

March 10, 2023

Mr. Mick Leat
Iowa Department of Natural Resources
Land Quality Bureau
Wallace State Office Building
502 East 9th Street
Des Moines, Iowa 50319

**RE: IAC 561 Chapter 10 Petition
Variance for 567 IAC 109.10(2)"a"
Great River Regional Waste Authority Sanitary Landfill
Permit No. 56-SDP-07-80P**

Dear Mick:

SCS Engineers, on behalf of Great River Regional Waste Authority, is submitting a petition for variance in accordance with Iowa Administrative Code (IAC) 561 Chapter 10. Variance to 567 IAC 109.10(2)"a" is requested to allow disposal of Class I, Class II, and Class III sewage sludge through direct burial. The DNR Form 542-0004 (Petition for Waiver or Variance) is attached.

If you have any questions regarding this request, please contact Nathan Ohrt at (319) 331-9613.

Sincerely,
SCS Engineers



Nathan Ohrt
Senior Project Professional

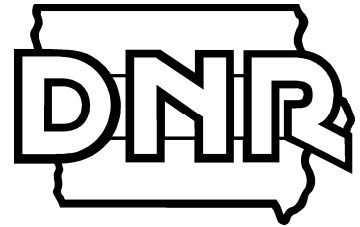


Timothy C. Buelow, P.E.
Project Director

Copies: Mr. Austin Banks, Great River Regional Waste Authority
Ms. Sue Johnson, Iowa Department of Natural Resources
Electronic File



IOWA DEPARTMENT OF NATURAL RESOURCES
LAND QUALITY BUREAU
502 EAST 9th STREET - DES MOINES, IA 50319-0034
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PETITION FOR WAIVER OR VARIANCE

Pursuant to 561 Iowa Administrative Code (IAC) Chapter 10, Waivers or Variances from Administrative Rules, a petitioner must provide comprehensive justification of a proposed request for a waiver or variance to an administrative rule as adopted by the Department of Natural Resources (DNR).

This form will assist you in providing all pertinent information that is necessary for the DNR to grant a waiver or variance. The form must be submitted to the DNR and must contain an adequate amount of factual and concise information. The obligation rests with the petitioner to provide convincing evidence to justify the granting of a waiver or variance. You may provide additional information or attach additional pages if needed. The DNR reserves the right to require additional information to further support request for a waiver or variance.

Petitions will be comprehensively evaluated by the DNR. The DNR reserves the right to place any condition on the waiver/variance. If information is not inclusive, concise, or does not adhere to the justifications and/or proof the petitioner has submitted, the waiver or variance may be denied. Upon review, the DNR will grant or deny the waiver or variance in writing.

Waivers and variances are temporary unless evidence is shown that a temporary waiver or variance would be impracticable. Once the waiver or variance expires the rule will be enforceable. There is no automatic renewal of waivers or variances. The DNR may renew a waiver or variance at its sole discretion. Please note that the DNR is not allowed to waive or alter a statutory duty or requirement.

CONTACT INFORMATION

Petitioner Name: Great River Regional Waste Authority (GRRWA)

Address: 2092 303rd Avenue

City: Fort Madison State: IA Zip: 52627

Telephone: (319) 372-6140 Fax: (319) 372-6222

Facility Name: Great River Regional Waste Authority Sanitary Landfill

Address: 2092 303rd Avenue

City: Fort Madison State: IA Zip: 52627

PETITIONER JUSTIFICATION

Petitioner must provide clear and convincing evidence to prove the following:

1. Please describe the specific requested waiver or variance.

The City of Fort Madison publicly-owned treatment works (POTW) is evaluating disposal options for their sewage sludge. GRRWA requests approval to dispose of Class I, Class II, and Class III sewage sludge through direct burial.

2. Cite the specific administrative rule from which the waiver or variance is requested.

567 Iowa Administrative Code 109.10(2)"a"

3. What permit is the waiver or variance requested for?

56-SDP-07-80P

4. What operation(s) will the waiver or variance include?

This variance would allow direct disposal of Class I, Class II, and Class III sewage sludge.

5. Pursuant to 567 IAC 10.5(17A,455A) a waiver or variance shall not be permanent. Is a temporary waiver or variance impractical? If so, how?

A temporary variance is impractical because it would not be practical to remove sludge from the landfill following disposal. A permanent variance is not being requested but rather a variance that runs with the landfill operating permit.

6. Requested time extent of waiver or variance?

The requested time period of the variance is the life of the landfill operating permit. See response to Item #5 above.

7. Please list relevant facts that justify the waiver or variance.

POTWs generate sludge that requires disposal. The City of Fort Madison POTW is evaluating disposal options for their generated sludge. The GRRWA Sanitary Landfill has the capability to dispose of the sludge without change to their routine operations and without concerns related to public health and safety.

8. How and why is the absence of the waiver or variance posing an undue hardship?

GRRWA is requesting this variance for the benefit of the City of Fort Madison POTW. The current sludge disposal option for the City may become unavailable, and the sludge can be buried without change to routine operations.

9. How will equal protection of public health, safety, and welfare be maintained if the waiver or variance is granted? Provide any analytical data and/or studies to support your justification.

Equal protection of public health, safety, and welfare will be maintained by disposing of the sludge in a sanitary landfill rather than the current land application disposal method.

10. In the past 5 years:

Has the petitioner been issued an NOV? ☐ Yes ☒ No

If yes, please explain:

11. Administrative Order? ☐ Yes ☒ No

If yes, please explain:

12. Involved in contested case proceedings? ☐ Yes ☒ No

If yes, please explain:

13. In a court of law? ☐ Yes ☒ No

If yes, please explain:

14. Are there any public agencies, political subdivisions of the state or federal government, person or entity that may be affected by the granting of the waiver or variance? ☐ Yes ☒ No

If yes, please explain and provide the name(s), address(es), telephone number(s), and other relevant contact information.

15. If the waiver or variance is granted, would it adversely affect any person's rights? ☐ Yes ☒ No

If yes, please explain and provide the name(s), address(es), telephone number(s), and other relevant contact information.

16. Do you know how the DNR has treated similar situations? ☒ Yes ☐ No

If yes, describe how similar situations were handled:

Scott Area Landfill: Waiver request approved in permit revision dated December 22, 2022 (Doc #105372) to landfill Class II sewage sludge.

Clinton County Sanitary Landfill-East: Variance to dispose of Class II sewage sludge at the landfill's working face (Doc #83414). Approval continues in the current operating permit.

PETITIONER CERTIFICATION

The DNR shall grant or deny a petition for a waiver or variance with 120 days of the receipt of the petition. Failure of the DNR to grant or deny a petition within the required time period shall be deemed a denial of that petition by the DNR. A waiver or variance is void if the material facts are not true or if facts have been withheld. The DNR reserves the right to cancel a waiver or variance at any time if the DNR finds that the facts as stated in the request are not true, material facts have been withheld, the alternative means of compliance provided in the waiver or variance have failed to achieve the objectives of the statute, or the requester has failed to comply with the conditions of the waiver or variance.

By signing this petition, I certify that all information listed on this petition and any attached information is factual and accurate.

Signature: _____

Date: _____

Name: _____

Austin Banks

Position: _____

General Manager