



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

WW Variance File
Site Separation 14.2.3
567 IAC 64.2(3)"a"

STATE OF IOWA

DEPARTMENT OF NATURAL RESOURCES
RICHARD A. LEOPOLD, DIRECTOR

August 15, 2008

Mr. Jim Picek
Bohac-Picek Family Partnership
8428 Shagbark Court
Woodridge, IL 60517

Subject: Variance Request from 567 IAC 64.2(3)"a" and Design Standards Section 14.2.3
Woods at Hunters Creek Wastewater System, Johnson County, Iowa

Dear Mr. Picek:

After careful and thorough consideration, the Department has approved your April 8 and July 16, 2008 request for a variance from Iowa Administrative Code Subrule 567 IAC 64.2(3)"a" and Chapter 14.2.3 of the Iowa Wastewater Facilities Design Standards, which requires a separation distance of 1000 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 your Engineer, it is the determination of this Department that satisfactory justification has been presented to warrant the granting of a variance for separation distance. The requested variance is deemed to be reasonable and necessary pursuant to the Iowa Code section 455B.181.

The facts presented for the project present unique circumstances and the variance is therefore justified to provide the narrowest exception possible to the provisions of the rule in accordance with Rule 561 IAC 10.5. Since the project planning and construction may last more than one year, the variance is considered to be of a permanent nature. The validity of this variance approval shall last for a period of one year from the date of the construction permit in accordance with Rule 567 IAC 10.5.

The Department has received and filed one signed and recorded site separation waiver form one affected property owner. The Dept. has filed five letters written to the five affected property owners and responses from three of the affected property owners.

This decision is based on our review of justification presented to support the request. Our concurrence with the request is based on the Department's finding that the resulting project will provide substantially equivalent effectiveness as would be provided by technical compliance with the design standard on this issue.

Mr. Jim Picek
Bohac-Picek Family Partnership
August 15, 2008
Page 2 of 2,

This variance approval is subject to the following conditions and requirements:

- a. The Owner shall submit a maintenance agreement with a qualified operation and maintenance entity to provide operation and maintenance of the disposal system.
- b. The Owner shall submit the subdivision covenants approved by the Johnson County Planning and Zoning that indicate to potential owners the type of wastewater collection and treatment system serving properties located in the subdivision and obligations.
- c. The Owner shall submit a business plan for the ownership, operation, and maintenance of the wastewater disposal system in accordance with Iowa Code section 455B.174(4)"a".

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Wayne Farrand', with a long horizontal flourish extending to the right.

Wayne Farrand, P.E.
Wastewater Engineering Section Supervisor

cc: DNR Field Office #6
DNR Sewage File 6-52-00-3-25
DNR Legal Services - Diana Hansen
MMS Consultants, Inc.
Johnson County Planning and Zoning

VARIANCE REQUEST

Iowa Department of Natural Resources

1. Date: July 30, 2008
2. Review Engineer: Satya P. Chennupati
3. Date Received: April 14 & July 18, 2008
4. Facility Name: Woods at Hunters Creek
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 Inc.
12. Variance Rule: 567-64.2(9)c

13. Decision:

Date:

approved
8/19/08

14. Appeal:

Date:

15. Description of Variance Request: Bohac-Picek Family Partnership is proposing to construct a community wastewater treatment system to serve 14 single family homes in a proposed new subdivision called Woods at Hunters Creek. Iowa Wastewater Design Standards Section 14.2.3 and Subrule 567 IAC 64.2(3)a requires a 1,000 feet of separation distance from treatment to the nearest inhabitable residence, commercial building, or other inhabitable structure. The Owner is requesting a variance from the required 1,000-foot separation distance from treatment to inhabitable residences. Five homes are located below the 1000-foot separation distance.

