

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

**IN THE MATTER OF:**

**Robins Landing, LLC and Boomerang Corp.**

**Linn County, Iowa**

**ADMINISTRATIVE  
CONSENT ORDER**

**NO. 2024-WW-07**

**TO** Bryce Ricklefs, Robins Landing, LLC  
PO Box 106  
Anamosa, IA  
52205

Bryce Ricklefs, Boomerang Corp.  
PO Box 106  
Anamosa, IA  
52205

Jonathan Dusek Registered Agent  
Robins Landing, LLC  
222 3<sup>rd</sup> Ave. SE  
Cedar Rapids, IA  
52401

**I. SUMMARY**

This administrative consent order (order) is entered into by the Robins Landing, LLC and Boomerang Corp. (collectively referred to as Robins Landing) and the Iowa Department of Natural Resources (Department). The parties hereby agree to the issuance of this order due to violations of Robins Landing's stormwater National Pollutant Discharge Elimination System (NPDES) permit which includes an illegal discharge to a water of the state. Robins Landing agrees to pay an administrative penalty of \$8,000.00. In the interest of avoiding litigation, the parties have agreed to resolve the violations alleged herein through entry of this order.

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

**Relating to technical requirements:**

Chris Gelner  
IDNR Field Office 1  
Iowa Department of Natural Resources  
1101 Commercial Ct., Ste. 10  
Manchester, Iowa 52057  
Phone: 563-927-2640

**Relating to legal requirements:**

Carrie Schoenebaum, Attorney  
Iowa Department of Natural Resources  
6200 Park Ave.  
Des Moines, Iowa 50321  
Phone: 515-444-8165

**Payment of penalty to:**

Iowa Department of Natural Resources  
6200 Park Ave.  
Des Moines, Iowa 50321

**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. On June 1, 2022, Robins Landing was issued a notice of coverage under NPDES General Permit No. 2 for stormwater discharge associated with construction activity at the location of the Robins Landing Construction North of Towers Terrace Road (site). This permit listed Bryce Ricklefs of Boomerang Corp. and Robins Landing, LLC as the owner. This site is approximately 150 acres and is located at Section 29, Township 84, Range 7 W in Linn County, Iowa.
2. On February 9, 2024, the Department received a complaint alleging that sediment laden water was flowing off the construction site and that sediment and erosion controls installed on the site were in disrepair. Because this site is located within the City of Robins, a Municipal Separate Storm Sewer System (MS4), the complaint was sent to the City to investigate.
3. On April 1, 2024, the City notified Robins Landing of numerous violations.
4. On April 16, 2024, the City requested that the Department assist with achieving compliance at the site.
5. On April 17, 2024, the Department conducted a stormwater NPDES permit inspection at the above referenced site. Once on site, the Department met with Tim Turner, the project manager

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for this site, Matt Dicken, an Erosion Control Specialist and Brad Andes the Project Supervisor. All of these individuals are employees of Boomerang Corp., the grading contractor for the site. The Department observed that much of the ground on the site had been disturbed; however, no temporary stabilization methods had been installed prior to winter. The Department proceeded with a full investigation of the site and identified four areas of concern:

Area 1: This area receives stormwater runoff from the south portion of the site. Three rows of silt fence were installed on April 15, 2024. Two rock check dams that included buried fabric were installed. Sediment laden stormwater was observed flowing through and around the sediment and erosion control devices. Stormwater from this portion of the site flows into a grassed drainage ditch that flows north along the east property line.

Area 2: This area receives stormwater runoff from the middle portion of the site. A rock check dam was installed on April 4, 2024, and numerous rows of silt fence and rock check dams were installed on April 15, 2024. Sediment laden stormwater was observed flowing off a large disturbed area and it had overwhelmed the sediment and erosion control devices. Stormwater from this area flows into an unnamed tributary of Dry Creek. Sediment laden stormwater was observed flowing from this area through and around the sediment and erosion control devices into the unnamed tributary and into Dry Creek.

Area 3: This area receives stormwater runoff from the north portion of the site. A rock check dam was installed on April 4, 2024, and numerous rows of silt fence and rock check dams were installed on April 15, 2024. It appears that this area had a wet detention basin to hold stormwater runoff; however, the basin berm was breached allowing sediment laden stormwater to discharge to the east through two concrete culverts and into an unnamed tributary to Dry Creek.

Area 4: This area receives stormwater runoff from the northeast corner of the site. Silt fences were installed around the perimeter of the project as well as several locations in the drainage ditch. Sediment laden stormwater was observed flowing through a concrete culvert, through the silt fence and south into a grassed ditch where it infiltrated.

6. On April 19, 2024, a Notice of Violation (NOV) along with the above referenced inspection report was sent to Robins Landing. Included with this NOV was the relevant inspection report, recommended corrective actions, and a summary of the law.

**IV. CONCLUSIONS OF LAW**

The parties hereby agree to the following conclusions of law:

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 of law.

2. 567 IAC 61.3(2)“c” and “e” state:

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- c. Such waters shall be free from materials attributable to wastewater discharges or agricultural practices producing objectional color, odor or other aesthetically objectional conditions. [and]
- e. Such waters shall be free from substances, attributable to wastewater discharges or agricultural practices, in quantities which would produce undesirable or nuisance aquatic life.

The above stated facts demonstrate noncompliance with these provisions of law.

- 3. Subrule 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 noncompliance with this provision.

**V. ORDER**

THEREFORE, the Department orders, and Robins Landing consents to do, the following:

- 1. Cease all illegal discharges to waters of the state;
- 2. Pay an administrative penalty 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 \$10,000.00 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:

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.” An economic benefit was obtained by continuing to operate the construction site despite the discharge of sediment laden stormwater to a water of the state. Further, a significant cost was saved through the failure to implement adequate sediment and erosion controls. It’s reasonable to estimate that several thousand dollars were saved. Thus, it is reasonable to estimate that \$3,000.00 was saved. Therefore, \$3,000.00 is assessed for this factor.

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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 stormwater runoff from construction sites degrades surface water quality and deposits excess sediment in water channels. Sedimentation of Iowa's waterways is a serious problem, and regulatory agencies have recognized that uncontrolled runoff from construction sites is a significant contributor to these problems. Degraded water quality harms aquatic life, prevents the attainment of state water quality goals, and causes a decline in the quality of life generally. Such noncompliance thwarts the integrity of the water quality programs. Therefore, the amount of \$2,000.00 is assessed for this factor.

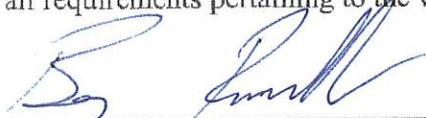
c. **Culpability.** Robins Landing is engaged in the business of property development. This is a highly regulated activity and therefore it has an obligation to be aware of the applicable regulations and comply with those regulations. Therefore, the amount of \$3,000.00 is assessed for this factor.

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 of the Robins Landing. By signing this order, all rights to appeal this order are waived.

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.

  
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On behalf of Robins Landing, LLC

Dated this 11 day of

June, 2024

  
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On behalf of Boomerang Corp.

Dated this 11 day of

June, 2024

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Kayla Lyon, DIRECTOR  
IOWA DEPARTMENT OF NATURAL RESOURCES

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Robins Landing, LLC, Boomerang Corp. Copy of Order to Courtney Cswercko, FO 1, Carrie Schoenebaum- Legal Services Bureau, U.S. E.P.A, I.C.7.b.