

VARIANCE REQUEST

Iowa Department of Natural Resources

1. Date : 8/16/96 13. Decision: Approved
2. Review Engineer : Fred Evans Date: 8/29/96
Date Received : 8/19/95, 11/13/95, 12/11/95, 1/4/96, 5/21/96, 6/10/96, 7/11/96
4. Facility Name : City of Lake Mills 14. Appeal:
5. County Number : 95 Date:
6. Program Area : C P
7. Facility Type : C O 5
8. Subject Area : 308
9. Rule Reference : 64.2(9) for variance & 64.2(3) a for separation
10. Design Std. Ref. : 14.2.3
11. Consulting Engr. : Yaggy Colby Associates
12. Variance Rule : 64.2(9) c

15. Description of Variance Request

The City of Lake Mills is in the process of upgrading their wastewater treatment facility to accommodate higher loadings, and to meet more stringent National Pollution Discharge Elimination System (NPDES) discharge permit limits which will be implemented within the next several years. The process of this upgrade is currently in the preliminary design stage. It has been determined that expansion of the present aerated lagoon system by adding two additional aerated cells on the west side of the existing system is the most cost effective and adequate method of expansion.

By expanding to the west, a number of residences and commercial establishments fall within a 1,000 foot radius from the water surface of the proposed treatment unit (attachment A). As such, the City of Lake Mills has attempted to obtain waivers from the potentially impacted property owners (property owners) in accordance with Iowa Design Standard 14.2.3. The City of Lake Mills personally contacted each of the property owners to inform them on the need for, and the potential impacts of, the wastewater treatment facility expansion. In addition, regularly scheduled public meetings were held by the City of Lake Mills in an attempt to provide information to the property owners so informed decisions could be made regarding signing of waivers. (continued on attached sheet)

16. Consulting Engineer's Justification

The consulting engineer has submitted the following information as justification for the requested variance:

1. Lake Mills utilizes a three celled aerated lagoon for wastewater treatment. The system is comprised of a primary cell, a secondary cell, and a quiescent zone prior to discharge. The proposed expansion would include the addition of two secondary cells to the west end of the existing treatment facility. It has been noted in public meetings by both the property owners and the City that the lagoon system has never produced objectionable odors or other displeasing incidents.

16. Consulting Engineer's Justification (cont.)

2 Prevailing winds in the Lake Mills area range from generally southwesterly in summer to northwesterly in winter. As the potentially impacted property owners are all located northwest of the proposed expansion, the prevailing winds should not create a problem with treatment facility odors in the unlikely event they are generated.

3 Attachment B shows the locations of the potentially impacted property owners with respect to the existing lagoons and the proposed expansion. The existing primary cell will remain the primary cell and the proposed cells will only be utilized as secondary cells in the treatment process. Therefore, the property owners will be no closer to the primary cell, the cell with the greatest potential for odor, than they are already situated.

4 Cost estimates to expand existing facilities is between \$600,000 to \$1,000,000. Estimated costs for new mechanical plant or a new facility at a more remote site would run \$3 to \$4 million dollars.

17. Department's Justification

It is recommended that a variance be granted based upon the consulting engineer's justification and the following additional reasons:

1. The City of Lake Mills has expended considerable effort to obtain signed waivers from the owners of the 10 residences located within 1000 feet of the proposed site.
2. The two signed purchase agreements for the additional land required for the proposed lagoon expansion are conditioned on the basis that the City of Lake Mills will proceed with the project to expand its wastewater treatment facility.
3. The only property owner not signing either a waiver or purchase agreement is Gayle Trytten whose residence is located 800 feet northwest of the nearest lagoon cell. In view of the separation distance provided and the fact that the new cells will be aerated and provide secondary treatment, the potential for any possible odors occurring at this residence should be minimal.
4. If the City of Lake Mills was required to locate at a more remote site, there would be significant delays in the redesigning and construction of new wastewater treatment facilities. Our field office staff has been working with the City to provide improvements to the facilities at an early date.
5. There is a substantial increase in costs to construct new facilities at another site.

