

**IOWA DEPARTMENT OF NATURAL RESOURCES  
ADMINISTRATIVE ORDER**

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<p>IN THE MATTER OF:</p> <p>WILLIAM SHADBOLT DBA MONTIPARK LLC</p> <p style="text-align: center;">AND</p> <p>MONITPARK LLC</p> <p>Public Water Supply Operation Permit No. 7052204</p>	<p>ADMINISTRATIVE ORDER NO. 2024-WS-01</p>
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TO: William Shadbolt, DBA Montipark LLC  
1101 N Northlake Way, Ste. 3  
Seattle, WA 98103

**I. SUMMARY**

The Director of the Iowa Department of Natural Resources (DNR) through this administrative order (Order) requires William Shadbolt dba Montipark LLC (Mr. Shadbolt) and Montipark LLC (Montipark) to comply with the provisions of Section V of this Order, subject to the appeal rights stated in this Order.

Any questions regarding this Order should be directed to:

**Relating to technical requirements:**

Cecilia Naughton, Env. Specialist  
Iowa Department of Natural Resources  
Wallace State Office Bldg.  
502 E. 9<sup>th</sup> Street  
Des Moines, IA 50319  
Ph: 515-725-0289

**Relating to legal requirements:**

Bradley Adams, Attorney  
Iowa Department of Natural Resources  
Wallace State Office Bldg.  
502 E. 9<sup>th</sup> Street  
Des Moines, Iowa 50319  
Ph: 515-664-8894

**Payment of penalty to:**

Iowa Department of Natural Resources  
502 E. 9th Street  
Des Moines, Iowa 50319-0034

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**II. JURISDICTION**

This Order is issued pursuant to Iowa Code section 455B.175(1), which authorizes the Director of the DNR 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 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**

**Matters of Ownership and Operation**

1. On or about January 3, 2020, the mobile home park located at or about 21644 US Business Highway 151, Monticello, Iowa (Facility), was sold on contract from Julie Miller and Kevin Miller to Montipark.
2. Based on communications sent to the DNR by the following, Montipark was initially owned and operated by William Shadbolt and Darren Hoy.
3. On or about September 21, 2020, Mr. Hoy left the corporation.
4. On August 16, 2023, the Iowa Secretary of State commenced a proceeding pursuant to Iowa Code section 489.705 administratively dissolving Montipark LLC for failure to submit a biennial report. *See* Iowa Secretary of State Cert. No. WA001614. As of the date this Order was signed, Montipark LLC has not been reinstated pursuant to Iowa Code section 489.706.
5. However, Mr. Shadbolt continues to pay the monthly amount due per the contract and continues to operate the Facility, including but not limited to collecting rent from the residents of the Facility.
6. Mr. Shadbolt resides in the State of Washington.
7. The Facility contains a public drinking water system (System) under Public Water Supply Operation Permit No. 5300688 (Permit). The terms of the Permit are incorporated by reference into this Order.
8. The System serves approximately 35 residents on a regular basis and approximately 23 service connections.
9. The System is required to treat the well water with sodium hypochlorite for microbial disinfection, and through an anion exchange for nitrate removal. *See* Permit, page 4. The System must maintain a minimum free chlorine residual level of 0.3 mg/L. *Id.*

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10. Water is primarily provided to the System from a shallow well, Well #1, which is constructed to a depth of 150 feet.
11. Additionally, on or about September 13, 2022, the DNR determined that Mr. Shadbolt had been utilizing the emergency well, Well #2, and ceased using the active well, Well #1. Well #2 is not plumbed to provide proper nitrate removal and chlorination.
12. Water can be provided to the System on an emergency basis from Well #2. The construction depth of this well is unknown. The Permit holder must notify the DNR before any planned use of Well #2, within 24 hours of any emergency use of Well #2, or when use of Well #2 exceeds 30 days per year. See Permit, page 4.

