

**IOWA DEPARTMENT OF NATURAL RESOURCES**  
**ADMINISTRATIVE CONSENT ORDER**

<b>IN THE MATTER OF:</b>  <b>Amy Knapp dba Knapp Mobile Home Court No. 4</b>  NPDES permit No. 3100602	<b>ADMINISTRATIVE CONSENT ORDER</b> <b>NO. <del>2021</del>-WW-02 2022</b>
--	--

**TO:** Amy Knapp dba Knapp Mobile Home  
Court No. 4  
12486 Barony Dr,  
Dubuque, IA 52001

**I. SUMMARY**

This administrative consent order (Order) is entered into between Amy Knapp, d/b/a Knapp Mobile Home Court No. 4 (Knapp Mobile Home) and the Iowa Department of Natural Resources (Department). The parties hereby agree to the issuance of this Order due to violations of Knapp Mobile Home’s National Pollutant Discharge Elimination System permit (NPDES permit). Knapp Mobile Home agrees to pay an administrative penalty of \$4,500.00. In the interest of avoiding litigation, the parties have agreed to resolve the violations alleged herein through entry of this Order.

Any questions or responses regarding this Order should be directed to:

**Relating to technical requirements:**

Matt Calvert  
Iowa Department of Natural Resources  
909 W. Main St.  
Des Moines, Iowa 50319-0034  
Ph: 563-927-2640, ext. 314

**Relating to legal requirements:**

Carrie Schoenebaum, Attorney  
Iowa Department of Natural Resources  
502 East 9<sup>th</sup> Street  
Manchester, IA 52057  
Ph: 515-444-8165

**Payment of penalty to:**

Iowa Department of Natural Resources  
502 East 9<sup>th</sup> Street  
Des Moines, Iowa 50319-0034

**IOWA DEPARTMENT OF NATURAL RESOURCES**  
**ADMINISTRATIVE CONSENT ORDER**

Amy Knapp d/b/a Knapp Mobile Home Court No. 4

**II. JURISDICTION**

This 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 I and the rules promulgated or permits issued pursuant thereto; and Iowa Code section 455B.109 and 567 Iowa Administrative Code (IAC) chapter 10, which authorize the Director to assess administrative penalties.

**III. STATEMENT OF FACTS**

1. Knapp Mobile Home neither agrees nor disagrees with this statement of facts and enters into this Order for settlement purposes only.
  
2. Knapp Mobile Home operates a wastewater treatment facility (WWTF) at Section 2 Township 89N Range 02E, which is locally known as 17909 Peru Road Dubuque, IA. This WWTF is operated pursuant to NPDES permit No. 3100602. Pursuant to this permit, treated wastewater is authorized to be discharged to an unnamed tributary of the Mississippi River. This permit requires daily testing of flow, monthly testing of the effluent for ammonia nitrogen (NH<sub>3</sub>-N), Carbonaceous Biochemical Oxygen Demand (CBOD<sub>5</sub>), hydrogen ion activity (pH), and temperature. The permit also requires monthly testing of Dissolved Oxygen (DO) and quarterly testing for total suspended solids (TSS), Escherichia coli (E. coli), and Biochemical Oxygen Demand five day (BOD<sub>5</sub>). This testing is required to be recorded by Knapp Mobile Home in Daily Monitoring Reports (DMRs), and it is required to be submitted to the Department each month.
  
3. Between February 2015 and March 2019, numerous effluent violations were self-reported by Knapp Mobile Home via the DMRs. The violations are detailed in the below table:

[This area is left intentionally blank.]

**IOWA DEPARTMENT OF NATURAL RESOURCES**  
**ADMINISTRATIVE CONSENT ORDER**  
 Amy Knapp d/b/a Knapp Mobile Home Court No. 4

