

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

IN THE MATTER OF: CITY OF SHENANDOAH UST NO. 199117444	ADMINISTRATIVE CONSENT ORDER NO. 2009-UT-11
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**Mail To: City of Shenandoah
Attn: Byron Harris, City Administrator
500 West Clarinda Ave.
Shenandoah, IA 51601**

I. SUMMARY

The Iowa Department of Natural Resources (Department) and the City of Shenandoah (City) have entered into this administrative consent order (Order) for the purpose of resolving violations of the Department's underground storage tank (UST) compliance inspection rules.

For questions regarding this Order contact the following:

Relating to technical requirements:

Paul Nelson
Iowa Department of Natural Resources
502 E 9th Street
Des Moines, Iowa 50319-0034
Ph: 515/281-8779

Relating to Legal Issues:

David L. Wornson, Attorney
Iowa Department of Natural Resources
502 E 9th Street
Des Moines, Iowa 50319-0034
Ph: 515/242-5817

II. JURISDICTION

This Order is issued pursuant to Iowa Code sections 455B.474(1)(f)(11) and 455B.476 which authorize the Director to issue any order necessary to secure compliance with Iowa Code Division IV, Part 8 and Environmental Protection Commission (Commission) rules contained in 567 Iowa Administrative Code (I.A.C.) Chapter 135. Iowa Code section 455B.109 and Commission rules at 567 I.A.C. Chapter 10 authorize the Director to assess administrative penalties up to \$10,000. Iowa Code section 17A.10 authorizes the use of informal settlements.

III. STATEMENT OF FACTS AND CONCLUSIONS OF LAW

1. Iowa Code section 455B.474(1)(i) authorizes the Commission to adopt rules to establish an UST certified compliance inspection program. Commission rule 567 I.A.C. 135.20 requires owners and operators of USTs to retain a compliance inspector certified by the Department pursuant to 567 I.A.C. Chapter 134, Part B, to complete a facility inspection and submit a report by December 31, 2007. Compliance inspections are subsequently required to be performed on a biennial basis.

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2. The City is the registered owner and operator of a 500 gallon UST located at the Shenandoah wastewater treatment plant at 4148 190th St., Shenandoah, Iowa.
3. On January 9, 2007, the Department mailed a letter informing the City of the December 31, 2007 deadline to complete a compliance inspection.
6. On June 10, 2008 the Department mailed a "Notice of Violation" letter to the City for its failure to complete an inspection report. The notice required submittal of the report no later than July 11, 2008. The compliance inspection was conducted on October 7, 2008 and was therefore more than 9 months overdue.

IV. ORDER

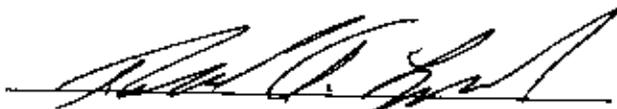
1. The City agrees to pay a penalty of \$1,000 to the order of the "Iowa Department of Natural Resources" within 30 days after receipt of this Order.

V. WAIVER OF APPEAL RIGHTS

Iowa Code section 455B.476 and Chapter 567 I.A.C. Chapter 7 authorize a written notice of appeal to the Commission. By signing this Order, the City waives all rights to appeal.

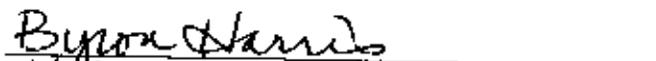
VI. NONCOMPLIANCE

Failure to comply with this Order may result in the imposition of administrative or civil penalties and referral to the Iowa Attorney General to obtain appropriate relief pursuant to Iowa Code sections 455B.476 and 455B.477. Compliance with the terms and conditions of this Order constitutes full satisfaction of all requirements pertaining to the violations described in this Order.



Dated this 12 day of Nov, 2009.

RICHARD A. LEOPOLD, DIRECTOR
IOWA DEPARTMENT OF NATURAL RESOURCES


w/ letter dated 11/2/09.

Dated this 3rd day of Nov, 2009

CITY OF SHENANDOAH
BY ITS AUTHORIZED REPRESENTATIVE:

City of Shenandoah, Elaine Douskey, Paul Nelson, FO 4; V.C.