

9-20-06

VARIANCE REQUEST

Iowa Department of Natural Resources

1. Date: December 3, 2002
 2. Review Engineer: Gabe Lee
 3. Date Received: Sept 30, 2002
 4. County Number: Webster
 6. Program Area: CP (Wastewater)
 7. Facility Type:
 8. Subject Area: Financing
 9. Rule Reference: 569--92.3 (455B)
 10. Design Stds Ref: NA
 11. Consulting Engr: McClure Engineering
 12. Variance Rule: 455B.181

13. Decision: *Approved*
 Date: *12/9/02*

14. Appeal:
 Date:

15. Description of Variance Request

In Chap 92.3, CWSRF rules allow only eligible project cost incurred after the Commission has approved the IUP to be reimbursable. Fort Dodge has incurred some eligible costs prior to the approval of the IUP. Cost incurred was for the construction of a new forcemain serving a new lift station. This construction was identified in the approved facility plan.

16. Consulting Engineer's Justifications

A new lift station (constructed under an earlier loan) replacing an existing lift station was pumping wastewater through the old forcemain temporary. A new force main was to be constructed to replace this old forcemain. This old forcemain has experience breaks in the past. There was a concern with the new pumps providing greater hydraulic head will cause the new breaks in the old forcemain. Therefore the City considers replacing the old forcemain a high priority project, and to take advantage of the lower construction cost at that time. Also, with the financial assistance, it would be a financial burden on the city.

17. Department's Justifications

The new lift station cannot be shut down and sewer service has to be maintained. Further delays in constructing the new forcemain could potentially cause new breaks in the old forcemain. New breaks in the old forcemain may cause public health and environmental problems. Iowa Code 455B.181 allows the Department to issue variance if it deems "necessary and appropriate". The IUP has been delayed and strict adherence to the rule would be a detraction for the SRF program. Approval of the variance would have no adverse economic impact on other projects. Staff recommends approval of the variance request.

18. Precedents Used

None

19. Staff Reviewer: Gabe Lee, PE *GSL*
 20. Supervisor: Wayne Farrand, PE *WFF*
 21. Authorized by: Jack Riessen, PE *JR*

Date: December 3, 2002
 Date: *12/4/02*
 Date: *12/9/02*



CITY of FORT DODGE

819 1st Avenue South

Fort Dodge, Iowa 50501

September 26, 2002

Mr. Wayne Farrand
Iowa Department of Natural Resources
Wastewater Section
Wallace State Office Building
502 East 9th St.
Des Moines, IA 50319

RE: 2001 Riverside Sanitary Sewer Lines, Fort Dodge, Iowa
MEC 1117

Dear Wayne:

We have received a letter from Shirley Christopherson dated September 19, 2002 on the above referenced project. The letter states there is a total of \$198,250 for engineering that was incurred prior to the approval of the 2001 Intended Use Plan amended to include 2002 projects on February 18, 2002 and in accordance with IAC 567 -92.3 this is not an eligible cost.

The City initially submitted an application in May of 2001 for the above referenced project. The City was anxious to proceed with this project. Part of this project included constructing a new forcemain for the newly constructed Riverside Lift Station. The lift station would be running through a very old forcemain until the new one was constructed. The old forcemain had experienced breaks in the past. This was a concern because of the possibility of the new higher horsepower pumps causing more frequent breaks in the old forcemain. For this reason and the fact that the City wanted to benefit from lower construction costs the project was a high priority. The City was unaware of the rule that costs incurred against the job before we were put on the IUP list would be ineligible for reimbursement. The City paid the design bills from other sources; however, we were proceeding on good faith that the cost would be reimbursed by the loan program. It would cause the City a financial burden in our sewer utility budget if these costs were not reimbursed.

For the reasons stated above the City is requesting a variance to this rule and would greatly appreciate your consideration on this issue. We apologize greatly for the misunderstanding and can assure you it will never happen again. If you need any additional information or would like to discuss this issue further feel free to call me.

Very truly yours,

City of Fort Dodge

A handwritten signature in black ink, appearing to read "Penny Clayton".

Penny Clayton, City Clerk

cc: Adam J. Bohr, McClure Engineering



STATE OF IOWA

THOMAS J. VILSACK, GOVERNOR
SALLY J. PEDERSON, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
JEFFREY R. VONK, DIRECTOR

December 3, 2002

City of Fort Dodge
819 First Avenue South
Fort Dodge Iowa 50501

Attn: Penny Clayton, City Clerk

RE: 2001 Riverside Sanitary Sewer Lines
Fort Dodge, Iowa
CS 192220 01

Subj: Variance Request

Dear Ms Clayton:

The Department has received your variance request dated September 26, 2002. We have considered your request and determined the reasons presented substantially justify your request.

The Department hereby approves a variance from the Subrule 567-92.3 (455B) definition of "eligible cost" regarding costs incurred prior to the approval of the Intended Use Plan. This approval was granted on the basis of preventing potential detrimental public health and environmental impacts. This approval is consistent with provisions in Iowa Code Section 455B.181 that allows the director to issue variances from other rules of the department if necessary and appropriate.

You have indicated there were previous breaks in the forcemain, and the potential of developing new breaks due to the new lift station with higher hydraulic head is a possibility. The Department concurs with the city's concern.

Sincerely,

A handwritten signature in black ink, appearing to read "Jack Riessen", written over a large, stylized circular flourish.

Jack Riessen, PE, Chief
Water Quality Bureau

Cc: McClure Engineering, Fort Dodge