16. Consulting Engineer's Justifications

- The community wastewater treatment system will consist of individual septic tanks on each lot, a low pressure sewer collection system, a recirculating media filter system, and subsurface drip irrigation system for treated wastewater. No open tanks, ponds, lagoons, or surface discharges will be part of the new system. All new treatment system components will be installed below grade. All treatment system and tank access points will be covered and secured to resist unauthorized access. It is our understanding the rationale is that the 1,000-foot setback is needed to protect air quality and the public from potential disease vectors carried from the open water by animals, birds or insects.
- The treatment system will not expose a wastewater surface in an open pond or tank during treatment. The 1,000 foot setback requirement in this case is not warranted and is not consistent with setback requirements for a similar system in a neighboring state. In Minnesota, for example, systems that utilize below grade treatment are subject to a 10-foot setback requirement. Most other states only apply the 1,000 foot setback to pond systems, where larger quantities of sewage are exposed to the air during the treatment process.
- We are not aware of any similar cases which have been reviewed, approved, or denied. However, design standards in Iowa do not require that new homes be at least 1,000-feet from a wastewater treatment facility that has already been constructed. Similar community subsurface wastewater treatment facilities have been constructed and are operating in Iowa. At two locations that we are most familiar with in Johnson County, Westcott Heights Part III and Northwood Estates, homes have been constructed within 150-feet of these community wastewater treatment systems. These two treatment systems are designed serve 21 and 17 lots respectively and are similar to the proposed Woods at Hunters Creek treatment system. New homes at Woods at Hunters Creek will be constructed within 200-feet of the new treatment system.
- Distances: The proposed treatment system location meets all other prescribed separation distances in 567 IAC 64.2(3). The private wells and public deep wells which serve the homes in Woods at Hunters Creek

or in the neighboring developments are at least 400-feet from the proposed treatment area. The closest home is 570 feet and the farthest home is 900 feet from the proposed treatment system.

- **Waivers:** Five homes are within 1000-feet of the proposed wastewater treatment system that have been asked to sign separation distance waiver agreements by letter and telephone calls. We were able to obtain only one waiver signed and the others are unwilling to sign waivers.
- **Surface Drainage:** The proposed treatment area is not located in a low lying area. In general, surface drainage travels across the site from the east to west and enters a small drainage way, which then travels south to the Iowa River.
- **Treatment System of Affected Property Owners:** The four homes that are within the 1000-feet are each served by an individual private onsite wastewater treatment system with septic tank and absorption field. These systems are constructed and function similar to the system proposed for Woods at Hunters Creek. In each case, the individual private septic tank is within 100-feet and the absorption field is within 150-feet of the home it serves.
- **Proposed Treatment System Design:** Individual septic tanks at each lot will provide primary treatment. A community low pressure sewer system will carry septic tank effluent to a community recirculating media filter (RMF) system. The RMF system will provide secondary treatment. Final treatment and dispersal will be provided by native soils where drip dispersal system is located. The new wastewater treatment system at Woods at Hunters creek will be designed following standard guidelines and standards including the Iowa DNR Alternative Wastewater Treatment Design Guidance Manuals. Redundancy requirements will be met and space will be reserved for expansion if ever necessary. Standard construction materials and products engineered for onsite wastewater collection and treatment will be used. Proven equipment will be specified. "One of a kind" equipment or parts will not be used. The new system will be designed with maintenance in mind. Installation of the new system will be performed by an experienced and qualified contractor.
- **Initial Ownership, Operation & Maintenance:** Once constructed, the new wastewater system will be initially owned by Bohac-Picek Family Partnership. Operation and maintenance will be provided by a qualified contract service provider. They include Brown Well & Septic Service, Laing Wastewater Service, Miene Septic Service, and Jim's Septic Service. The Owner will contract with a service provider to regularly monitor system operation, provide preventive maintenance and respond to emergency calls. The maintenance and monitoring program will be according to the details provided in the request letter. The community treatment system will have remote alarm communications capability. The auto dialer system will contact the contract service provider by phone, pager, and/or email. The alarm system will also provide web based monitoring capability.
- **Final Ownership, Operation & Maintenance:** Eventually, the wastewater collection and treatment system will be jointly owned by the 14-lot owners tied to the common system. The 14-lot owners will be identified as a wastewater association ultimately responsible for operation and maintenance of the system. Subdivision covenants will require that the community wastewater collection and treatment system is maintained by a contract service provider and all septic tanks are pumped every three years. Subdivision covenants will also set minimum annual fees to pay for treatment expenses and contract wastewater maintenance services. The estimated operation and maintenance cost is \$5000 per year which equates to a monthly bill of \$30 for each of the 14 homeowners at Woods at Hunters Creek. The funds will be kept in an account dedicated to operation and maintenance of the wastewater treatment system.
- **Zoning Regulations:** Development of the overall Woods at Hunters Creek Subdivision is regulated by the Johnson County Planning and Zoning Division. As new developments are planned, the Johnson County Land Use Plan encourages new subdivisions to utilize clustered wastewater treatment and water supply systems as part of conservation subdivision design. Both the Johnson County sensitive area ordinance and conservation subdivision guidelines look to minimize large lot subdivisions, use development areas more

efficiently, and maximize green space which, in turn, promotes the use of clustered wastewater systems. In addition, clustered water and wastewater systems provide for more effective management, monitoring and maintenance compared to individual private onsite wastewater treatment systems.

