

**IOWA DEPARTMENT OF NATURAL RESOURCES  
ADMINISTRATIVE ORDER**

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**IN THE MATTER OF:**

**DANIEL W. PEETERS &  
PEETERS DEVELOPMENT  
COMPANY INC.  
(d/b/a MT. JOY Mobile Home Park)**

NPDES Permit # #8222603

**ADMINISTRATIVE ORDER**

**NO. 2024-WW-02**

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TO: Peeters Development Company Inc. (d/b/a Mt. Joy Mobile Home Park)  
Daniel W. Peeters, Owner/Operator  
21445 Scott Park Road,  
Davenport, IA 52807

Daniel W. Peeters  
2901 South 9th Ave.  
Eldridge, Iowa 52748

**I. SUMMARY**

This administrative order (Order) is issued to Peeters Development Company Inc. (d/b/a Mt. Joy Mobile Home Park) (hereinafter “Mt. Joy”) and Daniel Peeters for Mt. Joy’s ongoing violations of its National Pollutant Discharge Elimination System (NPDES) permit, as follows: (1) failing to monitor and report all parameters at required frequencies, (2) failing to verify compliance with its NPDES permit final limits for ammonia-nitrogen and E. coli, (3) failing to report a bypass from the Mt. Joy wastewater system, (4) failure to monitor required effluents, and (5) failing to report certain monitoring results. Any questions regarding this Order should be directed to:

**Relating to technical requirements:**

Terry Jones, Env. Specialist Senior  
Iowa Department of Natural Resources  
DNR Field Office 6  
1023 W. Madison  
Washington, Iowa 52353  
319-653-2135

**Relating to legal requirements:**

Bradley Adams  
Iowa Department of Natural Resources  
Legal Services Bureau  
502 E. 9th Street  
Des Moines, IA 50319  
515-664-8894

**Payment of penalty to:**

Director of the Iowa DNR  
Wallace State Office Building  
502 East 9<sup>th</sup> Street  
Des Moines, IA 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**

1. Mt. Joy is a 75-lot mobile home park located at 21445 Scott Park Road in Davenport, Iowa. Dan Peeters owns Mt. Joy and is responsible for operation of the park's wastewater system.
2. On October 10, 2016, Consent Decree EQCE126530 (herein CD or Consent Decree) was filed in the Iowa District Court for Scott County, naming Peeters Development Co. Inc. (d/b/a Mt. Joy) as the Defendant. The CD includes a construction schedule in which the Defendant was to achieve compliance with applicable ammonia nitrogen, E. coli bacteria, CBOD<sub>5</sub>, and TSS limitations contained in NPDES permit #8222603.
3. On November 22, 2016, Jim Kacer, Field Office #6 (FO#6) Environmental Specialist Senior (now retired) visited Mt. Joy. Mr. Kacer issued a notice of violation (NOV) on November 29, 2016, for effluent limit violations, late submittals of discharge monitoring reports, violation of NPDES monitoring and reporting requirements, failure to maintain the wastewater system, and a failure to perform the duties associated with a NPDES permit holder.
4. On November 17, 2017, Josh Sobaski (FO#6) completed a desktop compliance review and determined that the CD milestones were up to date.
5. On November 21, 2017, Mr. Kacer visited Mt. Joy while on site for a sanitary survey. Kacer noted that the wastewater system appeared to be operating adequately, but noted excessive vegetation on the lagoon berm. No samples were collected.
6. On March 20, 2018, Josh Sobaski of FO#6 inspected Mt. Joy. A Letter of Non-Compliance was issued for CBOD<sub>5</sub> exceedances, submitting late DMRs, and failing to monitor in accordance with the NPDES permit.
7. On September 17, 2018, DNR completed a review of Mt. Joy's disadvantaged community (DC) analysis. A letter was sent to Mt. Joy informing them they do not qualify for DC status due to entering into a Consent Decree with the Attorney General's Office.

