



December 20, 2021

MARK DICKSON, GENERAL MANAGER
JOHN DEERE DUBUQUE WORKS
18600 SOUTH JOHN DEERE ROAD
DUBUQUE, IA 52001

Re: John Deere Dubuque Works Industrial Waste Landfill
Variance Request
Permit #31-SDP-01-75C

Dear Mr. Dickson:

This letter is to inform you that the requested variance to 567 IAC Chapter 115.21(2)"d", relative to the requirement to "Every five years conduct in-situ permeability tests on monitoring wells to compare test data with those collected originally to determine if well deterioration is occurring", is approved.


The permit holder requests that semiannual evaluations of well recharge rates be performed to determine if well deterioration is occurring, in lieu of in-situ permeability testing, as described in 567 IAC 115.21(2) "d".

This variance was granted based on the *Request for Variance and Amendment #4*, dated November 3, 2021, from TRC.

This variance is applicable as long as the justification for the request remains the same. The approval of this variance will be amended into the permit for the referenced facility.

If you have any questions, you may contact me at (515) 537-4051.

Sincerely,

 Digitally signed by
Nina M. Booker
Date: 2021.12.20
17:43:32 -06'00'

Nina M. Booker
Environmental Engineer Senior
Land Quality Bureau

cc: DNR Field Office #1

TRC
708 Heartland Trail
Suite 3000
Madison, WI 53717

Daniel Mai
John Deere Dubuque Works
18600 South John Deere Road
Dubuque, IA 52001

| VARIANCE REQUEST Iowa Department of Natural Resources | | | |
|--|-------------------|--|------------------------|
| 1. | Date: | December 20, 2021 | 14. Decision: Approved |
| 2. | Reviewer/Engr.: | Nina M. Booker | Date: |
| 3. | Date Received: | November 3, 2021 | |
| 4. | Facility Name: | John Deere Dubuque Works Industrial Waste Landfill | 15. Appealed: |
| 5. | Facility Number: | 31-SDP-01-75P | Date: |
| 6. | County Number: | 31- Dubuque County | |
| 7. | Program Area: | SD | |
| 8. | Facility Type: | S01 | |
| 9. | Subject Area: | 105 | |
| 10. | Rule Reference: | 115.21(2)"d" | |
| 11. | Design Std. Ref.: | NA | |
| 12. | Consulting Engr.: | TRC | |
| 13. | Variance Rule: | IAC 561 Chapter 10 | |
| <p>16. <u>Description of Variance Request:</u></p> <p><i>Briefly describe the nature of the waiver that you are requesting and the period of time you want the waiver to last.</i></p> <p>As part of the Monitoring Well Maintenance and Performance Reevaluation Plan, 567 Iowa Administrative Code (IAC) 115.21(2)"d" requires the permit holder to every five years conduct in-situ permeability tests on monitoring wells to compare test data with those collected originally to determine if well deterioration is occurring.</p> <p>John Deere in Dubuque is requesting to replace the requirement to conduct in-situ permeability tests on monitoring wells every five years, to annual reporting of pumping rates from low-flow sample collection events.</p> <p>The period of time requested for the waiver to last is for the duration of the post-closure period.</p> | | | |
| <p>17. <u>Applicant's/Consulting Engineer's Justification:</u></p> <p><i>What are the facts and reasons that, in your opinion, provide "clear and convincing evidence" supporting a waiver of the rule? Be sure to explain in your answer why you feel the rule poses an undue hardship on you.</i></p> <p>The permit holder proposes to provide well recharge rates in the Annual Water Quality Report by providing the pumping rates from low-flow sample collection during the semi-annual events. This data would be used to evaluate the performance of the monitoring</p> | | | |

wells against past performance to determine if well deterioration is occurring. This would meet the requirements of 567 IAC 115.21(2)"d" on a more frequent basis and without having to perform separate in-situ permeability tests on the monitoring wells.

18. Department's Justification:

Looking at the criteria in Iowa Administrative Code 561 Chapter 10.4, a variance may be issued from the requirements of a rule if the Department finds, based on clear and convincing evidence, all of the following:

10.4(1) The application of the rule would pose an undue hardship on the person for whom the variance is requested.

The IDNR agrees with the permit holder that the additional in-situ permeability tests require additional labor and cost to conduct every five years, whereas collecting the pumping rates from low-flow sample collection is already done on a semi-annual basis. Therefore, the permit holder has relevant data that can be used for the evaluation on a more frequent basis without having to add costs for the other testing methodology.

10.4(2) The waiver or variance from the requirements of the rule would not prejudice the substantial legal rights of any person.

True. The waiver or variance from the requirements of the rule would not prejudice the substantial legal rights of any person.

10.4(3) The provisions of a rule subject to a variance are not specifically mandated by statute or another provision of law.

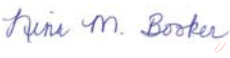



True. The provisions of the stated rule are not specifically mandated by statute or another provision of law.

10.4(4) Substantially equal protection of public health, safety and welfare will be afforded by a means other than that prescribed in the particular rule for which the variance is requested.

Substantially equal protection of public health, safety, and welfare will be afforded by granting this variance.

19. Precedents Used:

Cedar Falls Utilities - Leversee Road Ash Landfill
MidAmerican –Walter Scott CCR Monofill

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|---|---|------------------|
| MidAmerican- Neal North CCR Monofill MidAmerican- Neal South CCR Monofill MidAmerican- Louisa Generation Station CCR Monofill IPL Marshalltown East CCR Monofill US Gypsum (Sperry) Alter Highway 22 Plymouth County C&D Landfill | | |
| 20. Staff Reviewer: |  Digitally signed by Nina M. Booker Date: 2021.12.20 10:01:08 -06'00' | Date: 12/20/2021 |
| 21. Senior Staff Reviewer: |  Digitally signed by Nina M. Booker Date: 2021.12.20 10:01:41 -06'00' | Date: 12/20/2021 |
| 22. Supervisor: |  Digitally signed by Michael Sullivan Date: 2021.12.20 10:19:01 -06'00' | Date: 12/20/2021 |
| 23. Authorized by: |  Digitally signed by Amie Davidson Date: 2021.12.20 14:44:47 -06'00' | Date: 12/20/2021 |