

June 21, 2012

Mr. Dennis Weih  
Riverview Homeowner's Association  
c/o 3659 Riverview Circle 6-70-48-3-01  
Muscatine, Iowa 52761

Subject: Wastewater Treatment Plant  
Variance Request from Design Standards Sections 14.2.3.a and 14.2.3.f  
IDNR Number S2010-0007

Dear Mr. Weih:

After careful and thorough consideration, the Department has approved your May 25, 2012 request for a variance from Chapter 14, Sections 14.2.3.a and 14.2.3.f of the Iowa Wastewater Facilities Design Standards which require minimum separation distances between a new sewage treatment facility and existing structures and property lines.

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 variances for the construction of a new sewage treatment facility at the proposed location. 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 561 IAC 10.5.

This decision is based on the Department's review of justifications presented to support the request. This concurrence with the request is based on the Department's finding that the resulting project will provide substantially equivalent effectiveness (567 IAC 64.2 (9) e) as would be provided by technical compliance with the design standard on this issue.

If you have any questions, please call Marty Jacobs at 515-242-6148.

Sincerely,

A handwritten signature in cursive script that reads "Shelli Grapp".

Shelli Grapp  
Water Quality Bureau  
Bureau Chief

cc: Stanley Consultants  
File 6-70-48-3-01  
Field Office #6  
DNR Legal Services - Diana Hansen

# VARIANCE REQUEST

Iowa Department of Natural Resources

- |                       |                             |               |                 |
|-----------------------|-----------------------------|---------------|-----------------|
| 1. Date:              | June 21, 2012               | 14. Decision: | <i>Approved</i> |
| 2. Reviewer/Engr.:    | Marty Jacobs                | Date:         | <i>6-26-12</i>  |
| 3. Date Received:     | June 21, 2012               |               |                 |
| 4. Facility Name:     | Riverview Subdivision       |               |                 |
| 5. Facility Number:   | 6-70-48-3-01                |               |                 |
| 6. County Number:     | 70 (Muscatine)              | 15. Appealed: |                 |
| 7. Program Area:      | CP Wastewater               | Date:         |                 |
| 8. Facility Type:     | CO 5 (Biological Treatment) |               |                 |
| 9. Subject Area:      | 308 (Separation Distance)   |               |                 |
| 10. Rule Reference:   | 567 IAC 64.2 (9)a           |               |                 |
| 11. Design Std. Ref.: | 14.2.3.a & 14.2.3.f         |               |                 |
| 12. Consulting Engr.: | Stanley Consultants Inc.    |               |                 |
| 13. Variance Rule:    | 567 IAC 64.2 (9)c           |               |                 |

## 16. Description of Variance Request:

Rule 567 Chapter 64.2(3) requires a separation distance of 1000 feet or 90% of the existing distance from treatment facility to residences, or to obtain written agreement with affected property owners. The home owner's association of Riverview Subdivision is requesting variance from the Iowa Wastewater Facilities Design Standards Chapter 14 – Wastewater Treatment Works – 14.2.3.a and 14.2.3.f (Separation Requirements) proposing to construct a below ground re-circulating sand filter system within 90% of existing separation distance of six (6) residences and within 25 feet of the property line.

## 17. Applicant's/Consulting Engineer's Justification:

1. The site can be served by gravity sewer without the need of a lift station.
2. The proposed re-circulating sand filter is a subsurface type of installation. The system is completely buried and does not generate odors.
3. The reduction of separation distances range from 89% to 76% of the existing separation distances.
4. In 2008 waivers were requested by both the Engineer on behalf of the HOA and again by the IDNR. None of the affected property owners responded.

## 18. Department's Justification:

Recommend variance approval.

1. The Department mailed out a letter to affected property owners on April 2, 2008. This letter informed the property owners of the variance request and asked for input. None of the affected property owners responded in any way.
2. The site is currently used as a sewage treatment plant. We have no evidence to suggest that a buried sand filter would cause more nuisance than the existing plant which will be decommissioned.
3. The proposed construction is intended to replace the existing facility, which is over 50 years old and in a very poor state of repair, furthermore the existing plant is incapable of consistently meeting discharge standards. The proposed plant has been designed to meet current DNR construction standards and the anticipated NPDES permit limits.
4. This is a re-affirmation of the previous variance issued on 30 April 2008

Based on the documentation presented by the Engineer, it is the determination of this Department that satisfactory justification has been presented to warrant the granting of variances for installing a below ground re-circulating sand filter system within the separation distances. 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 561 IAC 10.5.

19. Precedents Used:

14.2.3 Riverview Subdivision 2008 4 30

14.2.3 Woods at Hunters Creek

20. Staff Reviewer: Marty Jacobs

*Martin Jacobs*

Date: May 30, 2012

*6/29/12*

21. Supervisor:

*Satya Chennupati*

Date:

*6/22/2012*

22. Authorized by:

*Shelli Grapp*

Date:

*6-26-12*