

IN THE IOWA DISTRICT COURT FOR SCOTT COUNTY

STATE OF IOWA ex rel. IOWA)
DEPARTMENT OF NATURAL)
RESOURCES,)
)
Plaintiff,)
)
vs.)
)
PEETERS DEVELOPMENT CO. INC.)
d/b/a MT. JOY MOBILE HOME)
PARK,)
)
Defendant.)

NO. EQCE126530

AMENDED PETITION IN EQUITY

COMES NOW Plaintiff State of Iowa, ex rel., Iowa Department of Natural Resources (IDNR) and for its claims against Defendant Peeters Development Co. Inc., d/b/a Mt. Joy Mobile Home Park (“Peeters”), states as follows:

INTRODUCTION

1. The State of Iowa seeks the assessment of civil penalties and injunctive relief against Peeters for water pollution control and water supply violations committed at or in relation to Peeters’ Mt. Joy Mobile Home Park located in Davenport, Scott County, Iowa. The violations include but are not limited to discharge of pollutants to a water of the state in excess of permit effluent limitations, failure to comply with monitoring and reporting requirements, failure to comply with the permit compliance schedules for achieving compliance with final ammonia and E.coli bacteria effluent limitations, failure to properly operate and maintain its wastewater treatment facility, failure to retain and maintain use of a Grade II certified wastewater operator, failure to comply with water supply monitoring requirements for coliform bacteria, nitrates, inorganic chemicals, lead and copper, and failure to comply with public water supply monitoring and reporting requirements.

PARTIES

2. The State of Iowa is a sovereign state of the United States of America.

3. The IDNR is a duly constituted agency of the State of Iowa pursuant to Iowa Code section 455A.2.

4. Peeters Development Co. Inc. is an Iowa corporation with its home office located at 9365 190th Street, Davenport, Scott County, Iowa 52804.

JURISDICTION

5. The Court has jurisdiction of this matter pursuant to Iowa Code sections 455B.191(2) and 455B.191(5).

DEFINITIONS

6. “Activated sludge” means “a biological treatment process in which a mixture of wastewater and sludge floc, produced in a raw or settled wastewater by the growth of microorganisms, is agitated and aerated in the presence of a sufficient concentration of dissolved oxygen, followed by sedimentation.” 567 IAC. 81.1.

7. “Biological oxygen demand (five-day)” means “the amount of oxygen consumed in the biological processes that break down organic matter in water by aerobic biochemical action in five days at 20° C.” 567 IAC 60.2.

8. “Carbonaceous biochemical oxygen demand (five-day)” means “the amount of oxygen consumed in the biological processes that break down carbonaceous organic matter in water by aerobic biochemical action in five days at 20° C.” 567 IAC 60.2.

9. “Discharge of a pollutant” means “any addition of any pollutant or combination of pollutants to navigable waters or waters of the state from any point source. ‘Discharge of a pollutant’ includes additions of pollutants into navigable waters or waters of the state from surface runoff which is collected or channeled by human activity; discharges through pipes, sewers, or other conveyances owned by a state, municipality, or other person which do not lead

to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. ‘Discharge of a pollutant’ does not include an addition of pollutants by any indirect discharger.” 567 IAC 60.2.

10. “Disposal system” means “a system for disposing of sewage, industrial waste, or other wastes” and includes “sewer systems, treatment works, point sources, dispersal systems, and any systems designed for the usage or disposal of sewage sludge.” Iowa Code § 455B.171(5); 567 Iowa Admin. Code 60.2.

11. “Effluent standard” means “any restriction or prohibition on quantities, rates, and concentrations of chemical, physical, biological, radiological, and other constituents which are discharged from point sources into any water of the state including an effluent limitation, a water quality related effluent limitation, a standard of performance for a new source, a toxic effluent standard, or other limitation.” Iowa Code § 455B.171(6).

12. “Grade” means “one of seven certification levels, designated as A, I, II, III, or IV.” 567 IAC 81.1.

13. “NPDES permit” means “an operation permit, issued after the department has obtained approval of its National Pollutant Discharge Elimination System (NPDES) program from the [US EPA] administrator, that authorizes the discharge of any pollutant into a navigable water.” 567 IAC 60.2.

