

IOWA DEPARTMENT OF NATURAL RESOURCES

***** TRANSMITTAL SLIP *****

RE: Variance Request
Harcourt, Iowa

Date 8/25/97

TO: Wayne Farnand/Darrell McAllister
FROM: Fred Evans

- | | |
|--|---|
| <input type="checkbox"/> REPLY FOR MY SIGNATURE | <input type="checkbox"/> NOTE AND FORWARD |
| <input type="checkbox"/> REPLY DIRECT | <input type="checkbox"/> FILE |
| <input checked="" type="checkbox"/> REVIEW, ^{take action} COMMENT AND RETURN | <input type="checkbox"/> FOR YOUR SIGNATURE |
| <input type="checkbox"/> INVESTIGATE AND REPORT | <input type="checkbox"/> FOR YOUR APPROVAL |
| <input type="checkbox"/> SEE ME | <input type="checkbox"/> PER YOUR REQUEST |
| <input type="checkbox"/> FOR YOUR INFORMATION | <input type="checkbox"/> PER OUR CONVERSATION |
| <input type="checkbox"/> TAKE ACTION BY _____ (Date) | |

☐ COMMENTS:

variance appd by DMC 10/30/97,
never was held to allow input
from Holland or Clients. None
rec'd as of 11/12/97 -
proceed - draft letter of appd
to city.



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Recycled Paper

VARIANCE REQUEST

Iowa Department of Natural Resources

1. Date : 8/19/97 13. Decision: *Approved*
2. Review Engineer : Fred Evans Date: 10/30/97
3. Date Received : 4/20/97, 6/3/97, 7/24/97 & 8/14/97
4. Facility Name : City of Harcourt 14. Appeal:
5. County Number : 94 Date:
6. Program Area : CP
7. Facility Type : C05
8. Subject Area : 308
9. Rule Reference : 64.2(2) for variance & 64.2(3) a for separation
10. Design Std. Ref. : 14.2.3
11. Consulting Engr. : FOX Engineering
12. Variance Rule : 64.2(2)c

15. Description of Variance Request

The City of Harcourt is proposing to construct a new sanitary sewer system and lagoon. Numerous lagoon sites have been evaluated and a site has been selected which can be reached by a gravity interceptor sewer. There are two houses, with a common owner, that are approximately 900 feet from the edge of the proposed maximum water surface elevation of the proposed primary cell of the lagoon. The City has approached the Trustees of the estate controlling the homes regarding a waiver of the required separation distance of 1000 feet, but the trustees have not been willing to sign such a waiver. Therefore, the City is requesting a variance of the separation distance for the lagoon so that a decision can be made regarding proceeding with condemnation of the lagoon site, since the owner of the site is not a willing seller.

16. Consulting Engineer's Justification

The consulting engineer has submitted the following information as justification for requesting a variance from our site separation distance requirements and get our approval of the selected site:

1. We believe that the original reason for the separation distances required by the Department is to protect adjacent property owners from adverse impacts due to odors that may be generated by the wastewater facility. While we recognize that odors may be generated by the lagoon facility in the spring turnover period, we do not believe that the

Harcourt Variance Request

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16. Consulting Engineers Justification (continued)

Alternate Site 3. (continued)

As with the proposed site, condemnation would be required in order to acquire the site. We have been told by an attorney that state law does not allow a city to condemn access to a site for survey or testing purposes prior to land acquisition. This means that the City would have to actually acquire this site before being able to determine if gravity feed would be possible. This risk plus the costs of additional interceptor sewer and access road has led the City Council to reject this alternative.

- Sites generally to the east or south of the community were rejected due to the remote locations requiring long outfall sewers to receiving streams and high elevations requiring pumping stations to bring sewage to the sites. Concerns regarding wetlands and peatbog conditions in the south were also considered in the decision-making process.
- 3. Following our meeting to discuss the previously submitted request for variance for the separation distance on the proposed Harcourt lagoon, the City of Harcourt re-approached the trustees for the property involved in the variance request. This was done to reassure you that the City had made a serious effort to obtain the voluntary waiver. The trustees' response has been to ask that the City purchase the property outright. Barring this purchase, the trustees are continuing in their refusal to sign a voluntary waiver. The City had been authorized by Rural Development to offer up to \$5,000 to offset any possible devaluation of the property due to the lagoon site location, but the trustees have refused this offer. We do not believe that there is any way that the property in question could be devalued by this amount due to the difference in separation distance between the 900 foot actual distance and the 1,000 foot required distance. (It may be important that the attorney representing the estate is the same attorney representing the owner of the property upon which the lagoon is sited and that owner is actively opposing the siting of the lagoon on his property.)
- 4. The conclusion reached by the City Council and supported by our professional opinion and by the USDA Rural Development office is that the site being proposed is by far the least cost alternative, the best site from the standpoint of operation and maintenance, and no less troublesome to acquire than any other reasonably feasible site since condemnation is required in any case. With regard to possible devaluation of property for the two houses within the 1000 foot separation distance, it is doubtful that such devaluation could be shown, and if so, the property owners would have the option of seeking damages through the courts or by approaching the City Council with some unbiased documentation for such a claim.

Q.E.S.

Dick

STATE OF IOWA
DEPARTMENT OF WATER, AIR AND WASTE MANAGEMENT
HENRY A. WALLACE BUILDING
DES MOINES, IOWA 50319

CONSTRUCTION PERMIT

City Clerk
City Hall
Hawarden, Iowa 51023

Permit No.: 83-203-S

File: Hawarden - Sewage

Re: 1983 SSE

WAWM Project No.: S83-202

In accordance with the provisions of Sections 455B.173.9 and 455B.174.4 Code of Iowa, and Rule 900--64.2(455B) or Rule 900--65.5(455B), or Rule 900--41.12(455B) of the Iowa Administrative Code, the Executive Director of the Department of Water, Air and Waste Management does hereby issue a permit for the construction of:

4,312 feet of eight-inch and 260 feet of ten-inch sanitary sewer.

This Department hereby grants a variance from our design standards to permit construction of this sanitary sewer extension at an 0.28% slope in lieu of the 0.40% minimum slope required for eight-inch diameter sewer, and at an 0.18% slope in lieu of the 0.28% minimum slope required for ten-inch diameter sewers in our standards. In view of the flat grade of this extension, additional cleaning and maintenance of the sewer line shall be provided whenever found necessary.

The construction of the project shall be initiated within one year of issuance of this permit or this permit is no longer valid. Within thirty days after completion of construction, the permit holder shall submit a certification by a registered professional engineer that the project was completed in accordance with the approved project documents.

Pursuant to Section 455B.174.4, Code of Iowa, and Rule 900--600.4, you have the right to appeal any condition of this permit by filing with the Executive Director of the Department of Water, Air and Waste Management a notice of appeal and request for administrative hearing within thirty days of receipt of this permit.

Contact Billy C. Chen at 515/281-8974 with any questions or comments.

For the Department of Water, Air and Waste Management:

Stephen W. Ballou, Executive Director

By:

Larry Hager
PROGRAM OPERATIONS DIVISION

Date:

September 21, 1983

cc: DGR - Rock Rapids, IA
Region 3

BCC:rlz/WWPW250J29.01

Plan Distribution

{2} Engineer; {1} WAWM File