

February 20, 2019

**Mr. Geoffrey Spain  
Iowa Department of Natural Resources  
Land Quality Bureau  
Wallace State Office Building  
502 East 9<sup>th</sup> Street  
Des Moines, Iowa 50319**

**RE: IAC 561 Chapter 10 Petition  
Variance for 567 IAC 113.10(2)d(2)  
Harrison County Sanitary Landfill  
Permit No. 43-SDP-05-94P  
Project No. HARSW.19003**

This variance (94452) request was denied. It was revised as (94609) which was approved.

**Dear Geoff:**

The Harrison County Landfill Commission is submitting a petition for variance in accordance with Iowa Administrative Code (IAC) 561 Chapter 10 to request permission to abandon monitoring wells MW-3B and MW-3C without removing all of the well material, as required by IAC 567 Chapter 113.10(2)d(2). The DNR Form 542-0004 (Petition for Waiver or Variance) is attached. The proposed abandonment is beyond the compliance requirements of IAC 567 Chapter 39.

**If you have any questions regarding this request, please contact us at (515) 256-8814.**

Sincerely,  
BARKER LEMAR ENGINEERING CONSULTANTS

**Leah Calvert, P.G.**  
*Professional Geologist*

**Timothy C. Buelow, P.E.**  
*Principal Engineer*

**Copies:** Addressee  
Mr. Dan Barry, Harrison County Landfill Commission  
Electronic File

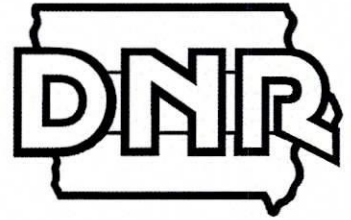
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IOWA DEPARTMENT OF NATURAL RESOURCES  
LAND QUALITY BUREAU  
502 EAST 9<sup>th</sup> STREET - DES MOINES, IA 50319-0034  
Telephone: (515) 725-8200; Fax: (515) 725-8202



### 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: Harrison County Landfill Commission  
Address: 2812 US-30.  
City: Logan State: IA Zip: 51546  
Telephone: 712-644-3093 Fax: \_\_\_\_\_

Facility Name: Harrison County Sanitary Landfill  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

### PETITIONER JUSTIFICATION

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

1. Please describe the specific requested waiver or variance.

It is requested that monitoring wells MW-3B and 3C be abandoned without removing all the well material.

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

567 Iowa Administrative Code 113.10(2)d(2)

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

43-SDP-05-94P

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

Monitoring well MW-3B was installed to an approximate depth of 136 feet. Total depth measurements starting in 2014 indicate there is an obstruction/offset at approximate 82-83 feet below ground surface (bgs). Monitoring well MW-3B would be tremie grouted with a bentonite slurry to 4 feet bgs and capped with concrete. The uppermost 4 feet of casing will be removed, and the hole backfilled with soil and graded to prevent ponding. This is the approved methodology for abandoning a Class II, obstructed well as is included in IAC 567 Chapter 39.8(3).

Monitoring well MW-3C will be filled with grout from the base of the well, approximately 188 ft bgs, to the surface and then overdrilled to 10 feet below the water table, approximately 90 feet bgs. The overdrilled portion of the well will be tremie grouted with a bentonite slurry.

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 waiver or variance would be acceptable as MW-3B and MW-3C are the only wells that this variance request will be applied towards.

6. Requested time extent of waiver or variance?

Through August 2019.

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

Due to the depth of the wells, approximately 136 and 188 ft, it is unlikely that the entire casing will be removed without breakage, but overdrilling to depths greater than 100 ft to remove the remaining material, without large drilling equipment, is difficult due to the depth required to overdrill the well. Additionally, accessing the well location with a large drill rig will be challenging and costly.

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

The cost to overdrill the wells to depths greater than 100 ft bgs would be significant due to the size of drill rig that would be required.

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.

The entire available length of the casing will be grouted in both wells, and the void left by the casing and annular space in MW-3C down to 10 feet below static water level will be grouted preventing movement down the borehole to the groundwater.

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:

A variance request was submitted to abandon a monitoring well utilizing the process recommended for MW-3C for the Muscatine County Sanitary Landfill (Permit No. 70-SDP-02-75P). DNR has approved that abandonment process and the variance is in public comment period.

#### 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:

*Dan Barry*

Date:

*2/21/19*

Name:

Dan Barry

Position:

Landfill Manager