

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BLVD.
LENEXA, KANSAS 66219

BEFORE THE ADMINISTRATOR

IN THE MATTER OF)	
)	Docket No. CWA-07-2018-0240
City of Davenport, Iowa)	
Davenport Compost Facility)	
)	FINDINGS OF VIOLATION AND
Respondent)	ORDER FOR COMPLIANCE
)	ON CONSENT
Proceedings under Section 309(a))	
of the Clean Water Act,)	
33 U.S.C. § 1319(a))	
_____)	

Preliminary Statement

1. This Administrative Order for Compliance on Consent (“Order”) is issued by the U.S. Environmental Protection Agency (“EPA”) pursuant to the authority vested in the Administrator of the EPA by Section 309(a)(a) of the Clean Water Act (“CWA”), 33 U.S.C. § 1319(a)(3), as amended. This Authority has been delegated by the Administrator of the EPA to the Regional Administrator, EPA, Region 7 and further delegated to the Director of Region 7’s Water, Wetlands and Pesticides Division.

2. Respondent, the city of Davenport, Iowa, (“Respondent”) is and was at all relevant times a municipality established under the laws of the state of Iowa.

3. The EPA, together with the Respondent (hereafter collectively referred to as the “Parties”) enter into this Section 309(a)(3) Order for the purpose of carrying out the goals of the CWA, 33 U.S.C. § 1251 *et seq.*, to “restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.”

4. It is the Parties’ intent through entering into this Order to address alleged noncompliance by the Respondent in violation of its National Pollutant Discharge Elimination System (“NPDES”) permit. As set forth in this Order, the Parties have amicably reached agreement regarding the timeframes for the Respondent to attain compliance with the CWA and its NPDES permit.

5. By entering into this Order, Respondent (1) consents to and agrees not to contest the EPA’s authority or jurisdiction to issue and enforce this Section 309(a) Order, (2) agrees to undertake all actions required by the terms and conditions of this Order, and (3) consents to be

bound by the requirements set forth herein. Respondent also waives any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this Order, including any right of judicial review under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

6. Respondent neither admits nor denies the factual allegations or legal conclusions asserted by the EPA set forth in this Order.

Statutory and Regulatory Framework

7. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of pollutants except in compliance with, *inter alia*, Section 402 of the CWA, 33 U.S.C. § 1342. Section 402 of the CWA, provides that pollutants may be discharged in accordance with the terms of an NPDES permit issued pursuant to that Section.

8. The CWA prohibits the “discharge” of “pollutants” from a “point source” into a “navigable water” of the United States, as these terms are defined by Section 502 of the CWA, 33 U.S.C. § 1362.

Stormwater

9. Section 402(p) of the CWA, 33 U.S.C. § 1342(p), sets forth requirements for the issuance of NPDES permits for the discharge of stormwater. Section 402(p) of the CWA requires, in part, that a discharge of stormwater associated with an industrial activity must conform with the requirements of an NPDES permit issued pursuant to Sections 301 and 402 of the CWA.

10. Pursuant to Section 402(p) of the CWA, the EPA promulgated regulations setting forth the NPDES permit requirements for stormwater discharges at 40 C.F.R. § 122.26.

11. 40 C.F.R. §§ 122.26(a)(1)(ii) and 122.26(c) require dischargers of stormwater associated with industrial activity to apply for an individual permit or to seek coverage under a promulgated stormwater general permit.

12. 40 C.F.R. § 122.26(b)(14)(ii) defines “stormwater discharge associated with industrial activity,” in part, as discharges from facilities classified as Standard Industrial Classification 2875 (Fertilizers, Mixing Only).

13. The Iowa Department of Natural Resources (“IDNR”) is the state agency with the authority to administer the federal NPDES program in Iowa pursuant to Section 402 of the CWA. The EPA maintains concurrent enforcement authority with authorized states for violations of the CWA.

14. The IDNR issued and implemented NPDES General Permit No. 1 for stormwater discharges associated with industrial activity. The most recent 5-year permit has an effective date of March 1, 2018, and an expiration date of February 28, 2023, with previous 5-year permits having been issued in 2003, 2008, and 2013. The relevant provisions of each permit, as reissued, are substantially the same. The permit that was set to expire October 1, 2017 was administratively extended until reissuance of the permit which occurred on March 1, 2018.

