

**IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE ORDER**

IN THE MATTER OF:

**Country Living MHP LLC, Ignite
Communities, Crown Communities,
LLC, Kodiak Property Management dba
Kodiak Property Management Inc**

**NPDES Permit #7700605
Polk County, Iowa**

ADMINISTRATIVE ORDER

NO. 2024-WW-18

TO: Danya Mallad and/or Heath Biddlecome
Kodiak Property Management
P.O. Box 1056
Carpinteria, CA 93014-1056

Ignite Communities/Crown Communities, LLC
1712 Pioneer Ave STE 2117
Cheyenne, WY 82001

Alexander Lee Cabot, Kodiak Property Management
1712 Pioneer Ave STE 2117
Cheyenne, WY 82001

Kodiak Property Management RA
400 Locust St. STE 400
Des Moines, IA 50309

Country Living MHP LLC
P.O. Box 1056
Carpinteria, CA 93014-1056

Country Living MHP, LLC
P.O. Box 906
Summerland, CA 93067

Country Living MHP LLC, RA
400 Locust St. STE 400
Des Moines, IA 50309

IOWA DEPARTMENT OF NATURAL RESOURCES

ADMINISTRATIVE ORDER

ISSUED TO: Country Living MHP LLC, Ignite Communities, Crown Communities, LLC, Kodiak Property Management dba Kodiak Property Management Inc

I. SUMMARY

This Order requires Country Living MHP LLC, Ignite Communities, Crown Communities, LLC, Kodiak Property Management dba Kodiak Property Management Inc (collectively referred to as Country Living) to comply with the provisions 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:

Bryan Bunton, Environmental Specialist
Senior
Iowa Department of Natural Resources
6200 Park Avenue, Suite 200
Des Moines, Iowa 50321
Phone: 515-201-3128

Relating to legal requirements:

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

Appeal or Payment of penalty to:

Director
Department of Natural Resources
6200 Park Avenue, Suite 200
Des Moines, Iowa 50321

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. Country Living operates a wastewater treatment facility (WWTF) located at Section 34, T80N, R23W in Polk County, Iowa. This location is locally known as 6930 NE 56th Street, Altoona, IA 50009. This WWTF was operated pursuant to NPDES permit No. 7700605, which was issued on June 1, 2015, with a compliance schedule for Ammonia Nitrogen and *E. coli*. This compliance schedule was final October 1, 2019. The NPDES

IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE ORDER

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Property Management dba Kodiak Property Management Inc

permit was amended on September 26, 2017, to reflect the current owner (Country Living), and was reissued on September 1, 2020.

2. Between September 1, 2017 and September 1, 2024, Country Living violated 305 effluent limits contained in its NPDES permit. All of these effluent limit violations are listed in the below table:

Effluent Limit Violations 9/1/2017 - 9/1/2024 - DO, NH3-N, and CBOD5																
COUNTRY LIVING MOBILE HOME PARK - 7700605																
Altoona EPA #:IA0068004	7DAY - LBS/DAY		AVERAGE- LBS/DAY		DAILY MAX - LBS/DAY		7DAY - MG/L		AVERAGE - MG/L		DAILY MAX - MG/L		DAILY MIN- MG/L		Month Total	
	Limit	DMR	Limit	DMR	Limit	DMR	Limit	DMR	Limit	DMR	Limit	DMR	Limit	DMR		
Outfall: 002																
11/2017	DO													5	3.4	1
1/2018	DO													5	2.0	1
2/2018	DO													5	4.0	1
3/2018	DO													5	4.4	1
4/2018	DO													5	4.1	1
5/2018	NH3-N								20.0	23.7	20.0	23.7				2
6/2018	DO													5	0.8	1
8/2018	NH3-N								11.0	12.5	11.0	12.5				2
	DO													5	1.2	1
9/2018	NH3-N								13.2	20.2	13.2	20.2				2
	DO													5	2.4	1
10/2018	NH3-N								18.9	19.3	18.9	19.3				2
11/2018	DO													5	2.1	1
12/2018	DO													5	2.3	1
1/2019	DO													5	2.2	1
2/2019	DO													5	1.3	1
3/2019	DO													5	2.0	1
7/2019	NH3-N								13.3	13.4	13.3	13.4				2
	DO													5	2.1	1
8/2019	DO													5	2.1	1
9/2019	NH3-N			6.2	6.7	6.2	6.7		13.2	36.5	13.2	36.5				4
	DO													5	1.0	1
10/2019	NH3-N			0.8	5.6	0.8	5.6		2.7	30.7	2.7	30.7				4
	DO													5	3.0	1
11/2019	NH3-N			0.8	3.3	0.8	3.3		2.7	18.0	2.7	18.0				4
12/2019	NH3-N			1.2	3.3	1.2	3.3		3.9	17.9	3.9	17.9				4
1/2020	NH3-N			1.6	4.2				5.2	23.1	19.9	23.1				3
	DO													5	4.1	1
2/2020	NH3-N			1.8	4.1	2.7	4.1		5.8	22.4	8.4	22.4				4
	DO													5	3.2	1
3/2020	NH3-N			1.2	3.9	1.2	3.9		3.9	21.3	3.9	21.3				4
	DO													5	2.9	1
4/2020	NH3-N			0.7	2.2	1.5	2.2		2.1	11.9	4.7	11.9				4
5/2020	NH3-N			0.6	4.3	1.0	4.3		1.8	23.7	3.2	23.7				4
	DO													5	4.1	1
6/2020	NH3-N			0.4	4.4	1.0	4.4		1.3	24.2	3.2	24.2				4
	DO													5	2.3	1
7/2020	NH3-N			0.3	4.9	1.0	4.9		1.1	26.5	3.2	26.5				4