14. “Point source” means “any discernable, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, or vessel or other floating craft, from which pollutants are or may be discharged. ‘Point source’ does not include return flows from irrigated agriculture or agricultural storm water runoff.” Iowa Code § 455B.171(19); 567 IAC 60.2.

15. “Pollutant” means “sewage, industrial waste, or other waste.” Iowa Code § 455B.171(20); 567 IAC 60.2.

16. “Private sewage disposal system” means “a system which provides for the treatment or disposal of domestic sewage from four or fewer dwelling units or the equivalent of less than sixteen individuals on a continuing basis.” Iowa Code § 45B.171(21); 567 IAC 60.2.

17. “Records of operation” means “department of natural resources report forms or such other report forms, letters or documents which may be acceptable to the department that are designed to indicate specific physical, chemical, or biological values for wastewater during a stated period of time.” 567 IAC 60.2.

18. “Schedule of compliance” means “a schedule of remedial measures including an enforceable sequence of actions or operations leading to compliance with any effluent standard, water quality standard, or any other requirement of this part of this division [Part 1 of Division III of chapter 455B] or any rule promulgated pursuant thereto.” Iowa Code § 455B.171(26).

19. “Semipublic sewage disposal system” means “a system for the treatment or disposal of domestic sewage which is not a private sewage disposal system and which is not owned by a city, a sanitary district, or a designated and approved management agency under § 1288 of the federal Water Pollution Control Act, codified at 33 U.S.C. § 1288.” Iowa Code § 455B.171(29); 567 IAC 60.2.

20. “Seven-day average” means “the arithmetic mean of pollutant parameter values for samples collected in a period of seven consecutive days.” 567 IAC 60.2.

21. “Sewage” means “water-carried waste products from residences, public buildings, institutions, or other buildings, including the bodily discharges from human beings or animals together with such groundwater infiltration and surface water as may be present.” Iowa Code § 455B.171(31); 567 IAC 60.2.

22. “Thirty-day average” means “the arithmetic mean of pollutant parameter values of samples collected in a period of 30 consecutive days.” 567 IAC 60.2.

23. “Water of the state” means “any stream, lake, pond, marsh, watercourse, waterway, well, spring, reservoir, aquifer, irrigation system, drainage system, and any other body or accumulation of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof.” Iowa Code § 455B.171(39); 567 IAC 60.2.

24. “Water pollution” means “the contamination or alteration of the physical, chemical, biological, or radiological integrity of any water of the state by a source resulting in whole or in part from the activities of humans, which is harmful, detrimental, or injurious to public health, safety, or welfare, to domestic, commercial, industrial, agricultural, or recreational use or to livestock, wild animals, birds, fish, or other aquatic life.” Iowa Code § 455B.171(40).

WATER POLLUTION CONTROL REQUIREMENTS

25. The IDNR is the agency of the state responsible for the prevention, abatement, or control of water pollution. Iowa Code § 455B.172(1). The IDNR maintains jurisdiction over and regulates the direct discharge of pollutants to a water of the state. Iowa Code § 455B.172(5)(a).

26. The Environmental Protection Commission (EPC) has rulemaking authority relating to water quality, pretreatment and effluent standards; location, construction, operation, and maintenance of disposal systems; permits for the operation, installation, construction, addition to, or modification of disposal systems, or for the discharge of any pollutant; and inspection, monitoring, record keeping, and reporting requirements for owners and operators of disposal systems. Iowa Code §§ 455B.173(2), (3) and (6). Implementing rules are contained in 567 Iowa Admin. Code 60-69.

27. The IDNR director is authorized to issue permits for the discharge of any pollutant including conditions and schedules of compliance necessary to meet the requirements of *inter alia* the federal Water Pollution Control Act and all applicable state and federal water quality standards and effluent standards. Iowa Code §§ 455B.174(4)(a)(1) and (b); 567 IAC 64.7. Specifically, the IDNR is authorized to issue a permit related to the administration of the National Pollutant Discharge Elimination System (NPDES) permit program pursuant to the federal Water Pollution Control Act, 33 U.S.C. chapter 26, as amended, and 40 C.F.R. part 124. Iowa Code § 455B.197.