18. Precedents Used site separation variances previously approved for the Cities of Albia, Bronson, Chillicothe, Eddyville, Fort Dodge, Ogden, Ossian, Washington and West Chester. Variances also approved for the Meadow Lawn Nursing Center, Northridge Mall, River View Estates, Troy Mills S.D., Beachland Inn MHP and Westend Apartments.

19. Staff Reviewer

: Fred Evans

Date: 8/26/96

20. Supervisor

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Date: 8/28/96

21. Authorized by

: 

Date: 8/29/96

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Lake Mills
Variance Request

15. Description of Variance Request (continued)

Of ten property owners (attachment B), three signed the needed waivers. The remaining seven, through their attorney, notified the City of Lake Mills that they would oppose the expansion.

Immediately following receipt of this letter of opposition, the City of Lake Mills scheduled an informational meeting and invited all of the property owners via registered mail. The informational meeting was held at 7:00 pm, on November 1, 1995, at the Lake Mills City Hall. The meeting was well attended with the majority of the property owners present.

Through the course of the informational meeting, it became clear that the primary concerns of the property owners were the aesthetic features of the wastewater treatment facilities and the need to record the waiver of separation distance on the abstract of title for each property. The property owners indicated that they would sign the required waivers with assurances from the City of Lake Mills that aesthetic concerns regarding the wastewater treatment facilities be recognized and that the waivers not be recorded on property abstracts.

The City of Lake Mills agreed to include landscaping measures in the project design, and to form a committee consisting of property owners and representatives of the City of Lake Mills to develop the aesthetic requirements to be incorporated into the project design. However, the City could not forgo the requirement of recording waivers on abstracts of property as this is a requirement of the Iowa Department of Natural Resources.

Following several additional public information meetings and individual attempts by the City to inform the property owners of the necessity and impact of the treatment facility expansion, seven of the required ten waivers have been signed. All ten waivers are enclosed for your information, three of them unsigned. It should be noted that the three waivers which were not signed involve property owners which the City is in the process of negotiating real estate transfers or is proceeding with condemnation to acquire the property for the facility expansion. Attachment A summarizes the status of the waivers as well as distance and direction of the property from the proposed expansion.

The City of Lake Mills has been in the process of obtaining waivers from ten property owners located to the northwest of the proposed expansion that fall within the 1000 foot separation distance. As you are aware, seven of the ten waivers have been obtained and provided to your office. The three remaining unsigned include Mr. Trostheim, Mr. Glayden Trytten, and Ms. Gayle Trytten. The City is proceeding with acquisition of both Mr. Trostheim's and Mr. Trytten's properties (see attached newspaper article chronicling the Lake Mills City Council meeting). The City will enter into purchase agreements with these property owners which will be executed once Iowa Department of Natural Resources' concurrence on the siting of the facility expansion is obtained. The agreements have been signed by both property owners and are to be approved by the City at tonight's council meeting. *Note: Signed copy of agreement with Glaydon Trytten was received 6/10/96 and signed copy of agreement with Elmer Trostheim was received 7/11/96.*

