

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

**IN THE MATTER OF:**

**Sunrise Village LLC and Havenpark  
Management LLC d/b/a Sunrise Village  
MHC LLC and Sunrise Village Mobile  
Home**

**NPDES Permit #5200602  
Johnson County, Iowa**

**ADMINISTRATIVE CONSENT  
ORDER**

**NO. 2022-WW-28**

TO: Universal Registered Agents, Inc.  
400 E Court Ave Ste 110  
Des Moines, IA 50309

Home Office for Sunrise Village LLC and Havenpark Management LLC  
51 W Center St Ste 600  
Orem, UT, 84057

Sunrise Mobile Home  
2100 S. Scott Blvd  
Iowa City, IA 52240

**I. SUMMARY**

This administrative consent order (Order) is entered into between Sunrise Village LLC and Havenpark Management LLC d/b/a Sunrise Village MHC LLC and Sunrise Village Mobile Home (collectively referred to as Sunrise Village) and the Iowa Department of Natural Resources (Department) for the purpose of addressing discharges of wastewater in violation of its National Pollution Discharge Elimination System (NPDES) permit from its wastewater treatment facility (WWTF).

Any questions regarding this Order should be directed to:

**Relating to technical requirements:**

Terry Jones, Environmental Specialist Senior  
DNR Field Office #6  
1023 W. Madison  
Washington, Iowa 52338  
Phone: 515-577-9296

**Relating to legal requirements:**

Carrie Schoenebaum, Attorney for the DNR  
Iowa Department of Natural Resources  
502 E. 9<sup>th</sup> Street  
Des Moines, Iowa 50319  
Phone: 515-444-8165

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**II. JURISDICTION**

This 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 1 (wastewater) and the rules adopted or permits issued pursuant to that part; 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**

The Department and Sunrise Village agree to the following statement of facts:

1. Sunrise Village operates a WWTF located at Section 19, T79N, R05W in Johnson County, Iowa. This location is locally known as 2100 S. Scott Blvd Iowa City, Iowa.<sup>1</sup> The WWTF is operated pursuant to NPDES permit No.5200602, which was amended on August 26, 2019, to list Havenpark Management as the owner. This NPDES permit was reissued on January 1, 2021. Pursuant to this permit, the Sunrise Village discharges wastewater to an unnamed tributary of Snyder Creek. This NPDES permit contains effluent limits for numerous parameters, which include the following: Carbonaceous Biochemical Oxygen Demand five day (CBOD5), total suspended solids (TSS), ammonia nitrogen (as NH<sub>3</sub>-N), dissolved oxygen, potential hydrogen (pH) and Escherichia Coli (E. coli). The prior NPDES permit also contains a compliance schedule to allow the WWTF time to comply with the final E. coli and ammonia nitrogen limits which were effective May 1, 2020.
2. On August 5, 2020, the Department conducted a WWTF inspection at Sunrise Village. During this inspection the Department documented that Sunrise Village had not yet connected to the City of Iowa City's sanitary sewer system and the effluent limits contained in the NPDES permit were not being complied with. Following this inspection, on August 11, 2020 a Notice of Violation (NOV) was issued for the NPDES permit violations.<sup>2</sup>
3. On December 29, 2020, the Department conducted a desktop review of Sunrise Village's self-monitoring reports and discharge monthly reports (DMUs). During this investigation NPDES permit effluent violations were documented. An NOV was sent on January 1, 2021. Included with this NOV was a summary of the violations and the relevant law and recommended corrective action.
4. On February 9, 2021, Sunrise Village informed the Department that it would proceed with its plan to connect its WWTF to the City of Iowa City's sanitary sewer. A time frame for this connection was not provided.

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<sup>1</sup> On April 5, 2019, Sunrise Village, LLC became the deed holder of this property.

<sup>2</sup> All NPDES permit violations to date are included in the below Table.

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5. On June 3, 2021, HR Green (an engineering consulting firm) contacted the Department on behalf of Sunrise Village and stated that it was working on a Plan of Action (POA) to submit to the Department that will detail the steps Sunrise Village will take to achieve compliance with its NPDES permit.
6. On June 15, 2021, Sunrise Village submitted a POA to the Department. This POA indicated that effluent limits would be complied with by November 1, 2022.
7. On September 29, 2021, and antidegradation alternatives analysis was submitted by Sunrise Village to the Department. This analysis concluded that the most practicable option to address the NPDES permit non-compliance was to connect to the City of Iowa City's sanitary sewer system. The submittal indicated that this connection would be complete by December 2022.
8. On April 4, 2022, an NOV was issued to Sunrise Village for on-going noncompliance with effluent limits contained in its NPDES permit. Included with this NOV was a summary of the violations and the relevant law and recommended corrective actions.
9. On May 17, 2022, Sunrise Village submitted an updated POA to the Department.
10. On June 21, 2022, the Department conducted an inspection of Sunrise Village's WWTF. During this inspection the Department reviewed self-monitoring reports and discharge monthly reports (DMUs). During this investigation NPDES permit effluent violations were documented.
11. On June 24, 2022, an NOV was issued to Sunrise Village for on-going noncompliance with effluent limits contained in its NPDES permit. Included with this NOV was a summary of the violations and the relevant law and recommended corrective actions.
12. On July 5, 2022, Sunrise Village submitted an updated POA to the Department. This POA indicated that Sunrise Village will proceed with plans to connect to the City of Iowa City's sanitary sewer system.