15. Any individual seeking coverage under NPDES General Permit No. 1 is required to submit a Notice of Intent (“NOI”) to the IDNR in accordance with the requirements of Part II.C of the Permit. As required by Section III.C.1, a Stormwater Pollution Prevention Plan (“SWPPP”), which includes at least the minimum requirements set forth in Section III.C.4 of the Permit, must be completed and maintained on site before the NOI is submitted to the IDNR and fully implemented concurrently with operations at the facility.

EPA’s General Allegations

16. Respondent is and was at all times relevant to this action the owner and/or operator of a facility known as the Davenport Compost Facility, located at 2707 Railroad Avenue, Davenport, Iowa 52804 (“Facility”), operating under SIC code 2875.

17. Stormwater, snow melt, surface drainage and runoff water leave Respondent’s Facility and discharge via four stormwater outfalls to a wetland that discharges through a roadside ditch and/or directly to the Mississippi River.

18. The runoff and drainage from Respondent’s Facility is “stormwater” as defined by 40 C.F.R. § 122.26(b)(13).

19. Stormwater contains “pollutants” as defined by Section 502(6) of the CWA, 33 U.S.C. § 1362(6).

20. The Facility has “stormwater discharges associated with industrial activity” as defined by 40 C.F.R. § 122.26(b)(14)(x), and is a “point source” as defined by Section 502(14) of the CWA, 33 U.S.C. § 1362(14).

21. The Mississippi River and the wetlands adjacent to the Facility, as identified in Paragraph 17, above, are “navigable waters” as defined by Section 502(7) of the CWA, 33 U.S.C. § 1362(7).

22. Stormwater runoff from Respondent’s industrial activity results in the addition of pollutants from a point source to navigable waters, and thus is the “discharge of a pollutant” as defined by CWA Section 502(12), 33 U.S.C. § 1362(12).

23. Respondent’s discharge of pollutants associated with an industrial activity, as defined by 40 C.F.R. § 122.26(b)(14)(xi), requires a permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.

24. After receipt of an NOI from Respondent, dated on or about March 17, 2003, the IDNR issued coverage under NPDES General Permit No. 1, Permit Authorization No. IA-5843-5828 (hereafter "Permit"), to Respondent, effective April 16, 2003. Upon Respondent's payment of renewal fees and submission of applications for renewal, the IDNR has extended the Permit to Respondent during several additional five-year permit cycles, with the two most recent Permits effective beginning April 3, 2013 and March 26, 2018. The Permit governs stormwater discharges at the Facility associated with industrial activity, including facilities with the SIC Code of 2875.

25. At all times relevant to this Order, the Respondent has operated under the Permit and the provisions of the Permit have remained substantially the same.

26. On or about October 26 and 27, 2017, the EPA performed an Industrial Stormwater Compliance Evaluation Inspection ("Inspection") of Respondent's Facility under the authority of Section 308(a) of the CWA, 33 U.S.C. § 1318(a), to evaluate Respondent's compliance with its Permit and the CWA.

27. During the Inspection, the EPA inspector reviewed Respondent's records related to the Permit, including Respondent's SWPPP for the Facility, dated May 17, 2010, and observed the Facility, the Facility's stormwater outfalls, which were labeled Outfalls OU01, OU02, OU03 and OU05, for purposes of the Inspection, and the wetlands to which stormwater is discharged. The Inspection also identified Outfall OU04 as a groundwater discharge point not related to stormwater discharges associated with industrial activities.

28. Following the Inspection, by email dated November 15, 2017, the EPA inspector issued to Respondent a Notice of Potential Violation ("NOPV") identifying issues that may be violations of Respondent's Permit, including, but not limited to: failure to develop and implement an adequate SWPPP; failure to conduct visual site inspections in 2016 and 2017; inadequate structural and non-structural stormwater controls; failure to conduct annual employee training from 2013 through 2016; failure to identify all sources of non-stormwater discharges; failure to certify that required testing or evaluation of non-stormwater sources had been completed; and failure to prepare test procedures to detect the presence of potential non-stormwater discharges. The NOPV offered the Respondent an opportunity to reply, within ten days of receipt, to address any of the potential violations identified by the EPA inspector.

29. Respondent provided a response to the EPA inspector by email dated November 20, 2017, identifying actions it was taking to address the issues identified in the NOPV.

