IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER

IN THE MATTER OF: CITY OF OTTUMWA NPDES Permit # IA0058611	AMENDED ADMINISTRATIVE CONSENT ORDER NO. 2011-WW-14-A1

TO:
Tom Lazio
Mayor
City of Ottumwa
105 E. Third
Ottumwa, Iowa 52501

I. SUMMARY

This amended administrative consent order (Amended Order) is entered into between the City of Ottumwa (Ottumwa) and the Iowa Department of Natural Resources (Department) for the purpose of amending the required completion dates for Phases 5 and 7 established in Administrative Consent Order No. 2011-WW-14. Ottumwa is approximately four years ahead of schedule on the Phase 7 requirements. Ottumwa has requested that the required completion dates for Phases 5 and 7 be switched so it can continue efforts to reduce I/I for the sanitary sewer in the Phase 5 Richmond project area and so it can assess the needs of the Richmond Pump Station. The Department agrees that switching the required completion dates for Phases 5 and 7 is appropriate. Pursuant to this Amended Order, Ottumwa shall comply with the compliance schedule contained herein.

Any questions regarding this Amended Order should be directed to:

Relating to technical requirements:
Jeff Thomann
Environmental Specialist
DNR Field Office #6
1023 W. Madison
Washington, Iowa 52353
Phone: 319-653-2135

Relating to legal requirements:
John Crotty
Attorney
Iowa Department of Natural Resources
502 E. 9th Street
Des Moines, Iowa 50319
Phone: 515-725-8249

II. JURISDICTION

This Amended Order is issued pursuant to the provisions of Iowa Code section 455B.175(1), which authorizes the Director to issue any order necessary to secure compliance with or prevent a violation of Iowa Code chapter 455B, Division III, Part 1 and the rules adopted or permits issued pursuant to that part, and Iowa Code section 455B.109 and 567 Iowa Administrative Code chapter 10, which authorize the Director to assess administrative penalties.

III. STATEMENT OF FACTS

The facts contained in Administrative Consent Order No. 2011-WW-14, Section III, Statement of Facts, are incorporated herein by reference.

IV. CONCLUSIONS OF LAW

The conclusions of law contained in Administrative Consent Order No. 2011-WW-14, Section IV, Conclusions of Law, are incorporated herein by reference.

V. ORDER

THEREFORE, the Department orders and Ottumwa agrees to the following:

The requirements described in Administrative Consent Order No. 2011-WW-14, Section V, Order, are incorporated herein by reference with the following amendments:

1. Item 2.d (Phase 5) is amended to have a required completion date of December 31, 2019.

2. Item 2.f (Phase 7) is amended to have a required completion date of December 31, 2016.

VI. PENALTY

Administrative Consent Order No. 2011-WW-14, Section VI, Penalty, is incorporated herein by reference.

VII. WAIVER OF APPEAL RIGHTS

This Amended Order is entered into knowingly by and with the consent of Ottumwa. For that reason, Ottumwa waives the right to appeal this Amended Order or any part thereof.

VIII. NONCOMPLIANCE

Failure to comply with this Amended Order may result in the imposition of administrative penalties or referral to the Attorney General to obtain injunctive relief and

civil penalties pursuant to Iowa Code section 455B.191. Compliance with Section V, Order, of this Amended Order constitutes full satisfaction of all requirements pertaining to the violations described herein. The Department reserves the right to issue an administrative order with a penalty or to seek referral to the Attorney General for any violation of this Amended Order. Ottumwa reserves the right to challenge the appropriateness of any other order and/or the imposition of a penalty.

CHUCK GIPP, DIRECTOR
Iowa Department of Natural Resources

Dated this 5th day of May, 2016

TOM LAZIO, MAYOR
City of Ottumwa

Dated this 26th day of April, 2016

NPDES #IA0058611; Field Office #6; John Crotty; EPA; I.C.1