28. Iowa Code section 455B.186(1) prohibits the dumping, depositing, or discharging of pollutants into any water of the state, except adequately treated sewage, industrial waste, or other waste in accordance with rules adopted by the EPC.

29. 567 Iowa Admin. Code 62.1(1) prohibits the discharge of any pollutant from a point source into a navigable water unless authorized by an NPDES permit.

30. 567 Iowa Admin. Code 63.7 requires records of operation for a permittee to be submitted to the IDNR field office within 15 days following the close of the applicable reporting period in accordance with the monitoring requirements incorporated in the operation permit.

31. 567 Iowa Admin. Code 63.8, except as otherwise provided, requires records of operation to be submitted to the IDNR at monthly intervals.

32. 567 Iowa Admin. Code 64.3(1) prohibits operation of any wastewater disposal system or part thereof without, or contrary to any condition of, an operation permit issued by the IDNR.

33. 567 Iowa Admin. Code 64.7(7)“f” requires a permittee to at all times maintain in good working order and operate as efficiently as possible any facilities or systems of treatment and control which have been installed or are used by the permittee to achieve compliance with the terms and conditions of the permit.

34. Iowa Code section 455B.191(2) provides that a person who violates any provision of Iowa Code chapter 455B, Division III, Part 1 or any permit, rule, standard or order issued thereunder shall be subject to a civil penalty not to exceed Five Thousand Dollars (\$5,000.00) for each day of such violation.

35. The Attorney General is authorized, at the request of the IDNR director with approval of the EPC, to institute any legal proceedings, including an action for an injunction or temporary injunction, necessary to enforce the penalty provisions of Iowa Code chapter 455B, Division III, Part 1 or to obtain compliance with the provisions of said statutes or any rules promulgated or any provision of any permit issued thereunder. Iowa Code § 455B.191(5).

PUBLIC WATER SUPPLY REQUIREMENTS

36. The EPC is authorized to adopt rules relating to the operation of public water supply systems, drinking water standards to assure compliance with federal standards adopted pursuant to the Federal Safe Drinking Water Act, and monitoring, record keeping, and reporting requirements for any public water supply pursuant to Iowa Code sections 455B.173(3), (5) and (6). The Commission has adopted such rules at 567 Iowa Admin. Code 40-43.

37. A “public water supply system” means “a system for the provision to the public of piped water for human consumption, if the system has at least fifteen service connections or regularly serves at least twenty-five individuals.” Iowa Code section 455B.171(24); *see also* 567 Iowa Admin. Code 40.2.

38. A “community water system” means “a public water supply system which has at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.” 567 Iowa Admin. Code 40.2.

39. A community water system serving a population between 25 and 1,000 persons must be sampled at least once per month for total coliform bacteria. 567 Iowa Admin. Code 41.2(1)“c”(1)“3”.

40. Community water systems are required to conduct annual monitoring for nitrate. 567 Iowa Admin. Code 41.3(1)“c”(5).

41. Small or medium-size community water systems that meet the lead and copper action levels during three consecutive years of monitoring are required to monitor for lead and copper at least every three years. 567 Iowa Admin. Code 41.4(1)“c”(4)“4”.

42. Community water systems are required to conduct monitoring for inorganic chemicals (IOCs), including arsenic, pursuant to IDNR regulatory monitoring requirements. 567 Iowa Admin. Code 41.3(1)“c”.

43. Community water systems must comply with the requirements and maximum contaminant levels contained in 567 Iowa Admin. Code 41.3(1)“b” for inorganic chemicals, including arsenic.

44. Community water systems which exceed the maximum contaminant levels as calculated in 41.3(1)“b” for IOCs, including arsenic, shall monitor quarterly beginning in the next quarter after the violation occurred. 567 Iowa Admin. Code 41.3(1)“c”(4)“7”.

45. The owner or operator of a public water supply system must notify persons served by the system if it violates the maximum contaminant levels contained in DNR rules, or fails to perform the required monitoring. 567 Iowa Admin. Code 42.1.

