

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

<p>IN THE MATTER OF:</p> <p>DANIEL W. PEETERS & PEETERS DEVELOPMENT COMPANY INC. (d/b/a MT. JOY Mobile Home Park)</p> <p>NPDES Permit # #8222603</p>	<p style="text-align: center;">CONSENT AMENDMENT TO ADMINISTRATIVE ORDER</p> <p style="text-align: center;">NO. 2024-WW-02-S1</p>
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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

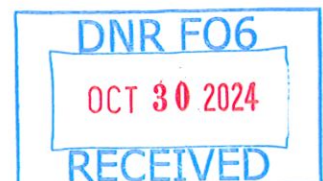
Daniel W. Peeters
2901 South 9th Ave.
Eldridge, Iowa 52748

Administrative Order No. 2024-WW-02 was issued to Daniel Peeters and Peeters Development Co., Inc. on March 7, 2024. The administrative order is amended as follows:

I. Section V, "ORDER," is rescinded and replaced with the following:

Therefore, DNR orders, and Mt. Joy and Daniel Peeters agree to the following:

1. The construction of the Decentralized Extended Aeration Wastewater Treatment Plant shall proceed according to the schedule below. Extensions for these deadlines may be granted, but such requests must be received in writing a reasonable amount of time before the listed deadline occurs.
 - a. Daniel Peeters, Mt. Joy or their representative shall submit Final Plans and Specifications to the DNR by December 31, 2024.
 - b. Daniel Peeters, Mt. Joy or their representative shall commence construction on the WWTP by May 1, 2025.
 - c. Daniel Peeters, Mt. Joy or their representative shall complete construction on the WWTP by July 31, 2025.



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d. The site shall comply with its final effluent limitations by September 30, 2025.

2. Mt. Joy and Daniel Peeters shall pay a \$5,000.00 penalty.

II. Section VI, "PENALTY," is rescinded and replaced with the following.

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 \$8,000.00 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.”

Mt. Joy’s NPDES permit requires Mt. Joy to collect five E. coli samples and calculate a geomean during three quarterly periods each year beginning October 1, 2020. 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.

As such, \$1,000.00 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’s failure to implement timely improvements and report the required monitoring data for these parameters both present a threatened harm to the environment, public health, and safety. In addition, non-compliance violates a Consent Decree and threatens the integrity of the regulatory program.

As such, \$2,000 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.

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Mt. Joy failed to comply with both its NPDES permit and the CD deadlines. As a grade II certified wastewater operator (#8781), Dan Peeters has failed to use reasonable care or judgment in performing duties of a certified operator. He failed to submit complete records and knowingly omitted data from monthly report forms that were necessary to verify Mt. Joy's ability to comply with NPDES final limits. However, the DNR also accounts for Mt. Joy's current good faith effort to come into compliance.

As such, \$2,000 is assessed for this factor.

III. Section VII. APPEAL RIGHTS is replaced with the following:

This Consent Amendment to Administrative Order No. 2024-WW-02 is entered into knowingly and with the consent of Dan Peeters and Peeters Development Company, Inc. For this reason, Dan Peeters and Peeters Development Company, Inc waives their individual rights to appeal this Consent Amendment to Administrative Order No. 2024-WW-02.

IV. In all other respects, Administrative Order No. 2024-WW-02 remains in full force and effect.

Any questions regarding this consent amendment 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, Attorney
Iowa Department of Natural Resources
6200 Park Ave. Ste. 200
Des Moines, IA 50321
515-664-8894

Kayla Lyon, Director
Iowa Department of Natural Resources

Daniel W. Peeters
Daniel W. Peeters
Owner of Peeters Development Company Inc.

October 26, 2024
Date

Daniel W. Peeters
Daniel W. Peeters

October 26, 2024
Date