

PLANNING & DEVELOPMENT

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Item 05
10-20-15

Timothy Huey
Director

To: Dee F. Bruemmer, County Administrator

From: Timothy Huey, Planning Director

Date: October 14, 2015

Re: Waiver of right to appeal the issuance of a final construction permit by the Iowa DNR within 14 days after receipt of the draft permit for Tom Dittmer and Jeff Paulsen, dba J2T2, LLC for the expansion of the confined animal feeding operation located at 23580 20th Avenue in unincorporated Scott County.

On September 24th The Board approved the resolution with its determination that the Construction Permit application submitted to the Iowa DNR by Dittmer and Paulsen met the requirements of the Master Matrix and recommended issuance of the State construction permit. Under Iowa DNR procedures; following notification of the Board's recommendation, the Iowa DNR conducts its own review and notifies the Board of its "notice of intent" to issue the permit. The Board then has a 14-day window to appeal that issuance. Dittmer and Paulsen have requested the Board waive this 14-day review period to allow the DNR to issue the final permit without a two week delay.

On October 12, 2015 Scott County received the Iowa DNR's Notice of Intent to issues the J2T2, LLC State Construction permit. The Notice of Intent letter from the DNR is attached. as well as a draft of the letter to the DNR.

THE COUNTY AUDITOR'S SIGNATURE CERTIFIES THAT
THIS RESOLUTION HAS BEEN FORMALLY APPROVED BY
THE BOARD OF SUPERVISORS ON _____.
DATE

SCOTT COUNTY AUDITOR

RESOLUTION

SCOTT COUNTY BOARD OF SUPERVISORS

October 22, 2015

APPROVAL OF WAIVER OF SCOTT COUNTY'S RIGHT TO APPEAL ISSUANCE OF FINAL CONSTRUCTION PERMIT FOR THE EXPANSION OF CONFINED ANIMAL FEEDING OPERATION BY THE IOWA DEPARTMENT OF NATURAL RESOURCES

BE IT RESOLVED by the Scott County Board of Supervisors as follows:

- Section 1. The Scott County Board of Supervisors has received notice from the Iowa Department of Natural Resources (DNR) that has been issued a draft permit for the construction of additional confined animal feeding operation building at 23580 20th Avenue in unincorporated Scott County
- Section 2. The Scott County Board of Supervisors reviewed the construction permit application and the manure management plan and determined that both appeared to be in compliance with the requirements of the Master Matrix, Iowa Code Section 459 and Iowa DNR rules and recommended approval of said application on September 24, 2015.
- Section 3. The Scott County Board of Supervisors hereby waives its right to appeal the issuance of the final permit within the fourteen (14) day limit from the time of receipt of notice of the issuance of the draft permit
- Section 4. The Scott County Board of Supervisors encourages the Iowa DNR to issue the Final Permit as soon as possible.
- Section 5. The Scott County Board of Supervisors authorizes the Board Chairman to notify the Iowa DNR of this waiver.
- Section 6. This resolution shall take effect immediately.