IOWA DEPARTMENT OF NATURAL RESOURCES

ADMINISTRATIVE ORDER

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	DO												5	2.9	1
8/2020	NH3-N			0.3	6.8	0.8	6.8			1.0	37.0	2.7	37.0		4
	DO												5	2.2	1
9/2020	NH3-N			0.5	5.8	0.8	5.8			1.5	31.7	2.7	31.7		4
	DO												5	0.3	1
10/2020	NH3-N			0.8	5.4	0.8	5.4			2.7	29.4	2.7	29.4		4
	DO												5	0.9	1
11/2020	NH3-N			0.8	4.8	0.8	4.8			2.7	26.3	2.7	26.3		4
	DO												5	4.6	1
12/2020	NH3-N			1.2	5.4	1.2	5.4			3.9	29.4	3.9	29.4		4
	DO												5	1.9	1
1/2021	NH3-N			1.6	4.6					5.2	33.4	19.9	33.4		3
	CBOD5			7.9	10.3			40	74	25.0	74.0				3
	DO												5	0.3	1
2/2021	NH3-N			1.8	7.4	2.7	7.4			5.8	33.7	8.4	33.7		4
	CBOD5	12.7	20.4	7.9	20.4			40	93	25.0	93.0				4
	DO												5	0.3	1
3/2021	NH3-N			1.2	3.2	1.2	3.2			3.9	22.0	3.9	22.0		4
	CBOD5							40	48	25.0	48.0				2
	DO												5	0.3	1
4/2021	NH3-N			0.7	2.0	1.5	2.0			2.1	15.4	4.7	15.4		4
	CBOD5									25.0	37.0				1
5/2021	NH3-N			0.6	3.4	1.0	3.4			1.8	23.4	3.2	23.4		4
	DO												5	0.3	1
6/2021	NH3-N			0.4	1.1	1.0	1.1			1.3	7.2	3.2	7.2		4
	DO												5	0.3	1
7/2021	NH3-N			0.3	4.5	1.0	4.5			1.1	29.0	3.2	29.0		4
	DO												5	0.3	1
8/2021	NH3-N			0.3	5.9	0.8	5.9			1.0	33.5	2.7	33.5		4
	DO												5	0.3	1
9/2021	NH3-N			0.5	5.4	0.8	5.4			1.5	37.0	2.7	37.0		4
	DO												5	0.3	1
10/2021	NH3-N			0.8	6.8	0.8	6.8			2.7	40.1	2.7	40.1		4
	DO												5	0.3	1
11/2021	NH3-N									2.7	27.4	2.7	27.4		2
	DO												5	1.6	1
12/2021	NH3-N									3.9	26.8	3.9	26.8		2
	DO												5	2.7	1
1/2022	NH3-N									5.2	30.8	19.9	30.8		2
	DO												5	2.7	1
2/2022	NH3-N									5.8	28.8	8.4	28.8		2
	DO												5	3.0	1
3/2022	NH3-N									3.9	12.4	3.9	12.4		2
	DO												5	3.2	1
4/2022	NH3-N									2.1	13.9	4.7	13.9		2
	DO												5	3.4	1
5/2022	NH3-N									1.8	13.4	3.2	13.4		2
	DO												5	1.6	1
6/2022	NH3-N			0.4	4.7	1.0	4.7			1.3	20.7	3.2	20.7		4
	DO												5	0.3	1
7/2022	NH3-N			0.3	5.7	1.0	5.7			1.1	23.6	3.2	23.6		4
	DO												5	0.3	1
8/2022	NH3-N			0.3	6.1	0.8	6.1			1.0	24.0	2.7	24.0		4
	DO												5	0.3	1

