IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER

IN THE MATTER OF:

KENDRA KISLING
Operator No. 1233

ADMINISTRATIVE CONSENT ORDER
2019-WS-04

TO: Kendra Kisling
1613 Maple Drive NW
Cedar Rapids, Iowa 52405

I. SUMMARY

The Iowa Department of Natural Resources (DNR) and Kendra Kisling hereby agree to the issuance of this administrative consent order (Order) pertaining to Ms. Kisling’s status as a certified operator in the fields of drinking water treatment and drinking water distribution.

Any questions regarding this Order should be directed to:

Relating to technical requirements:
Chad Kehrli, DNR Field Office 1
Iowa Department of Natural Resources
909 W Main St, Ste 4
Manchester, Iowa 52057
563-927-2640

Relating to legal requirements:
Noah Poppelreiter, Attorney for the DNR
Wallace State Office Building
502 East Ninth Street
Des Moines, Iowa 50319-0034
Phone: 515-725-8248

Payment of penalty to:
Director of the Iowa DNR
Wallace State Office Building
502 East Ninth Street
Des Moines, Iowa 50319-0034

II. JURISDICTION

Iowa Code 455B.219 and 567 Iowa Administrative Code (IAC) 81.17(2) provide that disciplinary actions against certified operators may include revocation, partial revocation, suspension, probation, requirements for additional education, training and examination, and assessment of civil penalties up to $1,000.00. 567 IAC 81.17(3)"a"
provides that the DNR and a certified operator may enter into a settlement agreement which includes a disciplinary action.

III. STATEMENT OF FACTS

1. Ms. Kisling holds a Grade I certification in drinking water treatment and a Grade I certification in drinking water distribution.

2. Ms. Kisling is the operator-in-charge of twelve public water supplies (PWS) in Johnson and Linn Counties.

3. In October 2019, DNR Field Office 1 investigated a complaint against Ms. Kisling that claimed Ms. Kisling was failing to conduct daily water testing as required. During the investigation, DNR Field Office 1 staff observed that Ms. Kisling failed to conduct required daily water testing at the Blairs Ferry Manor, Vern Acres, and Glenn Oaks PWSs at any time from October 7, 2019, through October 10, 2019. DNR Field Office 1 staff also observed that Ms. Kisling failed to conduct required daily water testing at the Country Manor Estates and Oak Valley PWSs at any time from October 8, 2019, through October 10, 2019. Ms. Kisling admitted to not conducting daily testing as required at these locations.

IV. CONCLUSIONS OF LAW

Iowa Ccode 455B.219 and 567 IAC 81.17(1) specify criteria which may form the basis for a disciplinary action against a certified operator. These criteria include failing to use reasonable care or judgment in performing the duties of a certified operator and/or knowingly making any false statement, representation, or certification on any application, record, report, or document required to be maintained or submitted under any applicable permit or rule of DNR. The facts stated in Section III of this Order meet the criteria for disciplinary action.

V. ORDER

Therefore, DNR orders and Ms. Kisling agrees to the following as a settlement under 567 IAC 81.17(3)"a":

1. All of Ms. Kisling’s certifications for drinking water treatment and drinking water distribution are hereby revoked.

2. Ms. Kisling shall be prohibited from holding any DNR certifications for drinking water treatment, drinking water distribution, and wastewater treatment in the future.
VI. WAIVER OF APPEAL RIGHTS

Iowa Code 455B.219 entitles a water treatment operator to a hearing prior to revocation of a certificate. This Order is entered into knowingly by, and with the consent of, Ms. Kisling. By signing this Order, Ms. Kisling waives all rights to a hearing on or appeal of this Order.

Kendra Kisling
Dated this 18th day of November, 2019

Kayla Lyon, Director
Iowa Department of Natural Resources
Dated this 25th day of November, 2019