

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

IN THE MATTER OF:

CENTRAL DISPOSAL SYSTEMS, INC.  
Winnebago County

ADMINISTRATIVE CONSENT ORDER

*No. - 2025 - SW07*  
NO. 2024-SW-

To: Central Disposal Systems, Inc.  
21265 430th St.  
Lake Mills, Iowa 50450

**I. SUMMARY**

This Administrative Consent Order (Order) requires Central Disposal Systems, Inc. (Central Disposal) to immediately begin complying with daily and intermediate cover requirements at the Landfill; inspect the Landfill for seepage on a weekly basis, document the findings in an inspection log, and submit the inspection log to the DNR as required in section V of this Order; pay an administrative penalty in the amount of \$10,000.00; and in the future comply with the solid waste laws of the State of Iowa.

Questions regarding this administrative consent order should be directed to:

**Relating to technical requirements:**

Env. Spec. Senior Jeremy Klatt  
DNR Field Office 2  
Iowa Department of Natural Resources  
2300 15th St. SW  
Mason City, IA 50401  
(641) 424-4073

**Relating to legal requirements:**

Noah Poppelreiter  
Attorney, DNR Legal Services  
Iowa Dept. of Natural Resources  
6200 Park Ave., Ste. 200  
Des Moines, IA 50321  
(515) 669-8752

**Send payment of penalty to:**

Director of the Iowa DNR  
Iowa Dept. of Natural Resources  
6200 Park Ave., Ste. 200  
Des Moines, IA 50321

**II. JURISDICTION**

This Order is issued pursuant to Iowa Code section 4558.307(2), which authorizes the Director to issue any order necessary to secure compliance with or prevent a violation of Iowa Code chapter 4558, Division IV, Part 1 and the rules adopted or permits issued pursuant thereto; and Iowa Code section 4558.109 and 567 Iowa Administrative Code ("IAC") chapter 10, which authorize the Director to assess administrative penalties.

IOWA DEPARTMENT OF NATURAL RESOURCES  
ADMINISTRATIVE CONSENT ORDER  
ISSUED TO: CENTRAL DISPOSAL SYSTEMS, INC.

**III. DNR's STATEMENT OF FACTS**

Central Disposal neither admits nor denies DNR's Statement of Facts and enters into this Administrative Consent Order for settlement purposes only.

1. Central Disposal owns and operates a municipal solid waste landfill located at or about 21265 430th Street, Lake Mills, Iowa (Landfill). The Landfill is a solid waste disposal project as defined by Iowa law.

2. Central Disposal operates the Landfill under permit 95-SDP-O1-72 (Permit). The Permit was revised and renewed by the DNR on February 27, 2024.

3. Pursuant to Section IX of the permit, as well as other applicable Iowa law, Central Disposal is authorized to operate the Landfill in conformance with Iowa Code chapter 455B, all rules adopted pursuant to that chapter, and the provisions of the Permit.

4. On April 19, 2022, DNR Field Office 2 received a complaint. The complaint alleged high volumes of litter blowing off the Landfill and piling into road ditches and farm fields surrounding the Landfill.

5. On April 25, 2022, DNR Environmental Specialist Madelynn Austin conducted an investigation of the Landfill in response to the complaint. During this investigation, Ms. Austin spoke to Brad Mary, the operator of the Landfill at that time.

6. On her review of the Landfill's on-site litter removal records, Ms. Austin noted that the records did not evidence daily removal of litter between the dates of March 5, 2022, and March 28, 2022, as well as several other days in April, 2022.

7. During her investigation of the Landfill's perimeter, Ms. Austin observed extensive amounts of litter blowing to the west and northwest of the Landfill, covering the road ditches and farm fields in that direction. Ms. Austin also observed litter on road ditches and farm fields east of the Landfill. Ms. Austin also observed uncovered trash on the north, northwest, and west faces of the Landfill. The trash was both uncovered behind wind screens on designated cells, as well as in front of the wind screens outside of the designated cell locations. Ms. Austin documented these findings by photograph.

8. When confronted with this information, Mr. Mary confirmed that the litter pickers had not been to that part of the Landfill in a period of time. Mr. Mary noted that the pickers requested to work on-site, rather than off-site. Additionally, Mr.

IOWA DEPARTMENT OF NATURAL RESOURCES  
ADMINISTRATIVE CONSENT ORDER  
ISSUED TO: CENTRAL DISPOSAL SYSTEMS, INC.