46. Community water systems are to deliver an annual Consumer Confidence Report to their customers by July 1 containing information on the quality of the water delivered by the systems and characterize the risks (if any) from exposure to contaminants in the drinking water in an accurate and understandable manner. 567 Iowa Admin. Code 42.3(2).

47. The owner or operator of a public water supply system must notify persons served by the system if it fails to deliver an annual Consumer Confidence Report to its customers by July 1. 567 Iowa Admin. Code 42.1(1)“a”(3) and 42.1(4)“a”(6).

48. A person who violates any provision of Iowa Code chapter 455B, Division III, Part 1 or any permit, rule, standard, or order issued thereunder shall be subject to a civil penalty not to exceed five thousand dollars (\$5,000.00) for each day of such violation. Iowa Code section 455B.191(2).

49. The Attorney General is authorized, at the request of the DNR director with approval of the EPC, to initiate any legal proceedings, including an action for an injunction or temporary injunction, necessary to enforce the penalty provisions of Iowa Code chapter 455B, Division III, Part 1, or to obtain compliance with the provisions of said statutes or any rules promulgated or any provision of any permit issued thereunder. Iowa Code § 455B.191(5).

FACTS

Mt. Joy Mobile Home Park

50. Peeters owns and operates a mobile home park known as Mt. Joy Mobile Home Park, located at 21445 Scott Park Road, Davenport, Scott County, Iowa. The mobile home park serves approximately 120 residential mobile homes. Wastewater, including sewage generated at the facility is treated through an activated sludge plant and polishing lagoon, which constitutes a “semipublic waste disposal system” as defined in Iowa Code section 455B.171(29).

51. Treated wastewater from the Mt. Joy Mobile Home Park is discharged to Crow Creek, tributary to the Mississippi River, pursuant to NPDES Permit No. 8222603, reissued by the IDNR on September 1, 2012.

52. The Mt. Joy Mobile Home Park Public Water Supply is a Community Public Water System serving 66 connections and a population of approximately 173 people. Water is supplied from a single well, and the water is not treated.

Administrative Orders

53. On February 21, 1996, the IDNR issued Administrative Order No. 96-WW-12 to Mt. Joy Mobile Home Park, owned and managed by Fred Peeters. The order was issued because

of recurring operation and maintenance deficiencies at its wastewater treatment facility and failure to comply with permit effluent limitations contained in NPDES Permit No. 8222603. The order required the defendant to 1) cease discharge of pollutants to waters of the state contrary to its permit, 2) operate its existing facilities and control systems as efficiently as possible and maintained in good working order so as to achieve optimum effluent quality, 3) retain and maintain the services of a certified wastewater treatment operator and 4) pay an administrative penalty of \$2,000.00. On appeal, the IDNR agreed to reduce the penalty to \$1000,00, which was paid by the defendant.

54. On August 22, 2000, the IDNR issued Administrative Order 2000-WS-33 to Peeters Development Co. Inc., Mt. Joy Mobile Home Park for failure to take bacterial, nitrate, lead and copper samples, and for failure to provide public notification of violations. The order required the defendant to sample appropriately and pay a penalty of \$1,500. The defendant paid the penalty on October 16, 2003.

55. On February 15, 2005, the IDNR issued Administrative Order No. 2005-WW-04 to Peeters Development Co. Inc., Mt. Joy Mobile Home Park. The order was issued because of recurring operation and maintenance deficiencies of the wastewater treatment plant and failure to comply with permit effluent limitations contained in NPDES Permit No. 8222603. The order required the defendant to 1) submit by May 20, 2005, a preliminary engineering report by an professional engineer to evaluate and select a wastewater treatment alternative to bring the facility into compliance with NPDES permit effluent limitations, 2) within 30 days, hire a Grade II certified operator to properly operate and maintain the wastewater treatment facility, complete all required monitoring, and timely submit monthly reports, and 3) pay a \$10,000.00 administrative penalty.