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8. On April 1, 2019, DNR issued a new NPDES permit to Mt. Joy. The permit included “Special Monitoring Requirements” that stated that monitoring for ammonia and E. coli would not be required until the final limits for ammonia and E. coli became effective on October 1, 2020. The permit included final limits for CBOD<sub>5</sub>, TSS, and pH that were effective upon issuance of the permit.
9. On April 26, 2019, DNR was notified of a letter from James Pray, attorney for Dan Peeters, to David Steward of the Iowa Attorney General’s Office stating the cost for wastewater improvements were beyond what his client could afford, and Mt. Joy would need to work with DNR to rework the scope of the project. However, no documentation on how to “rework the plan” was never provided to either of the DNR or the AG’s Office.
10. On February 25, 2020, Emy Liu of the DNR’s Wastewater Engineering Section (WES) submitted work request #4825 to FO6 requesting a site survey for a new wastewater system at Mt. Joy. The work request stated, in part, that Mt. Joy will demolish the old wastewater package plant and construct an equalization (EQ) basin, install a Bioclere trickling filter packaged plant, and add UV disinfection.
11. On March 4, 2020, Mr. Sobaski completed WR #4825 and submitted his findings to Ms. Liu.
12. On May 1, 2020, DNR WES sent a letter to Mt. Joy approving a new wastewater treatment system.
13. On October 1, 2020, Mt. Joy’s NPDES permit’s final limits for ammonia and E. coli became effective. Mt. Joy was required to begin monitoring their effluent for ammonia and E. coli.
14. On February 23, 2021, Mr. Sobaski visited Mt. Joy and noted that there had been no wastewater improvements initiated.
15. On December 10, 2021, Mr. Sobaski visited Mt. Joy and noted that there had been no wastewater improvements initiated.
16. On September 22, 2022, Mr. Sobaski performed a wastewater inspection at Mt. Joy. Mr. Sobaski identified non-compliance with NPDES permit limits, failure to monitor and report, failure to comply with final limits, and failure to comply with terms and conditions of the Scott County District Court Consent Decree.
17. In October of 2022, Terry Jones of FO#6 contacted Jason Miller with MSA Professional Service to question their involvement with Mt. Joy’s wastewater improvements. Mr. Miller informed Mr. Jones that MSA Professional Service had not had any contact with Mt. Joy regarding the wastewater improvement project since approximately the time the facility plan was approved by the DNR in May of 2020.

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18. On November 2, 2022, an NOV was issued to Mt. Joy resulting from findings and observations identified during Mr. Sobaski's September 22, 2022 site inspection. Mt. Joy was to provide a response by the following December 1. A response from Mt. Joy was never received.
19. On April 10, 2023, a complaint was filed with FO6. The complaint alleged bypasses were occurring at Mt. Joy's wastewater system.
20. On April 21, 2023, this complaint was investigated. It was determined a bypass from Mt. Joy's wastewater system had occurred.
21. On May 12, 2023, an NOV was issued to Mt. Joy for bypassing and failing to report the bypassing event to the DNR. The NOV expressed concerns with on-going non-compliance, and required Mt. Joy to provide a response addressing the concerns no later than June 1, 2023.
22. On June 1, 2023, Dan Peeters provided a written response to the DNR's May 12th NOV, and asked questions.
23. On June 26, 2023, FO6 responded to Mr. Peeters with additional justification for the May 12th NOV and informed Mr. Peeters his response to on-going non-compliance with CD and NPDES permit conditions was insufficient. The FO6 response was issued as an additional NOV for Mt. Joy's on-going non-compliance with NPDES permit monitoring and reporting requirements. Mr. Peeters was informed elevated enforcement would be initiated.
24. On July 5, 2023, Mr. Jones contacted QC Analytical (Mt. Joy's certified lab) to discuss Mt. Joy's monitoring data. Mr. Jones confirmed E. coli monitoring had not been conducted, but discovered that effluent ammonia analysis had been performed. However, the results were not included on Mt. Joy's monthly reports. Mr. Jones acquired copies of Mt. Joy's QC Analytical reports for calendar year 2022 and for January through June of 2023. The reports were received by FO6 on July 11, 2023. Lab sheets confirmed that effluent ammonia nitrogen analysis was performed from March of 2022 through June of 2023. Mt. Joy did not include this data on its monthly reports.
25. On July 10, 2023, Mr. Jones contacted Dan Miers, Davenport Publicly Owned Treatment Works (POTW) Superintendent, and Tony Rupe, City of Eldridge Public Works Director/POTW Superintendent. Both Mr. Miers and Mr. Rupe confirmed there were no plans to provide a sanitary service connection to Mt. Joy, and did not recall discussing the matter for several years.
26. The DNR notes the following with regard to the Consent Decree:

