IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE ORDER AMENDMENT

IN THE MATTER OF:
Richard and Dorothy Tompkins

CONSENT AMENDMENT TO
ADMINISTRATIVE ORDER
NO. 2019-SW-14
NO. 2019-AQ-26

To: Richard and Dorothy Tompkins
18024 Highway 70
Conesville, Iowa  52739

Skylar Limkemann, Attorney
Smith, Mills & Schrock Law
118 3rd Ave, SE, Suite 200
Cedar Rapids, Iowa  52401

Re: Settlement of alleged illegal open burning of combustible material/
illegal disposal of solid waste/asbestos demolition violations; 18046
Highway 70, Conesville, Iowa.

Administrative Orders No. 2019-SW-14 and 2019-AQ-26 (the Orders) were issued
by the Iowa Department of Natural Resources (DNR) to Richard and Dorothy
Tompkins (the Tompkins) as owners of the above-referenced property in
Conesville, Iowa, for the purpose of resolving illegal open burning, illegal solid
waste disposal, and asbestos violations at their property. The Tompkins appealed
the Orders and a contested case hearing was scheduled. Prior to the hearing, the
Tompkins agreed to remove all remaining solid waste from the property, and
provided receipts for the proper disposal of the solid waste in the amount of
$3,906.76. DNR staff inspected the property and confirmed the solid waste had
been removed.

In order to settle the matter, DNR and the Tompkins have agreed to decrease the
administrative penalty included in the Orders to reflect the Tompkins' efforts to
come into compliance with Iowa law, in recognition of the unusual facts
surrounding the alleged open burning incident, and in recognition of the Tompkins' limited finances. Therefore, the Orders are amended as follows:

1. Section V. ORDER Paragraph 1 is rescinded.

2. Section V. ORDER Paragraph 4 is rescinded and replaced with the following:
The Tompkins shall pay an administrative penalty of $2,400.00. Payments shall be made in $100.00 installments for 2 years until the penalty amount is fully paid. Payment will be submitted to the DNR on the first of each month starting on the first full month after this Amendment is signed by the Director. Failure to timely pay the monthly payment may be considered a violation of this Order Amendment. DNR will review payment requirements if all payments are paid timely for the first 12 months.

3. Paragraph VI. PENALTY paragraphs 1-3 are rescinded and replaced with the following:

The Tompkins and the DNR agree that an administrative penalty of $2,400.00 is warranted in this matter.

4. Paragraph VII. APPEAL RIGHTS is rescinded. This Amendment is entered by consent of the parties and is not subject to appeal.

5. In all other respects, the Orders remain in full force and effect.

Kayla Lyon, Director
Iowa Department of Natural Resources

Richard or Dorothy Tompkins

Dated this 7th day of Jan, 2020.

CC: DNR Field Office 6; David Scott; VI.C; VII.C.1; VII.C.4.