56. The defendant appealed Administrative Order No. 2005-WW-04 and the order was modified on July 31, 2007, by Consent Amendment to Administrative Order No. 2005-WW-

04-A1. By the amended consent order, the defendant agreed to retain a Grade II certified operator, operate and maintain the wastewater facility as required by its NPDES permit, submit all monthly operating reports (MORs) within 15 days following the close of each month, and pay a reduced penalty of \$5000.00. The defendant paid the penalty.

NPDES Permit Effluent Limitations

57. NPDES Permit No. 8222603 includes interim and final effluent limitations for carbonaceous biochemical oxygen demand (CBOD5), total suspended solids (TSS), ammonia nitrogen, E. coli bacteria, and pH. The effluent limitations include monthly average, 7-day average, and/or daily maximum for concentration and/or mass. Interim limits expire on July 31, 2017, when the final limits take effect. For CBOD5 and TSS, the interim and final limits are the same.

58. Peeters has repeatedly exceeded its CBOD5 monthly average and/or 7-day average effluent limitations for concentration and/or mass including but not limited to during the months of January, February, March, April, and December of 2013; and January, February, March, April, May, and November of 2014.

59. Peeters has repeatedly exceeded its TSS monthly average and/or 7-day average effluent limitations for concentration and/or mass including but not limited to during the months of January, February, March, April, May, July, and September of 2013; and January, February, March, April, and November of 2014.

NPDES Permit Monitoring and Reporting Requirements

60. NPDES Permit No. 8222603 requires monitoring and monthly reporting of several wastewater parameters for the facility's raw waste, final effluent, effluent prior to disinfection, and aeration basin contents including but not limited to flow, biochemical oxygen demand (BOD5), CBOD5, TSS, ammonia, E.coli, pH, sulfate (as SO4), dissolved oxygen and/or

temperature. The monthly operating reports (MORs) are required to be submitted to the IDNR by no later than the 15th day of the following month.

61. Peeters has repeatedly failed to timely submit its MORs including but not limited to failure to submit MORs for the months of January, February, March, April, May, June, July, August, September, October, November, and December of 2013 and January and February of 2014 until submitted simultaneously on March 19, 2014. The MORs for each of the months of June, July, August, September, October, and November were also submitted late. No MOR has been submitted for December 2014.

NPDES Permit Compliance Schedule for Ammonia

62. NPDES Permit No. 8222603 establishes a schedule for achieving compliance with final ammonia nitrogen effluent limitations which become effective on July 31, 2017. Peeters has failed to comply with any of the permit compliance schedule requirements, thereby, jeopardizing its ability to comply with the final permit effluent limitations by July 31, 2017.

63. Peeters has failed to complete and submit by October 1, 2013, an effluent monitoring report on the ability of its wastewater facility to comply with final ammonia limits.

64. Peeters has failed to complete and submit by November 1, 2013, a Self-Assessment Matrix and Work Record Request regarding achieving compliance with final ammonia effluent limitations.

65. Peeters has failed to complete and submit by August 1, 2014, a progress report regarding achieving compliance with final ammonia effluent limitations.

66. Peeters has failed to complete and submit by November 1, 2014, a Facility Plan in accordance with Chapter 11.2 of the Iowa Wastewater Facilities Design Standards regarding achieving compliance with final ammonia effluent limitations.

NPDES Permit Compliance Schedule for E.coli Bacteria

67. NPDES Permit No. 8222603 establishes a schedule for achieving compliance with final E.coli bacteria effluent limitations which become effective on July 31, 2017. Peeters has failed to comply with any of the permit compliance schedule requirements, thereby, jeopardizing its ability to comply with the final permit effluent limitations by July 31, 2017.

68. Peeters has failed to complete and submit by October 1, 2013, an effluent monitoring report on the ability of its wastewater facility to comply with final E.coli bacteria limits.

69. Peeters has failed to complete and submit by November 1, 2013, a Self-Assessment Matrix and Work Record Request regarding achieving compliance with final E.coli bacteria effluent limitations.

70. Peeters has failed to complete and submit by August 1, 2014, a progress report regarding achieving compliance with final E.coli bacteria effluent limitations.

