

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

<p>IN THE MATTER OF:</p> <p>THOMAS CHRIS DODGE and RONALD SCHINTLER</p>	<p>ADMINISTRATIVE CONSENT ORDER</p> <p>NO. 2018-SW-15 AMENDMENT 1</p>
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To: Thomas Chris Dodge
4506 Black Hawk Avenue
Parnell, Iowa 52325

Mr. Ronald Schintler
2884 IWV Road, SW
Iowa City, IA 52246

RE: Satisfaction of Administrative Consent Order and Rescission of prior Order.

I. SUMMARY

Administrative consent order 2018-SW-15 (the Order) addressed the illegal disposal of waste tires at property owned by Mr. Ronald Schintler in Parnell, Iowa. This matter was also the subject of Administrative Consent Order 2012-SW-21-A1. Pursuant to the terms of the Order, upon the Department of Natural Resources' (DNR) confirmation that the waste tires have been removed from the property and properly disposed of, the DNR would consider this matter closed. The property has been cleaned up. As such, the DNR is issuing this Order amendment to close the matter. The prior consent order, 2012-SW-21-A1, is also rescinded.

Any questions regarding this Order should be directed to:

Relating to technical requirements:

Kurt Levetzow, Env. Specialist Sr.
Iowa Department of Natural Resources
Field Office No. 6
1023 W. Madison St.
Washington, IA 52353
Phone: (319) 653-2135

Relating to legal requirements

David Scott, Attorney
Iowa Department of Natural Resources
Legal Services Division
1023 W. Madison St.
Washington, IA 52353
Ph: (319) 321-8504

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ISSUED TO: MR. DODGE and MR. SCHINTLER

II. JURISDICTION

This Order is issued pursuant to Iowa Code § 455D.23, which authorizes the Director to issue any order necessary to secure compliance with chapter 455D and any rule adopted pursuant to that Chapter; Iowa Code § 455B.307(2) which authorizes the Director of the DNR to issue any order necessary to secure compliance with or prevent a violation of Iowa Code chapter 455B, Division IV, Part 1 (solid waste) and the rules and regulations adopted pursuant to that part; and, Iowa Code § 455B.109 and 567 Iowa Administrative Code (IAC) 10, which authorize the Director to assess administrative penalties.

III. STATEMENT OF FACTS

All facts referenced in the Order are adopted herein. In addition:

9. On Wednesday, December 23, 2020, staff from DNR FO 6 visited the property. All waste tires have been removed from the property.

IV. CONCLUSION OF LAW

1. Iowa Code § 455B.307 prohibits a private entity from dumping or depositing or allowing the dumping or depositing of any solid waste at any place other than a sanitary disposal project approved by the Director unless the entity has been granted a permit by the DNR which allows the dumping or depositing of solid waste on land owned or leased by the entity.

2. Iowa Code § 455B.304 provides that the Environmental Protection Commission (Commission) shall establish rules governing the handling and disposal of solid waste. The Commission has adopted such rules at 567 Iowa Administrative Code (IAC) chapters 100-123.

3. The Commission has adopted 567 IAC 100.4 for the regulation of open dumping in Iowa. The provision prohibits a private entity from dumping or depositing, or permitting the dumping or depositing, of any solid waste at any place other than a sanitary disposal project approved by the Director and pursuant to the terms of a permit granted by the DNR authorizing the disposal of solid waste.

4. The Commission has adopted 567 IAC 117.4(1) to prevent accumulation of waste tires on a property. The provision states that no business or individual shall store more than 500 passenger tire equivalents (PTE) without obtaining a permit for a waste tire stockpile pursuant to 117.4(2).

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V. ORDER

THEREFORE, the Director of the DNR has determined that this matter is considered closed. Closure of this matter includes the rescission of ACO 2012-SW-21-A1 and the waiver of any accrued penalties under that ACO.

VI. CIVIL PENALTY

There is no administrative penalty associated with this Amendment.

VII. APPEAL RIGHTS

While DNR does not anticipate an appeal of this Amendment. However, if an appeal is sought, the parties should contact DNR's legal services bureau within 60 days.

VIII. NONCOMPLIANCE WITH THIS ORDER

Failure to comply with any requirement of this Order may result in the imposition of further administrative penalties or referral to the Iowa Attorney General to obtain injunctive relief, stipulated penalties and/or civil penalties pursuant to Iowa Code and 455B.307.



Kayla Lyon, Director
Iowa Department of Natural Resources

Dated this 8th day of
January, 2021