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The Consent Decree required Mt. Joy to take specific actions by specific dates, and to comply with its NPDES permit final limits no later than October 1, 2020. Mt. Joy failed to comply with several deadlines and conditions of the Consent Decree. The deadlines in subparagraphs 5(a) – (i) and status of each deadline are as follows:

- a. By November 16, 2016, submit a Self-Assessment Matrix to DNR. DNR's WISARD database shows the Mt. Joy project was assigned by DNR Engineering on July 17, 2015 under the previous NPDES permit compliance schedule.

A submittal date of July 17, 2015 was logged for this milestone and the milestone is considered satisfied.

- b. By June 1, 2017, submit a Progress Report (PR) to DNR. Jason Miller with MSA Environmental Services (Mt. Joy's Engineer) provided Field Office 6 (FO6) an email in November of 2017 and supporting documentation showing the PR was submitted to the DNR Wastewater Engineering Section on June 1, 2017.

This milestone is considered satisfied.

- c. By September 1, 2017, submit a Facility Plan (FP) to DNR. The FP was received on September 5, 2017. Although submission of the FP satisfies the milestone, it is noted WES did not approve the FP and required additional information which WES did not receive until December of 2019 and April of 2020. WES officially approved the FP on May 1, 2020. An approval letter of the same date was sent to Peeters Development by WES.

Albeit late, this milestone has been satisfied.

- d. By June 1, 2018, submit a PR to DNR. The DNR WISARD database suggests the PR was submitted to WES on June 1, 2018.

This milestone has been satisfied.

- e. By December 1, 2018, submit Final Plans and Specifications prepared by a professional engineer to DNR.

Final Plans and Specification were not submitted to DNR.

- f. By May 1, 2019, award a contract for construction and provide a copy of the contract to DNR.

This information was not provided to DNR.

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- g. By February 1, 2020, provide a PR to DNR.

There is no record of a PR being provided to DNR.

- h. By September 1, 2020, complete construction of wastewater treatment improvements.

Improvements were not initiated and therefore were not completed.

- i. By October 1, 2020, comply with NPDES permit final limits and certify compliance with DNR.

Compliance with NPDES permit final limits has not been certified by Mt. Joy.

#### **IV. CONCLUSIONS OF LAW**

The following Conclusions of Law are applicable to this matter:

1. 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 chapters 60 through 69. Additionally, 567 IAC 64.3(1) prohibits the operation of a wastewater disposal system without or contrary to the terms of a permit.

Mt. Joy failed to monitor and report all parameters at required frequencies and failed to verify compliance with its NPDES permit final limits for ammonia-nitrogen and E. coli by October 1, 2020.

2. 567 IAC 63.6(1) prohibits the bypass of wastewater from a wastewater treatment system. 567 IAC 63.6(1)(d) requires a written submission describing the bypass to be provided to the DNR within five days of the time the permit-holder becomes aware of the bypass.

Mt. Joy experienced a bypass from their wastewater system in early April of 2023. Mt. Joy did not provide verbal notification within 24 hours of discovery, nor did they provide a written report of the incident within five days of discovery.

3. 567 IAC 81.17(1)(a-b) identifies actions that may result in disciplinary action against a certified operator, including: (1) failure to use reasonable care or judgment, or to apply knowledge or ability, in performing certified operator duties, and (2) failure to submit operational records or other reports required under applicable permits or DNR rules, including failure to submit complete records or reports.

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Dan Peeters holds a grade II certified wastewater license and is the Operator with Direct Responsible Charge (DRC) of the Mt. Joy wastewater system. Mr. Peeters failed to monitor effluent for E. coli since monitoring requirements began on October 1, 2020. Monthly ammonia nitrogen monitoring was completed after October 1, 2020, but Mr. Peeters failed to report the results to the DNR.

The above stated facts establish violations of these regulatory provisions.