30. A copy of the Inspection report was mailed by the EPA to Respondent by letter dated January 22, 2018.

EPA's Specific Allegations

**Count 1
Non-Stormwater Discharges**

31. The allegations stated above are re-alleged and incorporated herein by reference.

32. Part III.A. of Respondent's Permit states that, "[a]ll discharges covered by this permit shall be composed entirely of storm water." Non-stormwater discharges are prohibited, except as specifically authorized and in compliance with the Permit. Such limited exception includes, but is not limited to, uncontaminated groundwater and discharges from air conditioning condensate that are combined with storm water discharges associated with industrial activity, provided the non-storm water component of the discharge is in compliance with Part III.C.4.H. of the Permit.

33. Part III.C.4.H. of Respondent's Permit requires that the source of any non-stormwater discharge identified in Part III.C.4.H. of the permit must be identified in the SWPPP and that the SWPPP shall "ensure the implementation of appropriate pollution prevention measures for the non-stormwater component(s) of the discharge."

34. During the Inspection, the EPA inspector documented sources of uncontrolled non-stormwater discharges of black colored water from Outfall OU03 and Outfall OU05 into the wetlands. The inspector identified the sources of discharges as condensation from the west and east vacuum air ducts located on the sides of the composting building, which accumulated pollutants from the Facility prior to discharging through Outfalls OU03 and OU05, respectively. No pollution prevention measures for the non-stormwater discharges through Outfalls OU03 and OU05 were in place at the time of the Inspection.

35. Respondent's SWPPP neither identified the non-stormwater described in Paragraph 34, above, nor described any pollution prevention measures for those discharges.

36. Respondent's discharge of non-stormwater through Outfalls OU03 and OU05, as observed and documented by the EPA's Inspection, are violations of the terms and conditions its Permit, and are violations of Sections 301(a) and 402(p) of the CWA, 33 U.S.C. §§ 1311(a) and 1342(p).

Count 2

Failure to Develop an Adequate SWPPP and Failure to Amend SWPPP

37. The allegations stated above are re-alleged and incorporated herein by reference.

38. Part III.C. of Respondent's Permit requires that a SWPPP be developed for each facility covered by the Permit, that: is prepared in accordance with good engineering practices; identifies potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges associated with industrial activity from the facility; and describes and

ensures the implementation of practices which will be used to reduce pollutants in stormwater discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit. Specific requirements for an SWPPP include the following:

- a. Part III.C.4.A.(2) requires a narrative description of known significant materials that have been treated, stored or disposed, in a manner to allow exposure to stormwater, during the three years prior to the prior to the discharge authorization date of this permit; the method of on-site storage or disposal; materials management practices employed to minimize contact of these materials with stormwater runoff; materials loading and access areas; the location and a description of existing structural and non-structural control measures to reduce pollutants in storm water runoff; and a description of any treatment the storm water receives;
- b. Part III.C.4.B.(1) requires the plan to identify a specific individual or individuals within the organization responsible for developing the SWPPP and assisting in its implementation, maintenance, and revision;
- c. Part III.C.4.B.(3) requires the SWPPP to describe a preventive maintenance program that involves inspection and maintenance of stormwater management devices as well as inspecting and testing plant equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters;
- d. Part III.C.4.B.(6) requires the SWPPP to contain a narrative consideration of traditional stormwater management practices and provide that measures determined to be reasonable and appropriate are implemented and maintained; and
- e. Part III.C.4.B.(8) requires the SWPPP to identify periodic dates for employee training.

39. Part III.C.3. of Respondent's Permit further requires that the SWPPP shall be amended whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential to discharge pollutants, or if the SWPPP proves to be ineffective in achieving the general objectives of controlling pollutants in stormwater discharges associated with industrial activities.

40. Respondent's SWPPP, provided to the EPA inspector during the Inspection was prepared in 2010 and consists of a one-page general description of Facility and control measures, a site map, a one-page outline of employee training goals and a training log.

41. Based on observations documented during the Inspection, review of information provided by the Facility, and other relevant information, the EPA finds that Respondent's

SWPPP failed to meet the requirements of Parts III.C. of the Permit. Specific deficiencies of the SWPPP include:

- a. Failure to identify all potential sources of pollution, as required by Part III.C.4.A.(2) of the Permit, including the south outdoor compost storage and customer pickup area and the condensation from the west and east vacuum air ducts that accumulated pollutants from the compost piles within the Facility prior to discharging through Outfalls OU03 and OU05, respectively;
- b. Failure to properly identify a specific individual within the organization responsible for developing the SWPPP and assisting in its implementation, maintenance, and revision, as required by Part III.C.4.B.(1) of the Permit;
- c. Failure to periodically review and amend the 2010 SWPPP, as required by Part III.C.3. of the Permit, to address any change in design, construction, operation, or maintenance, which has a significant effect on the potential to discharge pollutants, or to address any controls that are ineffective in achieving the general objectives of controlling pollutants in stormwater discharges associated with industrial activities;
- d. Failure to describe preventive maintenance and good housekeeping measures, and a schedule for their implementation as required by Part III.C.4.B.(3) of the Permit;
- e. Failure to identify and ensure implementation of traditional stormwater management practices that are reasonable and appropriate; and
- f. Failure to develop a plan for periodic training for personnel at all levels of responsibility of the components and goals of the stormwater pollution prevention plan as required by Part III.C.4.B.(8) of the Permit.

42. Respondent's failure to develop an adequate SWPPP and to amend the SWPPP to address controls that had proven to be ineffective in achieving the general objectives of controlling pollutants in stormwater discharges associated with industrial activity are violations of the terms and conditions of its Permit, and as such, are violations of Section 402(p) of the CWA, 33 U.S.C. § 1342(p).

**Count 3
Failure to Develop and Implement Appropriate Controls**

43. The allegations stated above are re-alleged and incorporated herein by reference.

44. Part III.C. of Respondent's Permit requires development and full implementation of the facility's SWPPP concurrent with beginning operations at the facility.

45. Part III.C.4.B. of Respondent's Permit requires the facility to develop and implement storm water management controls appropriate to the facility to address identified potential sources of pollutants at the facility, as further detailed in Part III.C.4.B.(1) through (10) of the Permit.

46. The EPA Inspector observed the Facility's stormwater management controls, including structural controls and best management practices, and collected documentation from Respondent regarding SWPPP implementation. The information collected during the Inspection indicates that:

- a. The SWPPP site map identified a grass berm around the entire compost production portion of the Facility, but in practice, Respondent had placed an eight-foot tall berm that surrounds the composting Facility, with several piped outfalls through the berm to the adjacent wetlands and openings for two driveways;
- b. The SWPPP site map did not include the Facility's product storage and customer pickup area or its outfall locations, nor were there any structural controls present around that area;
- c. The woodchip filter berm placed in front of the inlet for Outfall OU01 was improperly installed and was inadequate to contain a large pile of woodchips next to the inlet;
- d. There were a woodchip boom and rocks installed around the inlet for Outfall OU02, but the boom was not anchored;
- e. Condensations from the west and east odor control vacuum air ducts for the composting building produced uncontrolled non-stormwater discharges of black colored water to the inlets for Outfall OU03 and Outfall OU05 into the wetlands;
- f. The inlet for Outfall OU03 had no controls;
- g. The inlet for Outfall OU05 had a silt fence and rocks as structural controls, but the silt fence was down and covered with sediment and the rocks were completely buried in sediment indicating that they had not been maintained in some time;
- h. The sediment basins at the discharge points for Outfalls OU01 and OU02 were full of black-colored water, sediment, and woodchips, and it appeared they had not been cleaned for an extended period of time; and
- i. Outfall OU03 and Outfall OU05 were discharging black colored water into the wetlands.

47. Based on observations documented during the Inspection, as described above, review of information provided by the Facility, and other relevant information, the EPA finds that Respondent failed to fully implement storm water management controls appropriate to the Facility to address identified potential sources of pollutants at the Facility, as required by Parts III.C. of the Permit.

48. Respondent's failure to implement adequate stormwater management controls is a violation of the conditions of Respondent's NPDES Permit, and as such, is a violation of Section 402(p) of the CWA, 33 U.S.C. § 1342(p).

**Count 4
Failure to Perform and Document Inspections**

49. The allegations stated above are re-alleged and incorporated herein by reference.

50. Part III.C.4.C of Respondent's NPDES Permit requires Respondent to conduct and document visual inspections of designated equipment and the plant area at a minimum of once per year. Pursuant to Part III.C.4.C(1), inspections shall include material handling areas and other potential sources of pollution for evidence of pollutants entering the drainage system, structural control measures to ensure that they are operating correctly, and equipment needed to implement the SWPPP. Part III.C.4.C(2) requires that the SWPPP be revised as appropriate based on the results of the inspection. Part III.C.4.C(3) requires that inspections be documented in a report summarizing the scope of the inspection, major observations, and actions taken, be signed by an appropriate corporate representative and kept for a minimum of three years.

