

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

IN THE MATTER OF: KENDALL KIPP Operator No. 9392	ADMINISTRATIVE CONSENT ORDER 2020-WS- 06
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To: Kendall Kipp
3207 150th Street
Yale, Iowa 50277

I. SUMMARY

The Iowa Department of Natural Resources (DNR) and Kendall Kipp hereby agree to the issuance of this administrative consent order (Order) pertaining to Mr. Kipp'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:

Keith Wilken, DNR Field Office 4
Iowa Department of Natural Resources
1401 Sunnyside Lane
Atlantic, Iowa 50022
712-243-1934

Relating to legal requirements:

Noah Poppelreiter, Attorney for the DNR
Wallace State Office Building
502 East Ninth Street
Des Moines, Iowa 50319-0034
Phone: 515-669-8752

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

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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 that includes a disciplinary action.

III. STATEMENT OF FACTS

1. Mr. Kipp is certified as a Grade 1 Water Treatment operator and a Grade 1 Water Distribution operator.
2. At all times relevant to this Order, Mr. Kipp was employed as the operator in charge of the City of Yale's water supply system (System).
3. The DNR conducted an investigation into Mr. Kipp's operation of the System and found evidence that warranted disciplinary action. Mr. Kipp neither agrees nor disagrees with the findings of this investigation and enters into this Order for settlement purposes only.

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. The DNR finds that evidence gathered during the investigation noted in Section III of this Order meets the criteria for disciplinary action. Mr. Kipp neither agrees nor disagrees with the findings of the DNR's investigation and enters into this Order for settlement purposes only.

V. AGREEMENT

Therefore, DNR and Kendall Kipp agree to the following as a settlement under 567 IAC 81.17(3)"a":

1. Mr. Kipp's agrees to voluntarily surrender his certifications for drinking water treatment and drinking water distribution effective November 24, 2020.
2. Upon his voluntary surrender of his certifications for drinking water treatment and drinking water distribution, Mr. Kipp shall be prohibited from holding any DNR certifications for drinking water treatment, drinking water distribution, and/or wastewater treatment for a period of two years from November 24, 2020.

VI. WAIVER OF APPEAL RIGHTS

Iowa Code section 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

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consent of, Mr. Kipp. By signing this Order, Mr. Kipp waives all rights to a hearing on or appeal of this Order.


KENDALL KIPP

Dated this 23 day of
November, 2020


KAYLA LYON, DIRECTOR
Iowa Department of Natural Resources

Dated this 23rd day of
November, 2020

Field Office 4, Noah Poppelreiter, EPA, II.D.