

**IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER**

<p>IN THE MATTER OF:</p> <p>GALEN MEHMEN</p> <p>Operator No. 3973</p>	<p>ADMINISTRATIVE CONSENT ORDER</p> <p>2020-WS-04</p>
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To: Galen Mehmen dba Mehmen Consulting
9100 Deer Ridge Drive
Cedar Rapids, IA 52411

I. SUMMARY

The Iowa Department of Natural Resources (DNR) and Galen Mehmen dba Mehmen Consulting (Mehmen Consulting) hereby agree to the issuance of this administrative consent order (Order) pertaining to Galen Mehmen's status as a certified operator in the fields of drinking water treatment and drinking water distribution. Galen Mehmen neither agrees nor denies the statements of facts and/or conclusions of law in this Order and enters into this Order for settlement purposes only.

Any questions regarding this Order should be directed to:

Relating to technical requirements:
Amber Sauser, 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 section 455B.219 and 567 Iowa Administrative Code (IAC) 81.17(2) provide that disciplinary actions against certified operators may include revocation,

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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. Galen Mehmen neither agrees nor denies these statements of facts and enters into this Order for settlement purposes only.
2. Galen Mehmen holds a Grade 3 certification in drinking water treatment and a Grade 3 certification in drinking water distribution. Galen Mehmen and his son, Andrew Mehmen, operate Mehmen Consulting as a partnership.
3. Galen Mehmen is the operator-in-charge of four public water supplies (PWS) in Dubuque, Linn and Johnson Counties, including Terrance Heights Mobile Home Park (THMP) in Dubuque, Iowa, and Iowa City Mobile Home Park, LLC (ICMHP) in Iowa City, Iowa.
4. Starting in June 2019 and proceeding through October 28, 2020, DNR Field Offices 1 and 6 investigated complaints against Mehmen Consulting. The DNR found the complaints to be credible and opened a disciplinary action against Galen Mehmen.
5. As part of the settlement of this disciplinary action, the DNR states the facts of the investigation are sufficient to warrant the terms of this Order.

IV. CONCLUSIONS OF LAW

Galen Mehmen neither agrees nor denies these conclusions of law and enters into this Order for settlement purposes only. 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 of the investigation stated in Section III of this Order meet the criteria for disciplinary action.

V. ORDER

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

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1. Galen Mehmen shall be subject to a one-year probation of all DNR-issued licenses, subject to the following terms during the period of probation:
 - a. At the end of one year, the DNR may in its sole discretion continue the terms of this probation for one additional year (a second year), after notifying in Galen Mehmen in writing of the extension. At the end of the second year, the DNR may in its sole discretion continue the terms of this probation for one additional year (a third year), after notifying in Galen Mehmen in writing of the extension.
 - b. Galen Mehmen shall conduct his operation of all facilities under his supervision in a competent, professional manner.
 - c. Galen Mehmen shall conduct all communication with the DNR (including DNR employees), with facilities (including employees of those facilities) under his supervision, and facilities previously under his supervision (including employees of those facilities) in a respectful, professional manner.
 - d. Galen Mehmen must certify in writing to the DNR within 30 days of the start of probation that he has reviewed in their entirety all relevant permits at the facilities under his supervision.
 - e. Galen Mehmen must document the date, time, and point of contact (if any) whenever he conducts a site visit to facilities under his supervision and must document the visit with a dated photograph of the facility. This information must be made available to the DNR upon request.
 - f. All monthly operating reports (MOR) submitted by Galen Mehmen to the DNR must be accompanied by photographs or facsimiles of associated bench sheets. All photographs or facsimiles must be properly labeled and dated.
 - g. Galen Mehmen may not take on additional water supply or wastewater facilities as clients.
 - h. While the certified operator license of Andrew Mehmen is suspended or revoked, or while the Department is proceeding in a disciplinary action against Andrew Mehmen as evidenced by a notice of intended action served on Andrew Mehmen, or in the event Andrew Mehmen does not in any other way have a valid certified operator permit, Galen Mehmen may not partner with, employ, or otherwise use the services of Andrew Mehmen in any capacity that would require Andrew Mehmen to certify the veracity of information or data collected or take samples of water for any testing whatsoever.
 - i. Galen Mehmen may not testify against the DNR, the State of Iowa generally, the United States Environmental Protection agency, or the United States generally in any proceeding involving Andrew Mehmen, unless required by a lawfully issued subpoena.
 - j. The DNR may request in writing or by email additional information from or monitoring of Galen Mehmen as a term of the probation, but the DNR shall not impose any other condition of probation without an amendment to this Order.

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- k. Any violation(s) of this probation shall be a violation of this Order and subject to any penalty, order, or other remedy as allowed by law or rule.
- 2. Galen Mehmen agrees and understands the DNR will provide this Order to all facilities under his supervision and agrees to take no action against the DNR or any facility in the event a facility declines to continue to utilize Galen Mehmen's services.

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, Galen Mehmen. By signing this Order, Galen Mehmen waives all rights to a hearing on or appeal of this Order.

VII. NONCOMPLIANCE

Completion of the probationary period in Section V of this Order (including any extension as allowed) constitutes full satisfaction of all requirements pertaining to the violations described in the Statement of Fact. Failure to comply with this Order may result in the imposition of administrative penalties pursuant to an administrative order or referral to the Attorney General to obtain injunctive relief and civil penalties pursuant to Iowa Code section 455B.146.



GALEN MEHMEN

Dated this 5th day of
November, 2020



KAYLA LYON, DIRECTOR
Iowa Department of Natural Resources

Dated this 9th day of
November, 2020

Field Office 1, Field Office 6, Noah Poppelreiter, EPA, II.D.