



IOWA DEPARTMENT OF NATURAL RESOURCES  
WATER QUALITY BUREAU  
502 EAST 9<sup>th</sup> STREET - DES MOINES, IA 50319-0034  
Telephone: (515) 725-8200; Fax: (515) 725-8202

PETITION FOR WAIVER

To obtain a waiver to an administrative rule adopted by the DNR a petitioner must provide comprehensive justification, which satisfies all of the criteria in Iowa Code section [17A.9A](#) and 561 Iowa Administrative Code Chapter (IAC) [10.4](#) and either 567 IAC [64.2\(9\) "c"](#), 567 IAC [43.3\(2\) "b"](#), 567 IAC [39.11](#), 567 IAC [49.5](#) or 567 IAC [69.22](#), as applicable.

This form will assist you in providing the information that is necessary for the DNR to grant a waiver. The form must be submitted to the DNR and must contain an adequate amount of factual and concise information. The obligation rests with the petitioner to provide the evidence which establishes that all of the criteria are satisfied. Upon a request for a waiver, the DNR may require additional information to further support the waiver request.

Petitions will be comprehensively evaluated by the DNR. The DNR reserves the right to place any condition on the waiver. If information is not inclusive, concise, or does not adhere to the justifications and/or proof the petitioner has submitted, the waiver may be denied. Upon review, the DNR will grant or deny the waiver in writing.

Waivers are temporary unless evidence is shown that a temporary waiver would be impracticable. Once the waiver expires, the rule will be enforceable. There is no automatic renewal of a waiver. The term of a waiver is 1 (one) year, unless the permittee can justify a longer term or permanent time frame. The DNR may renew a waiver at its discretion. Please note that the DNR is not allowed to waive or alter a statutory requirement.

Petitioners must, within 30 days of submission of this petition, serve notice by certified mail of the pending petition, including a concise summary of its contents, upon all persons to whom notice is required by any provision of law. A written statement shall be provided to the DNR attesting that the required notice has been provided. The DNR may give notice to other persons.

PERMIT/PROGRAM

A waiver is being requested for the following permit/program: (Select **only one** applicable permit/program box. Submit a separate request for each specific waiver and permit/program area.)

- National Pollution Discharge Elimination System (NPDES). Include justification pertaining to 567 IAC 64.2(9) "c"
- Wastewater Construction. Include justification pertaining to 567 IAC 64.2(9) "c"
- Water Supply Operations. Include justification pertaining to 567 IAC 43.3(2) "b"
- Water Supply Construction. Include justification pertaining to 567 IAC 43.3(2) "b" or 567 IAC 39.1 or 567 IAC 49.5
- Private Water/Wastewater System. Include justification pertaining to 567 IAC 69.22



**Contact Information**

**Petitioner Information**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Email: \_\_\_\_\_ Telephone: \_\_\_\_\_

**Facility Information**

Name: \_\_\_\_\_ Facility ID/Permit #: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Email: \_\_\_\_\_ Telephone: \_\_\_\_\_

**Petitioner Justification**

Each question must be answered using evidence which establishes that all of the criteria are satisfied. Additional attachments may be provided.

1. Describe the specific requested waiver:

2. Cite the specific Administrative Rule from which the waiver is requested:

3. List relevant facts which justify the waiver:





9. In the past 5 years has the facility been in a court of law?  Yes  No. If yes, explain:
10. Has the facility been involved in contested case proceedings?  Yes  No. If yes, explain. Include the case number of any related contested case.
11. Is the provision of rule subject to this petition for a waiver specifically mandated by statute or another provision of law? This includes both state law and federal law.
12. Why would a denial of this waiver request pose an undue hardship?
13. Are there any public agencies, political subdivisions of the state or federal government, person or entity which may be affected by the granting of the proposed waiver?  Yes  No. If yes, you must provide the name(s), address(es), telephone number(s), and other relevant contact information.



14. What persons have knowledge of relevant facts related to the proposed waiver? Provide names, addresses, telephone numbers, and other relevant contact information. Signed releases authorizing these individuals to furnish the Department with relevant information shall be included with this petition.

15. If the waiver is granted, would it prejudice the substantial legal rights of any person?  Yes  No. If yes, describe how.

16. How will substantially equal protection of public health, safety, and welfare be afforded by a means other than that prescribed in the particular rule for which the waiver is requested? Attach additional information to support your justification.

17. Pursuant to 561 IAC 10.5, a waiver shall not be permanent. Is a temporary waiver impractical for the facility?  Yes  No. If yes, describe why a temporary waiver would be impracticable and describe the requested time period for the waiver. If this waiver request is for a construction permit, the answer may be Not Applicable.



18. Do you know how the DNR has treated similar situations?  Yes  No. If yes, describe how similar situations were handled:

19. If this petition is for a wastewater construction permit waiver, the petitioner must attach an engineering and technical justification for a wastewater design standards waiver. This justification must be completed by a professional engineer licensed in the state of Iowa and shall be certified by the engineer's certification statement, seal and signature. Engineering and technical justification attached:  Not Applicable:

**PETITIONER CERTIFICATION**

The DNR shall grant or deny a petition for a waiver with 120 days of the receipt of the petition. Failure of the DNR to grant or deny a petition within the required time period shall be deemed a denial of that petition by the DNR. A waiver is void if the material facts are not true or if facts have been withheld. The DNR reserves the right to cancel a waiver at any time if the DNR finds that the facts as stated in the request are not true, material facts have been withheld, the alternative means of compliance provided in the waiver have failed to achieve the objectives of the statute, or the requester has failed to comply with the conditions of the waiver.

**By signing this petition, I certify that all information listed on this petition and the attached additional information is factual and accurate.**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Position: \_\_\_\_\_