- Conclusion: The information and justification provided in this and previous letter petition show the proposed Woods at Hunters Creek Wastewater treatment system and location will not adversely affect the environment or neighboring property owners. The proposed community wastewater treatment system is a closed system and will not expose a wastewater surface in an open pond or tank during treatment. The proposed community wastewater system for Woods at Hunters Creek will follow design guidelines and use technologies that were not considered when the 1000-foot separation requirement in 567 IAC 64.2(3) was written. Therefore the 1,000-foot separation requirement is not applicable in this case.

17. Department's Justifications

- **Recommend Approval.**

- The proposed subsurface treatment system will provide equivalent effectiveness compared to the above ground discharge treatment system and the purpose of the rule will not be compromised if the variance is granted.
- The proposed wastewater treatment system is a buried non-discharging system. Therefore, any possible adverse effects on the environment, water quality, or aesthetics should be minimized.
- No odors will be generated from this system unlike lagoons or mechanical treatment systems.
- The proposed treatment system is subjected to the 1,000 feet separation distance since it serves the population equivalent more than 15 people (1,500 gpd).
- If the proposed treatment system was divided into three smaller treatment systems each to treat the equivalent of 15 people (1500 gpd) or less, those systems individually would be subjected to 567 IAC Chapter 69 and would have met all separation distance criteria. The site would not have been subjected to the 1,000 feet separation distance criteria in that case.
- The Owner has made all reasonable attempts to secure waivers from the five affected property owners. He was successful in securing one waiver. The Dept. has written to all affected owners asking for input and received three responses from three owners stating that they could be impacted if the proposed system fails. The treatment system serving those owners is much closer than the proposed system for Woods at Hunters Creek.
- Johnson County Planning and Zoning is currently restricting construction of individual onsite treatment systems and promoting clustered and community wastewater and water treatment systems thereby limiting the options for the Owner.
- The above facts place the project in a unique circumstance and the variance is therefore justified to provide the narrowest exception possible to the provisions of the rule.

18. Precedents Used

Stoney Point Subdivision, Johnson County - 12/99; Winchester Heights Addition, Johnson County - 1/01; Promontory Point Subdivision, Panora - 5/03; First Christian Church, Council Bluffs - 6/04

19. Staff Reviewer: *Satya chennupati*

Date: *8/15/08*

20. Supervisor:

Date:

21. Authorized by:

Date:

5/12/08



MMS CONSULTANTS, INC.

IOWA CITY IOWA
OFFICE: 319-351-8282

CEDAR RAPIDS IOWA
OFFICE: 319-841-5188

7/17 need to re-eval. on site sep. or, bay!

July 16, 2008

7203-001

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

Re: Woods at Hunters Creek Wastewater System
Supporting Information for Variance from Site Separation Distance

Dear Satya:

The following information is submitted as follow-up justification to our April 8, 2008 variance request from the wastewater treatment system siting criteria separation distances in 567 IAC 64.2(3). The additional information follows the same outline used in our previous letter and presented in IAC 561-10.9. I enclosed an updated site separation map for your reference.

Separation from Neighboring Wells

The public deep well which serves the homes in Woods at Hunters Creek is at least 885-feet northwest from the proposed treatment area. The well record for the Woods at Hunters Creek well is enclosed. The private well which serves four homes including 1455, 1465 and 1468 Butternut Court is at least 900-feet east from the proposed treatment area. The location of this well is shown on the updated site separation map and Johnson County permit information is enclosed. Each of these wells is at least 400-feet from the proposed treatment area to meet Iowa DNR separation requirements. There are no public deep wells or private wells within 400-feet of the proposed treatment area. There are no public shallow wells within 1,000-feet of the proposed treatment area.

