

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

IN THE MATTER OF:  AMY KOHLWES  Operator No. 10608	ADMINISTRATIVE CONSENT ORDER  2021-WS-02
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To: Amy Kohlwes  
23402 US Hwy 65  
Colo, Iowa 50056

**I. SUMMARY**

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

Any questions regarding this Order should be directed to:

**Relating to technical requirements:**

Janet Gastineau  
DNR Field Office 5  
502 E 9th St.  
Des Moines, Iowa 50319  
Phone: 515-725-0268

**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. Ms. Kohlwes is certified as a Grade 1 water distribution operator and a grade 1 wastewater treatment operator.
2. At all times relevant to this Order, Ms. Kohlwes was employed as the operator in charge of the City of Colo's water distribution and wastewater treatment systems, as the affidavit operator in charge of the City of McCallsburg water distribution and wastewater treatment systems, and as the affidavit operator in charge of the City of Zearing's water distribution and wastewater treatment systems.
3. On or about December 28, 2020, Jon Carleton, public works director for Colo, conducted an investigation into irregularities in Ms. Kohlwes' disinfectant residual monitoring.
4. On December 28, 2020, Mr. Carleton contacted DNR Field Office 5 environmental specialist senior Janet Gastineau about his investigation.
5. Also on December 28, 2020, DNR Field Office 5 environmental specialist Bill Gibbons conducted a sanitary survey of the Zearing's water distribution and wastewater treatment systems. Mr. Gibbons noted the improper use of testing equipment by staff trained by Ms. Kohlwes.
6. As a result, the DNR opened an investigation into Ms. Kohlwes' operation of the various facilities under her control. The results of that investigation showed that disciplinary action against Ms. Kohlwes was warranted.
7. On January 20, 2021, Ms. Gastineau received an email from Ms. Kohlwes admitting that Ms. Kohlwes had falsified data on Colo's December 2020 monthly operating report. Ms. Kohlwes expressed contrition for her act.

**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 Amy Kohlwes agrees to the following as a settlement under 567 IAC 81.17(3)"a":

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1. The DNR's approval granting Ms. Kohlwes affidavit operator status for the City of McCallsburg's water and wastewater systems will be revoked 30 days after the Director signs this order or upon Ms. Kohlwes' resignation, termination, or replacement at this facility, whichever is sooner.
2. The DNR's approval granting Ms. Kohlwes affidavit operator status for the City of Zearing's water and wastewater systems will be revoked 30 days after the Director signs this order or upon Ms. Kohlwes' resignation, termination, or replacement at this facility, whichever is sooner.
3. The DNR's approval granting Ms. Kohlwes operator status for the City of Colo's water and wastewater systems remains unchanged.
4. Ms. Kohlwes shall be subject to a one-year probation of all DNR-issued licenses related to water treatment and/or distribution and wastewater treatment, 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 Ms. Kohlwes 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 Ms. Kohlwes in writing of the extension.
  - b. Ms. Kohlwes shall conduct her operation of all facilities under her supervision in a competent, professional manner.
  - c. Ms. Kohlwes may not perform operator duties for additional water supply or wastewater facilities or otherwise engage in any activity other than the operation of the City of Colo's wastewater and water supply systems that would require a DNR drinking water treatment and/or distribution operator certification and/or a wastewater operator certification, unless approved in writing by DNR Field Office 5. Any approval under this paragraph is at the sole discretion of the DNR. Any approval by the DNR under this paragraph, including any conditions of that approval, are expressly made part of this probation.
  - d. The following terms apply specifically to Ms. Kohlwes' operation of the City of Colo's public water supply:
    - i. Ms. Kohlwes must personally collect all samples at the source/entry point and in the distribution system of the Colo water supply that are submitted to a certified laboratory.
    - ii. Ms. Kohlwes (or staff trained and supervised by Ms. Kohlwes) shall measure and record free and total disinfectant residuals daily at the source/entry point and in the distribution system using a low range device. If a new device is required to comply with this subparagraph, Ms. Kohlwes shall ensure such a device is obtained within 30 days of this order, or within a different timeframe subject to approval in writing by DNR Field Office 5.
    - iii. Ms. Kohlwes (or staff trained and supervised by Ms. Kohlwes) must conduct distribution system disinfectant

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residual monitoring daily from at least one of 5 different representative locations in the distribution system, selected on a rotating basis.

- iv. Ms. Kohlwes (or staff trained and supervised by Ms. Kohlwes) must ensure the log used for recording daily disinfectant residual measurements at the source/entry point and in the distribution system includes the staff initials and the location, time, and date measurements were taken.
- v. Ms. Kohlwes must submit the hand-written log or a copy or picture of the log with the electronically submitted monthly operation report.
- e. The DNR may request in writing or by email additional information from Ms. Kohlwes related to her operation of any facility under her control as a term of the probation, but the DNR shall not impose any other condition of probation without an amendment to this Order.

**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, Ms. Kohlwes. By signing this Order, Ms. Kohlwes 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.

  
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AMY KOHLWES

Dated this 18th day of  
March, 2021

  
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KAYLA LYON, DIRECTOR  
Iowa Department of Natural Resources

Dated this 18th day of  
March, 2021

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