71. Peeters has failed to complete and submit by November 1, 2014, a Facility Plan in accordance with Chapter 11.2 of the Iowa Wastewater Facilities Design Standards regarding achieving compliance with final E.coli bacteria effluent limitations.

Wastewater Operation and Maintenance Requirements

72. NPDES Permit No. 8222603 requires that all facilities and control systems be operated as efficiently as possible and maintained in good working order.

73. Pursuant to Consent Amendment to Administrative Order No. 2005-WW-04-A1, Peeters agreed to retain and maintain use of a Grade II certified operator to properly operate and maintain its wastewater treatment plant as required by its NPDES permit. Nevertheless, Peeters did not comply.

74. Peeters has failed to properly operate and maintain its wastewater treatment plant as efficiently as possible and in good working order.

Wastewater Grade II Certified Operator

75. NPDES Permit No. 8222603 requires Peeters to retain at all times a sufficient number of staff, adequately trained and knowledgeable in the operation of its wastewater treatment plant.

76. Pursuant to Consent Amendment to Administrative Order No. 2005-WW-04-A1, Peeters agreed to retain and maintain use of a Grade II certified operator for its wastewater treatment plant. Nevertheless, Peeters did not comply.

77. On June 20, 2102, the IDNR issued a Notice of Violation which *inter alia* extended the deadline for retaining a Grade II certified operator to no later than May 16, 2013. Peeters did not comply.

78. Peeters continued to operate its wastewater treatment plant without a Grade II certified operator until April 24, 2015.

Public Water Supply Permit Monitoring and Reporting Requirements

79. Public Water Supply Permit No. 8222603 requires periodic monitoring and reporting of the Mt. Joy Mobile Home Park water supply distribution system for coliform bacteria, lead and copper, Combined Radium, Inorganic (IOC) Chemicals, Nitrate, Synthetic (SOC) Chemicals, Volatile (VOC) Chemicals, Arsenic and Sodium.

80. The Mt. Joy Mobile Home Park public water supply system exceeded the MCL for arsenic in 2013, and the first quarter of 2014.

81. Peeters failed to perform the following: quarterly monitoring for arsenic in the fourth quarter of 2013, and second, third and fourth quarters of 2014; 3-year monitoring for lead and copper in the June 1-September 30, 2014 sample period; annual monitoring for nitrate in the fourth quarter of 2014; and monthly monitoring for coliform bacteria in February 2015.

82. The DNR issued notice of violation (NOV) letters to Peeters on the following dates: failure to monitor for arsenic on February 24, 2014, August 18, 2014, November 18, 2014,

and February 17, 2015; failure to monitor for lead and copper on November 18, 2014; failure to monitor for nitrate on January 16, 2015; and failure to monitor for coliform bacteria on March 17, 2015.

83. Peeters failed to produce and deliver a Consumer Confidence Report to its customers by July 1 in the years 2013, 2014 and 2015.

84. The IDNR issued notice of violation letters to Peeters for failing to produce and deliver Consumer Confidence Reports on August 30, 2013, September 15, 2014, and September 10, 2015.

85. Peeters failed to notify persons served by the Mt. Joy Mobile Home Park public water supply system of the following violations: exceeding the maximum contaminant levels contained in DNR rules for arsenic; failure to perform required monitoring for arsenic, lead and copper, nitrate and coliform bacteria; and failure to produce and deliver Consumer Confidence Reports in 2013, 2014 and 2015.

VIOLATIONS

86. Peeters has repeatedly exceeded its CBOD₅ monthly average and/or 7-day average effluent limitations for concentration and/or mass including but not limited to during the months of January, February, March, April, and December of 2013; and January, February, March, April, May, and November of 2014, in violation of 567 Iowa Admin. Code 62.1(1) and 64.3(1); NPDES Permit No. 8222603; and Consent Amendment to Administrative Order No. 2005-WW-04-A1.

87. Peeters has repeatedly exceeded its TSS monthly average and/or 7-day average effluent limitations for concentration and/or mass including but not limited to during the months of January, February, March, April, May, July, and September of 2013; and January, February, March, April, and November of 2014, in violation of 567 Iowa Admin. Code 62.1(1) and

64.3(1); NPDES Permit No. 8222603; and Consent Amendment to Administrative Order No. 2005-WW-04-A1.

