

**IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL SERVICES DIVISION
PRIVATE WELL PROGRAM**

PETITION FOR VARIANCE FROM WELL SEPARATION RULES IAC 567-49.6

Pursuant to 561 Iowa Administrative Code 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 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 variance. While the DNR is required to consider a request for variance it is not required to grant a variance even if all requested information is provided.

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

The petition will be reviewed by DNR staff to evaluate whether the proposed construction meets the standard of "substantial equivalent performance to the separation distance." Specifically, the DNR will evaluate whether or not the private well is acting or has the potential to act as a direct conduit to an aquifer.

Use of this form is not required, but your request will be automatically denied if you fail to submit all the information described in this form.

All petitions for a variance should be completed, signed and submitted to the DNR. One complete copy shall be submitted to the Office of the Director: 502 E 9th St, Des Moines IA 50319-0034. A second complete copy shall be submitted to the Iowa DNR, Water Supply Engineering, 502 E 9th St, Des Moines IA 50319-0034.

This petition must be submitted before the application and before any well construction takes place.

For additional information on this form or process, contact the Iowa DNR at 515-725-0462.

PETITION FOR VARIANCE FROM WELL SEPARATION RULES IAC 567-49.5

| Petitioner Information | |
|---|---|
| Name: _____ | Type: _____ |
| Address: _____ | |
| City: _____ | State: _____ Zip: _____ |
| Telephone: _____ | Email: _____ |
| Facility Information | |
| Name: _____ | |
| Address: _____ | |
| City: _____ | State: _____ Zip: _____ |
| Telephone: _____ | If AFO, 5-digit Facility Number if known: _____ |
| Legal Description (¼ ¼, ¼, Section, Tier, Range, County): | |
| _____ | _____ |
| ¼ ¼ | ¼ |
| Section | Tier |
| Range | County |

Basic Information: The items in **bold** are required for evaluation of the variance request. Items in plain print will make the evaluation process easier and faster.

- 1. Location of well(s) and existing and proposed animal feeding operation structures for which separation distances apply:**
 - a. **Include a map or drawing clearly showing the location(s) of all wells and proposed structures that are to be considered for this variance. Include elevation lines or overlay a topographic map.**
 - b. **Clearly label these features using names and numbers consistent with all relevant documentation.**
 - c. **Indicate distances between relevant items on the map. Include a scale and north arrow.**

- 2. Well construction details:**
 - a. **Proposed aquifer (check one):** **Bedrock**, **Alluvial**, **Sand and Gravel**, **Inter-till Sand**
 - b. **Anticipated well depth:** _____
 - c. **Anticipated static water level:** _____
 - d. Proposed casing diameter: _____
 - e. **Proposed well grouting procedure, material, and grout depth:** _____
 - f. Description of how proposed well location provides protections (i.e.: well is located up-gradient of potential contamination, potential contamination includes secondary containment, ...):

 - g. **Are there any other water supply wells within 1000 feet of the proposed well? If so, please list the well locations and addresses:** _____

- 3. Water use description:**
 - a. **How will the well water be used (livestock, household and drinking water, geothermal (GHEX) heating and cooling, irrigation, etc.)?** _____
 - b. **Proposed well pumping rate:** _____
 - c. If well pumping rate is 25,000 gallons per day or more, do you already have a Water Allocation and Use permit from the DNR? Yes No If yes, enter the permit number: _____

4. **If there is an existing well onsite, proved a recent (less than 6 months) water analysis for coliform bacteria and Nitrate-N from a certified laboratory.** Please ask the laboratory for proper sampling and shipping requirements prior to sampling the water (specific bottles may be required and samples are time sensitive). A copy of the lab report should be included with the variance petition. Please note the County Sanitarian may be contacted for sampling assistance.

Petitioner's Justification:

1. **Is this petition submitted in conjunction with a construction permit application?** Yes No
2. Describe which separation distances cannot be met.
3. Describe why the well cannot be placed in a location that allows the use of standard setbacks.
4. Describe in detail undue hardship to the producer and/or operation if a variance were not granted.
5. Describe in detail undue hardship to the well owner/users if a variance is not granted.
6. If the waiver or variance is granted, would it pose a threat to any person's rights? Yes No If so, how?

The DNR shall grant or deny a petition for a 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 variance is void if the material facts are not true or if facts have been withheld. The DNR reserves the right to cancel a 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 variance have failed to achieve the objectives of the statute, or the requester has failed to comply with the conditions of the variance. By signing this petition you certify that all information listed on this petition and the attached additional information is factual and accurate.

Signature: _____

Position: _____

Date: _____