From
11/10/95
Letter

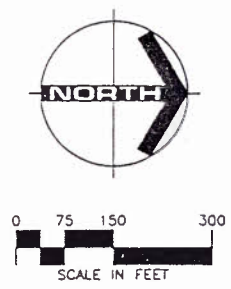
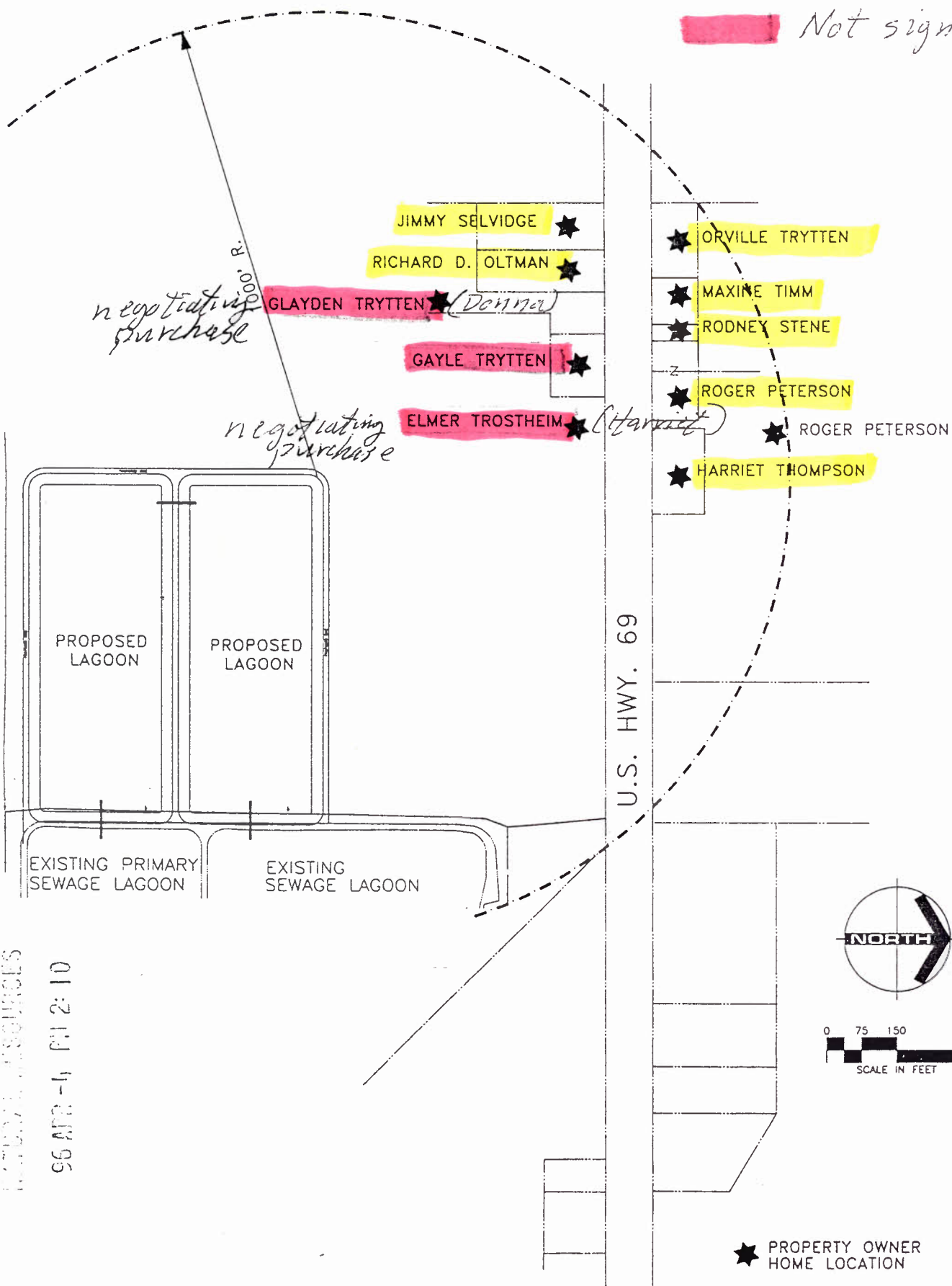
From
4/2/96
Letter

From
5/20/96
Letter

15. Description of Variance Request (Continued)

Inasmuch as the seven signed waivers will not be recorded for abstract of title purposes, two property owners have signed purchase agreements in lieu of signed waivers, and one property owner (Gayle Tritten) has not signed a waiver, a variance from our site separation distance requirements has been requested

Signed
Not signed



96 APR -6, PM 2:10
 NATURAL RESOURCES