**Monitoring and Public Notice Violations**

13. On October 21, 2021, the DNR issued a Notice of Violation (NOV) to Montipark for failure to produce and distribute the Consumer Confidence Report for 2020.
14. On October 7, 2021, the State Hygienic Lab issued a notice to the Facility that there was an overdue balance of \$431.00 and that no more samples would be accepted until the balance was paid.
15. On May 19, 2022, the DNR issued a NOV to Montipark for the failure to collect an April 2022 nitrate sample and a bacterial sample. Pursuant to 567 IAC 42.1, Montipark was required to provide public notice of this violation. No public notice was published or reported for this violation.
16. On June 16, 2022, the DNR issued a NOV to Montipark for failure to collect a May 2022 nitrate sample and a bacterial sample. Pursuant to 567 IAC 42.1, Montipark was required to provide public notice of this violation. No public notice was published or reported for this violation.
17. On July 21, 2022, the DNR issued a NOV to Montipark for failure to collect a June 2022 nitrate sample. Pursuant to 567 IAC 42.1, Montipark was required to provide public notice of this violation. No public notice was published or reported for this violation.
18. On August 18, 2022, the DNR issued a NOV to Montipark for failure to produce and distribute the Consumer Confidence Report for 2021. No public notice was published or reported for this violation.
19. On August 18, 2022, the DNR issued a NOV to Montipark for failure to collect a July 2022 nitrate sample and a bacterial sample. Pursuant to 567 IAC 42.1, Montipark was required to provide public notice of this violation. No public notice was published or reported for this violation.

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20. On December 28, 2022, the DNR issued a NOV to Montipark for the failure to provide these public notices.
21. On September 16, 2022, the DNR issued an NOV to Montipark for failure to collect an August 2022 bacterial sample. No public notice was published or reported for this violation.  
  
On November 17, 2022, the DNR issued a NOV to Montipark for failure to collect an October 2022 nitrate sample at the source entry point. No public notice was published or reported for this violation.
22. On December 28, 2022, the DNR issued a NOV to Montipark for failure to collect a November 2022 nitrate sample at the source entry point. No public notice was published or reported for this violation.
23. On January 20, 2023, the DNR issued a NOV to Montipark for failure to collect a December 2022 nitrate sample at the source entry point and for the failure to collect a bacteria sample. No public notice was published or reported for this violation.
24. On February 17, 2023, the DNR issued a NOV to Montipark for failure to collect a January 2023 nitrate sample at the source entry point and for the failure to collect a bacteria sample. No public notice was published or reported for this violation.
25. On March 16, 2023, the DNR issued a NOV to Montipark for failure to collect a February 2023 nitrate sample at the source entry point. No public notice was published or reported for this violation.
26. On April 20, 2023, the DNR issued a NOV to Montipark for the failure to collect a March 2023 nitrate sample at the source entry point and for the failure to collect a bacteria sample. No public notice was published or reported for this violation.
27. On May 18, 2023, the DNR issued a NOV to Montipark for failure to collect an April 2023 nitrate sample at the source entry point and for the failure to collect a bacteria sample. No public notice was published or reported for this violation.

**Bacteria Issues**

28. On July 7, 2021, the DNR issued a NOV to Montipark for failure to maintain the required minimum of 0.3 mg/L Free Chlorine. There were 13 days during May 2021 when the minimum was not met, and an additional 13 days during June 2021 when the minimum was not met. No public notice was published or reported for this violation.