Knapp Mobile Home NPDES No. 3100602		7DAY - LBS/DAY		AVERAGE - LBS/DAY		DAILY MAXIMUM - LBS/DAY		7DAY - MG/L		AVERAGE - MG/L		DAILY MAXIMUM - MG/L		Parameter Monthly Total
		Limit	DMR	Limit	DMR	Limit	DMR	Limit	DMR	Limit	DMR	Limit	DMR	
<b>Outfall: 001</b>														
2/2015	CBOD5									25	29			1
3/2015	CBOD5							40	45	25	45			2
5/2015	CBOD5							40	53	25	53			2
	TSS							45	66	30	66			2
6/2015	NH3-N									37.4	46.5	37.4	46.5	2
	CBOD5			1.3	1.48452			40	89	25	89			3
	TSS									30	36			1
7/2015	NH3-N									45.6	53.2	45.6	53.2	2
	CBOD5									25	38			1
10/2015	NH3-N			2.1	616.4928	2.1	616.4928			40.7	46.2	40.7	46.2	4
	CBOD5	2.1	587.136	1.3	587.136			40	44	25	44			4
	TSS	2.4	253.536	1.6	253.536									2
12/2015	NH3-N									41.4	46.2	41.4	46.2	2
	CBOD5									25	29			1
1/2016	CBOD5									25	31			1
2/2016	NH3-N									36.8	40.6	36.8	40.6	2
	CBOD5	2.1	5.584464	1.3	5.584464			40	124	25	124			4
	TSS	2.4	2.567052	1.6	2.567052			45	57	30	57			4
3/2016	CBOD5	2.1	6.618624	1.3	6.618624			40	128	25	128			4
	TSS			1.6	1.913196					30	37			2
4/2016	CBOD5	2.1	2.165898	1.3	2.165898			40	53	25	53			4
5/2016	CBOD5									25	30			1
6/2016	CBOD5	2.1	3.432744	1.3	3.432744			40	84	25	84			4
	TSS	2.4	3.596208	1.6	3.596208			45	88	30	88			4
7/2016	TSS									30	39			1
9/2016	TSS							45	80	30	80			2
10/2016	TSS							45	98	30	98			2
11/2016	CBOD5									25	39			1
3/2017	TSS									30	36			1
5/2018	CBOD5							40	48	25	48			2
8/2018	TSS									30	44			1
12/2018	CBOD5									25	26			1
2/2019	TSS			1.6	1.9599			45	50	30	50			3
3/2019	CBOD5									25	27			1
5/2019	NH3-N									39.4	39.8	39.4	39.8	2
6/2019	NH3-N									37.4	61.3	37.4	61.3	2
	CBOD5									25	30			1

**IOWA DEPARTMENT OF NATURAL RESOURCES  
ADMINISTRATIVE CONSENT ORDER**

Amy Knapp d/b/a Knapp Mobile Home Court No. 4

4. A Notice of Violation (NOV) was sent for the above discussed violations on February 15, 2016; November 29, 2016; May 13, 2019; and May 7, 2020. Included with each NOV was a summary of the law and the recommended corrective action.
5. The last DMR Knapp Mobile Home submitted to the Department was the quarterly influent sample taken in May 2019 and the last monthly effluent sample was taken in October 2019.
6. On May 8, 2019, the Department went to Knapp Mobile Home and conducted a routine WWTF inspection. During this inspection the effluent violations documented in the above chart were documented as well as the following violations: (1) effluent had not been analyzed for DO during the month of February 2018; (2) no 24 hour composite sampler was present which is necessary to take influent or effluent samples; (3) DMRs were not always signed; (4) on-site flow meters needed to be calibrated; and (5) filamentous algae was observed directly below the pipe which discharges wastewater from this facility into the unnamed tributary to the Mississippi river.
7. On May 13, 2019, a NOV was sent for the above discussed violations. This NOV summarized the violations, the relevant law, and the recommended corrective action. Included with the NOV was a copy of the inspection report which detailed the necessary corrective action.
8. On January 10, 2020, the Department was notified by Knapp Mobile Home's certified wastewater operator that beginning the week of January 20, 2020, he would no longer be the operator for Knapp Mobile Home.
9. On May 7, 2020, a NOV was sent to Knapp Mobile Home for failure to submit DMRs for the months of November 2019-March 2020. To date these DMRs have not been submitted.
10. On September 22, 2020, a NOV was sent to Knapp Mobile Home for failure to pay the required NPDES permit annual fees for 2019, 2020 and 2021. This NOV stated that invoices for 2019 and 2020 had been sent multiple times. This NOV also summarized the relevant law. To date these fees have not been paid.
11. Knapp Mobile Home failed to send monthly DMRs between the months of September 2020 and May 2021.

**IV. CONCLUSIONS OF LAW**

The DNR finds that the following conclusions of law are applicable to this matter. Knapp Mobile Home neither agrees nor disagrees with these conclusions of law and enters into this Order for settlement purposes only.

1. Iowa Code section 455B.186 prohibits the discharge of pollutants into a water of the state, except for adequately treated pollutants discharged pursuant to a permit issued by the Department. The above stated facts demonstrate non-compliance with this provision.
2. 567 IAC 61.3(2)“b” states:

**IOWA DEPARTMENT OF NATURAL RESOURCES  
ADMINISTRATIVE CONSENT ORDER**

Amy Knapp d/b/a Knapp Mobile Home Court No. 4

Such waters shall be free from floating debris, oil, grease, scum and other floating materials attributable to wastewater discharges or agricultural practices in amounts sufficient to create a nuisance.

The above stated facts demonstrate non-compliance with this provision of law.

3. 567 IAC 64.3(1) provides that no person shall operate any wastewater disposal system or part thereof without, or contrary to any condition of, an operation permit issued by the Director. The above stated facts demonstrate non-compliance with this provision.

4. 567 IAC 64.16 requires that all facilities covered by NPDES permits are required to submit full payment of annual fees by August 30 each year. The above stated facts demonstrate non-compliance with this provision of law.

