

IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER

IN THE MATTER OF:

CITY OF PELLA

NPDES #6368006

ADMINISTRATIVE CONSENT
ORDER
NO. 2010-WW-07

TO: City of Pella
Darrell Dobernecker, Mayor
825 Broadway St.
Pella, IA 50219

I. SUMMARY

This administrative consent order (Order) is entered into between the City of Pella (Pella) and the Iowa Department of Natural Resources (DNR) for the purpose of establishing a compliance schedule for the completion of improvements to Pella's sanitary sewer collection system. The parties have agreed to the provisions below.

Any questions regarding this administrative consent order should be directed to:

Relating to technical requirements:

Dave Perry, Environmental Specialist
DNR Field Office #5
401 SW 7th Street, Suite 1
Des Moines, Iowa 50309
Phone: 515/725-0268

Relating to legal requirements:

Jon Tack, Attorney for the DNR
Iowa Department of Natural Resources
502 E. 9th Street
Des Moines, Iowa 50319
Phone: 515/281-8889

II. JURISDICTION

This Order is issued pursuant to the provisions of 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 (waste water) and the rules adopted or permits issued pursuant to that part, and Iowa Code section 455B 109 and 567 Iowa Administrative Code (IAC) chapter 10, which authorize the Director to assess administrative penalties.

IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER
ISSUED TO: CITY OF PELLA

III. STATEMENT OF FACTS

1. Pella maintains a collection system that is primarily made up of 90 % vitrified clay pipe. The remainder of the system is PVC. There are four lift stations within the collection system. All of the lift stations are equipped with a comminutor, magnetic flow meter, remote dial in alarm system and a diesel powered emergency generator. A storm water flow equalization basin (equipped with an outfall), is located at lift station #3. The wastewater treatment plant was constructed in 1981 and includes three 42" auger screw-type raw sewage pumps, two comminutors, two aerated grit chambers, four straight line primary clarifiers, four aeration basins, two final clarifiers (one is covered), two ultra violet disinfection units, two dissolved air floatation thickeners, two anaerobic digesters and one 1.0 MG. sludge storage. Influent flow is measured with an ultra sonic flow meter at an 18" Parshall flume, following grit removal. Effluent flow is metered at the outfall with an ultrasonic flow meter. Pella operates its wastewater treatment system pursuant to National Pollutant Discharge Elimination System (NPDES) Permit No. 6368006.
2. The City of Pella has been implementing a sanitary sewer cleaning and inspection program for the past 5 years. Through that program, a reported 9 segments of sanitary sewer totaling 3,349 feet have been lined, with an additional 250' of sanitary sewer replaced.
3. On February 12, 2009, the DNR conducted an inspection at the Pella POIW. During the inspection, it was identified that Pella had a problem with periodic hydraulic overloads within the collection system, resulted in bypassing and basement backups. At least five times in the past two years, Pella has exceeded the maximum design flow capability at the treatment plant. The DNR requested a written plan to identify what measures the Pella intended to take to address the hydraulic overloads within the collection system.
4. On February 17, 2009, Pella provided an e-mail to the DNR identifying measures they took to address the hydraulic overloads within the collection system.
5. On April 9, 2009, the DNR sent a letter to Pella to cover the recent compliance inspection and also to require a preliminary engineering report be completed by October 9, 2009 to evaluate and repair/replace the collection system to ensure known bypassing of wastewater is eliminated by October 9, 2012.
6. On October 6, 2009, Jim Stricker, Environmental Program Supervisor (DNR) attended a Pella City Council meeting, at which time the problem with the hydraulic overload to the collection system was discussed with Council members as well as corrective measures.
7. On October 7, 2009, the DNR received a Preliminary Engineering Report from Pella, identifying measures they intended to take to address the hydraulic overload to the wastewater collection system.
8. On November 4, 2009, the DNR sent a letter to Pella approving their proposed schedule to address concerns with hydraulic overloads within the collection system.

IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER
ISSUED TO: CITY OF PELLA

IV. CONCLUSIONS OF LAW

1. 567 IAC 64.7(5)(f) states that each issued NPDES permit shall provide for and ensure that the permittee at all times maintains in good working order and operate as efficiently as possible any facilities or systems of control to achieve compliance with the terms and conditions of the permit.

2. 567 IAC 64.7(5)(i) states that each issued NPDES permit shall provide for and ensure that the permittee shall take all reasonable steps to minimize or prevent any discharge in violation of the permit which has a reasonable likelihood of adversely affecting human health or the environment

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.

V. ORDER

THEREFORE, the DNR orders and Pella agrees to complete design and construction of the following projects by October 9, 2013:

1. Equalization basin near the Sents Creek Wastewater treatment plant.
2. Improvements to lift station #2 and improvements to the force main.
3. Sewer replacement on East 3rd Street
4. Sewer replacement/addition on West 4th Street.

VI. PENALTY

1. Iowa Code section 455B.191 authorizes the assessment of civil penalties of up to \$5000.00 per day of violation for the violations involved in this matter.

2. Iowa Code section 455B.109 authorizes the Environmental Protection Commission (Commission) to establish by rule a schedule of civil penalties up to \$10,000 that may be assessed administratively. The Commission has adopted this schedule with procedures and criteria for assessment of penalties at IAC Chapter 567 - 10. Pursuant to this chapter, the DNR has determined that the most effective and efficient means of addressing the above-cited violations is the issuance of an Order without penalty at this time. Noncompliance with this Order may result in the issuance of a future administrative order assessing penalties.

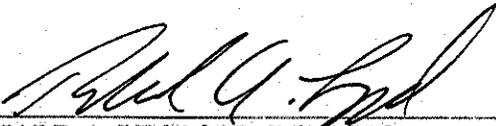
IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER
ISSUED TO: CITY OF PELLA

VII. WAIVER OF APPEAL RIGHTS

This Order is entered into knowingly by and with the consent of Pella. For that reason, Pella waives the right to appeal this administrative consent order or any part thereof.

VIII. NONCOMPLIANCE

Failure to comply with this Order may result in the imposition of administrative penalties 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 section "IV. Conclusions of Law" of this administrative consent order.



RICHARD A. LEOPOLD, DIRECTOR
Iowa Department of Natural Resources

Dated this 6 day of
June, 2010



DARRELL DOBERNECKER, MAYOR
City of Pella

Dated this 1st day of
June, 2010

NPDES #6368006; Field Office #5; Jon Tack; EPA; Tom Atkinson I C 1