

RECEIVED AUG 11 2020

IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER

IN THE MATTER OF: SCOTT PETERSON Operator No. 4514	ADMINISTRATIVE CONSENT ORDER 2020-WS- 03
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To: Scott Peterson
2127 Melrose Ave
Ames, Iowa 50010

I. SUMMARY

The Iowa Department of Natural Resources (DNR) and Scott Peterson hereby agree to the issuance of this administrative consent order (Order) pertaining to Mr. Peterson's status as a certified wastewater operator.

Any questions regarding this Order should be directed to:

Relating to technical requirements:

Tom Atkinson, DNR Field Office 5
Iowa Department of Natural Resources
502 East Ninth Street
Des Moines, Iowa 50319-0034
515-725-0371

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 section 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"

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provides that the DNR and a certified operator may enter into a settlement agreement which includes a disciplinary action.

III. STATEMENT OF FACTS

1. Mr. Peterson holds a Grade III certification in wastewater treatment. At all times relevant to this order, Mr. Peterson was employed by the City of Ames (City) in the City's Water and Pollution Control Department.

2. On May 7, 2020, a City representative contacted DNR staff to report that the City has discovered Mr. Peterson had falsified results of wastewater monitoring samples at the City's wastewater treatment facility.

3. On May 8, 2020, DNR Field Office 5 environmental specialist senior Tom Atkinson contacted Mr. Peterson to discuss the falsification. Mr. Peterson admitted to falsifying data during the months of March and April 2020. Mr. Peterson expressed remorse and embarrassment at his action and understood the DNR would take action.

IV. CONCLUSIONS OF LAW

Iowa Code section 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 Mr. Peterson agrees to the following as a settlement under 567 IAC 81.17(3)"a":

1. All of Mr. Peterson's certifications issued by the DNR are suspended for a period of six months starting from the date of this order.
2. Prior to employment at a wastewater treatment or drinking water facility, Mr. Peterson must contact DNR Field Office 5. Upon employment at a wastewater treatment or drinking water facility, Mr. Peterson shall be placed to a twelve-month probation period subject to the following terms. The DNR shall conduct quarterly evaluations of Mr. Peterson. Additionally, Mr. Peterson shall be prohibited from being the direct responsible operator in charge at any wastewater or drinking water facility for the first six months of the probation period. Finally, DNR Field Office 5 may request additional

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information from and/or monitoring of Mr. Peterson at any time during the probationary period, but may not impose other restrictions without an amendment to this Order.

VI. WAIVER OF APPEAL RIGHTS

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


SCOTT PETERSON

Dated this 5th day of
AUGUST, 2020


KAYLA LYON, DIRECTOR
Iowa Department of Natural Resources

Dated this 25th day of
August, 2020

Field Office 5, Noah Poppelreiter, EPA, II.D.