5. 567 IAC 63.8 requires records of operation be submitted at monthly intervals. The above stated facts demonstrate non-compliance with this provision of law.

**V. ORDER**

THEREFORE, the Department orders, and Knapp Mobile Home consents to do, the following:

1. Knapp Mobile Home shall immediately enter into compliance with all conditions of NPDES No. 3100602, including but not limited to the timely submission of complete DMRs;
2. Knapp Mobile Home shall immediately cease all illegal discharges to waters of the State;
3. Within 30 days of the date the Director signs this Order, Knapp Mobile Home shall contact Iowa Rural Water Association and schedule training regarding the upkeep and monitoring of the wastewater treatment facility;
3. Knapp Mobile Home shall pay an administrative penalty of \$4,500.00 within 60 days of the date the Director signs this Order.

**VI. PENALTY**

1. Iowa Code section 455B.191 authorizes the assessment of civil penalties of up to \$5,000.00 per day of violation for the violations involved in this matter.

2. Iowa Code section 455B.109 authorizes the Commission to establish by rule a schedule of civil penalties up to \$10,000.00 which may be assessed administratively. The Commission has adopted this schedule with procedures and criteria for assessment of penalties in 567 IAC chapter 10. Pursuant to this chapter, the Department has determined that the most effective and efficient means of addressing the above-cited violations is the issuance of an administrative order with an administrative penalty. The administrative penalty is determined as follows:

**IOWA DEPARTMENT OF NATURAL RESOURCES  
ADMINISTRATIVE CONSENT ORDER**

Amy Knapp d/b/a Knapp Mobile Home Court No. 4

a. **Economic Benefit**. 567 IAC chapter 10 requires that the Department consider the costs saved or likely to be saved by noncompliance. 567 IAC 10.2(1) states that “where the violator received an economic benefit through the violation or by not taking timely compliance or corrective measures, the department shall take enforcement action which includes penalties which at least offset the economic benefit.” 567 IAC 10.2(1) further states, “reasonable estimates of economic benefit should be made where clear data are not available.” Knapp Mobile Home has saved a significant amount of money by not conducting the required effluent testing. Money has been saved by not paying lab processing fees for testing and by not paying for staff time to conduct the testing. For instance, it is estimated that each sample cost between \$5.00 (i.e. daily samples) and \$30.00 to take. Multiple parameters were not sampled for each month. Using reasonable estimates, and in the interest of handling this matter promptly and administratively, \$4,500.00 is assessed for this factor.

b. **Gravity of the Violation**. One of the factors to be considered in determining the gravity of a violation is the amount of penalty authorized by the Iowa Code for the type of violation. As indicated above, substantial civil penalties are authorized by statute. Failure to properly manage a WWTF degrades surface water quality, groundwater, and threatens public health and safety. Pollution of Iowa’s waterways is a serious problem, and regulatory agencies have recognized that noncompliance with an NPDES permit is a significant contributor to these problems. Moreover, the backbone of the water quality program is the NPDES permit. Such noncompliance thwarts the integrity of the NPDES permit and water quality programs. However, in the interest of settling this matter and promptly bringing Knapp Mobile Home into compliance with applicable law, no penalty is assessed for this factor.

c. **Culpability**. Knapp Mobile is engaged in the business of mobile home management. This is a highly regulated activity and, therefore, Knapp Mobile Home has an obligation to be aware of the applicable regulations and comply with those regulations. Moreover, Knapp Mobile Home was issued an NPDES permit and has been notified numerous times over the course of 5 years of significant noncompliance. Nevertheless, such noncompliance has persisted. However, in the interest of settling this matter and promptly bringing Knapp Mobile Home into compliance with applicable law, no penalty is assessed for this factor.

**VII. WAIVER OF APPEAL RIGHTS**

Iowa Code section 455B.175(1) and 561 IAC 7.4(1), as adopted by reference by 567 IAC chapter 7, authorize a written notice of appeal to the Commission. This Order is entered into knowingly by and with the consent Knapp Mobile Home. By signature to this Order, all rights to appeal this Order are waived by Knapp Mobile Home.

**IOWA DEPARTMENT OF NATURAL RESOURCES  
ADMINISTRATIVE CONSENT ORDER**

Amy Knapp d/b/a Knapp Mobile Home Court No. 4

**VIII. NONCOMPLIANCE**

Failure to comply with this Order may result in the imposition of further 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 Order constitutes full satisfaction of all requirements pertaining to the violations described in this Order.

  
\_\_\_\_\_  
Amy Knapp, d/b/a Knapp Mobile Home

Dated this \_\_\_\_\_ day of  
Declined to Date, 2021

\_\_\_\_\_  
Kayla Lyon, DIRECTOR  
IOWA DEPARTMENT OF NATURAL RESOURCES

I.C.7.b.; FO1, Noah Poppelreiter, U.S. E.P.A