IOWA DEPARTMENT OF NATURAL RESOURCES

ADMINISTRATIVE ORDER

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9/2022	NH3-N									1.5	25.2	2.7	25.2			2
	DO													5	0.3	1
10/2022	NH3-N									2.7	26.0	2.7	26.0			2
	DO													5	1.7	1
11/2022	NH3-N		0.8	1.6	0.8	1.6				2.7	25.1	2.7	25.1			4
	DO													5	3.0	1
12/2022	NH3-N									3.9	29.5	3.9	29.5			2
	DO													5	1.3	1
1/2023	NH3-N									5.2	29.0	19.9	29.0			2
	DO													5	1.1	1
2/2023	DO													5	1.9	1
3/2023	NH3-N		1.2	4.0	1.2	4.0				3.9	24.8	3.9	24.8			4
4/2023	NH3-N		0.7	2.6	1.5	2.6				2.1	18.0	4.7	18.0			4
	DO													5	2.1	1
5/2023	NH3-N		0.6	3.0	1.0	3.0				1.8	19.2	3.2	19.2			4
	DO													5	2.7	1
6/2023	NH3-N		0.4	4.4	1.0	4.4				1.3	32.7	3.2	32.7			4
	DO													5	0.3	1
7/2023	NH3-N		0.3	3.5	1.0	3.5				1.1	29.0	3.2	29.0			4
	DO													5	0.3	1
8/2023	NH3-N		0.3	3.9	0.8	3.9				1.0	28.7	2.7	28.7			4
	DO													5	0.3	1
9/2023	NH3-N		0.5	3.9	0.8	3.9				1.5	26.5	2.7	26.5			4
	DO													5	0.6	1
11/2023	NH3-N		0.8	3.0	0.8	3.0				2.7	25.7	2.7	25.7			4
	DO													5	2.5	1
12/2023	NH3-N		1.2	3.9	1.2	3.9				3.9	37.0	3.9	37.0			4
	DO													5	4.1	1
1/2024	NH3-N		1.6	5.5						5.2	38.5	19.9	38.5			3
	DO													5	2.8	1
2/2024	NH3-N		1.8	4.1	2.7	4.1				5.8	38.9	8.4	38.9			4
	DO													5	4.0	1
3/2024	NH3-N		1.2	3.4	1.2	3.4				3.9	32.9	3.9	32.9			4
4/2024	NH3-N		0.7	2.2	1.5	2.2				2.1	20.1	4.7	20.1			4
	DO													5	3.2	1
5/2024	NH3-N		0.6	1.6	1.0	1.6				1.8	16.5	3.2	16.5			4
	CBOD5									25.0	27.0					1
	DO													5	1.2	1
6/2024	NH3-N		0.4	2.2	1.0	2.2				1.3	21.4	3.2	21.4			4
	CBOD5						40	57		25.0	57.0					2
	DO													5	0.8	1
7/2024	NH3-N		0.3	2.6	1.0	2.6				1.1	23.2	3.2	23.2			4
	DO													5	0.9	1
8/2024	NH3-N		0.3	2.8	0.8	2.8				1.0	22.6	2.7	22.6			4
	DO													5	1.0	1

IOWA DEPARTMENT OF NATURAL RESOURCES

ADMINISTRATIVE ORDER

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Effluent Limit Violations 9/1/2017 - 9/17/2024 - PH & E.COLI								
COUNTRY LIVING MOBILE HOME PARK - 7700605								
Altoona EPA #:IA0068004		AVERAGE- #/100 ML		DAILY MAX- STD UNITS		DAILY MIN- STD UNITS		Month Total
		Limit	DMR	Limit	DMR	Limit	DMR	
Outfall: 002								
'9/2021	PH					6.5	1.0	1
3/2023	PH					6.5	6.1	1
8/2023	E.COLI	126	4,100					1
11/2023	E.COLI	126	1,200					1
4/2024	PH			9.0	9.1			1
5/2024	E.COLI	126	24,000					1
'8/2024	E.COLI	126	434					1

Total, All Parameters: 305

IOWA DEPARTMENT OF NATURAL RESOURCES

ADMINISTRATIVE ORDER

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3. On January 20, 2021, and August 22, 2023, the Department conducted routine compliance inspections that documented numerous violations in addition to the above effluent limit violations. Specifically, the Department observed the following violations:

1. Broken influent flow meters;
2. Broken aerators in the primary and secondary lagoon cells;
3. Several tears in the lagoon liner of each cell; and
4. A breaker for lift station pump No. 2 was not working.

