

IOWA DEPARTMENT OF NATURAL RESOURCES

ADMINISTRATIVE CONSENT ORDER

IN THE MATTER OF:

CITY OF KNOXVILLE

Wastewater Facility No. 6-63-42-0-01

CONSENT AMENDMENT TO
ADMINISTRATIVE CONSENT
ORDER

NO. 2013-WW-13-A2

To: Mayor and Council
City of Knoxville
City Hall
305 S. 3rd
Knoxville, Iowa 50138

I. SUMMARY

This amended administrative consent order (Amended Consent Order) is entered into between the City of Knoxville (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. 2013-WW-13-A1 (Original Amendment), which was issued Jun 13, 2016, as an amendment to Administrative Consent Order No. 2013-WW-13 (Original Order), which was issued August 23, 2013. This Amended Consent Order amends the Original Amendment and Original Order as detailed below.

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

Relating to technical requirements:

Tom Atkinson, DNR Field Office 5
Iowa Department of Natural Resources
502 E 9th St.
Des Moines, Iowa 50319
515-725-0268

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

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 remain unchanged and are incorporated herein.
2. The facts established in Section III of the Original Amendment remain unchanged and are incorporated herein.
3. After the implementation of the Original Amendment, the City requested additional time to complete additional work to the collection system, elevate a weir that determines the level when water overflows to the EQ basin, and evaluate the need for additional treatment capacity.
4. The City stated that it will still meet the original deadlines to comply with *E. coli* effluent limits.
5. The DNR has concluded additional time is warranted for the City to expand its project while complying with *E. coli* effluent limits.

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:

1. The Original Order and Original Amendment are amended to require the City to submit a Facility Plan by December 31, 2024.
2. The Original Order and Original Amendment are amended to require the City to cease all bypasses by December 31, 2027.

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3. All other requirements contained in the "Order" sections of the Original Order and the Original Amendment remain in full effect, including but not limited to comply with *E. coli* effluent limits by March 15, 2023.

VI. PENALTY

The terms of the "Penalty" section of the Original Order remains in full effect.

VII. APPEAL RIGHTS

This Amended Consent 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.

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.

KAYLA LYON, DIRECTOR
Iowa Department of Natural Resources



CITY OF KNOXVILLE

Dated this 3rd day of
June, 2021