

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

IN THE MATTER OF:  MARK GILARSKI  Operator No. 12461	ADMINISTRATIVE CONSENT ORDER  2023-WS-01
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To: Mark Gilarski  
2304 Buchanan Drive  
Ames, Iowa 50010

**I. SUMMARY**

The Iowa Department of Natural Resources (DNR) and Mark Gilarski hereby agree to the issuance of this administrative consent order (Order) pertaining to Mr. Gilarski's status as a certified operator in the field of drinking water treatment. Mr. Gilarski neither agrees nor denies the statements of facts and/or conclusions of law in this Order and enters into this Order for settlement purposes only.

Any questions regarding this Order should be directed to:

**Relating to technical requirements:**

Janet Gastineau  
DNR Field Office 5  
502 East Ninth Street  
Des Moines, Iowa 50319-0034  
Phone: 515-250-4291

**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. Gilarski neither agrees nor denies the statements of facts in this Order and/or the conclusions reached by the DNR during its investigation and enters into this Order for settlement purposes only.
2. Mr. Gilarski is certified as a Grade 2 water treatment operator under certification number 12461.
3. At all times relevant to this Order, Mr. Gilarski was employed at Marshalltown Water Works.
4. Mr. Gilarski's employment required him to be certified as a Grade 2 water treatment operator by the DNR.
5. Between September 29, 2022, and October 20, 2022, the DNR conducted an investigation of the actions taken by Mr. Gilarski as a certified water treatment operator in the course of his employment. As a result of this investigation, the DNR concluded the disciplinary action contained in this Order is warranted.
6. On December 13, 2022, the DNR notified Mr. Gilarski that it would take disciplinary action against him.

**IV. CONCLUSIONS OF LAW**

Mr. Gilarski neither agrees nor denies these conclusions of law in this Order and enters into this Order for settlement purposes only. 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 Mr. Gilarski agrees to the following as a settlement under 567 IAC 81.17(3)"a":

1. Mr. Gilarski agrees to voluntarily surrender his certification for drinking water treatment effective immediately upon the date the Director signs this Order, and shall be prohibited from acting in any capacity that would first require the issuance of a drinking water treatment and/or distribution certification by the DNR.
2. Upon his voluntary surrender of his certifications for drinking water treatment, Mr. Gilarski shall be prohibited from holding any DNR certifications for

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drinking water treatment, drinking water distribution, and/or wastewater treatment until July 1, 2025.

**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. Gilarski. By signing this Order, Mr. Gilarski 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.

DocuSigned by:  
 2/20/2023  
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MARK GILARSKI

Dated this \_\_\_\_\_ day of  
\_\_\_\_\_, 2023

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KAYLA LYON, DIRECTOR  
Iowa Department of Natural Resources

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