

FILED

June 18, 2025

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**U.S. EPA REGION 7
HEARING CLERK**

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BOULEVARD
LENEXA, KANSAS 66219**

BEFORE THE ADMINISTRATOR

IN THE MATTER OF)	
)	Docket No. SDWA-07-2025-0054
City of Altoona,)	
)	ORDER FOR COMPLIANCE ON
Respondent)	CONSENT
)	
Proceedings under Section 309(a) of the)	Proceeding pursuant to Section
Clean Water Act, 33 U.S.C. § 1319(a))	1414(g) of the Safe Drinking Water
)	Act, 42 U.S.C. § 300g-3(g).

PRELIMINARY STATEMENT

1. The following findings are made, and this Order for Compliance on Consent (Order) issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 1414(g) of the Safe Drinking Water Act (SDWA or Act), 42 U.S.C. Section 300g-3(g).

2. The authority to take action under Section 1414(g) of the SDWA, 42 U.S.C. Section 300g-3(g), is vested in the Administrator of the EPA. The Administrator has delegated the authority to issue this Order to the Regional Administrator of EPA Region 7 who has further delegated such authority to the Director of the Enforcement and Compliance Assurance Division of EPA Region 7 (collectively referred to as the “Complainant”) with concurrence of the Regional Counsel.

3. Respondent is the city of Altoona, Iowa (Respondent) and was at all relevant times a municipality organized under the laws of the state of Iowa, located in Polk County, Iowa.

4. The factual allegations below are made solely by EPA. In signing this Order, Respondent neither admits nor denies the specific factual allegations in this Order, except that Respondent admits the jurisdictional allegations herein. Without any admission of liability, Respondent consents to the issuance of this Order and agrees to abide by all of its terms and conditions and undertake all actions required by this Order. Respondent waives any and all remedies, defenses, claims for relief, and otherwise available rights Respondent may have for this action to be filed in federal court or for administrative review with respect to any issue of fact or law set forth in this Order, including any right of judicial review of this Order under Section 1448 of the SDWA, 42 U.S.C. § 300j-7, and Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706. Respondent further agrees not to challenge the authority or jurisdiction of EPA to issue and enforce this Order or the Findings in any proceeding to enforce this Order or in any action under this Order.

STATUTORY AND REGULATORY FRAMEWORK

5. On October 23, 2018, the SDWA was amended in accordance with the America's Water Infrastructure Act of 2018 (Public Law 115-270) (AWIA). Among other things, AWIA amended SDWA Section 1433's community water system risk and resilience provisions, 42 U.S.C. § 300i-2.

6. Section 1433 of the SDWA, 42 U.S.C. § 300i-2, is an "applicable requirement" as defined in Section 1414(i) of the SDWA, 42 U.S.C. § 300g-3(i).

7. The Iowa Department of Natural Resources (IDNR) administers the Public Drinking Water Program in Iowa pursuant to Section 1413 of the SDWA, 42 U.S.C. § 300g-2. The EPA, however, has enforcement responsibility for Section 1433 of the SDWA, 42 U.S.C. § 300i-2.

EPA's GENERAL ALLEGATIONS

8. Respondent owns and/or operates the city of Altoona Public Water System, a "public water system" (System) as defined in Section 1401(4) of the SDWA, 42 U.S.C. § 300f(4), and 40 C.F.R. § 141.2, as it provides water to the public for human consumption through a piped system or other constructed conveyance. Respondent's System is also a "community water system" (CWS) as defined by Section 1401(15) of the SDWA, 42 U.S.C. § 300f(15), and 40 C.F.R. § 141.2, since it regularly serves a population of at least 25 individuals year-round and/or has at least 15 service connections. The System identification number is IA7707030.

9. Respondent is a "supplier of water" within the meaning of Section 1401(5) of the SDWA, 42 U.S.C. § 300f(5), and 40 C.F.R. § 141.2.

10. As a municipality, Respondent is a "person" within the meaning of Section 1401(12) of the SDWA, 42 U.S.C. § 300f(12), and is subject to an administrative order issued under Section 1414(g)(1) of the SDWA, 42 U.S.C. § 300g-3(g)(1).

11. The System serves a population of approximately 21,698 people and has approximately 6,692 service connections.

12. Respondent is subject to the requirements of Part B, Public Water Systems, Sections 1411 through 1420 of the SDWA, and its implementing regulations.

13. Respondent is subject to the requirements of Part D, Emergency Powers, Sections 1431 through 1435 of the SDWA, and its implementing regulations.

