

# VARIANCE REQUEST

Iowa Department of Natural Resources

1. Date : 9/22/92 13. Decision: Approved  
2. Review Engineer : Fred Evans Date: 9/28/92  
3. Date Received : 8/5/92 & 9/10/92  
4. Facility Name : Meadow Lawn Nursing Center 14. Appeal:  
5. County Number : 82 Date:  
6. Program Area : CP  
7. Facility Type : COS  
8. Subject Area : 308  
9. Rule Reference : 64.2(9)  
10. Design Std. Ref. : 14.2.3  
11. Consulting Engr. : Shive-Hattery  
12. Variance Rule : 64.2(9)C

## 15. Description of Variance Request

The existing soil absorption system serving the Meadow Lawn Nursing Center has failed, and the DNR Field Office has notified the owners that the system must be repaired or replaced. Shive-Hattery has been retained by the owners, and the engineering firm has proposed constructing a new absorption field in a new area. In a site survey conducted by the field office it was noted that two residences within 1000 feet of the new site cannot meet the 90% separation distance rule. Several attempts have been made by the designing engineer to obtain waivers from the owners of these two residences, and finally a waiver was obtained from the owner of the home and well located northeast of the proposed site. Inasmuch as a waiver has not been obtained from the owner of the home located southeast of the proposed site, the engineer has requested a variance from our siting criteria. The distance to this house is 450' (present distance is 600'). The distance to the well at this house meets rules. However distance to well at house that signed waiver is only 350' (rules require 400').

## 16. Consulting Engineer's Justification

1. Letter of 8/3/92: Enclosed are copies of correspondence used to attempt to obtain Waivers of Separation from the two affected landowners. It has been more than two months since we began attempting to obtain signed waivers. We feel these repeated attempts are going nowhere. Therefore, we request a variance to the separation distance rule be applied for.

FME Note: On 9/3/92, I requested the engineer to make another attempt to obtain waivers from the two property

16. Consulting Engineer's Justification (cont.)

owners, particularly for the nearest home and well located northeast of the proposed site. A signed waiver from the nearest property owner was received on 9/10/92.

2. Letter of 9/8/92: Enclosed is the signed Waiver of Separation from James M. Harrison - the property owner closest to the absorption field. Efforts to obtain the remaining Waiver of Separation have, so far, proved unsuccessful. Please continue to obtain the variance required to allow for construction of the proposed absorption field.

17. Department's Justification

It is recommended that a variance be granted for the following reasons:

1. A good faith effort has been made to obtain waivers from the property owners as evidenced by the documents received. A waiver has been obtained from the owner of the nearest home, but the other home owner has not signed a waiver.
2. The private well at the Harrison residence is located 450 feet from the proposed absorption field, and therefore exceeds our minimum required separation of 400 feet.
3. Only the replacement site field will be located at the proposed site since the existing septic tanks and dosing tank are considered to be adequately sized, and, therefore, will remain at the existing separation distances from the Harrison residence. Thus the potential for any odors from the new site should be very minimal. Also since the absorption field will be buried, the site should be aesthetically pleasing.
4. There is a road located between the new absorption field site and the Harrison residence. It is expected that the exhaust fumes from traffic on this road will be more noticeable in the area than any odors from the buried absorption field.

18. Precedents Used

Troy Mills S.D.	Approved 9/8/83	Ossian	Approved 10/3/88
Eddyville	Approved 6/25/85	Chillicothe	Approved 4/2/90
Bronson	Approved 7/11/85	Albia	Approved 1/7/91
Northridge Mill	Approved 8/1/85		
Riverview Estates	Approved 11/10/86		

19. Staff Reviewer	: <i>[Signature]</i>	Date:	9/23/92
20. Supervisor	: <i>[Signature]</i>	Date:	9/24/92
21. Authorized by	: <i>[Signature]</i>	Date:	9/28/92



ENVIRONMENTAL PROTECTION DIVISION  
FIELD OFFICE #6  
1004 W. MADISON 6-83-22 8-00  
WASHINGTON, IOWA 52353  
TEL: 319/653-2135 FAX: 319/653-2856

TERRY E. BRANSTAD, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

LARRY J. WILSON, DIRECTOR

CERTIFIED MAIL

April 16, 1992

Meadowlawn Associates  
1717 N. California Blvd.  
Suite 2A  
Walnut Creek, California 94596

Attention: Richard Ewin

Notice of Violation: Subrule 69.3(3), Iowa Administrative Code [IAC],  
[Wastewater Discharge Restrictions]

Re: Complaint No. 4/92-14

Mr. Ewin:

On April 10, 1992 this office received a complaint from Suzanne Davis, Scott County Health Department, regarding the wastewater disposal system at Meadowlawn Nursing Center, Davenport, Iowa. Ms. Davis stated that on April 10, 1992 she observed ponded wastewater on the ground near the facility.