**V. ORDER**

Therefore, DNR orders the following:

1. Within 45-days of this Order being signed by the Director, Mt. Joy and Mr. Peeters must provide a written statement of an intention to follow through with the Facility Plan approved by the DNR in May of 2020. Mt. Joy must provide new timelines for milestones listed in the CD subparagraphs 5(e) – 5(i), subject to DNR approval. In the alternative, if Mt. Joy does not intend to implement the approved Facility Plan, it must provide an alternative construction schedule, following the same construction schedule milestones in Consent Decree subparagraphs 5(a) – 5(i), with final compliance being achieved no later than 30 months from the effective date of this Order.
2. Mr. Peeters must surrender his grade II wastewater license within 30-days of the effective date of the Order. Mt. Joy must obtain the services of an independent grade II or higher certified wastewater operator to perform wastewater operation and oversight duties, including submission of monthly discharge monitoring reports on behalf of Mt. Joy.
3. Mt. Joy and Mr. Peeters are jointly and severally required to pay an administrative penalty of \$10,000.00 within 30 days of this Order being signed by the Director.

**VI. PENALTY**

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. 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. DNR is assessing a penalty of \$8,000.00 for the violations described above. The administrative penalty is determined as follows:

- a. Economic Benefit – 567 IAC chapter 10 requires that the DNR 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

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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.”

Mt. Joy’s NPDES permit requires Mt. Joy and to collect five E. coli samples and calculate a geomean during three quarterly periods each year beginning October 1, 2020. Mr. Peeters is responsible for this collection. Eight quarters requiring five samples each were required for the time period beginning on October 1, 2020 through June 30, 2023. QC Analytical costs for each E. coli analysis is \$32.00 for a total cost of \$1,280.00. These are considered avoided costs.

Delayed costs would include the cost of the constructing a new wastewater treatment plant. The project cost in Mt. Joy’s 2018 Disadvantaged Community Analysis (DCA) application appears to be \$988,125.00 dollars. This is considered an avoided cost. A maximum penalty of \$3,000.00 dollars is recommended for this factor.

As such, \$3,000 is assessed for this factor.

- b. Gravity – Elements to consider when determining the gravity of a violation include the actual or threatened harm to the environment or public health and safety, and whether the violation threatens the integrity of the regulatory program.

The Mt. Joy wastewater treatment system discharges to Crow Creek, which flows to the Mississippi River. Both Crow Creek and the Mississippi River have been classified as impaired water bodies for ammonia-nitrogen and E. coli. Mt. Joy and Mr. Peeters’ failure to implement necessary improvements and report the required monitoring data for these parameters present a threatened harm to the environment, public health, and safety. In addition, on-going non-compliance violates a Scott County District Court Consent Decree and threatens the integrity of the regulatory program.

As such, \$3,000 is assessed for this factor.

- c. Culpability – The factors to be considered in determining the culpability of the violator include the degree of intent or negligence of the violator, and whether the violator has taken remedial measures to address the harm caused by the violations.

Mt. Joy exhibited a high degree of negligence by failing to implement actions that ensured timely compliance with both its NPDES permit and CD deadlines. As a grade II certified wastewater operator (#8781), Dan Peeters has failed to use reasonable care or judgment or to apply knowledge or ability in performing duties of a certified operator by failing to submit complete



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records and knowingly omitting data from monthly report forms that were necessary to verify Mt. Joy's ability to comply with NPDES final limits. No remedial efforts have been taken to mitigate these violations.

As such, \$3,000 is assessed for this factor.

- d. Mitigating or Aggravating Factors - 567 IAC 10 instructs the DNR to consider other relevant factors which arise from the circumstances of each case.

There is no documentation to show Mt. Joy contacted the DNR to "rework the scope of the project" as recommended in his attorney's April 26, 2019 letter to the AG's Office. Mr. Peeters's failure to document a formal request from the DNR regarding an alternative remedy kept the timelines in the CD construction schedule relevant and ultimately delayed implementation of a final remedy by several years. This is considered an aggravating factor.

As such, \$1,000 is assessed for this factor.

**VII. APPEAL RIGHTS**

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

CC: Bradley Adams, Field Office #6