

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

IN THE MATTER OF:

TYLER BAUER

Operator No. 11849

ADMINISTRATIVE CONSENT  
ORDER

2021-WS- 01

To: Tyler Bauer  
118 E. Market Street  
Lisbon, Iowa 52253

**I. SUMMARY**

The Iowa Department of Natural Resources (DNR) and Tyler Bauer hereby agree to the issuance of this administrative consent order (Order) pertaining to Mr. Bauer's status as a certified operator in the fields of drinking water treatment, drinking water distribution, and wastewater treatment.

Any questions regarding this Order should be directed to:

**Relating to technical requirements:**

Aaron Pickens, DNR Field Office 6  
Iowa Department of Natural Resources  
1023 W Madison  
Washington, Iowa 52353  
319-653-2135

**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

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

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**III. STATEMENT OF FACTS**

1. Mr. Bauer is certified as a Grade 2 Water Treatment operator, a Grade 2 Water Distribution operator, and a Grade 1 Wastewater Treatment operator.
2. At all times relevant to this Order, Mr. Bauer was employed as the public works director and operator in charge of the City of Mechanicsville's (City) water supply and wastewater treatment systems.
3. On March 17, 2020, the DNR issued the City, attention Mr. Bauer, a notice of violation (NOV) for failing to report February levels of coliform bacteria in the City's water supply system.
4. On April 15, 2020, the DNR issued the City, attention Mr. Bauer, a NOV for failing to report annual nitrate levels in the City's water supply system.
5. On August 20, 2020, the DNR issue the City, attention Mr. Bauer, a NOV for the following violations:
  - a. Failing to submit a monthly operating report (MOR) for the City's water supply system for January 2020 and February 2020;
  - b. Failing to timely submit a MOR for March 2020;
  - c. Failing to timely a submit a MOR for April 2020;
  - d. Failing to timely submit a MOR for May 2020; and
  - e. Failing to submit a MOR for June 2020.
6. In September 17, 2020, City Mayor Andrew Oberbreckling initiated an investigation into by Mr. Bauer's job performance, after allegations arose of data falsification and failure to conduct testing.
7. The Mayor's investigation included a review of the device used to sample chlorine residual levels in the City's water. The review showed a substantial number of days over a period of several months in 2020 where no testing was performed.
8. On September 18, 2020 Mr. Bauer was interviewed by city personnel. Mr. Bauer alleged that the City's sampling machine was providing invalid data, so he used litmus paper to conduct chlorine samples. Mr. Bauer also stated that the supply of paper ran out in August. Mr. Bauer alleged an unidentified person at the DNR granted permission to use an unspecified calculation to determine chlorine levels.
9. On September 18, 2020, Mr. Bauer resigned from his employment at the City.
10. On September 30, 2020, The City submitted a report of the Mayor's investigation to DNR Field Office 6.
11. On October 6, 2020, DNR Field Office 6 staff opened an investigation into Mr. Bauer's performance as a certified operator.

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12. On October 6, 2020, DNR Field Office 6 staff collected data from the City's chlorine residual sampling machine. Notably, but in no way exclusively, the machine was missing data during following periods days:
  - a. April 19 – April 24, 2020;
  - b. April 27 – May 3, 2020;
  - c. May 11 – May 22, 2020;
  - d. May 25 – June 6, 2020;
  - e. June 9 – June 19, 2020;
  - f. July 14 – July 25, 2020; and
  - g. July 27 – September 16, 2020.
13. DNR Staff reviewed MORs and bench sheets, where available, for these periods of days. On every applicable MOR, chlorine residual data was submitted to the DNR in the MOR.
14. On October 8, 2020, DNR Field Office 6 environmental specialist Aaron Pickens called Mr. Bauer regarding the investigation. During this conversation, Mr. Bauer stated he did not believe the City's sampling machine was providing accurate data, was too busy to have the machine replaced, and reported to the DNR estimated data based on what he thought the chlorine residual levels should be.
15. DNR staff's investigation noted no abnormalities with the City's chlorine sampling machine or its readings.

**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; failing to submit required records of reports; 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; professional incompetence; and/or knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of the licensee's profession or engaging in unethical conduct or practice harmful or detrimental to the public. The facts stated in Section III of this Order meet the criteria for disciplinary action.

**V. ORDER**

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

1. All of Mr. Bauer's certifications for drinking water treatment, drinking water distribution, and wastewater treatment are hereby revoked.

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2. Mr. Bauer shall be prohibited from holding any DNR certifications for drinking water treatment, drinking water distribution, and wastewater treatment in the future.

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

  
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TYLER BAUER

Dated this 24<sup>th</sup> day of  
February, 2021

  
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KAYLA LYON, DIRECTOR  
Iowa Department of Natural Resources

Dated this 5th day of  
March, 2021

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