51. The facility failed to conduct a visual site inspection in 2016. At the time of the EPA inspection a visual site inspection had not yet occurred in 2017.

52. Respondent's failure to perform and document inspections is a violation of the conditions of Respondent's NPDES Permit, and as such, is a violation of Section 402(p) of the CWA, 33 U.S.C. § 1342(p).

Reasonable Time to Achieve Compliance

53. Pursuant to Section 309(a)(5)(A) of the CWA, 33 U.S.C. § 1319(a)(5)(A), and having taken into account the seriousness of the violations, the EPA finds that one hundred twenty (120) days is a reasonable time for Respondent to comply with the terms and conditions of its NPDES Permit, IA-5843-5828.

Order for Compliance on Consent

54. Based on the EPA Findings set forth above, and pursuant to Section 309(a)(3) of the CWA, 33 U.S.C. § 1319(a)(3), the EPA hereby ORDERS the Respondent, and the Respondent hereby AGREES, to take the actions described below.

55. In accordance with this Order, the Respondent shall immediately take all necessary actions to correct the deficiencies and eliminate and prevent recurrence of the violations cited above, and to come into compliance with all of the applicable requirements of its Permit, NPDES General Permit No. 1, Permit Authorization No. IA-5843-5828, including, but not limited to:

- a. Review and revise the Facility's SWPPP, based on good engineering practices to meet all applicable requirements of the Permit;
- b. Identify and install appropriate structural and non-structural stormwater management controls to prevent the discharge of pollutants from the Facility, as required by the Permit and described in the revised SWPPP;
- c. Implement proper operation, preventative maintenance and good housekeeping practices for stormwater management, as required by the Permit and described in the revised SWPPP;
- d. Conduct and document visual inspections in accordance with the Permit and as scheduled in the revised SWPPP; and
- e. Train employees on the requirements of the complete and revised SWPPP and thereafter conduct employee training in accordance with the Permit and as scheduled by the revised SWPPP.

56. By no later than November 1, 2018, the Respondent shall submit a written report to provide the following:

- a. A copy of the updated and revised SWPPP, including an updated site map, for the Facility;
- b. A copy of reports for all stormwater inspections that have been conducted at the Facility since the date of the EPA Inspection;
- c. A copy of the employee training materials for the updated and revised SWPPP and a copy of the employee training attendance log; and
- d. A written description and photo documentation, if appropriate, of all actions taken at the Facility since the date of the EPA Inspection to achieve compliance with the Permit.

57. The EPA may, after review of the SWPPP, inspection reports, and description of actions taken submitted by Respondent pursuant to Paragraph 56, provide written comments and suggestions regarding such submittals. Review and comment on the SWPPP or other submissions by the EPA does not relieve Respondents of the responsibility to comply with its Permit, the CWA, applicable State law, or this Order.

58. If Respondent reasonably believes it is not technically able to complete all actions necessary to construct or install any stormwater control structures required by Paragraph 55 by the “reporting deadline” in Paragraph 56, Respondent may submit a written request to the EPA by no later than fifteen (15) days prior to the reporting deadline for an extension of time to install such structure(s). The request must include a description of the specific structure(s) for which the extension is being sought, an explanation of the reason for the delay, and a date certain by which the structure(s) will be completed.

59. Any decision by EPA regarding a request for an extension of time pursuant to Paragraph 58, above, will be made in writing and, if granted, will set forth the new compliance date for the structure(s) in question. The decision by EPA regarding the extension shall not be subject to appeal; however, EPA will not unreasonably withhold approval.

60. After review of the information submitted by Respondent pursuant to the above Paragraphs, EPA may determine that additional information is needed and/or additional corrective measures or deadlines are appropriate, and may modify this Order or initiate a separate enforcement action, as appropriate.

Reports/Submissions

61. *Semi-Annual Reporting.* In addition to the report required by Paragraph 56, above, Respondent shall submit semi-annual reports describing the actions it has taken since the previous report to ensure continued compliance with the terms of its Permit and this Order. These reports are due May 1, 2019, November 1, 2019, and May 1, 2020. Each report shall include, at a minimum:

- a. A copy of any revisions made to the SWPPP;
- b. A description of actions taken to implement the SWPPP, including but not limited to actions taken to construct or maintain structural controls, implement good housekeeping practices, identify and address non-stormwater discharges, conduct inspections, and provide employee training; and
- c. Copies of all relevant documentation regarding the activities described in subparagraph(b), including, but not limited to, inspection reports, employee training rosters and monitoring records.

