

**IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE ORDER**

IN THE MATTER OF: City of Randalia NPDES Permit #3361001 Fayette County, Iowa	ADMINISTRATIVE ORDER NO. 2024-WW-17
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TO: Dean Teague, Mayor
City of Randalia
PO Box 465
Randalia, IA 52164

Katrina Lane, City Clerk
City of Randalia
PO Box 465
Randalia, IA 52164

I. SUMMARY

This administrative order (Order) is requires the City of Randalia (City) to comply with the provision in Section V of this Order, subject to its appeal rights stated in this Order.

Any questions regarding this Order should be directed to:

Relating to technical requirements:

Ben Hucka, NPDES Municipal/Pretreatment
Coordinator
Iowa Department of Natural Resources
6200 Park Ave. Ste 200
Des Moines, Iowa 50321
Phone: 515-537-3015

Relating to legal requirements:

Carrie Schoenebaum, Attorney for the DNR
Iowa Department of Natural Resources
6200 Park Ave. Ste 200
Des Moines, Iowa 50321
Phone: 515-444-8165

Appeal or payment of penalty to:

Iowa Department of Natural Resources
6200 Park Ave. Ste 200
Des Moines, Iowa 50321
Phone: 515-537-3015

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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

1. The City operates a wastewater treatment facility (WWTF) located at Section 23, T93N, R09W in Fayette County, Iowa. This location is locally known as 14799 160th Street Randalia, Iowa. This WWTF is operated pursuant to NPDES permit No. 3361001, which was issued on July 1, 2019. This permit expires on June 30, 2024. Pursuant to the permit and Department rules, a renewal application was due to the Department 180 days prior to its expiration. To date, a complete NPDES renewal application has not been submitted to the Department.
2. On August 15, 2023, the Department sent the City an application for renewal of NPDES permit No. 3361001. This letter reminded the City that the permit expired on June 30, 2024, and that a renewal application was due 180 days before the permit expired.
3. On March 5, 2024, a Notice of Violation (NOV) was sent to the City for failure to submit a renewal application for the above referenced NPDES permit by January 2, 2024, as required by the permit.
4. On April 18, 2024, the City submitted to the Department an incomplete permit renewal application.
5. On April 22, 2024, the Department responded to the incomplete permit application via e-mail and informed the City exactly what information was needed to complete the application.

IV. CONCLUSIONS OF LAW

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 60 through 69. 567 IAC

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64.3(1) prohibits the operation of a waste disposal system without or contrary to the terms of a permit. The above stated facts demonstrate noncompliance with these provisions.

2. 567 IAC 64.8(1)“a” requires “any operation or NPDES permittee who wishes to continue to discharge after the expiration date of the permit shall file an application for reissuance of the permit at least 180 days prior to the expiration of the permit[.]” The above stated facts demonstrate noncompliance with this provision of law.

3. NPDES permit No. Standard condition 10 requires that a complete permit application be filed at least 180 days prior to the expiration date of this permit. The above stated facts demonstrate noncompliance with this provision of law.

V. ORDER

Therefore, the Department orders the City of Randalia to do the following:

1. The City shall submit a complete NPDES permit application no later than 60 days following the Director’s signature of this Order; and
2. The City shall pay a penalty in the amount of \$1,000.00 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 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 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 10.30(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 10.30(1) further states, “reasonable estimates of economic benefit should be made where clear data are not available.” At this time the Department is not assessing an economic benefit.

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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 timely renew an NPDES permit thwarts the integrity of the NPDES permit and water quality program. Therefore, the amount of \$500.00 is assessed for this factor.

c. Culpability. The City operates a WWTF. This is a highly regulated activity and therefore the City has an obligation to be aware of the applicable regulations and comply with those regulations. The Department communicated to the City the need to submit the renewal application. Nevertheless, the complete application was not submitted. Therefore, the amount of \$500.00 is assessed for this factor.

VII. APPEAL RIGHTS

Pursuant to Iowa Code section 455B.175(1)(a) 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.

Kayla Lyon, DIRECTOR
Iowa Department of Natural Resources