14. Section 1433(a)(1)(A) of the SDWA, 42 U.S.C. § 300i-2(a)(1)(A), requires a CWS serving a population of greater than 3,300 persons to conduct a Risk and Resiliency Assessment (RRA) of its system, including an assessment of:
- the risk to the system from malevolent acts and natural hazards;
 - the resilience of the pipes and constructed conveyances, physical barriers, source water, water collection and intake, pretreatment, treatment, storage and distribution facilities, electronic, computer, or other automated systems (including the security of such systems) which are utilized by the system;
 - the monitoring practices of the system;
 - the financial infrastructure of the system;
 - the use, storage, or handling of various chemicals by the system; and
 - the operation and maintenance of the system.
15. Section 1433(a)(3)(A) of the SDWA, 42 U.S.C. § 300i-2(a)(3)(A), required a CWS serving a population greater than 3,300 but less than 50,000 to submit a certification to the EPA Administrator that it conducted an RRA that complied with the requirements of Section 1433(a)(1) prior to June 30, 2021.
16. The System is a CWS that serves a population of greater than 3,300 but less than 50,000 people.
17. On June 1, 2021, Respondent submitted a certification that it had conducted the RRA, as specified in Section 1433(a)(3)(A) of the SDWA, 42 U.S.C. § 300i-2(a)(3)(A), for the System.
18. Section 1433(b), 42 U.S.C. § 300i-2(b), of the SDWA requires a CWS serving a population greater than 3,300 persons to prepare or revise, where necessary, an emergency response plan (ERP) that incorporates the findings of the RRA for its system (and any revisions thereto) and to certify to the EPA Administrator no later than 6 months after completion of the RRA, that the system has completed such ERP.
19. Section 1433(b) of the SDWA, 42 U.S.C. § 300i-2(b), requires the ERP to include:
- strategies and resources to improve the resilience of the system, including the physical security and cybersecurity of the system;
 - plans and procedures that can be implemented, and identification of equipment that can be utilized, in the event of a malevolent act or natural hazard that threatens the ability of the community water system to deliver safe drinking water;
 - actions, procedures, and equipment which can obviate or significantly lessen the impact of a malevolent act or natural hazard on the public health and the safety and supply of drinking water provided to communities and individuals, including the development of alternative source water options, relocation of water intakes, and construction of flood protection barriers; and

- d. strategies that can be used to aid in the detection of malevolent acts or natural hazards that threaten the security or resilience of the system.

20. On November 23, 2021, Respondent submitted a certification that it had prepared the ERP that complied with the requirements as specified in Section 1433(b) of the SDWA, 42 U.S.C. § 300i-2(b), for the System.

FINDINGS OF VIOLATIONS AND CONCLUSIONS OF LAW

Count I

Failure to Conduct an Adequate RRA

21. The paragraphs above are re-alleged and incorporated herein by reference.
22. On November 12, 2024, EPA completed an inspection of the System under Section 1445 of the SDWA, 42 U.S.C. § 300j-4 (“Inspection”).
23. During the Inspection, EPA inspectors requested to review the RRA for the System. The System produced documents that it represented as the RRA. The documents did not meet the requirements of Section 1433(a) of the SDWA, 42 U.S.C. § 300i-2(a).
24. Respondent failed to conduct an adequate RRA in violation of Section 1433(a) of the SDWA, 42 U.S.C. § 300i-2(a).

Count II

Failure to Prepare an Adequate ERP

25. The paragraphs above are re-alleged and incorporated herein by reference.
26. During the Inspection, EPA inspectors requested to review the ERP for the System. The System produced documents that it represented as the ERP. The documents did not meet the requirements of Section 1433(b) of the SDWA, 42 U.S.C. § 300i-2(b).
27. Respondent failed to prepare an adequate ERP in violation of Section 1433(b) of the SDWA, 42 U.S.C. § 300i-2(b).

ORDER FOR COMPLIANCE ON CONSENT

Based on the foregoing FINDINGS and VIOLATIONS, and pursuant to the authority of Section 1414(g) of the SDWA, EPA is issuing this Order to place the Respondent on an enforceable schedule to comply with the requirements of Section 1433 of the SDWA, 42 U.S.C. § 300i-2, and other applicable requirements, and hereby ORDERS:

28. Within 45 days of the Effective Date of this Order, Respondent shall conduct a

RRA pursuant to Section 1433(a) of the SDWA, 42 U.S.C. § 300i-2(a), and submit a copy of the RRA that includes all elements set forth in Section 1433(a)(1)(A) of the SDWA, 42 U.S.C. § 300i-2(a)(1)(A), to EPA for comments.

29. Within seven (7) days of receiving EPA's comments on the RRA, Respondent shall address any comments provided by EPA and submit an updated copy of the RRA to EPA.

30. Within 45 days of receiving EPA's comments on the RRA, Respondent shall prepare an ERP that incorporates the findings of the RRA pursuant to Section 1433(b) of the SDWA, 42 U.S.C. § 300i-2(b), and submit a copy of the ERP that includes all elements set forth in Section 1433(b) of the SDWA, 42 U.S.C. § 300i-2(b), to EPA for comments.

31. Within seven (7) days of receiving EPA's comments on the ERP, Respondent shall address any comments provided by EPA and submit an updated copy of the ERP to EPA.

