

**IOWA DEPARTMENT OF NATURAL RESOURCES  
ADMINISTRATIVE ORDER**

IN THE MATTER OF:

**Larry Allen Gronbach  
Kossuth County, Iowa**

ADMINISTRATIVE ORDER  
NO. 2010-AQ-02  
NO. 2010-SW-02

TO: Larry Allen Gronbach  
713 East 2<sup>nd</sup> Street  
Fairmont, Minnesota

**I. SUMMARY**

This order requires Larry Allen Gronbach to remove and properly dispose of all solid waste located at the site described below in this order, and to pay a penalty of \$500.00. This order supersedes and replaces Administrative Order No. 2009-AQ-14; 2009-SW-09 only as it pertains to Larry Allen Gronbach. Administrative Order No. 2009-AQ-14; 2009-SW-09, including any amendments, remains in full force and effect as it pertains to Ramona Gronbach and Thomas Edward Gronbach, Jr.

Any questions regarding this order should be directed to:

**Relating to technical requirements:**

Jeremy Klatt  
Iowa Department of Natural Resources  
Field Office No. 2  
2300 15<sup>th</sup> Street SW  
Mason City, Iowa 50401  
Phone: 515/725-0628

**Relating to legal requirements:**

Anne Preziosi, Attorney for the DNR  
Iowa Department of Natural Resources  
7900 Hickman Road, Suite 1  
Urbandale, Iowa 50322 Phone:  
515/281-6243

**Payment of penalty to:**

Director of the Iowa DNR  
Wallace State Office Building  
502 East Ninth Street  
Des Moines, Iowa 50319-0034

**II. JURISDICTION**

This order is issued pursuant to the provisions of Iowa Code chapter 455B, Division IV, Part 1 (solid waste), and the rules adopted pursuant to that part; Iowa Code sections 455B.134(9) and 455B.138(1) which authorize the Director to issue

IOWA DEPARTMENT OF NATURAL RESOURCES  
ADMINISTRATIVE ORDER  
ISSUED TO:  
LARRY ALLEN GRONBACH

any order necessary to secure compliance with or prevent a violation of Iowa Code chapter 455B, Division II (air quality), and the rules promulgated or permits issued pursuant to that part; and Iowa Code section 455B.109 and 567 Iowa Administrative Code (IAC) chapter 10, which authorize the Director to assess administrative penalties.

**III. STATEMENT OF FACTS**

1. On August 5, 2009, Jeremy Klatt of DNR Field Office 2 visited an illegal open dump and open burn site located at 104 East Street, in Irvington, Iowa. During the site visit, Mr. Klatt found evidence of recent open burning of solid waste at the site. While at the site, Mr. Klatt spoke with Larry Allen Gronbach, who admitted to open burning solid waste at the site.
2. The site is owned by Ramona Gronbach. Larry Allen Gronbach is her son. Larry Gronbach has a brother named Tom Gronbach, Jr. Administrative Order No. 2008-AQ-55; 2008-SW-44 was issued on December 18, 2008, to Ramona Gronbach, Larry Allen Gronbach, and Thomas Edward Gronbach, Jr. ordering the Gronbachs to clean up solid waste and open burn debris located at the site, and to pay a penalty of \$3,000.00. Following discussions with Larry Allen Gronbach on behalf of the Gronbach family, Administrative Order No. 2008-AQ-55; 2008-SW-44 was rescinded and replaced by Administrative Order No. 2009-AQ-14; 2009-SW-09, issued on May 26, 2009, also to Ramona Gronbach, Larry Allen Gronbach, and Thomas Edward Gronbach, Jr. The May 26, 2009, order retained the provisions of the previous order, but also included a penalty payment plan.
3. On August 5, 2009, Jeremy Klatt of DNR Field Office 2 visited the site and found that there was a small amount of solid waste remaining in the basement foundation, as Larry Gronbach had removed a portion of the solid waste from the site. Larry Gronbach has traveled from Minnesota on more than one occasion to attempt cleanup of the site. During the August 5, 2009, inspection, there were various piles of solid waste remaining on the property, and two sheds on the property containing solid waste materials. Mr. Klatt found evidence that one pile of solid waste had been burned. Mr. Klatt spoke with Larry Gronbach, who stated that he had burned the pile of solid waste. He stated that he did not have enough money to remove the remaining piles of solid waste from the property at that time, but that he planned to store the solid waste in the sheds on site and remove it in the summer of 2010. As of January 7, 2010, Larry Gronbach has continued to communicate with DNR regarding attempts to resolve the issues surrounding this site.
4. Larry Gronbach has made repeated efforts to remove solid waste from the site and has made efforts to communicate with DNR and to take responsibility for cleanup of the site. Therefore, Administrative Order No. 2009-AQ-14; 2009-SW-09 will be amended to remove Larry Gronbach's name as a responsible party for the

