

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

<p>IN THE MATTER OF:</p> <p>ANTHONY WEINFURTNER</p> <p>Cert. no. 13382</p>	<p style="text-align: center;">ADMINISTRATIVE CONSENT ORDER</p> <p style="text-align: center;">No. 2024-WS-03</p>
-------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------

To: Anthony Weinfurtner
~~8224 S 113th St~~ 3224 S 113th
Omaha, NE 68144

Re: Violations of Iowa’s Certified Operator Regulations.

I. SUMMARY

The Iowa department of Natural Resources (DNR) and Anthony Weinfurtner enter into this Administrative Consent Order to resolve violations of Iowa’s certified operator law and regulations. As detailed below, Mr. Weinfurtner agrees to (1) voluntarily surrender his Water Treatment 1 Operator Certifications, and (2) perform no shift operator or operator-in-charge responsibilities. Questions regarding this order should be directed to:

Relating to technical requirements:
Wendy S. Wittrock, Env. Specialist Senior
Iowa Department of Natural Resources
Field Office No. 4
1401 Sunnyside Ln.
Atlantic, Iowa 50022
(712) 243-1934

Relating to legal requirements:
Bradley Adams
Attorney for the DNR
6200 Park Ave., Ste. 200
Des Moines, IA 50321
(515) 664-8894

Payment of penalty to:
Director of the Iowa DNR
Wallace State Office Building
6200 Park Ave., Ste. 200
Des Moines, Iowa 50321

II. JURISDICTION

The DNR has jurisdiction over this matter pursuant to the authority granted in Iowa Code section 455B.219, which gives the DNR Director the authority to suspend or revoke certified operator certificates when one of that section's enumerated bases for revocation or suspension is violated.

III. STATEMENT OF FACTS

1. Mr. Weinfurtner currently holds certification as a Grade 1 water treatment operator. His certification number is 13382. According to DNR's records, Mr. Weinfurtner was employed by Council Bluffs Water Works between November 28, 2022 and October 2, 2023, as a shift operator for the Council Bluffs treatment plant at Council Bluffs Water Works, 2000 N. 25th St., Council Bluffs, IA 51501.
2. On September 20, 2023, Council Bluffs Water Works staff noticed a phosphate sample next to the Hach DR6000 (the on-site testing equipment) that had not been run. The lab technician scrolled through the history on the Hach DR 6000 and noticed that several tests had not been done and automatically logged into the Hach DR 6000's history. These tests were raw color, finished color, finished iron, raw manganese, finished manganese, ortho phosphate, total phosphate, mono chloramine and free ammonia. Tim Parker, the Purification Manager for Council Bluffs Water Works, was notified of the inconsistencies. When cross referenced, it was found that sample results were entered on the daily Quality Control Laboratory Analysis sheet despite no testing having been completed. Mr. Parker made a call to Hach tech support to verify that the history on the DR 6000 would record if the tests were conducted. Hach confirmed that history is saved on a first-in, first-out basis, so that the oldest data is deleted first. At that time, the Hach DR 6000 held results from September 20, 2023 back to March of 2023. Mr. Parker contacted Jessica Montana, Iowa Department of Natural Resources Field Office 4 (FO4) Supervisor, to report a suspicion of an employee falsifying test results. Council Bluffs Water Works continued their internal investigation to determine the extent of the falsification.
3. On September 25, 2023, Mr. Parker informed Mr. Weinfurtner that he was suspended for 40 hours without pay.
4. On October 2, 2023, Mr. Weinfurtner was officially terminated by Council Bluffs Water Works for falsification of laboratory testing.
5. On October 24, 2023, after completing a full investigation, Council Bluffs Water Works provided an investigation report to FO4 documenting their findings regarding the investigation of the false test results.
6. On November 14, 2023, Wendy Wittrock, DNR Environmental Specialist Senior with FO4, visited Council Bluffs Water Works to conduct an external investigation of the suspected falsification. Ms. Wittrock met with Brian Cady

(General Manager for Council Bluffs Water Works) and Mr. Parker. Ms. Wittrock compared the results entered on the Council Bluffs Water Works Daily Quality Control Laboratory Analysis sheet to the results electronically recorded in the Hach DR 6000, and confirmed that several entries posted on the Daily Analysis sheet were not recorded in the history of the Hach DR 6000. Ms. Wittrock determined that Mr. Weinfurtner had regularly falsified data submitted on the Council Bluffs Water Works Daily Quality Control Laboratory Analysis sheet.

IV. CONCLUSIONS OF LAW

1. Iowa Code § 455B.219 authorizes the Director of the DNR to establish criteria for taking disciplinary actions against certified operators. The Environmental Protection Commission (Commission) has also adopted rules providing for disciplinary actions in 567 IAC chapter 81.
2. 567 IAC 81.17(1) provides that disciplinary action may be taken against a certified operator on any of the grounds specified in that chapter, as well as on any of the grounds enumerated in Iowa Code section 455B.219. These include:
 - a. failure to use reasonable care or judgment to apply knowledge or ability in performing the duties of a certified operator (567 IAC 81.17(1)“a”);
 - b. failure to submit required records of operation or other reports required under applicable permits or rules of the DNR, including the failure to submit complete records or reports (567 IAC 81.17(1)“b”);
 - c. 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 the DNR (567 IAC 81.17(1)“c”);
 - d. professional incompetence (Iowa Code § 455B.219(2), 567 IAC 81.17(1)“e”); and,
 - e. 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 (Iowa Code § 455B.219(3), 567 IAC 81.17(1)“f”).

Mr. Weinfurtner has violated each provision listed above.

3. Iowa Code § 455B.219 and 567 IAC 81.17(1) specify that disciplinary actions may include revocation, partial revocation, suspension, probation, requirements for additional education, training and examination, and assessment of civil penalties.

V. ORDER

Therefore, the DNR orders and Mr. Weinfurtner agrees to the following:

IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER
ISSUED TO: ANTHONY WEINFURTNER

1. Mr. Weinfurtnr agrees to voluntarily surrender his Water Treatment & Operator Certifications, with an opportunity to have his eligibility to retest for Grade 1 certifications evaluated by the IDNR, upon request, after January 1, 2026.
2. Mr. Weinfurtnr shall not perform any shift operator or operator-in-charge responsibilities until such time as a Water Treatment and/or Distribution 1 Certification is reapplied for and obtained.

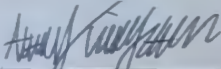
VI. APPEAL RIGHTS

As this Order is entered by consent of the parties, there is no right of appeal, and the right to a license revocation hearing is hereby waived.

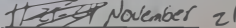
VII. NONCOMPLIANCE WITH THIS ORDER

Failure to comply with any requirement of this Order may result in the imposition of further administrative penalties or referral to the Iowa Attorney General to obtain injunctive relief and/or civil penalties.

Kayla Lyon, Director
Iowa Department of Natural Resources



Anthony Weinfurtnr

 November 21, 2024.
Month Day