

GENERAL INFORMATION (Applicant must complete)

Name of Applicant	Last	First	MI
Address	Street	City/Town	State Zip
Contact Information	Phone:	FAX:	email:
Site Location	Street:	City/Town	County Zip

The following information is being submitted in support of my application for a specific waiver from compliance with one or more standards of 10NYCRR Appendix 5-B, "Standards for Water Wells".

1. The proposed well cannot meet the standards of 10NYCRR Appendix 5-B for the following reason(s):

- Separation distances cannot be achieved (Appendix 5-B, Table 1)
- Casing length less than 20-feet (Section 5-B.3(b)(4)(ii) Water Well Construction)
- Other: Section 5-B _____

Explain: _____

2. The following protective measure(s) are proposed and/or the following site conditions exist that will mitigate the well's noncompliance with Appendix 5-B Standards:

- Deeper well casing and grouting
- Grading/topography
- Remove or relocate contamination sources
- Hydrogeologic and site evaluation
- Treatment
- Other: _____

Explain: _____

3. Supporting information provided:

- Detailed Site Plan
- Hydrogeologic Evaluation
- NYSDEC Well Completion Report
- Other: _____

Explain: _____

I, (applicant) _____ (type or print) understand that the well system proposed does not meet all standards of 10NYCRR Appendix 5-B, "Standards for Water Wells", and accept the system as proposed. I also understand that I should have the quality of the well water tested prior to occupancy.

Signature Date

I, (engineer) _____ (type or print) acknowledge that this waiver application is necessary because it is not practical to comply with the standards of 10NYCRR, Appendix 5-B, "Standards for Water Wells", on this property. In my professional opinion, the existing hydrogeologic conditions at the site and/or proposed protective measures for the well described in this application will provide a degree of protection equivalent to the standards of Appendix 5-B that will not be met by the proposed well. I also acknowledge that I will recommend that the quality of the well water be tested prior to occupancy.

Signature PE License #

***For Health Department use only ***

Based upon the information provided in this application to waive the referenced standards of Appendix 5-B and in accordance with 10NYCRR §§ 75.3 and 75.6 (b), the waiver requested is hereby:

Approved as proposed.

Approved, with following conditions: _____

Not acted on, because additional information is required: _____

Denied, because: _____

This waiver may be revoked if any proposals are modified or site conditions change that were considered for approving this waiver.

Health Department Representative Signature Date

Instructions for Completing the Specific Waiver Application – Individual Wells for New Construction

Applicability:

This Specific Waiver application form is intended for an applicant (property owner) to present information for consideration by the Health Department having jurisdiction to approve a *new well* on previously undeveloped property that does not comply with one or more standards of Appendix 5-B, “Standards for Water Wells” and is not regulated as a public water supply as defined by 10NYCRR Part 5. *Before such a well is drilled, a specific waiver for new construction must be obtained.*

Background:

The responsible city, county, or district health office may grant a 10NYCRR Part 75 Specific Waiver from one or more standards of 10NYCRR Part 5, Appendix 5-B, “Standards for Water Wells”, only under the following circumstances:

1. Conditions at the particular site make it impractical to comply with these standards;
2. Appropriate protective measures to mitigate noncompliance are applied;
3. The new water supply is not likely to pose a health hazard or create environmental contamination; and
4. Disapproval will result in a significant hardship.

A Specific Waiver **IS NOT** intended as a device for routinely approving individual wells that do not meet state standards. It is intended to provide administrative flexibility to resolve rare cases when hardships exist and/or other circumstances that make it impractical to meet Appendix 5-B standards.

The Specific Waiver application shall provide information and background about the site conditions and detail the proposal so that the Health Department is able to determine whether to approve or deny the application. The Health Department representative may ask for additional information to be submitted to make that determination.

General Information

Provide the applicant’s current mailing address and contact information. Also provide the address of the property the specific waiver is being applied for, even if it is the same as the mailing address.

Reasons for Noncompliance

Check the applicable reasons(s) for which the waiver is requested. If not already listed, include the specific standard in the space provided and provide a brief explanation (e.g., the well will be 80 –feet from the onsite wastewater treatment system). More detailed information can be attached as needed to detail the proposal and/or document hardship.

Protective Measures/Site Conditions

Check all applicable additional protective measure(s) proposed and/or existing site conditions that will mitigate the well’s noncompliance with Appendix 5-B standards. Any other protective measures can be listed after “other” in the space provided. Provide a brief description on the application form (e.g., the well is 300-feet deep with 60-feet of casing and grouted the entire length of the casing). Detailed explanations can be attached to the application.

Supporting Information

Check any information provided. Any additional information can be listed after “other” in the space provided. Any or all of the information listed may be required by the Health Department representative depending on the complexity of the site conditions. To obtain a specific waiver, the applicant must demonstrate that the water supply proposed is acceptable and is not likely to pose a health hazard.

Detailed Site Plan contents may include some or all of the following: surveyed plat, accurate location of onsite and neighboring offsite (if applicable) sources of contamination site topography, drainage features and any pertinent physical features. Appendix 5-B, Table 1, lists required separation distances from a number of contaminant sources.

Hydrogeologic Evaluation contents may include some or all of the following: water table depth, groundwater flow direction, nearby surface waters, site geology, aquifer characteristics, water quality data, well yield, etc. Information may be submitted based upon surrounding (known) well conditions or actual onsite tests.

A *NYSDEC Well Completion Report* is required by the Environmental Conservation Law (ECL) to be completed and submitted to NYSDEC and the property owner. If a waiver is issued, a copy of this Report shall be submitted to the Health Department after the well has been installed.

Acknowledgement of Risks

The applicant (property owner) and a NYS Professional Engineer (P.E.) are required to sign the Specific Waiver application and acknowledge the risks that may be associated with the water supply to serve the property. The P.E. is also required to provide his or her license number on the form and submit the supporting information and stamped design plans on behalf of the applicant.

Health Department Representative Response

The Health Department representative will approve; approve with conditions; not act and request additional supporting documentation; or deny the Specific Waiver application. The determination will be sent to the applicant and a copy of the determination and all information submitted with the application will be retained.