Mary confirmed that they were not covering the Landfill faces on a daily basis as required by law due to being short staffed.

9. On April 26, 2022, the DNR issued Central Disposal a Notice of Violation (NOV) for the violations of law observed.

10. On May 5, 2022, Central Disposal submitted to the DNR a response to the NOV. Central Disposal noted that it was implementing certain procedures to address the violations, including making operational adjustments; ordering new tarps, nets, and fences; and documenting all litter picking activities and periods when unsafe conditions prevented litter from being picked up.

11. On June 6, 2024, DNR Field Office 2 a complaint from Mr. Mark Enderson. Mr. Enderson noted that Central Disposal is not performing daily cover activities at the Landfill and that garbage remained uncovered for several weeks. He also stated that litter was blowing around on the Landfill's west faces due to the lack of cover.

12. On June 13, 2024, DNR Environmental Specialist Senior Jeremy Klatt investigated the Landfill.

13. Mr. Klatt first met with Mr. Enderson. Mr. Enderson showed Mr. Klatt the south cell of the Landfill, which contained garbage that was uncovered. Mr. Enderson stated that Central Disposal had stopped working in the area for the past three to four weeks. Mr. Enderson also stated that Central Disposal failed to provide daily cover on various occasions throughout the winter.

14. Next, Mr. Klatt met with Aaron Rebmann, the operator of the Landfill at that time. Mr. Rebmann drove Mr. Klatt around the Landfill, where Mr. Klatt observed an approximately half-acre area of unburied garbage in the new cell.

15. After leaving the site, Mr. Klatt received a phone call from Josh Johnson, the regional manager for Central Disposal. Mr. Johnson stated that he had visited the Landfill five weeks prior and agreed that the garbage in the new cell needed to be addressed.

16. On June 14, 2024 the DNR issued Central Disposal a NOV for the violations observed. The NOV also provided notice that DNR staff would be conducting a follow-up inspection and that due to the 2022 NOV the matter was being considered for referral for enforcement through an administrative order.

IOWA DEPARTMENT OF NATURAL RESOURCES  
ADMINISTRATIVE CONSENT ORDER  
ISSUED TO: CENTRAL DISPOSAL SYSTEMS, INC.

17. On July 11, 2024, Mr. Klatt and Ms. Austin returned to the Landfill to conduct a follow-up investigation. During the investigation, DNR staff observed the following and documented their observation by photograph.

18. First, DNR staff noted the garbage observed in June remained uncovered.

19. Second, DNR staff observed inadequate cover near the active area of the landfill.

20. Third, DNR staff observed leachate from the west side of the Landfill seeping into a drainage ditch. Central Disposal staff reported damming this ditch to ensure leachate remained on the property.

21. On July 24, 2024, the DNR issued a NOV for the violations observed.

#### IV. CONCLUSIONS OF LAW

1. Central Disposal neither admits nor denies the Conclusions of Law and enters into this Order for settlement purposes only. Entry into this terms of this Order does not constitute an admission of any violation contained herein, nor does it constitute an admission of any factual or legal allegation contained herein. Central Disposal's entry into this Administrative Consent Order shall not constitute a waiver of any defense, legal or equitable, which Central Disposal may have in any future administrative or judicial proceeding.

2. Iowa Code section 455B.304 provides that the Commission shall establish rules governing the handling and disposal of solid waste. The Commission has adopted 567 IAC chapters 100-123.

3. Iowa Code section 455B.305 authorizes the DNR to issue permits for the construction and operation of sanitary disposal projects. The Commission by rule in 567 IAC 102.9 authorizes the imposition of any conditions on a solid waste disposal permit issued by the DNR that are necessary to ensure compliance with the law.

4. 567 IAC 113.8(2)"f(1) requires daily cover of sufficient depth and volume to control blowing litter and other hazards.

5. 567 IAC 113.8(2)"g" states that leachate seeps must be contained and plugged, and that leachate shall not be allowed to reach a water of the united states.

6. 567 IAC I 13.8(2)"f requires municipal solid waste landfills to minimize the production of litter and release of windblown litter off site, and collect windblown litter daily unless working conditions are unsafe.

IOWA DEPARTMENT OF NATURAL RESOURCES  
ADMINISTRATIVE CONSENT ORDER  
ISSUED TO: CENTRAL DISPOSAL SYSTEMS, INC.

