

IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER

IN THE MATTER OF:

CITY OF CLARENCE
NPDES Permit # 1630001

SECOND AMENDED
ADMINISTRATIVE
CONSENT ORDER
NO. 2015-WW-05-A2

TO: City of Clarence
411 Lombard Street
P.O. Box 418
Clarence, Iowa 52216

I. SUMMARY

This amended administrative consent order ("Second Amended Order") is entered into between the City of Clarence ("City") and the Iowa Department of Natural Resources ("Department") for the purpose of amending the schedule of required tasks established in Administrative Consent Order No. 2015-WW-05 ("Original Order") and Amended Consent Order No. 2015-WW-05-A1 ("First Amended Consent Order"). The City has completed the Phase I and Phase 2 sanitary sewer rehabilitation requirements called for in the Original Order. The City is now requesting additional time to monitor flows to the facility in order to determine whether it has sufficient holding capacity to be operated as a controlled discharge facility. The Department agrees that this request is reasonable. Pursuant to this Second Amended Order, the City shall comply with the compliance schedule contained herein.

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

Relating to technical requirements:

Terry Jones
Iowa Department of Natural Resources
Field Office 6
1023 W Madison
Washington, Iowa 52353
319-653-2135

Relating to legal requirements:

Noah Poppelreiter
Iowa Department of Natural Resources
502 E. 9th Street
Des Moines, IA 50319-0034
Ph. 515-669-8752

Payment of penalty to:

Director of the Iowa DNR
Wallace State Office Building
502 East 9th Street
Des Moines, IA 50319-0034

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II. JURISDICTION

This Second 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 I 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

1. The facts contained in Section III of the Original Order are incorporated herein by reference.

2. In December, 2019, the City replaced the flow meter due to equipment deficiencies. Due to the short period of time between the replacement and the reporting timelines required in the First Amended Order, the City requested additional time to monitor the influent flow data at the City's wastewater treatment facility.

IV. CONCLUSIONS OF LAW

The conclusions of law contained in Section IV of the Original Order are incorporated herein by reference.

V. ORDER

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

1. The requirements described in Section V, Items I through 9, of the Original Order are incorporated herein by reference.

2. Starting immediately on the date the Director signs this Second Amended Order and incorporating any and all data gathered by the City between January 1, 2020, and the date of signature, the City is required to analyze WWTF influent flows to determine if the City's WWTF can comply with the 180 day retention time required by the permit for the WWTF and can be operated as a controlled discharge lagoon system. The City is required to submit a report to FO 6 by January 31, 2022 concerning this flow study and whether the upgraded collection system will allow the WWTF to meet the 180 day retention requirement of the permit. This report is required to be completed by a professional engineer certified by the State of Iowa. The report is required to state whether an upgrade to the City's WWTF is needed to enable the City to operate the WWTF as a controlled discharge facility with 180 days retention time in accordance with the City's NPDES permit.

3. In the event that FO 6 determines that the City's WWTF cannot be properly operated as a controlled discharge facility following the 1/1 work, FO 6 will notify the City that additional work needs to be done to return the City to compliance.

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Following notification by FO 6, the City is required to comply with the following implementation schedule in order to return to compliance:

- A. By March 31, 2022, the City is required to retain a professional engineer certified by the State of Iowa to assist the City in the design and construction of necessary facility upgrades and repairs, including the further elimination of 1/1 in the sewer system and/or an upgrade to the lagoon system.
 - B. By April 30, 2022, the City's engineer is required to contact the Department's wastewater construction permits staff to schedule a project initiation meeting. A Department engineer will be assigned as the project manager. The City's engineer is required to attend the preplanning meeting scheduled by the Department project manager.
 - C. The City is required to submit a facility plan to the Department project manager by April 30, 2023 for the City's proposed construction project.
 - D. The City is required to submit complete final Plans and Specifications meeting Department design standards and a construction permit application for the City's proposed WWTF construction project to the Department's Wastewater Engineering Section by April 30, 2024.
 - E. The City is required to begin construction of the City's proposed WWTF construction project by April 30, 2025.
 - F. The City is required to complete construction of the City's WWTF construction project by April 30, 2026. The City is required to close out the project and have a WWTF capable of meeting all NPDES permit requirements by May 31, 2026.
4. The City is required to submit a progress report to FO 6 within thirty days of completion of each of the deadlines established in Section V of this Second Amended Order to verify that the particular deadline has been met.

VI. PENALTY

Section VI of the Original Order is incorporated herein by reference.

VII. WAIVER OF APPEAL RIGHTS

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

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VIII. NONCOMPLIANCE

Failure to comply with this Second 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 of this Second 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 Second Amended Order.



KAYLA LYON, DIRECTOR
IOWA DEPARTMENT OF NATURAL RESOURCES

Dated this 10th day of
December, 2020



MAYOR, CITY OF CLARENCE, IOWA

Dated this 10 day of
November, 2020

NPDES #1630001; Field Office 6; Noah Poppelreiter; EPA; 1.B.2.c

RECEIVED

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