Subrule 69.3(3), Iowa Administrative Code prohibits the discharge of any wastewater from on-site wastewater treatment and disposal systems to any ditch, stream pond, lake, natural or artificial waterway, county drain tile, surface water drain tile, land drain tile or to the surface of the ground.

Therefore, you are required to eliminate the discharge by repairing or replacing the existing wastewater system by June 1, 1992. In addition, you are required to have a licensed septic tank cleaner pump out the septic tanks twice per week until the system is repaired. Failure to comply with these requirements may result in referral of this matter to our Central Office in Des Moines for appropriate enforcement action.

If you have any questions or comments regarding this letter please contact this office.

Respectfully,

FIELD EVALUATION AND EMERGENCY RESPONSE BUREAU

*James T. Sievers*

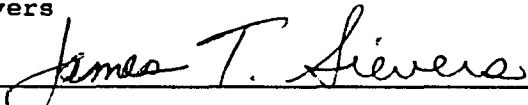
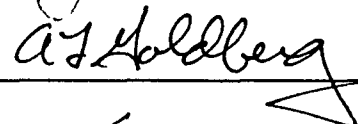
James T. Sievers  
Environmental Specialist

JTS:JEP:\wri\ww\medowlwn.cpt

xc: Wastewater Section, DNR, Des Moines, IA  
Meadowlawn Nursing Center, 4656 W. Kimberly Rd., Davenport, IA 52806  
James Petersen, 2240 Country Cottage Court, Las Vegas, Nevada 89117  
Scott County Health Dept., Bicentennial Bldg., 428 Western Avenue,  
Davenport, IA 52801

STATE OFFICE BUILDING / DES MOINES, IOWA 50319 / 515-281-5145

**IOWA DEPARTMENT OF NATURAL RESOURCES, ENVIRONMENTAL PROTECTION DIVISION  
REPORT OF INVESTIGATION**

<b>INVESTIGATION DATE</b> Current 06/06/92 Last		<b>FROM: FIELD OFFICE #6</b> 1004 W. MADISON, WASHINGTON, IA 52353 Tel:319/653-2135 Fax:319/653-2856	
<b>TO:</b> Meadowlawn Nursing Home 4656 W. Kimberly Road Davenport, Iowa 52802		<b>PERSONS CONTACTED:</b>  Mike Helms, P.E.	
<b>RE:</b> Wastewater Site Survey Work Request #674			
<b>SUSPENSE DATE</b>	<b>SIGNATURE</b>		<b>DATE</b>
06/18/92	James T. Sievers INSPECTOR 		6/29/92
	REVIEWER 		6/30/92
ENCLOSURES (Specify) -			
DISTRIBUTION: Field Office: <input checked="" type="checkbox"/> Central Office			

**OBSERVATIONS/RECOMMENDATIONS:**

On June 16, 1992, I conducted a site survey for a proposed subsurface leach field for Meadowlawn Nursing Home located in Section 8, T78W, R3E, Scott County. Actual separation distances were compared with separation criteria in Subrule 567--64.2(3), Iowa Administrative Code.

Because the proposed system will be replacing the existing failed leach field, the 90% separation distance rule was used.

Helms and I used a 100 foot tape to measure the actual distances from the proposed system to three nearby properties:

1) House northeast of proposed site

- 350 feet to the well
- 300 feet to the house
- 500 feet from existing system to the house
- 550 feet from existing system to the well

2) House southeast of proposed site

- 450 feet from the proposed site to the well and house
- 600 feet from existing system to the well and house.

3) Elementary school/church southeast of proposed site

- 500 feet from the proposed site to the elementary school
- 530 feet from the existing system to the school
- according to Helms the church and school are on city water

Helms stated that he was attempting to get waivers from the two home owners because the proposed system was closer than the 90% separation distance between the homes and the existing system. A waiver would not be required from the church because the separation distance was within the 90% criteria.

All other siting criteria appeared to have been met.

JTS:JEP:\DW4\WW\MEADOWLN.ROI