

IOWA DEPARTMENT OF NATURAL RESOURCES

ADMINISTRATIVE CONSENT ORDER

<p>IN THE MATTER OF: CITY OF BLAIRSBURG Wastewater Facility No. 6-40-03-0-01</p>	<p>CONSENT AMENDMENT TO ADMINISTRATIVE CONSENT ORDER  NO. 2009-WW-07-A2</p>
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To: Mayor and Council  
City of Blairsburg  
City Hall, P.O. Box 100  
Blairsburg, Iowa 50034

I. SUMMARY

This amended administrative consent order (Amended Consent Order) is entered into between the City of Blairsburg (City) and the Iowa Department of Natural Resources (Department) for the purpose of amending the required completion dates for wastewater improvements established in Administrative Consent Order No. 2009-WW07-A1 (Original Amendment), which was issued February 28, 2017, as an amendment to Administrative Consent Order No. 2009-WW-07 (Original Order), which was issued March 24, 2009. This Amended Consent Order supersedes the Original Amendment and Original Order. The provisions of the Original Amendment and Original Order, except for those incorporated herein, are rescinded.

Any questions regarding this Amended Consent Order should be directed to:

**Relating to technical requirements:**

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

**Relating to legal requirements:**

Noah Poppelreiter, Attorney for the DNR  
Wallace State Office Building  
502 East Ninth Street  
Des Moines, Iowa 50319  
Phone: 515-725-8248

**Appeal, if any, and Payment of penalty to:**

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

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**II. JURISDICTION**

This Amended Consent Order is issued pursuant to 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 thereto.

**III. STATEMENT OF FACTS**

1. The facts established in Section III of the Original Order are incorporated herein.
2. The facts established in Section III of the Original Amendment are incorporated herein.
3. The City was approved by the DNR to construct the lift station reference in the Original Order in Construction Permit No. 2018-0186S. The City will bid the project in early 2020. Construction on the lift station is anticipated to be completed by the end of summer 2020.
4. The City continues to evaluate its per capita water use in order to propose the most effective design to update the City's wastewater treatment facility (WWTF).

**IV. CONCLUSIONS OF LAW**

The Conclusions of Law established in Section IV of the Original Order are incorporated herein.

**V. ORDER**

Therefore, the Department orders and the City agrees to the following, in addition to any unamended, uncompleted requirements of the Original Order and of the Original Amendment:

1. Relating to the construction of a lift station as part of the City's wastewater sewer system, the following deadlines are amended from the Original Order and Original Amendment and imposed:
  - a. By May 30, 2020, the City shall award the construction contract.
  - b. By December 31, 2020, the City shall complete construction.

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2. Relating to construction of improvements to the WWTF, the following deadlines are amended from the Original Order and Original Amendment and imposed:

- a. By July 31, 2021, the City shall submit an amendment to the facility plan establishing final hydraulic loadings to the WWTF.
- b. By December 31, 2021, the City shall submit final plans and specifications to the Department.
- c. By April 15, 2022, the City shall award the construction contract.
- d. By December 31, 2022, the City shall complete construction.

**VI. PENALTY**

The Original Order provided for stipulated penalties in the event of noncompliance with its terms. The city continues to work diligently to comply with the terms of the Original Order, but was unable to do so. The Department finds that the assessment of penalties is inappropriate in this case. The City should continue to devote its limited financial resources toward completing the required improvements.

**VII. APPEAL RIGHTS**

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

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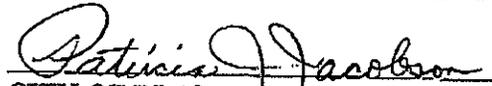
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VIII. NONCOMPLIANCE

Compliance with Section V of this Amended Consent Order constitutes full satisfaction of all requirements pertaining to the violations described in this Amended Consent Order. Failure to comply with this Amended Consent 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.191.

  
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KAYLA LYON, DIRECTOR  
Iowa Department of Natural Resources

Dated this 19<sup>th</sup> day of  
February, 2020

  
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CITY OF BLAIRSBURG

Dated this 18<sup>th</sup> day of  
February, 2020

FO2; Noah Poppelreiter; EPA; VIII.C.2