

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

IN THE MATTER OF: JUNE OYER, PARSONS DIEHL, LLC Wastewater Facility No. 6-29-00-6-00	CONSENT AMENDMENT TO ADMINISTRATIVE ORDER NO. 2011-WW-03-A1
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To: June Oyer, Organizer and President
Parsons Diehl, LLC
8018 Elizabeth Avenue
Kansas City, KS 66112

Administrative Order No. 2011-WW-03 (order) was issued to June Oyer, Organizer and President, Parsons Diehl, LLC (June Oyer), on January 14, 2011. The order imposed an administrative penalty of \$2,500.00. June Oyer filed a timely notice of appeal concerning the order. This consent amendment is agreed to in order to settle the appeal. The parties have settled all issues raised by the appeal, including the penalty. The consent amendment is agreed to in order to avoid the costs of further litigation and proceeding to hearing concerning this order. The following consent amendment is agreed to by the parties.

1. Section I. Summary is rescinded and replaced by the following.

This consent amendment to the order is agreed to by June Oyer and the Department of Natural Resources (Department). This consent amendment requires June Oyer to comply with the following requirements:

1. Properly close the wastewater treatment facility (WWTF) serving the mobile home park known as Plantation Village Mobile Home Park (Plantation Village), 4841 109th Avenue, Burlington, Iowa 52601 in accordance with the instructions of Field Office No. 6 (FO 6) and this consent amendment by May 1, 2013.
2. Pay an administrative penalty of \$2,500.00 if the WWTF is not closed in accordance with the instructions of FO 6 and this consent amendment by May 1, 2013.

2. Section II. Jurisdiction and Section III. Statement of Facts, paragraphs 1- 8, of the order, remain the same as in the order. New paragraph 9 is added to Section III of this order.

9. Certain residents of Plantation Village own their own lots and mobile homes located on the lots. A number of the lots are owned by Parsons Diehl, LLC. June

Oyer is the organizer and president of the LLC. As stated in the original order issued to June Oyer, an on-site mechanical plant and small lagoon provide wastewater treatment for the residents of Plantation Village. This WWTF has been in need of extensive repair or replacement for a number of years. Due to this need for repair or replacement, the order required that a preliminary engineering report be submitted to the Department. The report was required to include the alternative selected to correct the wastewater treatment deficiencies of the existing facility. Such alternatives would include upgrading the existing WWTF, replacing the existing WWTF with a new WWTF, or closing the existing WWTF. If the existing WWTF were closed and not replaced, residents and lot owners with tenants would need to install individual on-site wastewater treatment systems such as septic tank systems to provide wastewater treatment for the inhabited mobile homes. For lot owners that currently do not have habitable mobile homes on their lots or that have vacant habitable mobile homes on their lots, individual on-site wastewater systems will need to be installed for these lots to provide wastewater treatment for future inhabitation by lot owners or tenants. Individual on-site wastewater treatment systems installed at Plantation Village are required to be approved by the Des Moines County Sanitarian.

At the time of this consent amendment approximately six of the lots are currently occupied by tenants or lot owners. Two of the lot owners have installed individual septic tank systems for their mobile homes. One lot owner has indicated that she and her husband are in the process of moving to a home that they have built but are still using their mobile home. Two others have completed percolation tests for installation of septic tank systems but have not installed septic tank systems. Another lot owned by Parsons Diehl, LLC is occupied by family members of June Oyer. It has been indicated to the Department that the family members may possibly move out and that no septic tank system would be installed for the property at this time. Tenants have recently moved from a seventh lot due to the lot owner electing to not install a septic tank system for the property at this time.

3. Section IV. Conclusions of Law remains the same as in the original order.

4. Section V. Order is amended by rescinding Section V. and replacing it with new Section V., which reads as follows:

Therefore, the Department orders and June Oyer agrees to comply with the following provisions in order to cease, abate, and redress violations.

1. Properly close the WWTF serving the mobile home park known as Plantation Village, 4841 109th Avenue, Burlington, Iowa 52601 in accordance with the instructions of Field Office No. 6 (FO 6) and this consent amendment by May 1, 2013. Give notice to all property owners connected to the WWTF by January 1, 2013 that wastewater service to their lots will be discontinued as of April 1, 2013 and that by that date each lot owner would need to install individual on-site wastewater treatment systems to provide wastewater treatment for mobile homes on inhabited lots or elect to not provide wastewater treatment and not inhabit the lot.

Closure of the WWTF is required to include the following basic items. Additional requirements may be imposed as the need arises. Sludge is required to be removed from the mechanical portion of the WWTF and properly disposed of outside of Plantation Village. All influent lines entering the mechanical portion of the WWTF need to be identified and capped off. Dismantle and remove the mechanical portion of the WWTF from Plantation Village. The polishing pond is allowed to remain at Plantation Village for non-recreational use only. If any future recreational use of the polishing pond is anticipated, the sludge in the polishing pond is required to be removed and properly disposed of off the premises of Plantation Village prior to any recreational use. Contact Field Office No. 6 at (319) 653-2135 for further instructions concerning proper removal and disposal of sludge removed from the mechanical plant and the polishing pond. Contact Field Office No. 6 at (319) 653-2135 to arrange for a staff person to be present at the beginning of the removal of the mechanical portion of the treatment plant and to confirm that this work has been completed.

2. Pay an administrative penalty of \$2,500.00 if the WWTF is not closed in accordance with the instructions of FO 6 and this consent amendment by May 1, 2013. If the WWTF is properly closed by this date as instructed by FO 6 and this consent amendment, the penalty is waived.

5. Section VI. Penalty remains the same in this consent amendment.

6. Section VII. Appeal Rights is rescinded and replaced by the following.

This consent amendment to the order is entered into knowingly and with the consent of June Oyer. For this reason, June Oyer waives the right to appeal this consent amendment to the order. In all other respects, the order remains in full force and effect.

7. Section VIII. Noncompliance is rescinded and replaced by the following.

Compliance with Section V. of this consent amendment constitutes full satisfaction of all requirements pertaining to violations described in the order and this consent amendment. Failure to comply with this consent amendment 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 under Iowa Code section 455B.191.

For legal questions contact:

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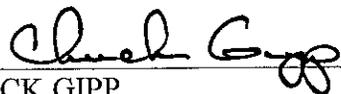
For assistance with technical requirements contact:

Brian Lee, Environmental Specialist
IDNR Field Office No. 6
1023 West Madison
Washington, Iowa 52353-2135
Phone: (319) 653-2135



JUNE OYER
ORGANIZER AND PRESIDENT
PARSONS DIEHL, LLC

Dated this 19th day of
November, 2012.



CHUCK GIPP
DIRECTOR
IOWA DEPARTMENT OF NATURAL RESOURCES

Dated this 5th day of
December, 2012.

June Oyer, Parsons Diehl, LLC (Plantation Village Mobile Home Park)- Wastewater Facility No. 6-29-00-6-00 (copy to Central Office Records Wastewater File), Brian Lee- Field Office No. 6, Diana L. Hansen- Legal Services Bureau, US EPA Region VII, I.B.2.a, I.B.2.c, I.B.2.d, and I.B.2.e

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