Surface Drainage Flow Paths

The enclosed subdivision map includes contour elevations across the proposed treatment site. The proposed drip dispersal area is not located in a low lying area. In general, surface drainage travels across the site from the east to west and enters a small drainage way, which then travels south to the Iowa River. The drainage route is also shown on the updated site separation map.

Individual Wastewater Systems

10.9(4) – The homes at 1455, 1465 and 1468 Butternut Court, and 1471 Viola Lane are each served by an individual private onsite wastewater treatment system with septic tank and absorption field. These systems are constructed and function similar to the system proposed for Woods at Hunters Creek. System plans and Johnson County permit information is enclosed for these individual systems. I labeled each page with the corresponding property address. In each case, the individual private septic tank is within 100-feet of the home it serves and the absorption field is within 150-of the home it serves.

CIVIL ENGINEERS

LAND SURVEYORS

LAND PLANNERS

LANDSCAPE ARCHITECTS

ENVIRONMENTAL SPECIALISTS

Woods at Hunters Creek Treatment System Design and Construction

Individual septic tanks at each lot will provide primary treatment. A community low pressure sewer system will carry septic tank effluent to a community recirculating media filter (RMF) system. The RMF system will provide secondary treatment. Final treatment and dispersal will be provided by the native soils where the drip dispersal system is located. The following table summarizes the expected treatment performance and water quality at each stage in the overall system. It can be seen that the great majority of the treatment is accomplished by the septic tanks and RMF system.

	BOD (mg/L)	TSS (mg/L)	TKN (mg/L)	Fecal Coliform (Org. per 100 mL)
Raw Waste	250	250	40	10^7
Septic Tank Effluent	150	100	40	10^7
RMF Effluent	<10	<10	<20 *	10^2
Drip System Effluent (3' below surface)	<1	<1	<10 **	0

* $\text{NH}_4\text{-N} < 3 \text{ mg/L}$

** $\text{NH}_4\text{-N} < 1 \text{ mg/L}$

The new wastewater system at Woods at Hunters Creek will be designed following standard guidelines and standards including the Iowa DNR Alternative Wastewater Treatment Design Guidance Manuals. Redundancy requirements will be met and space will be reserved for expansion if ever necessary. Standard construction materials and products engineered for onsite wastewater collection and treatment will be used. Proven equipment will be specified. "One of a kind" equipment or parts will not be used. The new system will be designed with maintenance in mind. Installation of the new system will be performed by an experienced and qualified contractor.

Ownership, Operation and Maintenance

Once constructed, the new wastewater system will be initially owned by Bohac-Picek Family Partnership. Operation and maintenance will be provided by a qualified contract service provider. The following candidate service providers are identified at this time:

Brown Well & Septic Service
P.O. Box 66
Ely, IA 52227
(319) 848-4222

Laing Wastewater Maintenance
449 250th Street
West Branch, IA 52358
(319) 643-5026

Miene Septic Service
7912 Morris Hills Road
Toddville, IA, 52341
(319) 393-4142

Jim's Septic Service
P.O. Box 369
Solon, IA, 52333
(319) 624-2784

The owner will contract with a service provider to regularly monitor system operation, provide preventative maintenance and respond to emergency calls. The maintenance and monitoring program includes the following items:

- Monthly - inspect the community RMF and drip dispersal system tanks and clean as necessary.
- Monthly - review monthly pump start and run time reports provided by web based remote monitoring system.
- Perform annual inspection at each individual home to check condition of septic tank, effluent screen, pump, piping, valves, floats, control system and related hardware.
- Annually check amp draw and voltage drop for each pump.
- Annually exercise all valves in system.
- Annually inspect main treatment system control panel. Make sure all connections are tight and free from corrosion. Remove float trees and inspect floats and float wires for breaks. Tip all floats to verify operation. Trigger alarm to test remote communications system.
- Keep inspection and maintenance logs noting any problems, emergencies and repairs.
- Prepare an annual summary for the owner.

The community treatment system will have remote alarm communications capability. The auto-dialer system will contact the contract service provider by phone, pager and/or email. The alarm system will also provide web based monitoring capability.