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29. On September 7, 2022, the System collected two routine samples for total coliform and *E. coli*. Lab testing conducted on September 9, 2022, showed both samples were positive for both total coliform and for *E. coli*.
30. On September 9, 2022, the DNR attempted to contact Mr. Shadbolt twice by calling the telephone number provided by Montipark. DNR staff left Mr. Shadbolt messages each time. No response was received by the DNR.
31. The DNR sent a notification letter to the email address provided by Montipark and Mr. Shadbolt. No response was received by the DNR.
32. On September 12, 2022, the DNR again attempted to contact Mr. Shadbolt and the System's certified operator by phone and voicemail. The DNR received no response.
33. On September 13, 2022, Montipark's on-site manager John Spalding took three of the six required repeat samples and submitted them to the lab for testing.
34. On September 14, 2022, due to concern about the human health risk and lack of response from the owner, the DNR Field Office staff visited the facility, passed out the bottled water advisory to all residents, and took three special bacterial samples and a nitrate sample.
35. During this visit, DNR staff noted that Well #2 was operating and that Well #1 was not operating. DNR staff noted that the System was sending water through the nitrate removal backwards relative to the intended design, and that it was unclear if the System was receiving continuous disinfection.
36. On September 15, 2022, one of three repeat samples was total coliform positive. Due to the elevated nitrate levels, a boil advisory was not considered safe, and the DNR issued a bottled water advisory.
37. On or about September 16, 2022, one of the special bacterial samples collected by the DNR came back positive for total coliform.
38. On or about September 20, 2022, the DNR completed a Level 2 assessment in response to the acute bacterial MCL.
39. On September 30, 2022, the DNR issued a NOV to Montipark. The NOV noted the System was operating contrary to its permit conditions. As of the date of this Order, none of the items noted in the NOV have been fully addressed.
40. On October 27, 2022, the DNR issued NOVs for the failure to collect three of the six assigned repeat bacterial samples, and for the failure to collect the triggered groundwater samples following the bacterial positive samples in September. No public notice was published or reported for these violations.

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**July 2023 Investigation**

41. On June 20, 2023, DNR staff investigated the Facility. During this investigation, DNR staff noted the following:
- a. Well #1 was not operating.
  - b. Well #2 was operating.
  - c. No representative of the System contacted the DNR to notify them that Well #2 was in operation.
  - d. One set of field and lab water samples were taken from Lot 25 at the Facility. The field sample showed 9 mg/L of nitrate; the lab nitrate sample was 7.7 mg/l. The field test kit showed 0.08 mg/L of free chlorine residual, and 0.011 mg/L of total chlorine residual.
  - e. A second set of field water samples was taken from Lot 25. These samples showed 0.000 (zero) mg/L of free chlorine residual and 0.000 (zero) mg/L of total chlorine residual.
42. On July 10, 2023, the DNR issued a NOV to Montipark for these violations. No public notice was published or reported for these violations.
43. As of the date this Order was signed, the DNR never received notice of Well #2's operation.

**September 2023 Investigation**

44. On September 25, 2023, DNR Field Office 1 staff investigated the Facility.
45. Staff were unable to reach Well #1 due to the unsanitary conditions surrounding that well.
46. Staff took water samples of untreated water from Well #1. Water from Well #1 tested positive for both total coliform bacteria and for *E. coli*.
47. Staff took water samples from the source entry point, after treatment of the water. These samples tested positive for total coliform bacteria but negative for *E. coli*.
48. On September 29, 2023, DNR issued an NOV for Montipark's failure to submit the required Monthly Operation Report and Maximum Residual Disinfectant Level (MRDL). No public notice was published or reported for these violations.

**IV. CONCLUSIONS OF LAW**

The following Conclusions of Law are applicable to this matter:

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1. Iowa Code section 455B.172 makes this Department the agency of the state to conduct the public water supply system program.
2. Iowa Code section 455B.171(26) defines a public water supply system as a system for the provision of piped water for human consumption, if the system has at least fifteen service connections or regularly serves at least twenty-five individuals. Additionally, a public water supply system includes relevant facilities under the control of the “operator of the system.” Iowa Code section 455B.171(26).

As demonstrated by Section III of this Order, Mr. Shadbolt continues to hold himself out as the owner of the Facility and to operate its public water supply system.

3. Iowa Code sections 455B.173(3), (5) and (6) authorize the Environmental Protection Commission (Commission) to promulgate rules relating to the operation of public water supply systems, to adopt drinking water standards to assure compliance with federal standards adopted pursuant to the federal Safe Drinking Water Act, and to adopt rules relating to monitoring, record keeping, and reporting requirements for any public water supply system. The Commission adopted such rules at 567 IAC chapters 40-43.
4. 567 IAC 41.3(1)(c)(5) requires routine monitoring for nitrate.

