

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

<b>IN THE MATTER OF:</b>  <b>NORTHEND MHP</b>  NPDES Permit # 3100611	<b>ADMINISTRATIVE CONSENT ORDER</b>  NO. <del>2023-WW--</del> 2024-WW-20
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**TO:** Todd L. Stevenson  
Kane, Norby & Reddick, P.C  
2100 Asbury Rd # 2  
Dubuque, IA 5200

Kimberly Jaeger  
17500 S. John Deere Road,  
Dubuque, IA 52001

**I. SUMMARY**

This administrative consent order (Order) is entered into between Northend MHP (Northend) and the Iowa Department of Natural Resources (DNR) for the purpose of resolving violations related to Northend's failure to timely install a disinfection treatment system for its wastewater treatment facility, collect required sampling, and complete its discharge monitoring report (DMR). As detailed below, Northend agrees to collect required sampling, submit its discharge monitoring reports (DMRs) on time, otherwise comply with its NPDES permit, and pay an administrative penalty of \$3,000.

Any questions regarding this Order should be directed to:

**Relating to technical requirements:**

Michele Smith, Env. Specialist Senior  
DNR Field Office 1  
1101 Commercial Ct, Suite 10  
Manchester, Iowa 52057  
(563) 927-2640

**Relating to legal requirements:**

Bradley Adams  
Attorney for DNR  
6200 Park Ave., Ste. 200  
Des Moines, IA 50321  
(515) 664-8894

**Payment of penalty to:**

Director of the Iowa DNR  
6200 Park Ave., Ste. 200  
Des Moines, IA 50321

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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. Northend is a semi-public wastewater treatment facility located at 17500 John Deere Road in Dubuque, Iowa, that currently accepts waste from approximately 40 people living in 19 mobile homes and one apartment unit. The treatment system consists of a primary septic tank followed by a plastic media trickling filter followed by another septic tank that acts as a settling tank prior to discharge at the outfall.
2. On September 21, 2015, the facility was issued a National Pollutant Discharge Elimination System (NPDES) permit with an E. coli compliance schedule. A treatment system was to be installed by September 1, 2019 and said system was to meet E. coli limits by October 1, 2019.
3. On March 31, 2017, Kim Jaeger (Northend's registered agent) emailed DNR Field Office 1 (FO1) and stated that Northend intended to hire an engineering company and proceed with installing the disinfection system.
4. On February 25, 2019, a Letter of Non-compliance was issued to Northend for failure to submit information regarding compliance schedule milestones.
5. On July 31, 2019, FO1 inspected the property and issued a Notice of Violation (NOV) for failure to comply with scheduling milestones regarding the treatment system. A written response was required by August 20, 2019.
6. On August 20, 2019, no written response was received from Northend.
7. On September 5, 2019, FO1 contacted Ms. Jaeger to remind her of the written response requirement. Ms. Jaeger later emailed FO1 with a response to the inspection. No additional information regarding the future construction schedule was submitted following this email.
8. On January 27, 2020, FO1 issued another NOV for failure to meet the NPDES permit E. coli compliance schedule. A response was due from Northend within 15 days.

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9. On January 31, 2020, FO1 staff visited the site to ensure the location of the proposed disinfection treatment facility would meet separation distances. The location was approved.
10. On June 2, 2020, a construction permit was issued to Northend for the installation of a UV treatment system.
11. On September 28, 2020, the compliance schedule was removed from the NPDES permit due to a term of the original permit stating "In 2020, Northend MHP is set to install a UV disinfection unit."
12. On December 1, 2020, a NPDES permit was issued to Northend with E. coli limits based on the presumed installation of a UV disinfection unit.
13. On June 23, 2022, FO1 inspected the site and found that the UV system was not installed. An NOV was issued to Northend with a response due by July 23, 2022.
14. On July 28, FO1 received a response to the June 23 NOV from Northend that stated that the person historically responsible for the system had passed away in January of 2022, and installation had not been completed due to supply chain and staffing issues.
15. On December 20, 2022, FO1 issued another NOV for Northend's failure to comply with the terms of its permit.
16. On February 24, 2023, FO1 emailed Ms. Jaeger for information regarding the installation of UV treatment. No response was given.
17. On March 2, 2023, FO1 again emailed Ms. Jaeger for information regarding the installation of UV treatment. That same day, Ms. Jaeger responded to the email regarding UV treatment by stating she forwarded FO1's email to Kevin Jaeger as he is handling the project. No response was received from Kevin Jaeger. FO1 later that day emailed Ms. Jaeger regarding the need for Northend to collect five E. coli samples in one month.
18. On March 3, 2023, FO1 issued an NOV to Northend for failure to meet E. coli and ammonia effluent limits and failure to collect E. coli samples.
19. On June 9, 2023, FO1 issued another NOV to Northend for failure to meet E. coli effluent limits and failure to collect E. coli samples.
20. On September 23, 2023, FO1 issued a final NOV to Northend for failure to meet E. coli effluent limits and failure to collect E. coli samples.