88. Peeters has repeatedly failed to timely submit its MORs including but not limited to failure to submit MORs for the months of January, February, March, April, May, June, July, August, September, October, November, and December of 2013 and January and February of 2014 until submitted on March 19, 2014; the MORs for each of the months of June, July, August, September, October, and November were submitted late; and no MOR has been submitted for December 2014, in violation of 567 Iowa Admin. Code 63.7, 63.8, and 64.3(1); NPDES Permit No. 8222603; and Consent Amendment to Administrative Order No. 2005-WW-04-A1.

89. Peeters has failed to complete and submit by November 1, 2013, a Self-Assessment Matrix and Work Record Request regarding achieving compliance with final ammonia effluent limitations, in violation of 567 Iowa Admin. Code 64.3(1) and NPDES Permit No. 8222603.

90. Peeters has failed to complete and submit by August 1, 2014, a progress report regarding achieving compliance with final ammonia effluent limitations, in violation of 567 Iowa Admin. Code 64.3(1) and NPDES Permit No. 8222603.

91. Peeters has failed to complete and submit by November 1, 2014, a Facility Plan in accordance with Chapter 11.2 of the Iowa Wastewater Facilities Design Standards regarding achieving compliance with final ammonia effluent limitations, in violation of 567 Iowa Admin. Code 64.3(1) and NPDES Permit No. 8222603.

92. Peeters has failed to complete and submit by November 1, 2013, a Self-Assessment Matrix and Work Record Request regarding achieving compliance with final E.coli bacteria effluent limitations, in violation of 567 Iowa Admin. Code 64.3(1) and NPDES Permit No. 8222603.

93. Peeters has failed to complete and submit by August 1, 2014, a progress report regarding achieving compliance with final E.coli bacteria effluent limitations, in violation of 567 Iowa Admin. Code 64.3(1) and NPDES Permit No. 8222603.

94. Peeters has failed to complete and submit by November 1, 2014, a Facility Plan in accordance with Chapter 11.2 of the Iowa Wastewater Facilities Design Standards regarding achieving compliance with final E.coli bacteria effluent limitations, in violation of 567 Iowa Admin. Code 64.3(1) and NPDES Permit No. 8222603.

95. Peeters has failed to properly operate and maintain its wastewater treatment plant, in violation of 567 Iowa Admin. Code 64.7(7)"f", NPDES Permit No. 8222603, and Consent Amendment to Administrative Order No. 2005-WW-04-A1.

96. Peeters has failed to retain and maintain a Grade II certified operator for its wastewater treatment plant, in violation of 567 Iowa Admin. Code 64.3(1), NPDES Permit No. 8222603, and Consent Amendment to Administrative Order No. 2005-WW-04-A1.

97. The Mt. Joy Mobile Home Park public water supply system exceeded the MCL for arsenic in 2013, and the first quarter of 2014 in violation of 567 Iowa Admin. Code 41.3(1)"b" and Public Water Supply Permit No. 8222603.

98. Peeters failed to notify persons served by the Mt. Joy Mobile Home Park public water supply system of the violations of maximum contaminant levels contained in DNR rules for arsenic in violation of 567 Iowa Admin Code 42.1 and Public Water Supply Permit No. 8222603.

99. Peeters failed to perform quarterly monitoring for arsenic in the fourth quarter of 2013, and second, third and fourth quarters of 2014 in violation of 567 Iowa Admin. Code 41.3(1)"c"(5) and Public Water Supply Permit No. 8222603.

100. Peeters failed to notify persons served by the Mt. Joy Mobile Home Park public water supply system of the monitoring violations for arsenic in violation of 567 Iowa Admin Code 42.1 and Public Water Supply Permit No. 8222603.

101. Peeters failed to perform 3-year monitoring for lead and copper in the June 1-September 30, 2014 sample period in violation of 567 Iowa Admin. Code 41.4(1)“c”(4)“4” and Public Water Supply Permit No. 8222603.

