

IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER

IN THE MATTER OF:
CITY OF ALEXANDER

FIRST AMENDED
ADMINISTRATIVE
CONSENT ORDER
NO. 2016-WW-09-A1

TO: City of Alexander
P.O. Box 1
Alexander, Iowa 50420

I. SUMMARY

This amended administrative consent order (Amended Order) is entered into between the City of Alexander (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. 2016-WW-09 (Original Order). Pursuant to this Amended Order, the City shall submit an alternatives implementation compliance plan (AICP) by September 1, 2021.

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

Relating to technical requirements:

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

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

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 I and the rules adopted or permits issued pursuant to that part, and Iowa Code section

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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. On March 13, 2018, the City sent the Department an alternatives report as required by the Original Order.
3. The City did not explore or secure funding from any of these sources.
4. On November 3, 2020, the City sent the Department a letter discussing the City's population, average income, and number of septic tanks. The letter then provided a non-detailed paragraph on its concerns over implementing wastewater treatment technologies, ending with "A centralized system... would be a waste of taxpayer's money and would only serve to hasten the ending Alexander as a viable town."
5. In conclusion, the letter states that the City has "decided that individual residents have the responsibility to upgrade their septic system when they sell their home (time of transfer) or when their system has been determined to be damaged beyond repair."
6. The Department does not consider this plan a viable AICP, as the November 3 letter does not include the results of the investigation detailed in the alternatives report, does not include a description of any feasible and affordable alternative(s) that will be implemented, does not include a schedule of the time necessary to implement the alternative(s), and does not include an updated disadvantage unsewered community analysis.
7. The Department believes it is appropriate to provide the City additional time to develop and implement a viable AICP that protects the health of its citizens and the environment, including the waters, land and air around the City.

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. Section V.2 of the Original Order is amended as follows. The City shall submit an AICP as required in the Original Order by September 1, 2021.

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2. All other terms of Section V of the Original Order remain unchanged and in full force and effect.

VI. PENALTY

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


VII. WAIVER OF APPEAL RIGHTS

This 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 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 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



MAYOR, CITY OF ALEXANDER, IOWA

Dated this 22 day of
June, 2021

Field Office 2; Noah Poppelreiter; EPA; 1.B.2.c

