section VIII. is hereby replaced with the following:

Failure to comply with the terms of this Order and the referenced closure permit may result in additional enforcement action.

IOWA DEPARTMENT OF NATURAL RESOURCES
AMENDMENT TO ADMINISTRATIVE ORDER
ISSUED TO: ANDERSON EXCAVATING CO., INC.

All other terms and conditions from the Previous Order not amended herein remain in full force and effect.

Chuck Gipp
Chuck Gipp, Director
Iowa Department of Natural Resources

Dated this 13th day of
April, 2016.

CC: Mick Leat; Amy Davidson; FO4; VI.B(2)(c); VI.B(2)(d); VI.B(2)(e)