

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

<p>IN THE MATTER OF:</p> <p>BRAD WILSON</p> <p>Certified Applicator Number 22501</p>	<p>ADMINISTRATIVE CONSENT ORDER NO. 20_21-AFO- 28</p>
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TO: Brad Wilson
10746 Cedar Ridge Ct
Peosta IA 52068-9712

I. SUMMARY

The Iowa Department of Natural Resources (DNR) and Brad Wilson agree to the issuance of this administrative consent order pertaining to Mr. Wilson's status as a certified manure applicator and certified manure service representative.

Questions regarding this administrative consent order should be directed to:

Relating to technical requirements:

Terry Jones, DNR Field Office 6
Iowa Department of Natural Resources
1023 W Madison
Washington, Iowa 52353
Phone: 319/653-2135

Relating to legal requirements:

Kelli Book, Attorney for the DNR
Wallace State Office Building
502 East Ninth Street
Des Moines, Iowa 50319-0034
Phone: 515/210-3408

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 459.315A and 567 Iowa Administrative Code (IAC) 65.19(9) provide that the DNR may issue an order to suspend or revoke the certification of a commercial manure service representative. 567 IAC 65.19(9)"c" provides that the DNR and a commercial manure service representative may enter into a settlement agreement that includes a disciplinary action.

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III. STATEMENT OF FACTS

1. Brad Wilson is a certified manure applicator and a certified Commercial Manure Service (CMS) manager in the state of Iowa.

2. In November 2016, DNR Field Office 6 investigated a manure release in Willow Creek north of Charlotte, Iowa. During the investigation, it was determined that Waste Management Agriculture Services LLC (WMAS) was land applying manure from Banowetz Dairy. Runoff from the manure application caused water quality violations in Willow Creek, including elevated pollutant levels, cloudy water, and a manure odor. Mr. Wilson was the applicator on the project. Mr. Wilson confirmed that there were no mechanical issues during the application but the ground was not taking the manure and the manure flowed to the grassed waterway. He stated that the manure application had occurred at night. At the time of the violations, Mr. Wilson was the CMS Manager for WMAS. WMAS and DNR entered into Administrative Consent Order No. 2017-AFO-23 to address the water quality violations.

3. In December 2018, DNR Field Office 6 investigated a manure release to an unnamed tributary of Elk River in Clinton County, Iowa. During the investigation, it was determined that WMAS was land applying manure from Blue Hyll Dairy Farm, LLC (Blue Hyll Dairy). A representative from Blue Hyll Dairy indicated that Mr. Wilson was the manure applicator at the time of the release. Runoff from the manure application caused water quality violations in the tributary, including elevated pollutant levels, manure solids in the tributary, and turbid water. At the time of the violations, Mr. Wilson was the CMS Manager for WMAS. WMAS and DNR entered into Administrative Consent Order No. 2019-AFO-20. Mr. Wilson signed the consent order on behalf of WMAS.

4. In November 2020, DNR Field Office 6 investigated a manure release to an unnamed tributary of Elk River in Clinton County, Iowa. During the investigation, it was determined that WMAS was land applying manure from Blue Hyll Dairy. Mr. Wilson was the manure applicator on the project and at the time of the inspection. Mr. Wilson was applying the manure through the night. Mr. Wilson stated he noted a potential runoff issue, but did not notify the DNR, but rather moved to another field. Runoff from the manure application caused water quality violations in the tributary including elevated pollutant levels, dark water, and a manure odor. At the time of the violations, Mr. Wilson was the CMS Manager for WMAS as well as the company's president and treasurer. DNR issued a Notice of Violation letter to Mr. Wilson for the water quality violations.

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IV. CONCLUSIONS OF LAW

Iowa Code section 459.315A and 567 IAC 65.19(9) specify criteria which may form the basis for a disciplinary action against a commercial manure service representative. These criteria include: violations of state law or rules applicable to a certified commercial manure service representative or applicator or the handling or application of manure; failure to maintain required records of manure application or other reports; or knowingly making any false statement, representation, or certification on any application, record, report or documented. The facts stated in Section III of this Order of Mr. Wilson being the CMS and manure applicator during three manure releases that resulted in water quality violations meet the criteria for disciplinary action.

V. ORDER

THEREFORE, the DNR orders and Brad Wilson agrees to the following as a settlement under 567 IAC 65.19(9)"c"(5):

1. Mr. Wilson's CMS and manure applicator certification are revoked as of the date the Director signs this administrative consent order. Mr. Wilson is prohibited from being involved in any activity, managerial or other otherwise, that involves, directly or indirectly, handling, transporting or applying manure for a period of two years from the date the Director signs this administrative consent order;
2. Mr. Wilson may recertify as a CMS and/or manure applicator at the end of the revocation period noted above.

VI. WAIVER OF APPEAL RIGHTS

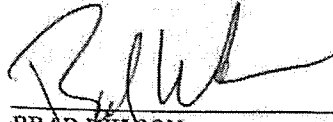
567 IAC 65.19(9)"c"(6) entitles the CMS manager/manure applicator to a hearing prior to the revocation of the certification. This administrative consent order is entered into knowingly and with the consent of Brad Wilson. For that reason, Mr. Wilson waives the right to a hearing on or appeal of this administrative consent order.

VII. NONCOMPLIANCE

Compliance with the revocation period in Section V of this administrative consent order constitutes full satisfaction of all requirements pertaining to the violations described in this administrative consent order. Failure to comply with this administrative consent 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.191.

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KAYLA LYON, DIRECTOR
Iowa Department of Natural Resources



BRAD WILSON

Dated this 12-24-21 day of _____

Kelli Book, DNR Field Office 6