



STATE OF IOWA

CHESTER J. CULVER, GOVERNOR
PATTY JUDGE, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
RICHARD A. LEOPOLD, DIRECTOR

November 20, 2007

Mr. Michael Plotz
Willow Lake
2633 Ridgeview Drive
Swisher, IA 52338

Project No. S2007-0385
File: Willow Lake - Sewage

Subject: Variance Request from IA 14.2.3 & 64.2(3)a IAC 567
Willow Lake Wastewater Treatment System, Swisher, Iowa

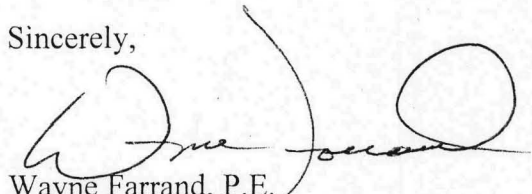
Dear Mr. Plotz:

The Iowa Department has considered and denied your July 23, 2007 request for a variance from Rule 64.2(3)a of the Iowa Administrative Code and Chapter 14.2.3 of the Iowa Wastewater Facilities Design Standards, which requires separation distance of 1,000 feet from the wastewater treatment or lagoon water surface to the nearest inhabitable residence, commercial building, or other inhabitable structure. Based on the documentation presented by the Engineer, it is the determination of this Department that satisfactory justification for the "necessary and appropriate" clause under the Iowa Administrative Code has not been presented to warrant the granting of a variance for separation distance.

This decision is based on our review of justification presented to support the variance request and our determination that other potential viable treatment alternatives have not been evaluated prior to presenting the proposed treatment alternative.

If you have any questions, please call Satya P. Chennupati, P.E. at 515-281-8995.

Sincerely,



Wayne Farrand, P.E.
Wastewater Section Supervisor

Cc: IDNR Field Office #6 – Russell Royce
IDNR Sewage File 6-52-00-3-24
MMS Consultants, Inc.

Enclosures



MMS CONSULTANTS, INC.

IOWA CITY IOWA
OFFICE: 319-351-8282

CEDAR RAPIDS IOWA
OFFICE: 319-841-5188

7854-001

July 23, 2007

Mr. Satya Chennupati, P.E.
Iowa DNR Wastewater Construction Section
Wallace State Office Building
502 East 9th Street
Des Moines, IA 50309

Re: Project #S2007-0385, Willow Lake Wastewater System
Site Separation Distance Variance Request

Dear Satya:

On behalf of Michael Plotz, we request a variance from the wastewater treatment system siting criteria separation distances in 567 IAC 64.2(3) due to local constraints at Willow Lake. There are twenty home owners within 1,000 feet that have been asked to sign separation distance waiver agreements. Seven of these owners will not sign a separation distance waiver. The following table lists the owners. The enclosed map shows the properties within 1,000 feet and approximate separation distances measured using aerial mapping.

Name	Mailing Address	City, State	Zip Code	Telephone
✓ DENNIS L & JOANNE H MAUCK	2623 RIDGEVIEW DR NW	SWISHER, IA	52338	319-857-4844
✓ DONALD S FREY	2628 RIDGEVIEW DR NW	SWISHER, IA	52338	319-857-5266
✓ JEROME C & BRENDA A BARR	1520 RIDGE POINT DR NW	SWISHER IA	52338	319-857-5488
✓ JOHN R & BARBARA L FISHMAN	2626 RIDGEVIEW DR NW	SWISHER, IA	52338	319-857-5109
✓ ROBERT C & SUSAN LEE ANDERSON	2621 RIDGEVIEW DR NW	SWISHER, IA	52338	
✓ KEVIN JOHN LINDEN	2625 RIDGEVIEW DR NW	SWISHER, IA	52338	319-857-5071
MARTIN & ALANA WILLENBORG	1567 EAGLE VIEW CT NW	SWISHER, IA	52338	319-857-5485

The proposed wastewater treatment system will be a buried system with closed tanks and treatment units. The proposed system will not discharge to the ground surface. An alternate location is not available on the property owned by Mr. Plotz which is at least 1000' from all the residences above.

Mr. Satya Chennupati, P.E.

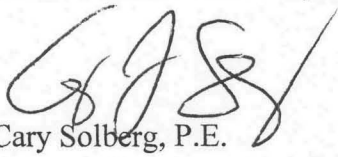
July 23, 2007

Page 2

Please let me know if you have any questions.

Sincerely,

MMS CONSULTANTS, INC.



Cary Solberg, P.E.

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ww Variance file
14.2.3 Site separation
64-2(3)c

VARIANCE REQUEST

Iowa Department of Natural Resources

1. Date: November 20, 2007
2. Review Engineer: Satya P. Chennupati
3. Date Received: June 7, 2004
4. Facility Name: Willow Lake Wastewater System
5. County Number: 52 (Johnson)
6. Program Area: CP (Wastewater Construction)
7. Facility Type: C05 (Biological Treatment)
8. Subject Area: 308
9. Rule Reference: 567-64.2(9)a
10. Design Stds Ref: 14.2.3
11. Consulting Engr: MMS Consultants
12. Variance Rule: 567-64.2(9)c

13. **Decision:** *disapproval*
Date: *11/27/07*

14. **Appeal:**
Date:

15. Description of Variance Request: The Owner, Michael Plotz is proposing to construct a wastewater treatment system consisting of septic tanks, secondary treatment, and soil absorption lateral pipes within 1,000 feet of existing residences due to local constraints at Willow Lake. Section 14.2.3 of the Iowa Wastewater Design Standards and Section 64.2(3) IAC 567 requires a 1000 feet of separation distance from treatment to the nearest inhabitable residence, building or other inhabitable structure.

16. Consulting Engineer's Justifications

- Need variance approval due to local constraints. There are twenty home owners with 1,000 feet that have been asked to separation distance waiver agreements. Seven of these owners will not sign a separation distance waiver.
- The proposed wastewater treatment system will be a buried system with closed tanks and treatment units. The proposed system will not discharge to the ground surface.
- An alternate location is not available on the property owned by the Owner, Mr. Plotz which is at least 1000-feet from all the current residences.

17. Department's Justifications

- Recommend **Variance Denial**.
- The variance request is not substantially justified as necessary and appropriate under the provisions of the Iowa Administrative Code.
- Other potential viable wastewater treatment alternatives have not been thoroughly evaluated to justify the proposed centralized treatment alternative.

18. Precedents Used

None

19. Staff Reviewer: *Satya Chennupati*

Date: 11/20/07

20. Supervisor:

Date:

21. Authorized by: *[Signature]*

Date: *11/27/07*