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21. On October 25, 2023 the DNR received a communication from counsel retained by Northend stating that Northend would commence construction of a disinfection treatment facility immediately. Negotiations between DNR and Northend continued throughout the construction of the system.
22. In August of 2024, FO1 confirmed that Northend's disinfection treatment system was installed and that the facility was compliant with Iowa law.

**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. 567 IAC 64.3(1) prohibits the operation of a wastewater disposal system without or contrary to the terms of a permit. 567 IAC 62.1(1) prohibits the discharge of any pollutant from a point source to a navigable water unless authorized by an NPDES permit.
2. 567 IAC 63.7 requires the submittal of all records of operation within 15 days of the close of the reporting period as specified in an NPDES permit.
3. 567 IAC 63.9 requires the submittal of complete monitoring results required by law.
4. 567 IAC 63.12 states that permit holders must report any permit-related noncompliant event that may endanger human health or the environment to the appropriate DNR field office within 24 hours after the permit holder becomes aware of the noncompliant event. The permit holder must submit a written description of: (1) the noncompliant event and its cause, (2) the date(s) and time(s) of the noncompliant event(s), (3) whether the noncompliance has been corrected (or an estimate of how long it will take to bring the system into compliance), and (4) the steps taken to prevent future noncompliant events.

The facts stated above establish violations of these regulatory provisions.

**V. ORDER**

Therefore, DNR orders and Northend agrees to the following:

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1. Northend shall comply with all terms of its NPDES permit, including sample collection and the standard conditions.
2. Northend shall submit complete DMRs in a timely manner.
3. Northend shall pay an administrative penalty of \$3,000.00 within 30 days of the effective date of this order.

## 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. 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 \$3,000.00 for the violations described above. The administrative penalty is determined as follows:

- a. Economic Benefit – Economic Benefit: 567 IAC chapter 10 requires that the DNR consider the costs saved or that were likely to be saved by noncompliance. 567 IAC 10.30(1) states that “where a violator realizes an economic benefit through the violation or by not taking timely compliance or corrective measures, the department shall take enforcement action which includes penalties to 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.”

Northend has avoided costs necessary to consistently collect the required samples, both grab and composite, from 2019 to December of 2023. The facility also delayed construction, depreciation, and maintenance costs associated with required wastewater treatment upgrade to meet current E. coli effluent limits. However, the DNR accounts for Northend’s recent efforts in installing a compliant disinfection system.

As such, \$1,000 is assessed for economic benefit.

- 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.

Northend exceeded permitted effluent limits for CBOD<sub>5</sub>, TSS, NH<sub>3</sub>-N and E. coli. As this system has failed to collect numerous samples as

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required, it is unknown how frequently effluent limits have been exceeded. In addition, Northend failed to report daily maximum violations timely, which allows the DNR to engage the facility during these episodes in an effort to reduce the impact to the receiving stream. However, the DNR accounts for Northend's recent efforts in installing a compliant disinfection system.

As such, \$1,000 is assessed for gravity.

- 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.

Northend has been issued at least seven NOVs and/or reminders regarding the disinfection compliance schedule. Numerous attempts have been made to assist the owners with their DMRs and sample collection. Field office staff have frequently made attempts to coach the system into compliance. However, the DNR accounts for Northend's recent efforts in installing a compliant disinfection system.

As such, \$1,000 is assessed for culpability.

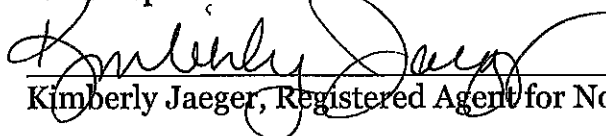
## VII. APPEAL RIGHTS

As this Order is entered by consent of the parties, there is no right of appeal.

## VIII. NONCOMPLIANCE

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 sections 455B.191 and 455B.224.

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Kayla Lyon, Director  
Iowa Department of Natural Resources

  
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Kimberly Jaeger, Registered Agent for Northend MHP

10/17/24  
Date

CC: Field Office #1