**V. ORDER**

THEREFORE, the DNR orders and Central Disposal agrees to the following:

1. This Administrative Consent Order shall be effective ("Effective Date") when it is executed and approved by DNR or DNR's delegate and has been received by Central Disposal. This Administrative Consent Order shall have no force or effect until the Effective Date.

2. Central Disposal shall comply with all laws and regulations regarding solid waste disposal, including but not limited to the laws related to the operation of the Landfill.

3. Central Disposal shall comply with the daily cover requirements in Iowa law.

4. Upon the Effective Date, and continuing for a period of six months after the date this Order was signed, Central Disposal shall inspect the Landfill on a weekly basis for leachate seepage and maintain a log of such inspections, which shall be provided to the DNR upon request.

5. Central Disposal shall pay an administrative penalty of \$10,000 as detailed below, within sixty (60) days of the Effective Date. Payment shall be made by check, which shall include the Administrative Consent Order number, to the individual and address identified in Section I.

6. Signatories to this Agreed Order certify that they are fully authorized to execute this Administrative Consent Order and legally bind the party they represent.

7. This Agreed Order shall terminate upon completion of items V.4 (inspection log) and V.5 (penalty payment).

**VI. PENALTY**

1. Iowa Code § 455B.307 provides for civil penalties of up to \$5,000.00 per day for each violation of Iowa Code chapter 455B, subchapter IV, part 1 (Solid Waste) and applicable rules.

2. Iowa Code § 455B.109 authorizes the Commission to establish by rule a schedule of civil penalties up to \$10,000.00 that may be assessed administratively. The Commission has adopted this schedule with procedures authorizing the Director to assess administrative penalties at 567 IAC 10. Pursuant to this chapter, 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 \$10,000.

3. 567 IAC 10 establishes the criteria that the DNR must consider in determining

IOWA DEPARTMENT OF NATURAL RESOURCES  
ADMINISTRATIVE CONSENT ORDER  
ISSUED TO: CENTRAL DISPOSAL SYSTEMS, INC.

whether an administrative penalty is warranted, and if so how much the penalty should be. The general categories for consideration are the economic benefit of the alleged non-compliance by the violator, the gravity of the alleged violation, and the culpability of the violator. The administrative penalty assessed by this Order is determined as follows:

a. Economic Benefit: 567 IAC Chapter 10 requires that the DNR consider the costs saved or likely to be saved by noncompliance. 567 IAC 10.30(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 10.30(1) further states, "reasonable estimates of economic benefit should be made where clear data are not available." Central Disposal avoided costs associated with the time and effort of operating *the* Landfill in lawful manner. Specifically, it avoided the time and resources of applying daily cover; of inspecting for and properly plugging leachate seeps; and of properly collecting windblown litter. Using estimates for the cost of each of these activities, \$5,000 is assessed for this factor.

b. Gravity: The improper operation of a solid waste disposal project causes a nuisance for the county the project is situated in and the landowners around the project. Due to the social importance of such projects, and municipal solid waste landfills specifically, failure to properly construct and operate a project degrades the effective administration of all projects statewide. Here, the situation at the Landfill was so egregious that Winnebago County employees were required to contact the DNR to bring the Landfill into compliance. A penalty of \$3,000.00 is assessed for this factor.

c. Culpability: As the long-term operator of the Landfill, Central Disposal is well aware of the daily cover, leachate, and litter requirements of Iowa law. However, to settle this matter through an administrative consent order, a penalty of \$2,000.00 is assessed for this factor.

**VII. WAIVER OF APPEAL RIGHTS**

This Order is entered into knowingly by and with the consent of Central Disposal. By signing this Order, all rights to appeal this Order are waived.

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IOWA DEPARTMENT OF NATURAL RESOURCES  
ADMINISTRATIVE CONSENT ORDER  
ISSUED TO: CENTRAL DISPOSAL SYSTEMS, INC.

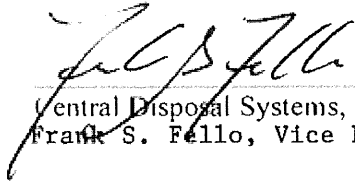
**VIII. NONCOMPLIANCE**

Compliance with this Order constitutes full satisfaction of all requirements pertaining to the violations described in this Order. 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.307.



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Kayla Lyon, Director  
Iowa Department of Natural Resources



Central Disposal Systems, Inc.  
Frank S. Fello, Vice President

March 14 , 2025