

IOWA DEPARTMENT OF NATURAL RESOURCES

ADMINISTRATIVE CONSENT ORDER

IN THE MATTER OF: CITY OF MINGO Wastewater Facility No. 91-33-0-01	CONSENT AMENDMENT TO ADMINISTRATIVE CONSENT ORDER NO. 2010-WW-03-A4
--	--

To: Mayor and Council
City of Mingo
c/o Robert Perry, Mayor
City Hall
101 S. Station
Mingo, IA 50168

I. SUMMARY

This 4th amended administrative consent order (4th Amended Order) is entered into between the City of Mingo (City) and the Iowa Department of Natural Resources (Department) for the purpose of amending the previously established schedule for the construction of necessary improvements to Mingo's wastewater treatment and collection systems. The provisions of the Administrative Consent Order No. 2010-WW-03 (Original Order), 1st Amendment (No. 2010-WW-03-A1), 2nd Amendment (No. 2010-WW-03-A2), 3rd Amendment (No. 2010-WW-03-A3), and the Original Order (No. 2010-WW-03), except for those incorporated herein, are rescinded.

Any questions regarding this 4th Amended Order should be directed to:

Relating to technical requirements:

Brenda Smith, Field Office 5
Iowa Department of Natural Resources
6200 Park Ave. Ste. 200
Des Moines, Iowa 50321
Phone: 515-725-0268

Relating to legal requirements:

Rachel Zander, Attorney
Iowa Department of Natural Resources
6200 Park Ave. Ste. 200
Des Moines, Iowa 50321
Phone: 515-725-8248

Payment of penalty to:

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

IOWA DEPARTMENT OF NATURAL RESOURCES

II. JURISDICTION

This 4th Amended 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 1 and the rules adopted or permits issued pursuant thereto.

III. STATEMENT OF FACTS

The DNR and Mingo agree that the following facts are applicable to this matter:

1. The facts established in Section III of the 3rd Amendment are incorporated herein.
2. In 2024, based on the disadvantaged community analysis submitted by Veenstra & Kimm, the City of Mingo qualified as disadvantaged with regards to the proposed construction of an enhanced aerated lagoon system with UV disinfection at a projected cost of \$4,650,500.

IV. CONCLUSIONS OF LAW

The DNR and Mingo agree that the following conclusions of law are applicable to this matter:

1. Iowa Code section 455B.186 prohibits the discharge of pollutants into waters of the state, except for adequately treated pollutants discharged pursuant to a permit. Discharges in violation of Mingo's permit, including bypasses or sanitary sewer overflows, are violations of section 455B.186.
2. 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.
3. Pursuant to 567 IAC 63.6(1), bypasses from any portion of a treatment facility or from a sanitary sewer collection system designed to carry only sewage are prohibited. Mingo cannot comply with this requirement without further system improvements. Mingo is undertaking such improvements.
4. Pursuant to Iowa Code section 455B.199B and 567 IAC 64.7(5), the Department may provide for a schedule of compliance resulting in improvement of water quality and reasonable progress toward complying with applicable requirements when the Department determines that the regulated entity and affected community are a disadvantaged community.

IOWA DEPARTMENT OF NATURAL RESOURCES

V. ORDER

By the execution of this 4th Amended Order, the DNR orders and Mingo agrees to the schedule set forth below. This schedule supersedes and replaces the schedule set forth in the prior consent order and all associated amendments in its entirety.

1. By January 1 of each year during the term of this 4th Amended Order, Mingo shall submit a yearly update to DNR Field Office #5 detailing the progress toward completing the requirements of this Amended Order.

2. Submit an Annual Progress Report by August 1, 2025. This Annual Progress Report shall contain a brief update regarding the completion of an Alternatives Report.

3. Submit a 10-Year Sewer Fee Rate Structure Plan by August 1, 2025. The 10-Year Sewer Fee Rate Structure Plan shall provide for increased sewer fees in increments that are comparable to similar-sized communities.

4. Submit an Alternatives Report by August 1, 2026. The Alternatives Report shall be in accordance with 567 IAC 64.7(5)“g” and shall detail alternative pollution control measures that will be investigated and shall include a plan for pursuing funding options.

5. Submit an Annual Progress Report by August 1, 2027. This Annual Progress Report shall contain a brief update regarding the completion of an Alternatives Implementation Compliance Plan.