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## Effluent Limit Violations 9/1/2019 - 6/30/2022

### SUNRISE MOBILE HOME - 5200602

IOWA CITY EPA #:IA0067911		AVERAGE - LBS/DAY		DAILY MAXIMUM - LBS/DAY		7DAY - MG/L		AVERAGE - MG/L		DAILY MAXIMUM - MG/L	
		Limit	DMR	Limit	DMR	Limit	DMR	Limit	DMR	Limit	DMR
<b>Outfall: 001</b>											
3/2020	CBOD5							25	39		
4/2020	CBOD5					40	42	25	42		
5/2020	NH3-N	0.58	1.7514					1.8	10		
7/2020	NH3-N	0.34	0.7181					1.1	4.1		
8/2020	NH3-N	0.31	1.7347	1.58	1.735			1	8		
9/2020	NH3-N	0.47	2.11	1.9	2.11			1.5	11		
10/2020	NH3-N	0.89	3.2609	3.01	3.261			2.8	17	12.4	17
11/2020	NH3-N	1.08	2.2685					3.4	16	11.5	16
12/2020	NH3-N	1.25	3.2026					4	16	12.8	16
1/2021	NH3-N	1.08	4.0282					3.4	21	16.8	21
2/2021	NH3-N	1.25	5.5628	4.06	5.563			4	29	12.6	29
3/2021	NH3-N	1.08	3.8364					3.4	20	11.9	20
5/2021	NH3-N	0.55	2.6121					1.7	18	12.1	18
	CBOD5					40	48	25	48		
6/2021	NH3-N							1.3	2.6		
7/2021	NH3-N	0.32	0.4734					1	4.4		
8/2021	NH3-N	0.3	2.452	1.58	2.452			1	14	12.8	14
9/2021	NH3-N	0.33	3.5445	1.9	3.545			1.1	17	13	17
10/2021	NH3-N	0.49	2.6621					1.6	19	12.4	19
11/2021	NH3-N	0.74	7.0056	3.78	7.006			2.3	30	11.5	30
12/2021	NH3-N	0.78	4.5503	4.2	4.55			2.5	31	12.8	31
1/2022	NH3-N	1.08	5.2459	5.23	5.246			3.4	37	16.8	37
2/2022	NH3-N	1.25	6.7954	4.06	7.172			4	40	12.6	43
3/2022	NH3-N	1.08	5.1775	3.85	5.184			3.4	34	11.9	37
4/2022	NH3-N	0.48	2.6088					1.5	17	12.8	17
6/2022	NH3-N							1.3	6.4		

**NOTE** – Sunrise NPDES NH<sub>3</sub>-N final limits became effective May 1, 2020.

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**IV. CONCLUSIONS OF LAW**

The Department and Sunrise Village agree that the following conclusions of law are applicable in this case:

1. Iowa Code section 455B.186 prohibits the discharge of pollutants into waters of the state, except for adequately treated pollutants discharged pursuant to a permit. The above stated facts demonstrate noncompliance with this provision of law.
2. Iowa Code section 455B.173(3) authorizes and requires the Environmental Protection Commission (Commission) to promulgate rules relating to the operation of waste disposal systems, the discharge of pollutants into waters of the state, and the issuance of permits to waste disposal systems. The Commission has done so at 567 IAC 60 through 69. 567 IAC 64.3(1) prohibits the operation of a waste disposal system without or contrary to the terms of a permit. 567 IAC 64.6 specifies the conditions that are to be included in a permit, including applicable effluent limitations as established in Chapters 61 and 62 of the rules. The above stated facts demonstrate noncompliance with these provisions.

**V. ORDER**

By the execution of this Order, the Department orders and Sunrise Village agrees to do the following:

1. By September 1, 2023, submit a permit application to the Department for a new WWTF;
2. By March 31, 2024, begin construction on the new WWTF;
3. By August 31, 2025, complete construction on the new WWTF; and
4. Pay a penalty in the amount of \$8,000.00 within 30 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 that may be assessed administratively. The Commission has adopted this schedule with procedures and criteria for assessment of penalties at 567 IAC Chapter 10. Pursuant to this chapter, the Department has determined

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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:

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.” A significant economic benefit was obtained by the Sunrise Village by delaying the cost of upgrading its WWTF. The economic benefit is estimated to be substantially higher than the amount the Department can collect via an administrative consent order. Each day Sunrise Village has delayed upgrades to its WWTF thousands of dollars are saved. However, in light of the administrative penalty cap \$3,000.00 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 comply with an NPDES permit degrades water quality. Degradation of Iowa’s waterways is a serious problem. Degraded water quality harms aquatic life, prevents the attainment of state water quality goals, and causes a decline in the quality of life generally. Further, noncompliance with an NPDES permit thwarts the integrity of the NPDES permit and water quality program. Therefore, the amount of \$3,000.00 is assessed for this factor.

c. Culpability. Sunrise Village operates a WWTF. This is a highly regulated activity and therefore the Sunrise Village has an obligation to be aware of the applicable regulations and comply with those regulations. Sunrise Village was issued an NPDES permit and on multiple occasions the Department communicated the need to comply with that permit. Nevertheless, the permit was not complied with and illegal discharges have occurred. Therefore, the amount of \$2,000.00 is assessed for this factor.

## **VII. WAIVER OF APPEAL RIGHTS**

This Order is entered into knowingly by and with the consent of the Sunrise Village. For that reason, it waives its right to appeal this Order or any part thereof.

## **III. NONCOMPLIANCE**

Compliance with Section V of this Order constitutes full satisfaction of all requirements pertaining to the violations described in this Order. Failure to comply with this

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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.

*Bridger Lyons* Bridger Lyons, Procurement Manager Dated this 4 day of  
On behalf of Sunrise Village LLC and Havenpark Management LLC November, 2022  
d/b/a Sunrise Village MHC LLC and Sunrise Village Mobile Home

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Kayla Lyon, DIRECTOR  
Iowa Department of Natural Resources

NPDES #**5200602**; Field Office #6; Carrie Schoenebaum; EPA; Water Quality Bureau; I.B.2.c.C.1