

IOWA DEPARTMENT OF NATURAL RESOURCES
AMENDED ADMINISTRATIVE CONSENT ORDER

IN THE MATTER OF:

CITY OF WAPELLO
NPDES Permit # 5879001

SECOND AMENDED
ADMINISTRATIVE
CONSENT ORDER
NO. 2007-WW-17-A2

TO: Mayor Shawn Maine
c/o Mike Delzell
City Hall
335 N. Main Street
Wapello, Iowa 52653

I. SUMMARY

This amended administrative consent order ("Second Amended Order") is entered into between the City of Wapello ("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. 2007-WW-17 ("Original Order") and Amended Consent Order No. 2007-WW-17-A1 ("First Amended Consent Order" and jointly, "Prior Orders"). The City has completed the separation of the sanitary sewer system from the stormwater sewer system as required by the Prior Orders. Pursuant to this Second Amended Order, the terms of the First Amended Order are amended as below.

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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CITY OF WAPELLO, IOWA**

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 City has completed the separation of the City's stormwater sewer system from the City's sanitary sewer system.
2. The physical structures that the Prior Orders detailed as CSO #2 and CSO #3 (Structures) have not been remove by the City. However, those structures are no longer discharging stormwater.
3. The Structures are listed as Outfall Number 2 and Outfall Number 3 in National Pollutant Discharge Elimination System Permit #5879001 (Permit) and are regulated under the terms of the Permit. The terms of the Permit are hereby incorporated by reference into this Order.
4. The DNR has concluded that, along with the separation of the stormwater sewer system and the sanitary sewer system, the terms of the Permit adequately protect human health and the environment from any discharge of effluent from the Structures.

IV. CONCLUSIONS OF LAW

The conclusions of law contained in Section IV of the Prior Orders are incorporated herein by reference.

V. ORDER


THEREFORE, the DNR orders that Section V, Paragraph 9 of the First Amended Order be **RESCINDED** in its entirety. All other terms of the Prior Orders remain in effect.

VI. 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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CITY OF WAPELLO, IOWA

[Signature page follows.]

KAYLA LYON, DIRECTOR
IOWA DEPARTMENT OF NATURAL RESOURCES

MAYOR, CITY OF WAPELLO, IOWA

Dated this 17th day of
January, 2022

NPDES #5879001; Field Office 6; Noah Poppelreiter; EPA; 1.B.2.c