32. Within fourteen (14) days of receiving EPA's comments on the ERP, Respondent shall submit its certifications for completion of the RRA and ERP as required by Section 1433 of the SDWA, 42 U.S.C. § 300i-2, to the EPA Administrator. For instructions on how to submit the certifications, visit the EPA's website at <https://www.epa.gov/waterresilience/how-certify-your-risk-and-resilience-assessment-or-emergency-response-plan>.

33. Respondent shall maintain a copy of the RRA and ERP for five (5) years after the date on which the certifications were submitted to the Administrator as required by Section 1433(d) of the SDWA, 42 U.S.C. § 300i-2(d).

GENERAL PROVISIONS

34. Respondent shall fully implement each item of this Order. Respondent's failure to fully implement all requirements of this Order in the manner and time period required shall be deemed a violation of this Order. Complying with this Order only remedies the violations listed in this Order.

35. Respondent shall submit the RRA and ERP via the EPA-provided electronic folder. Respondent shall not submit the RRA and ERP to EPA using any other method besides the EPA-provided electronic folder.

36. Electronic submissions to EPA will be deemed submitted on the date they are transmitted electronically.

37. By entering into this Order, Respondent consents to personal service by electronic mail at the following email address: dscott@altoona-iowa.com.

38. Notwithstanding Respondent's compliance with any requirement of this Order, Respondent's failure to comply with the requirements of the SDWA and Part 141 of Title 40 of the Code of Federal Regulations may subject Respondent to additional enforcement actions, including administrative and judicial actions for injunctive relief and/or penalties.

39. This Order shall not prohibit, prevent, or otherwise preclude EPA from taking action it deems appropriate to enforce the SDWA in any manner and shall not prohibit, prevent, or otherwise preclude EPA from using this Order in subsequent administrative or judicial proceedings. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. Part 141 or any provision of the SDWA or any of the regulations promulgated thereunder, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the SDWA.

40. For violations of this Order, Respondent may be subject to administrative civil penalties up to \$71,545 (as adjusted for inflation) per day of violation as assessed by an appropriate United States District Court, a court injunction requiring compliance, or both, under Sections 1414(b), 1414(g)(3)(A) and 1414(g)(3)(C), and 1431(b) of the SDWA, 42 U.S.C. §§ 300g-3(b), 300g-3(g)(3)(A), and 300g-3(g)(3)(C) and 42 U.S.C. § 300i(b), and 40 C.F.R. 19.4.

41. If EPA identifies any deficiencies in the deliverables required under this Order, Respondent shall correct all deficiencies and resubmit the deliverables, or disapproved portions thereof, within seven calendar days.

42. This Order does not relieve Respondent of any responsibilities or liabilities established pursuant to any applicable federal, state, or local law.

43. Nothing in this Order shall limit EPA's right to obtain access to, and/or inspect the System, and/or request additional information from Respondent, pursuant to the authority of Section 1445 of the SDWA, 42 U.S.C. § 300j-4, and/or any other authority.

44. The provisions of this Order shall be severable. If any provision of this Order is found to be unenforceable, the remaining provisions shall remain in full force and effect.

45. This Order may be amended or modified only by written agreement of EPA and Respondent. At EPA's sole discretion, extensions of the compliance schedule/deadlines required by this Order may be made by EPA by written notice to Respondent, without further formal amendment to this Order.

46. The terms of this Order shall be effective and enforceable against Respondent on the Effective Date, which is the date this Order is signed by the EPA.

47. This Order shall remain in effect until a written notice of termination is issued by an authorized representative of the EPA.

**IT IS SO AGREED AND ORDERED:
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 7,**

Complainant.

Date: _____

JODI BRUNO Digitally signed by JODI
BRUNO
Date: 2025.06.17 15:23:22
-05'00'

David Cozad
Director
Enforcement and Compliance Assurance Division

Date: _____

EMILY QUINN Digitally signed by EMILY
QUINN
Date: 2025.06.17 15:43:31
-05'00'

Emily Quinn
Office of Regional Counsel

CITY OF ALTOONA,

Respondent.

Date: 6/16/25


Signature

Dean O'Connor
Name

Mayor
Title

CERTIFICATE OF SERVICE

I certify that on the date noted below, I filed a true and correct copy of this signed Administrative Order for Compliance on Consent with the Regional Hearing Clerk, U.S. Environmental Protection Agency Region 7, by electronic mail to R7_Hearing_Clerk_Filings@epa.gov.

I further certify that on the date noted below, I sent a copy of this signed Administrative Order for Compliance on Consent by electronic mail to:

Copy emailed to Respondent:

Dean O'Connor
Mayor
City of Altoona
doconnor@altoona-iowa.com

Copy emailed to representatives for Complainant:

Emily Quinn
EPA Region 7 Office of Regional Counsel
quinn.emily@epa.gov

Connor Finn
EPA Region 7 Enforcement and Compliance Assurance Division
finn.connor@epa.gov

Carrie Venerable | New Solutions Workforce
EPA Region 7 Office of Regional Counsel
venerable.carrie@epa.gov

Date

Signature