

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

IN THE MATTER OF: City of Lohrville Calhoun County, Iowa NPDES No. 1389002	ADMINISTRATIVE CONSENT ORDER NO. 2026-WW-08
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TO Donny Hobbs, Honorable Mayor
City of Lohrville
P.O. Box 257
Lohrville, IA
51453

City Council
City of Lohrville
P.O. Box 257
Lohrville, IA
51453

I. SUMMARY

This administrative consent order (order) is entered into by the City of Lohrville (City) and the Iowa Department of Natural Resources (Department). The parties hereby agree to the issuance of this order due to violations of its National Pollutant Discharge Elimination System (NPDES) permit. The City agrees to pay an administrative penalty of \$2,000.00. In the interest of avoiding litigation, the parties have agreed to resolve the violations alleged herein through entry of this order.

Any questions or responses regarding this order should be directed to:

Relating to technical requirements:

Brandon Miner
IDNR Field Office No 3
1900 N. Grand Ave. Ste. E17
Spencer, IA 51301
Phone: 712-344-9172

Relating to legal requirements:

Carrie Schoenebaum, Attorney
Iowa Department of Natural Resources
6200 Park Ave. Ste
Des Moines, Iowa 50321
Phone: 515-444-8165

Payment of penalty to:

Iowa Department of Natural Resources
6200 Park Ave Ste 200
Des Moines, Iowa 50321

RECEIVED

APR 24 2026

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

III. STATEMENT OF FACTS

1. The City operates a waste water treatment facility (WWTF) pursuant to NPDES permit No. 1389002 at the location of Section 14, T86N, R32W, in Calhoun County, Iowa. This WWTF consists of a three-cell waste stabilization lagoon system and it discharges to an unnamed tributary to Cedar Creek. The NPDES permit contains effluent limits for various pollutants, including Chloride, total suspended solids (TSS), Escherichia coli (E. coli) and carbonaceous biochemical oxygen demand five-day (CBOD5). On August 1, 2018, the most recent NPDES permit was issued. This permit contains a compliance schedule for the chloride effluent limit that became effective on July 1, 2023.
2. On August 20, 2019, the City submitted a compliance strategy to the Department detailing its plan to comply with the chloride effluent limit.
3. On August 3, 2020, the City submitted a report detailing its progress towards compliance with the chloride effluent limit. In this progress report the City stated that its financial ability to comply with the chloride effluent limit was not known.
4. On December 10, 2020, the Department conducted a routine NPDES permit compliance inspection. During this inspection the Department reiterated the need to take steps towards compliance of the chloride limit contained in the compliance schedule.
5. On September 16, 2022, the City submitted a report detailing its progress towards compliance with the chloride effluent limit. In this progress report the City stated that its financial ability to comply with the chloride effluent limit was not known.
6. On February 9, 2024, the Department sent a Notice of Violation (NOV) to the City for failure to meet its chloride and TSS effluent limits. Included with this NOV was a summary of the law. All effluent limit violations between July 1, 2023 and March 30, 2026 are contained in the table below.

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LOHRVILLE, CITY OF STP - 1389002

Lohrville EPA #:IA0084280		AVERAGE - LBS/DAY		DAILY MAXIMUM - LBS/DAY		AVERAGE - MG/L		DAILY MAXIMUM - MG/L		Parameter Monthly Total
		Limit	DMR	Limit	DMR	Limit	DMR	Limit	DMR	
Outfall: 001										
12/2023	CHLORIDE	1766	6172.6425	2788	7007.685	399	2960.5	631	3361	4
	TSS					80	108.5			1
12/2024	CBOD5					25	25.15			1
	CHLORIDE	1766	11891.589	2788	13464.93	399	3161	631	3229	4
5/2025	CHLORIDE	1766	7078.158	2788	8456.76	399	2153	631	2278	4
	TSS					80	91			1
11/2025	CHLORIDE	1766	3137.925	2788	3137.925	399	1505	631	1505	4
12/2025	CHLORIDE	1766	6046.5	2788	6096.54	399	1450	631	1462	4

7. On May 29, 2025, the Department conducted a NPDES permit compliance inspection. During this inspection the Department documented violations of the chloride and E. coli effluent limits.