The above stated facts demonstrate noncompliance with this provision of law.

5. 567 IAC 41.2(1)(c) requires monthly monitoring for coliform bacteria in the distribution system.

The above stated facts demonstrate noncompliance with this provision.

6. 567 IAC 42.4(3)(a)(1) requires that “[m]onthly records of operation shall be completed by all public water supplies, on forms provided by the department or on similar forms[.]”

The above stated facts demonstrate noncompliance with this provision of law.

7. 567 IAC 42.1 requires that “[e]ach owner or operator of a public water system must give notice for all violations of public drinking water rules[.]”

The above stated facts demonstrate noncompliance with this provision.

8. 567 IAC 42.4(1)(c) requires that “public water supply system, within ten days of completion of each public notification required pursuant to 567—42.1(455B) for the initial public notice and any repeat notices, shall submit to the department a certification that it has fully complied with the public notification rules.”

The above stated facts demonstrate noncompliance with this provision of law.

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9. 567 IAC 43.1(5) requires all community water supplies to have a properly certified operator-in-charge of the water treatment plant and the distribution system.

The facts of this case show a violation of this provision, as Mr. Shadboldt cannot fulfill these obligations while living in Washington State.

10. 567 IAC 43.2(2) requires permittees to comply with all terms of the water supply system permits issued by the DNR.

The above stated facts demonstrate noncompliance with this provision of law.

11. Iowa Code section 455B.173(3) authorizes the Commission to promulgate rules relating to the operation and maintenance of public water supply systems. 567 IAC 43.1(3)(d) allows the DNR to order a public water supply to provide bottled water when the system “exceed[s] a maximum contaminant level... [to] temporary measure to avoid an unreasonable risk to health.”

Due to the bacteria MCL violation at the System, the repeated failure of Montipark and Mr. Shadbolt to properly sample for bacteria, the repeated and continuous use of Well #2, and the recent tests still showing the continued presence of total coliform bacteria, the DNR has the authority to invoke this section.

12. Pursuant to Iowa Code section 455B.191, any person who violates any rule or order related to the operation of a public water supply shall be subject to a civil penalty not to exceed five thousand dollars for each day of such violation.

The above facts demonstrate violations of the rules related to the operation of a public water supply.

13. 567 IAC 43.6(1)(c)(1)(3) addresses the general monitoring requirements for residual disinfectants, and establishes that where MRDL compliance is based on using periodic samples to calculate a baseline annual average.

Failure to monitor is a violation for the entire reporting period because the lack of data renders an MRDL calculation impossible.

14. 567 IAC 43.6(1)(c)(2)(1) addresses monitoring requirements for chlorine and chloramines, and establishes that community water systems that use chlorine or chloramines must measure the residual disinfectant level at the same points in the distribution system and at the same time as total coliforms are sampled.

The above stated facts demonstrate noncompliance with this provision of law.



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15. 567 IAC 81.2(3) requires an operator-in-charge to hold a certificate of the same classification of the water distribution system and of equal or higher grade than the grade designated for that plant or distribution system.” 567 IAC 81.16(1-2) states that it is allowable to enter into an “agreement by affidavit” with a properly certified operator for water and wastewater plants and distribution systems with the operating category of grade A, water treatment grades 1 & 2, water distribution grades 1 & 2, and wastewater or lagoon grades 1 & 2, and that the affidavit will verify that the certified operator is the operator-in-charge and has direct responsibility for a plant or distribution system that does not have first rights on the services of that operator.

On or about March 16, 2022, the System’s operator-by-affidavit resigned. The above stated facts demonstrate noncompliance with this provision of law, as the system has been operated without a certified operator since March 16, 2022<sup>1</sup>.