6. Submit an Alternatives Implementation Compliance Plan (AICP) by August 1, 2028. The AICP shall be in accordance with 567 IAC 64.7(5)“g” and shall include an updated Disadvantaged Community Analysis.

7. Complete a Self-Assessment Matrix and submit a Work Record Request form to DNR’s Wastewater Engineering Section by February 1, 2029. The forms and instructions are available on the DNR website at <https://www.iowadnr.gov/Environmental-Protection/Water-Quality/Wastewater-Construction/Construction-Permits>, and forms should be submitted via email to wastewater-engineering@dnr.iowa.gov.

8. Submit a Facility Plan by April 1, 2029. The Facility Plan shall be in accordance with Chapter 11.2 of the Iowa Wastewater Facilities Design Standards adopted April 25, 1979.

9. Submit progress report by January 1, 2030.

10. Submit final plans and specifications by July 1, 2030.

IOWA DEPARTMENT OF NATURAL RESOURCES

- 11. Award contract for construction of wastewater treatment improvements by December 1, 2030.
- 12. Submit progress report by September 1, 2031.
- 13. Complete construction of wastewater treatment improvements by April 1, 2032.
- 14. Achieve compliance with the more stringent limits by May 1, 2032.

VI. PENALTY

The terms of the "Penalty" section of the Original Order remains in full effect. The DNR reserves all discretion to assess administrative and civil penalties for violation of the terms of this 4th Amended Order or other applicable law.

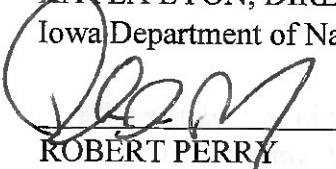
VII. APPEAL RIGHTS

Iowa Code section 455B.175(1), and 561 IAC 7.5(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 City. By signature to this order, the City waives all rights to appeal this order.

VIII. NONCOMPLIANCE

Failure to comply with this 4th Amended 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. Compliance with Section V "Order" of this order constitutes full satisfaction of all requirements pertaining to the violations described in this order.

KAYLA LYON, DIRECTOR
Iowa Department of Natural Resources



ROBERT PERRY, Mayor
Mayor, City of Mingo

~~XXXXXXXXXX~~
~~NovemberXXXXXXXXXX~~

Dated this 30th day of
November, 2024

FO5; Rachel Zander; EPA; VIII.C.2

CITY OF MINGO
RESOLUTION 25-12

RESOLUTION APPROVING MAYOR PERRY TO SIGN ADMINISTRATIVE CONSENT ORDER
FOR IOWA DEPARTMENT OF NATURAL RESOURCES

WHEREAS, the City Council of Mingo, Iowa has been issued a Consent Amendment to Administrative Consent Order No. 2010-WW-03-A4 in regard to the City of Mingo's Wastewater Facility No. 50.52.0.01

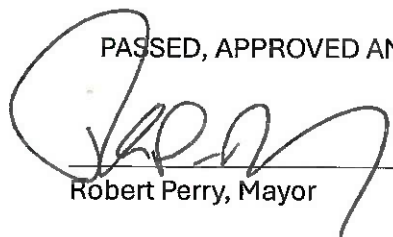
NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Mingo, that this confirms that the city council agrees to the Amendment to Administrative Consent Order No. 2010-WW-03-A3 and grants Mayor Perry permission to sign and return aforementioned amendment to IDNR.

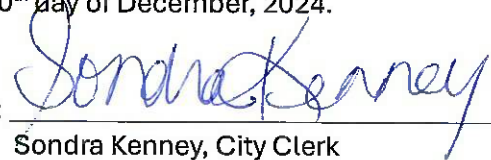
"I further certify that Gary Kristen moved for adoption of said Resolution and that Gary Kristen Seconded said motion.

ROLL CALL VOTE	AYE	NAY	ABSENT	ABSTAIN
Cory Bode	✓			
Gary Bartels	✓			
Kristen Crozier	✓			
Melanie Goaley-Pleggenkuhle	✓			
Sheri Phelps	✓			

"I hereby certify that the foregoing constitutes a true and complete copy of a Resolution duly adopted by the City Council of the City of Mingo, at a regular council meeting held December 10th, 2024, at which all council members were present except:

PASSED, APPROVED AND ADOPTED this 10th day of December, 2024.


Robert Perry, Mayor

ATTEST: 
Sondra Kenney, City Clerk