62. *Submittals.* All documents required to be submitted to EPA by this Order, including the certification statement in Paragraph 65, below, shall be submitted by electronic mail to:

sans.cynthia@epa.gov

Cynthia Sans
U.S. Environmental Protection Agency – Region 7
Water, Wetlands and Pesticides Division
11201 Renner Boulevard
Lenexa, Kansas 66219.

63. Electronic submissions to the EPA will be deemed submitted on the date they are transmitted electronically. Any report, notification, certification, or other communication that cannot be submitted electronically to the EPA shall be submitted in hard-copy to the address provided above.

64. All documents required to be submitted pursuant to this Order shall also be submitted by mail to IDNR to the address provided below:

Deborah Quade
Iowa Department of Natural Resources – Field Office #6
1023 W. Madison
Washington, Iowa 52353

65. Each submission requirement of this Order shall contain the following certification signed by an authorized official, as described at 40 C.F.R. § 122.22:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

General Provisions

Effect of Compliance with the Terms of this Order

66. Compliance with the terms of this Order shall not relieve the Respondent of liability for, or preclude the EPA from, initiating an administrative or judicial enforcement action to recover penalties for any violations of the CWA, or to seek additional injunctive relief, pursuant to Section 309 of the CWA, 33 U.S.C. § 1319.

67. This Order does not constitute a waiver or a modification of any requirements of the CWA, 33 U.S.C. § 1251 *et seq.*, all of which remain in full force and effect. The EPA retains the right to seek any and all remedies available under Sections 309(b), (c), (d) or (g) of the CWA, 33 U.S.C. § 1319(b), (c), (d) or (g), for any violation cited in this Order. Issuance of this Order shall not be deemed an election by the EPA to forgo any civil or criminal action to seek penalties, fines, or other appropriate relief under the CWA for any violation whatsoever.

Access and Requests for Information

68. Nothing in this Order shall limit the EPA's right to obtain access to, and/or to inspect the Respondent's Facility, and/or to request additional information from the Respondent, pursuant to the authority of Section 308 of the CWA, 33 U.S.C. § 1318 and/or any other authority.

Severability

69. If any provision or authority of this Order, or the application of this Order to the Respondent, is held by federal judicial authority to be invalid, the application to the Respondent of the remainder of this Order shall remain in full force and effect and shall not be affected by such a holding.

Effective Date

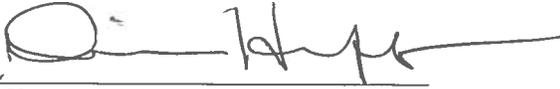
70. This Order shall be effective upon receipt by the Respondent of a fully executed copy hereof. All time periods herein shall be calculated therefrom unless otherwise provided in this Order.

Termination

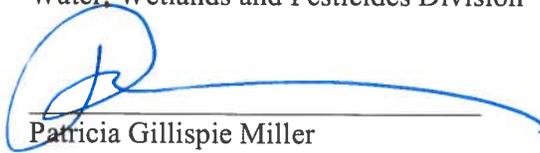
71. This Order shall remain in effect until a written notice of termination is issued by an authorized representative of the EPA.

For the Complainant, United States Environmental Protection Agency, Region 7:

Issued this ~~FIRST~~ day of ~~AUGUST~~, 2018.


for _____

Jeffery Robichaud
Director
Water, Wetlands and Pesticides Division



Patricia Gillispie Miller
Senior Counsel
Office of Regional Counsel

For the Respondent, the City of Davenport, Iowa:

Nicole Gleason 7/20/18
Signature Date

Nicole Gleason
Name

Assistant City Administrator /
Title Public Works Director

CERTIFICATE OF SERVICE

I certify that on the date noted below I hand delivered the original and one true copy of this Findings of Violation and Administrative Order for Compliance on Consent to the Regional Docket Clerk, United States Environmental Protection Agency, 11201 Renner Blvd., Lenexa Kansas 66219.

I further certify that on the date noted below I sent a copy of the foregoing Order for Compliance on Consent by first class certified mail, return receipt requested, to:

Nicole Gleason
Asst. City Administrator/Public Works Director
City of Davenport
1200 E 46th Street
Davenport, Iowa 52807

and by first class mail to:

Ted Petersen, Supervisor
Iowa Department of Natural Resources – Field Office #5
7900 Hickman Road, Ste. 200
Windsor Heights, Iowa 50324.

8/1/2018
Date


Signature