

IOWA DEPARTMENT OF NATURAL RESOURCES
AMENDED ADMINISTRATIVE CONSENT ORDER

IN THE MATTER OF: CITY OF CORYDON Wastewater Facility No. 6-93-34-0-04	CONSENT AMENDMENT TO ADMINISTRATIVE CONSENT ORDER NO. 2008-WW-38-A3
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To: Mayor and Council
City of Corydon
101 West Jackson Street, P.O. Box 169
Corydon, Iowa 50060-1826

I. SUMMARY

This amended administrative consent order (Amended Consent Order) is entered into between the City of Corydon (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. 2008-WW-38-A2 (Second Amendment), which was issued March 11, 2021, as an amendment to Administrative Consent Order No. 2008-WW-38 (Original Order), which was issued August 2, 2008, and Amended Consent Order 2008-WW-38-A1 (First Amendment). Jointly, the Original Order, First Amendment, and Second Amendment shall be referred to as "the Prior Orders." This Amended Consent Order supersedes the Prior Orders.

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 are incorporated herein.
2. The facts established in Section III of the First Amendment are incorporated herein.
3. The facts established in Section III of the Second Amendment are incorporated herein.
4. During the wastewater construction permit review process, the DNR has concluded additional time is warranted for the City to complete construction on its wastewater treatment facility.
5. The City has been proactive and timely in their efforts to communicate with the DNR.

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. All construction deadlines contained in the "Order" sections of the Original Order, the First Amendment, and the Second Amendment are hereby rescinded.
2. All other requirements contained in the "Order" sections of the Prior Orders remain in full effect.
3. The City shall complete construction on upgrades to the City's wastewater treatment facility pursuant to the following timeline:

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- A. The City shall submit final plans and specifications to the DNR by February 28, 2022.
- B. The City shall issue a contract for the construction of upgrades by August 31, 2022.
- C. The City shall complete construction of the upgrades by October 31, 2023.
- D. The City shall comply with final limits in the City's NPDES permit by November 31, 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 Amended Consent 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.



Digitally signed by Kayla Lyon
Date: 2022.01.14 08:56:30
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KAYLA LYON, DIRECTOR
Iowa Department of Natural Resources



CITY OF CORYDON

Dated this 12 day of
January, 2022

FO5; Noah Poppelreiter; EPA; VIII.C.2