16. On August 16, 2023, the Iowa Secretary of State commenced a proceeding pursuant to Iowa Code section 489.705 administratively dissolving Montipark LLC for failure to submit a biennial report. To date, Montipark has not been reinstated. However, pursuant to Iowa Code section 489.705(4), the corporation known as Montipark LLC is obligated to “carry on [the] activities necessary to wind up its activities and liquidate its assets.” The lawful operation of a public water supply system under its control is an activity necessary to wind up its business.

The above stated facts establish violations of these regulatory provisions.

**V. ORDER**

Therefore, DNR orders Montipark and Mr. Shadbolt to do the following:

1. Montipark and Mr. Shadbolt shall promptly reply to all communications from any DNR employee related to the operation or management of the System within one week of receiving such communication.
2. Montipark and/or Mr. Shadbolt shall operate the System in compliance with the Permit, including but not limited to any modification to the Permit issued after the date of this Order.
3. Within 30 days of this order’s effective date, Montipark shall retain at all times an operator-in-charge for the treatment and distribution systems who has a Grade A certification from the DNR.

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<sup>1</sup> Between March 16, 2022, and June 30, 2023, Mr. Shadbolt asserted himself to be the System’s operator in charge. Due to the numerous violations and Mr. Shadbolt’s inability to physically control and operate the System due to geographic considerations, the DNR disagrees with this position.

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4. Montipark and/or Mr. Shadbolt shall immediately begin implementing a program to provide residents of the Facility with bottled water, subject to the conditions of 567 IAC 43.1(3)(d). Montipark and/or Mr. Shadbolt shall contact DNR Field Office 1 within two (2) business days of the receipt of this order to submit a plan of action which demonstrates how the System will comply with this paragraph.
5. Within 60 days of the date the Director signs this Order, Montipark and/or Mr. Shadbolt shall jointly and severally pay a \$10,000 administrative penalty.

**VI. PENALTY**

1. Iowa Code section 455B.191 authorizes the assessment of civil penalties of up to \$5,000 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 that may be assessed administratively. The Commission has adopted this schedule with procedures and criteria for assessment of penalties at 567 IAC chapter 10. The DNR is assessing a penalty of \$10,000 for the violations described above. The following factors were considered in the assessment of this penalty:

a. Economic Benefit. 567 IAC 10.2(1) provides that when a violator realizes an economic benefit through the violation, “the department shall take enforcement action which includes penalties which at least offset the economic benefit. Reasonable estimates of economic benefit should be made where clear data are not available.” Montipark and Mr. Shadbolt avoided costs by failing to collect samples, failing to repair Well #1 and/or failing to properly plumb the System to ensure proper treatment of water supplied by Well #2, and failing to have a certified operator on staff. Using reasonable estimates, \$6,400.00 is assessed for this factor.

b. Gravity. 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 that type of violation. Montipark and Mr. Shadbolt’s repeated and chronic failure to comply with the laws related to the operation of the System is a serious matter that has resulted in health concerns for the residents supplied water by the System. To ensure this matter is handled promptly at the administrative level, \$1,800 is assessed for this factor.

c. Culpability. Montipark and Mr. Shadbolt have a duty to lawfully operate the System as part of the ownership of the Facility. They have failed to do so for multiple years, culminating in health concerns for the residents living at their operation. To ensure this matter is handled promptly at the administrative level, \$1,800 is assessed for this factor.

**VII. APPEAL RIGHTS**

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Pursuant to Iowa Code section 455B.175 and 567 IAC Chapter 7, a written Notice of Appeal may be filed with the Director, at the address provided above, within 60 days of the date of issuance of this Order. The Notice of Appeal must identify the specific portion or portions of this Order being appealed and include a short and plain statement of the reasons for appeal. A contested case hearing will then be commenced pursuant to Iowa Code Chapter 17A and 561 IAC Chapter 7.

**VIII. 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 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.

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Kayla Lyon, Director  
Iowa Department of Natural Resources

Bradley Adams; Field Office #1; EPA; I.C.1