

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

IN THE MATTER OF:  TIMOTHY DANIELSON  Operator No. 9349	ADMINISTRATIVE CONSENT ORDER  2021-WS- 03
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To: Timothy Danielson  
828 High Street  
Webster City, Iowa 50595

**I. SUMMARY**

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

Any questions regarding this Order should be directed to:

**Relating to technical requirements:**

Kayla Beck  
DNR Field Office 2  
  
2300 15th St. SW  
Mason City, Iowa 50401  
641-424-4073

**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. Danielson is certified as a Grade 2 water distribution operator, a Grade 3 water treatment operator, and a Grade 3 wastewater treatment operator.
2. At all times relevant to this Order, Mr. Danielson was employed as the operator in charge of the City of Otho's (Otho) drinking water treatment, drinking water distribution, and wastewater treatment systems.
3. On or about September 13, 2021, while preparing for a routine sanitary survey of Otho's drinking water systems, DNR Field Office 2 environmental specialist Kayla Beck noted irregularities in Otho's monthly operational reports (MOR).
4. Due to these irregularities, Ms. Beck opened an investigation into Mr. Danielson's operation of Otho's drinking water systems. The results of this investigation showed that disciplinary action against Mr. Danielson is warranted due to data falsification by Mr. Danielson. Notably, Mr. Danielson admitted to reporting arbitrary chlorine residual values on MORs over multiple days.
5. On October 12, 2021, the DNR issued Mr. Danielson a Notice of Violation for the data falsification.

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

1. This Order is necessary to protect health of Iowans by ensuring Mr. Danielson and staff under his control are operating facilities under their control in compliance with applicable law.
2. This Order shall not be interpreted in any way that prevents or precludes the DNR from issuing any subsequent administrative order to Mr. Danielson, including but not limited to orders related to Mr. Danielson's certifications, should the DNR determine such orders are necessary to protect the public health or the environment.

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3. Mr. Danielson 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 Mr. Danielson 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 Mr. Danielson in writing of the extension.
  - b. Mr. Danielson shall conduct his operation of all drinking water treatment and/or distribution and wastewater systems under his supervision in a competent, professional manner.
  - c. Mr. Danielson may not perform operator duties for water supply or wastewater systems or otherwise engage in any other activity 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 2. 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 Mr. Danielson' operation of the public water supplies under his operational control:
    - i. Mr. Danielson must personally collect all samples at the source/entry point and in the distribution system that are submitted to a certified laboratory, except as described in subparagraph V(4)"d"(ii), below.
    - ii. Mr. Danielson (or staff trained and supervised by Mr. Danielson) 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.
    - iii. Mr. Danielson (or staff trained and supervised by Mr. Danielson) must conduct distribution system disinfectant residual monitoring daily as required by law and permit.
    - iv. Mr. Danielson (or staff trained and supervised by Mr. Danielson) 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. Mr. Danielson (or staff trained and supervised by Mr. Danielson) must ensure the log used for recording daily flow includes the staff initial and the location, time and date.
    - vi. Mr. Danielson must submit the hand-written log or a copy or picture of the log with the electronically submitted monthly operation report.

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- e. The DNR may request in writing or by email additional information from Mr. Danielson related to his operation of any facility under his control as a term of the probation, but the DNR shall not impose any other condition of probation without an amendment to this Order.
4. Within 30 days of the director signing this Order, Mr. Danielson shall pay an administrative penalty of \$1,000.00.

**VI. PENALTY**

Iowa Code section 455B.109 authorizes the Commission to establish by rule a schedule of civil penalties up to \$10,000.00, which may be assessed administratively. The Commission has adopted this schedule with procedures and criteria for assessment of penalties in 567 IAC chapter 10. Additionally, 567 IAC 81.17(2) allows for the assessment of a penalty of up to \$1,000 during disciplinary actions. The DNR has determined that the most effective and efficient means of addressing the above-cited violations is the issuance of an administrative consent order with an administrative penalty of \$1,000.00. The administrative penalty is determined as follows:

Economic Benefit – 567 IAC chapter 10 requires that the DNR consider the costs saved or likely to be saved by noncompliance. 567 IAC 10.2(1) states that “where the violator received an economic benefit through the violation or by not taking timely compliance or corrective measures, the department shall take enforcement action which includes penalties which at least offset the economic benefit.” 567 IAC 10.2(1) further states, “reasonable estimates of economic benefit should be made where clear data are not available.” Mr. Danielson avoided costs associated with ensuring the collection of all required chlorine readings at Otho. Using reasonable estimates, a cost of \$1,000.00 is assessed for this factor.

Gravity – Proper monitoring and reporting is an essential component of the NPDES permitting program. By failing to adequately monitor and report, an operator in charge of a facility masks whether the facility is in compliance with applicable laws and permits. Mr. Danielson failed to appropriately monitor and report chlorine residuals for Otho. The violations documented in the DNR’s investigation report are serious and warrant a penalty. However, 567 IAC 81.17(2) allows for a penalty only up to \$1,000. Therefore, no additional penalty is assessed for this factor.

Culpability – Mr. Danielson has a duty to report readings accurately. Mr. Danielson failed to report readings accurately when he reported chlorine residual readings when no such readings were taken. The violations documented in the DNR’s investigation report are serious and warrant a penalty. However, 567 IAC 81.17(2) allows for a penalty only up to \$1,000. Therefore, no additional penalty is assessed for this factor.

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**VII. 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. Danielson. By signing this Order, Mr. Danielson waives all rights to a hearing on or appeal of this Order.

**VIII. 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, expressly excluding any violations found due to subsequent or ongoing investigations. 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.

  
TIMOTHY DANIELSON

Dated this 16<sup>th</sup> day of  
December, 2021

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KAYLA LYON, DIRECTOR  
Iowa Department of Natural Resources

Field Office 2, Noah Poppelreiter, EPA, II.D.