102. Peeters failed to notify persons served by the Mt. Joy Mobile Home Park public water supply system of the monitoring violation for lead and copper in violation of 567 Iowa Admin Code 42.1 and Public Water Supply Permit No. 8222603.

103. Peeters failed to perform annual monitoring for nitrate in the fourth quarter of 2014 in violation of 567 Iowa Admin. Code 41.3(1)“c”(5) and Public Water Supply Permit No. 8222603.

104. Peeters failed to notify persons served by the Mt. Joy Mobile Home Park public water supply system of the monitoring violation for nitrate in violation of 567 Iowa Admin Code 42.1 and Public Water Supply Permit No. 8222603.

105. Peeters failed to perform monthly monitoring for coliform bacteria in February 2015 in violation of 567 Iowa Admin. Code 41.2(1)“c”(1)“3” and Public Water Supply Permit No. 8222603.

106. Peeters failed to notify persons served by the Mt. Joy Mobile Home Park public water supply system of the monitoring violation for coliform bacteria in violation of 567 Iowa Admin Code 42.1 and Public Water Supply Permit No. 8222603.

107. Peeters failed to produce and deliver a Consumer Confidence Report to its customers by July 1 in the years 2013, 2014 and 2015 in violation of 567 Iowa Admin. Code 42.3(2) and Public Water Supply Permit No. 8222603.

108. Peeters failed to notify persons served by the Mt. Joy Mobile Home Park public water supply system it violated DNR rules requiring it to provide Customer Confidence Reports in violation of 567 Iowa Admin. Code 42.1(1)“a”(3), 42.1(4)“a”(6) and Public Water Supply Permit No. 8222603.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff State of Iowa, ex rel., Iowa Department of Natural Resources requests that the Court:

- a. assess a civil penalty against Defendant Peeters Development Co. Inc. d/b/a Mt. Joy Mobile Home Park pursuant to Iowa Code section 455B.191(2) for each day of violation of Iowa Code section 455B.186(1); 567 Iowa Admin. Code 41.2(1)“c”(1)“3”, 41.3(1)“b”, 41.3(1)“c”, 41.4(1)“c”(4)“4”, 42.1, 42.1(1)“a”(3), 42.1(4)“a”(6), 42.3(2), 62.1(1), 63.7, 63.8, 64.3(1), and 64.7(7)“f”; NPDES Permit No. 8222603; Public Water Supply Permit No. 8222603; and Consent Amendment to Administrative Order No. 2005-WW-04-A1, not to exceed Five Thousand Dollars (\$5,000.00) for each day of each such violation; and
- b. permanently enjoin Defendant Peeters Development Co. Inc. d/b/a Mt. Joy Mobile Home Park pursuant to Iowa Code section 455B.191(5) from further violations of Iowa Code section 455B.186(1); 567 Iowa Admin. Code 41.2(1)“c”(1)“3”, 41.3(1)“b”, 41.3(1)“c”, 41.4(1)“c”(4)“4”, 42.1, 42.1(1)“a”(3), 42.1(4)“a”(6), 42.3(2), 62.1(1), 63.7, 63.8, 64.3(1), and 64.7(7)“f”; NPDES Permit No. 8222603; Public Water Supply Permit No. 8222603; and Consent Amendment to Administrative Order No. 2005-WW-04-A1; and
- c. order Defendant Peeters Development Co. Inc. d/b/a Mt. Joy Mobile Home Park to fully and timely comply with the remaining deadlines contained in the schedules of compliance for ammonia and E.coli bacteria required by NPDES Permit No. 8222603; and
- d. order Defendant Peeters Development Co. Inc. d/b/a Mt. Joy Mobile Home Park to maintain use of a Grade II certified operator for its wastewater treatment plant.

Plaintiff further requests that the Court tax the costs of this action to the Defendant and provide such other relief as the Court may deem just and proper.

THOMAS J. MILLER
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/s/ David S. Steward
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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

The undersigned hereby certifies a copy of the document attached to this Certificate was sent by regular U.S. mail to:

Daniel W. Peeters
Peeters Development Co. Inc.
2901 S 9th Ave.
Eldridge, IA 52748

on the 17th day of December, 2015.

/s/ David S. Steward.