8. On June 16, 2025, the City submitted a progress report to the Department. In this progress report the City stated that it monitored the salt use at the water plant, improvement in chloride levels were still being monitored, the City worked on installation details for a trial installation of the used reverse osmosis water softener and was evaluating installing this to further reduce chloride discharge from the water treatment plant. The City also stated that its financial ability to comply with the chloride effluent limits was not known.

9. On July 28, 2025, the Department sent the City a NOV for failure to meet the chloride effluent limits. Included with this NOV was a copy of the inspection report and a summary of the law.

IV. CONCLUSIONS OF LAW

The parties hereby agree to the following conclusions of law:

1. Iowa Code section 455B.173 provides that the Environmental Protection Commission (Commission) shall adopt rules related to water quality standards, pretreatment standards, and effluent standards. The Commission has adopted such rules at 567 IAC chapters 61 through 64.

2. Iowa Code section 455B.186 prohibits the discharge of pollutants into waters of the state, except for adequately treated pollutants discharged in accordance with rules adopted by the Commission. Additionally, 567 IAC 62.1(1) prohibits the discharge of wastewater into a navigable water unless authorized by an NPDES permit. The above stated facts demonstrate noncompliance with these provisions of law.

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3. 567 IAC 60.3(1) prohibits the operation of any wastewater disposal system in violation of a permit issued to that system. The above stated facts demonstrate noncompliance with this provision of law.
4. NPDES No. 1389002 contains a compliance schedule for chloride effluent limits. Compliance with the final effluent limit was to be achieved July 1, 2023. To date the City has failed to comply with this provision of law.

V. ORDER

THEREFORE, the Department orders, and the City consent to do, the following:

1. Cease all illegal discharges to waters of the state;
2. Submit a compliance plan to the Department field office for its approval no later than 90 days after the date the Director signs this order. This compliance plan shall, at a minimum, contain the following:
 - a. Identify the actions to be taken to address the chloride effluent limit violations; and
 - b. Performance dates that milestones must be completed by.
3. Pay an administrative penalty of \$1,500.00 within 30 days of the date the Director signs this order.

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 \$10,000.00 which may be assessed administratively. The Commission has adopted this schedule with procedures and criteria for assessment of penalties in 567 IAC chapter 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 administrative order with an administrative penalty. The administrative penalty is determined as follows:
 - a. **Economic Benefit.** 567 IAC chapter 10 requires that the Department consider the costs saved or likely to be saved by noncompliance. 567 IAC 10.30(1) states that “where the violator received an economic benefit through the violation or by not taking timely compliance or corrective measures, the department shall take enforcement action which includes penalties which at least offset the economic benefit.” 567 IAC 10.30(1) further states, “reasonable estimates of economic benefit should be made where clear data are not available.” At this time, as an effort to settle the matter, the Department is not assessing a penalty for economic benefit.
 - 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. Further, NPDES permit limits are the backbone of the water quality program and the effluent limits in NPDES permits are protective of the environment. Violations of NPDES permit limits degrade water quality harms

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aquatic life, prevents the attainment of state water quality goals, and causes a decline in the quality of life generally. Therefore, the amount of \$1,000.00 is assessed for this factor.

c. **Culpability.** The City operates a WWTF. When operating a WWTF there is an obligation to be aware of the applicable regulations and comply with those regulations. Therefore, the amount of \$500.00 is assessed for this factor.

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 the City. By signing this order, all rights to appeal this order are waived by the City.

VIII. NONCOMPLIANCE

Failure to comply with this order may result in the imposition of further administrative penalties or referral to the Attorney General to obtain injunctive relief and civil penalties pursuant to Iowa Code section 455B.191. Compliance with Section V. of this order constitutes full satisfaction of all requirements pertaining to the violations described in this order.

 Dated this 4/14 day of 2026
On behalf of the City of Lohrville

Kayla Lyon, DIRECTOR
IOWA DEPARTMENT OF NATURAL RESOURCES

FO 3, Carrie Schoenebaum- Legal Services Bureau