IOWA DEPARTMENT OF NATURAL RESOURCES  
ADMINISTRATIVE ORDER  
ISSUED TO:  
LARRY ALLEN GRONBACH

penalty assessed by that order. However, this separate order with penalty will be issued against Larry Gronbach for the open burning incident that took place on or about August 5, 2009.

**IV. CONCLUSIONS OF LAW**

1. Iowa Code section 455B.133 provides that the Environmental Protection Commission (Commission) shall establish rules governing the quality of air and emission standards. The Commission has adopted 567 IAC chapters 20-35 relating to air quality.

2. 567 IAC 23.2(1) prohibits any person from allowing, causing, or permitting open burning of combustible materials, except as provided in 23.2(2) (variances) and 23.2(3) (exemptions). The above facts demonstrate violations of this provision.

3. 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.

4. 567 IAC 100.4 prohibits a private or public agency dumping or depositing or allowing the dumping or depositing of any solid waste at any place other than a sanitary disposal project approved by the Director. The above facts demonstrate non-compliance with this provision.

**V. ORDER**

THEREFORE, Larry Allen Gronbach shall:

1. Immediately halt improper illegal open dumping and open burning of waste materials at any location in the State of Iowa and specifically at the site located at 104 East Street, in Irvington, Iowa, and comply in the future with all state and local requirements regarding the proper disposal of solid waste and the prohibition against illegal open burning;

2. By no later than July 1, 2010, remove all solid waste remaining at the site, and provide DNR Field Office No. 2 with landfill or recycling receipts as proof of proper disposal;

3. Pay a penalty of \$500.00 according to following payment plan:

\$25.00 due February 1, 2010	\$25.00 due December 1, 2010
\$25.00 due March 1, 2010	\$25.00 due January 1, 2011
\$25.00 due April 1, 2010	\$25.00 due February 1, 2011

IOWA DEPARTMENT OF NATURAL RESOURCES  
ADMINISTRATIVE ORDER  
ISSUED TO:  
LARRY ALLEN GRONBACH

\$25.00 due May 1, 2010	\$25.00 due March 1, 2011
\$25.00 due June 1, 2010	\$25.00 due April 1, 2011
\$25.00 due July 1, 2010	\$25.00 due May 1, 2011
\$25.00 due August 1, 2010	\$25.00 due June 1, 2011
\$2500 due September 1, 2010	\$25.00 due July 1, 2011
\$25.00 due October 1, 2010	\$25.00 due August 1, 2011
\$25.00 due November 1, 2010	\$25.00 due September 1, 2011

Payment shall be made to DNR at the following address:  
Director of the Iowa DNR  
Wallace State Office Building  
502 East Ninth Street  
Des Moines, Iowa 50319-0034

If Larry Allen Gronbach fails to timely make three payments pursuant to the above schedule, then the entire remaining amount of the penalty shall become due immediately.