Eventually, the wastewater collection and treatment system will be jointly owned by the 14-lot owners tied to the common system. The 14-lot owners will be identified as a wastewater association ultimately responsible for operation and maintenance of the system. Subdivision covenants will require that the community wastewater collection and treatment system is maintained by a contract service provider and all individual septic tanks are pumped once every three years. Subdivision covenants will also set minimum annual fees to pay for treatment expenses and contract wastewater maintenance services. The estimated operation and maintenance cost is \$5,000 per year which equates to a monthly bill of \$30 for each of the 14 homeowners at Woods at Hunters Creek. The funds will be kept in an account dedicated to operation and maintenance of the wastewater treatment system.

10.9(7) – Development of the overall Woods at Hunters Creek subdivision is regulated by the Johnson County Planning & Zoning Division. As new developments are planned, the Johnson County Land Use Plan encourages new subdivisions to utilize clustered wastewater treatment and water supply systems as part of conservation subdivision design. Both the Johnson County sensitive area ordinance and conservation subdivision design guidelines look to minimize large lot subdivisions, use development areas more efficiently, and maximize green space which, in turn, promotes the use of clustered wastewater systems. In addition, clustered water and wastewater systems provide for more effective management, monitoring and maintenance compared to individual private onsite wastewater treatment systems.

10.9(8) – I enclosed a signed waiver from Donald Overbaugh at 1461 Curtis Bridge Road NE.

In closing, 567 IAC Chapter 64.2(9)e. states:

Circumstances that would warrant consideration of a variance (which provides for substantially equivalent or improved effectiveness) may include the following:

- (1) The utilization of new equipment or new process technology that is not explicitly covered by the current design standards.*
- (2) The application of established and acceptable technologies in an innovative manner not covered by current standards.*
- (3) It is reasonably clear that the conditions and circumstances which were considered in the adoption of the rule or standard are not applicable for the project in question and therefore the effective purpose of the rule will not be compromised if a variance is granted.*

We are certain that the information and justification provided in this and our April 8, 2008 petition letter show the proposed Woods at Hunters Creek wastewater treatment system and location will not adversely affect the environment or neighboring property owners. The proposed community wastewater treatment system is a closed system will not expose a wastewater surface in an open pond or tank during treatment. The proposed community wastewater system for Woods at Hunters Creek will follow design guidelines and use technologies that were not considered when the 1,000-foot separation requirement in 567 IAC 64.2(3) was written. Therefore, the 1,000-foot separation requirement is not applicable in this case.

I attest that the facts and justification provided in this petition are accurate to the best of my knowledge. We trust the justification outlined above will allow the Iowa DNR to grant this variance request.

Sincerely,
MMS CONSULTANTS, INC.



Cary Solberg, P.E.

cc: Bohac-Picek Family Partnership (c/o Jim Picek)





MMS CONSULTANTS, INC.

IOWA CITY IOWA
OFFICE: 319-351-8282

CEDAR RAPIDS IOWA
OFFICE: 319-841-5188

April 8, 2008

7203-001

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

Re: Woods at Hunters Creek Wastewater System
Petition for Variance from Site Separation Distance

Dear Satya:

On behalf of Bohac-Picek Family Partnership, we request a variance from the wastewater treatment system siting criteria separation distances in 567 IAC 64.2(3) due to local constraints at Woods at Hunters Creek. This revised request is similar to our original January 9, 2008 request, but now follows the outline presented in IAC 561-10.9.

10.9(1) – This variance is requested by: Bohac-Picek Family Partnership
c/o Jim Picek
8428 Shagbark Court
Woodridge, IL 60517
(309) 696-7133

10.9(2) – 567 IAC 64.2(3) states,
“The following separation distances from treatment or lagoon water surface shall apply:
a. 1000 feet from the nearest inhabitable residence, commercial building, or other inhabitable structure. If the inhabitable or commercial building is the property of the owner of the proposed treatment facility, or there is written agreement with the owner of the building, the separation criteria shall not apply. Any such written agreement shall be filed with the county recorder and recorded for abstract of title purposes, and a copy submitted to the department.”

10.9(3) – We request a variance to allow the proposed community treatment system be placed within 1000-feet of the nearest inhabitable residences. The enclosed map shows the properties within 1,000 feet and approximate separation distances measured using aerial mapping. The closest inhabitable residence is 570-feet from the proposed treatment area. The operative period of this variance would extend as long as the Woods at Hunters Creek community wastewater treatment system is needed.

10.9(4) – 567 IAC 64.2(3) requires a minimum 1,000-foot separation distance between the treatment or lagoon water surface and the nearest inhabitable residence, commercial building, or other inhabitable structure. It is our understanding the rationale is that the 1,000-foot setback is needed to protect air quality and the public from potential disease vectors carried from the open water by animals, birds or insects.

