

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

IN THE MATTER OF: CITY OF CORALVILLE NPDES Permit #5208001	ADMINISTRATIVE CONSENT ORDER NO. 2013-WW- 04
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TO: Dan Holderness
City Engineer
City Hall
1512 7th Street
Coralville, IA 52241-0127

I. SUMMARY

This administrative consent order (Order) is entered into between the City of Coralville (Coralville) and the Iowa Department of Natural Resources (Department) for the purpose of achieving and maintaining compliance with applicable effluent and water quality standards for the operation of a wastewater disposal system. Pursuant to this Order, Coralville shall comply with the compliance schedule contained herein.

Any questions regarding this Order should be directed to:

Relating to technical requirements:

Paul Brandt
IDNR Field Office #6
1023 W. Madison
Washington, IA 52353
Ph: 319-653-2135

Relating to this Order:

Jon C. Tack
Legal Services Bureau
Iowa Department of Natural Resources
Henry A. Wallace Building
Des Moines, Iowa 50319-0034
Ph. 515-281-8889

II. JURISDICTION

This 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 promulgated or permits issued pursuant thereto; and Iowa Code section 455B.109 and chapter 567 Iowa Administrative Code (IAC) 10 which authorize the Director to assess administrative penalties.

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III. STATEMENT OF FACTS

1. Coralville owns and operates a sequencing batch reactor (SBR) wastewater treatment facility with ultra-violet light disinfection of the wastewater. Effluent is discharged to the Iowa River. Due to the growth of Coralville, the wastewater treatment facility has been operating at slightly over its organic loading design capacity for several years. Phase 1 of planned facility improvements was completed and became operational in late 2011. Phase 2 of the planned facility improvements is currently in the design and planning stage.

2. In December 2010, an explosion occurred in a sludge storage tank at the Coralville wastewater treatment facility. The explosion caused significant damage to the storage system and seriously injured the certified operator for the facility, Brian Lamansky. Prior to this date, Coralville had not reported any effluent violations during its recent history.

3. Beginning in February of 2011 and continuing through December of 2011, Coralville reported multiple violations of permit effluent limitations in regard to Ammonia, carbonaceous biochemical oxygen demand (CBOD), and Total Suspended Solids (TSS). A total of 30 distinct effluent violations were reported in 2011. During this period, Coralville was also in violation for failure to have a certified operator due to the injuries suffered by Mr. Lamansky. Notices of Violation were issued to Coralville on July 6, 2011, October 26, 2011, and February 9, 2012 in regard to these violations. This record of violations places the Coralville wastewater treatment facility in significant noncompliance status.

4. On January 25, 2012, representatives of Coralville met with the Department for a project initiation meeting on Phase 2 of planned facility improvements. Phase 2 will add additional raw sewage pumping and screening capacity, additional SBR tanks with increased blower capacity, and increased emergency electrical generation capacity.

5. Since August 1, 2012, Coralville has resumed using the reconstructed sludge storage tank which had been repaired after the December 2010 explosion.

IV. CONCLUSIONS OF LAW

The Department and Coralville 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 Coralville's permit are violations of section 455B.186.

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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. Subrule 64.3(1) prohibits the operation of a waste disposal system without or contrary to the terms of a permit. Subrule 64.6 specifies the conditions that are to be included in a permit, including applicable effluent limitations as established in chapters 61 and 62 of the rules.

V. ORDER

The Department and Coralville hereby agree, and Coralville is hereby ordered to comply with the following schedule:

1. By March 1, 2013, Coralville shall submit an antidegradation analysis to the Department in relation to the planned Phase 2 wastewater facility improvements.
2. Within 90 days of Department approval of the submitted antidegradation analysis for Phase 2, Coralville shall submit to the Department an updated facility plan which includes a schedule for the completion of Phase 2 wastewater facility improvements.
3. By December 1, 2013, Coralville shall remove and land-apply all excess solids which have accumulated in or at the wastewater facility during the period since December 2010, so as to reduce the sludge inventory to a manageable volume.
4. Within 18 months of Department approval of the updated facility plan, Coralville shall submit a completed construction permit application, plans, and specifications to the Department for the Phase 2 wastewater facility improvements.
5. The Department and Coralville agree to amend this Order at the time of the issuance of the construction permit to establish specific deadlines corresponding to the time periods set forth in the following paragraphs 6 and 7.
6. Within 60 days of the issuance of a construction permit by the Department, Coralville shall begin construction of the Phase 2 wastewater facility improvements.
7. Within 18 months of the start of construction, Coralville shall substantially complete construction of the Phase 2 wastewater facility improvements.
8. Within 30 days of the execution of this Order, Coralville shall pay an administrative penalty in the amount of \$6,500.

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VI. PENALTY

1. Iowa Code section 455B.191 authorizes the assessment of civil penalties of up to \$5,000.00 per day of violation for the violations involved in this matter.

2. Iowa Code section 455B.109 authorizes the 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 Chapter 567 IAC 10. Pursuant to this chapter, the Department has determined that the most effective and efficient means of addressing the above-cited violations is the issuance of an Order with penalties.

a. Economic Benefit. Coralville has achieved an economic benefit by delaying the upgrade or replacement of existing wastewater facilities. Additionally, Coralville has avoided the cost of hiring a second certified operator to replace Mr. Lamansky during his period of recovery. The execution of this Order constitutes a good faith attempt by both parties to achieve compliance and resolve past violations. Additionally, the unavailability of the existing certified operator was due to the unforeseen circumstances of the explosion at the facility which may have also played a role in the effluent violations. With due consideration of these factors, \$1,000 is assessed for this factor.

b. Gravity of the Violation. One of the factors to be considered in determining the gravity of a violation is the amount of penalty authorized by the Iowa Code for the type of violation. As indicated above, substantial civil penalties are authorized by statute. Despite the high penalties authorized, the Department has decided to handle the violations administratively at this time, as the most equitable and efficient means of resolving the matter. Maintaining compliance with water pollution control laws is a major program priority of the federal and state pollution control agencies. In this case, the number of violations by Coralville in 2011 qualifies the facility for "significant non-compliance status". In light of the multiple effluent violations, involving several pollutant parameters, and the length of time during which violations occurred, \$3,000 is assessed for this factor.

c. Culpability. Coralville is a rapidly developing community. A review of construction permits for sewer extensions over the past 2 years shows 11 different projects approved totaling about 7,000 feet of new 10-inch sewer line and 10,500 feet of new 8-inch sewer line. Coralville has undertaken wastewater facility improvements and has additional improvements undergoing design at this time. However, Coralville has a duty to undertake needed facility improvements prior to the point in time when the wastewater facility can no longer adequately handle pollutant loads and begins experiencing effluent violations. Based upon these considerations, \$2,500 is assessed for this factor.

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VII. WAIVER OF APPEAL RIGHTS

Iowa Code section 455B.175(1) and 561 IAC 7.4(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 Coralville. By signature to this Order, all rights to appeal this Order are waived.

VIII. NONCOMPLIANCE

Compliance with section V of this Order constitutes full satisfaction of all requirements pertaining to the violations described in this Order. Failure to comply with this 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.



CHUCK GIPP, DIRECTOR
IOWA DEPARTMENT OF NATURAL RESOURCES

Dated this 19th day of
February, 2013



CITY OF CORALVILLE

Dated this 11th day of
February, 2013

NPDES #5208001; Field Office #6; Jon Tack; EPA; WES; I.B.2.c