In response to each compliance inspection a Notice of Violation (NOV) was sent to Country Living. Each NOV detailed the repair and maintenance necessary to come into compliance with the NPDES permit. However, to date, no repair and maintenance has been done.

4. The Department sent Country Living NOVs on the following dates: October 6, 2017, February 3, 2020, September 1, 2020, January 27, 2021, November 5, 2021, March 25, 2022, October 31, 2022, August 24, 2023, and May 30, 2024. Included in each NOV was a summary of the relevant law, the violations, and recommended corrective actions. In all of these NOVs the Department requested a response from Country Living detailing the steps it would take to come into compliance. However, the only response received was on November 18, 2022. In this response, Country Living stated that they were working on a plan to connect to the City of Altoona's sewer service. Country Living also stated that it will maintain active communication with the Department. To date, Country Living has not connected to the City of Altoona's sewer service and there has been no additional communication with the Department.

IV. CONCLUSIONS OF LAW

1. Iowa Code section 455B.173 provides that the Environmental Protection Commission (Commission) shall adopt rules related to water quality standards, pretreatment standards, and effluent standards. The Commission has adopted such rules at 567 IAC chapters 61 through 64.

2. Iowa Code section 455B.186 prohibits the discharge of pollutants into waters of the state, except for adequately treated pollutants discharged in accordance with rules adopted by the Commission. Additionally, 567 IAC 62.1(1) prohibits the discharge of wastewater into a navigable water unless authorized by an NPDES permit. The above stated facts demonstrate noncompliance with these provisions of law.

3. 567 IAC 64.3(1) prohibits the operation of any wastewater disposal system in violation of a permit issued to that system. The above stated facts demonstrate noncompliance with this provision of law.

4. 567 IAC 64.7(7) "f" requires "that the permittee at all times shall maintain in good working order and operate as efficiently as possible any facilities or systems of treatment and

IOWA DEPARTMENT OF NATURAL RESOURCES

ADMINISTRATIVE ORDER

ISSUED TO: Country Living MHP LLC, Ignite Communities, Crown Communities, LLC, Kodiak Property Management dba Kodiak Property Management Inc

control which have been installed or are used by the permittee to achieve compliance with the terms and conditions of the permit.” The above stated facts demonstrate noncompliance with this provision of law.

V. ORDER

1. No later than July 1, 2025, submit a facility plan for all WWTF upgrades necessary to comply with Country Living’s NPDES permit;
2. No later than January 1, 2026, submit final plans and specifications for the WWTF upgrades;
3. No later than December 1, 2028, complete construction of all WWTF upgrades necessary to comply with Country Living’s NPDES permit; and
4. Country Living shall pay a penalty in the amount of \$10,000.00 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.” An economic benefit was obtained by continuing to operate the WWTF in noncompliance with its NPDES permit and through delaying the necessary upgrades to the WWTF. Therefore, \$3,500.00 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,

IOWA DEPARTMENT OF NATURAL RESOURCES

ADMINISTRATIVE ORDER

ISSUED TO: Country Living MHP LLC, Ignite Communities, Crown Communities, LLC, Kodiak Property Management dba Kodiak Property Management Inc

noncompliance with an NPDES permit thwarts the integrity of the NPDES permit and water quality program as a whole. Therefore, the amount of \$3,500.00 is assessed for this factor.

c. Culpability. Country Living operates a WWTF. This is a highly regulated activity and therefore Country Living has an obligation to be aware of the applicable regulations and comply with those regulations. The Department communicated the need to comply with Country Living's NPDES permit on multiple occasions. Nevertheless, the permit was not complied with and illegal discharges have occurred. Therefore, the amount of \$3,000.00 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.

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 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

NPDES #7700605; Field Office #5; Carrie Schoenebaum; EPA; Water Quality Bureau; I.B.2.c.C.1

IOWA DEPARTMENT OF NATURAL RESOURCES

ADMINISTRATIVE ORDER

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Property Management dba Kodiak Property Management Inc