Mr. Satya Chennupati, P.E.
April 8, 2008
Page 2

The Woods at Hunters Creek community wastewater treatment system will serve up to 14 single family residences. The community wastewater treatment system will consist of individual septic tanks on each lot, a low pressure sewer collection system, a recirculating media filter system, and subsurface drip irrigation system for the treated wastewater. No open tanks, ponds, lagoons, or surface discharges will be part of the new system. All new treatment system components will be installed below grade. All treatment system and tank access points will be covered and secured to resist unauthorized access.

This variance petition is justified since the proposed Woods at Hunters Creek community wastewater treatment system will not expose a wastewater surface in an open pond or tank during treatment. The 1,000-foot setback requirement in this case is not warranted and is not consistent with setback distance requirements for a similar system in a neighboring state. In Minnesota, for example, systems that utilize below-grade treatment are subject to a 10-foot setback requirement. Most other states only apply the 1,000-foot setback to pond systems, where larger quantities of sewage are exposed to the air during the treatment process.

The proposed treatment system location meets all other prescribed separation distances in 567 IAC 64.2(3). The private wells and public deep wells which serve the homes in Woods at Hunters Creek or in the neighboring developments are at least 400-feet from the proposed treatment area.

10.9 (5) – There have been no prior contacts between the department and Bohac-Picek Family Partnership for the past 5-years other than Woods at Hunters Creek Project. There are no notices of violation, administrative orders, contested case proceedings, or lawsuits involving the department and the petitioner.

10.9(6) – We are not aware of any similar cases which have been reviewed, approved, or denied. However, design standards in Iowa do not require that new homes be at least 1,000-feet from a wastewater treatment facility that has already been constructed. Similar community subsurface wastewater treatment facilities have been constructed and are operating in Iowa. At two locations that we are most familiar with in Johnson County, Westcott Heights Part III and Northwood Estates, homes have been constructed within 150-feet of these community wastewater treatment systems. These two treatment systems are designed serve 21 and 17 lots respectively and are similar to the proposed Woods at Hunters Creek treatment system. New homes at Woods at Hunters Creek will be constructed within 200-feet of the new treatment system.

10.9(7) – There is no other public agency or political subdivision of the state or federal government which regulates wastewater treatment at Woods at Hunters Creek, or which might be affected by the granting of a waiver or variance. The overall Woods at Hunters Creek subdivision development is regulated by:

Johnson County Planning & Zoning Division
Rick Dvorak, Administrator
913 S. Dubuque Street, Suite 204
Iowa City, IA 52240

Mr. Satya Chennupati, P.E.
April 8, 2008
Page 3

10.9(8) – There are no persons or entities that would be adversely affected by the granting of this petition. However, there are five home owners within 1,000-feet of the proposed wastewater treatment system that have been asked to sign separation distance waiver agreements by letter and telephone calls, but are not willing to sign. The following table lists the owners with address and telephone (if known):

Name	Mailing Address	City, State	Zip Code	Telephone
Donald Overbaugh	1461 Curtis Bridge Rd NE	Swisher, IA	52338	319-848-7058
Todd & Sheryl Walter	1455 Butternut Court NE	Swisher, IA	52338	
Kirk Kaalberg	1465 Butternut Court NE	Swisher IA	52338	319-848-7323
Bernard & Nancy Shade	1468 Butternut Court NE	Swisher, IA	52338	319-848-8186
Richard Berndt & Denise Wheatley	1471 Viola Ln NE	Swisher, IA	52338	319-551-1916

10.9(9) – Please contact me if you have any questions regarding this variance request:

Cary Solberg, P.E.
MMS Consultants, Inc.
1917 South Gilbert Street
Iowa City, IA 52240
(319) 351-8282
c.solberg@mmsconsultants.net

10.9(10) – No signed release is necessary to obtain additional information on this variance request.

With this letter, I attest that the facts and justification provided in this petition are accurate to the best of my knowledge. We trust the justification outlined above will allow the Iowa DNR to grant this variance request.

Sincerely,
MMS CONSULTANTS, INC.


Cary Solberg, P.E.

cc: Bohac-Picek Family Partnership (c/o

6-12-2008-328