#### VI. PENALTY

Pursuant to the provisions of Iowa Code section 455B.109 and 567 IAC chapter 10, which authorize the Director to assess administrative penalties, a penalty of \$500.00 is assessed. The penalty must be paid according to the payment provisions contained in this order. The administrative penalty is determined as follows:

Iowa Code section 455B.146 authorizes the assessment of civil penalties of up to \$10,000.00 per day of violation for the air quality violations involved in this matter. More serious criminal sanctions are also available pursuant to Iowa Code section 455B.146A. Iowa Code section 455B.307(3) authorizes the assessment of civil penalties of up to \$5,000.00 per day of violation for the solid waste disposal violations involved in this matter.

Iowa Code section 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 and criteria for assessment of penalties at 567 IAC chapter 10. Pursuant to this rule, DNR has determined that the most effective and efficient means of addressing the above-cited violations is the issuance of an administrative order with a penalty. The administrative penalty assessed by this order is determined as follows:

Economic Benefit –Larry Allen Gronbach has achieved an economic benefit from open burning and improper waste disposal. He has saved time, labor, and landfill costs by not timely and properly removing, transporting and disposing of the

IOWA DEPARTMENT OF NATURAL RESOURCES  
ADMINISTRATIVE ORDER  
ISSUED TO:  
LARRY ALLEN GRONBACH

solid wastes from the site. Proper disposal of the solid wastes dumped and burned at the site would have required payment of landfill tipping fees and transportation costs. Based on these considerations, \$100.00 is assessed for this factor.

Gravity of the Violation – The burning of solid wastes releases hazardous air pollutants, particulate matter, and other pollutants. These air pollutants pose a health risk to persons breathing, particularly persons with pre-existing respiratory problems. Further, the pollutants resulting from open burning may pollute groundwater, and pose a risk to both human health and the environment. The violation threatens the integrity of the regulatory program because compliance with the open burning regulations is required of all persons in this state. Compliance with proper solid waste disposal practices is expected of all persons in the state. Improper disposal of solid waste creates nuisance conditions for surrounding property owners and the potential contamination of soil and groundwater. Based on the above considerations, \$200.00 is assessed for this factor.

Culpability – Larry Allen Gronbach has a duty to remain knowledgeable of the DNR's requirements and to be alert to the probability that his conduct is subject to DNR's rules. Further, Larry Allen Gronbach, specifically has been informed of the DNR's rules regarding open dumping and open burning numerous times in the past. Therefore, \$200.00 is assessed for this factor.

## VII. APPEAL RIGHTS

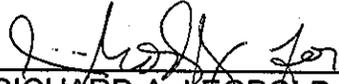
Pursuant to Iowa Code sections 455B.138 and 455B.308 and 567 IAC chapter 7, a written notice of appeal to the Commission may be filed within 30 days of receipt of this order. The notice of appeal should be filed with the director of DNR and must identify the specific portion or portions of this order being appealed and include a short and plain statement of the reasons for appeal. A contested case hearing will then be commenced pursuant to Iowa Code chapter 17A and 561 IAC chapter 7.

## VIII. NONCOMPLIANCE

Failure to comply with this order, including failure to timely pay any penalty, may result in the imposition of further administrative penalties or referral to the attorney general to obtain injunctive relief and civil penalties pursuant to Iowa Code sections 455B.146 and 455B.307. Compliance with Section "V. Order" of this order

IOWA DEPARTMENT OF NATURAL RESOURCES  
ADMINISTRATIVE ORDER  
ISSUED TO:  
LARRY ALLEN GRONBACH

constitutes full satisfaction of all requirements pertaining to the specific violations described in Section "IV. Conclusions of Law" of this order.

  
\_\_\_\_\_  
RICHARD A. LEOPOLD, DIRECTOR  
Iowa Department of Natural Resources

Dated this 11 day of  
January, 2010.

Kossuth County Air Quality file; Anne Preziosi; DNR Field Office 2; VII.C.2