

Applicant (Owner) _____ TELEPHONE #, EMAIL _____

Address _____
STREET TOWN, VILLAGE, CITY COUNTY ZIP

Site Location _____
STREET TOWN, VILLAGE, CITY COUNTY ZIP

This information is submitted in support of the application for specific waiver from compliance with one or more standards of 10NYCRR, Appendix 5-B, "Standards for Water Wells" for a:

- New Well
- Replacement Well

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

- Separation distance cannot be achieved (Section 5-B.2, Table 1).
- Casing length is less than 20 feet (Section 5-B.3(b)(4)(ii))
- Other: Section 5-B _____

2. The following measures are proposed and/or site conditions exist that will mitigate noncompliance:

- Deeper well casing and grouting
- Grading/topography
- Remove or relocate source of contamination
- Existing site conditions are protective of the water supply
- Treatment
- Other _____

3. Please submit information supporting application for specific waiver from provisions of Appendix 5-B which may include a description of existing well problems such as poor water quality, low yield, source susceptible to contamination, damage to well or appurtenances, or contamination. Please include a detailed site plan, hydrogeologic and site evaluation details, and water test report and any other information to support request for waiver.

4. Signature of Applicant and Design Professional /Well Driller

I _____ (Applicant) understand that the water supply system proposed does not meet all standards described in 10NYCRR Appendix 5-B "Standards for Water Wells," and accept the system as proposed. I understand that the well water should be tested for quality prior to use of the well and/or occupancy of the property.

SIGNATURE

DATE

I _____ (Professional Engineer, Registered Architect, Well Driller) acknowledge that this application for waiver 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, existing hydrogeologic conditions at the site and/or proposed protective measures for the well described in this application will provide an acceptable degree of protection intended by the standards of Appendix 5-B. I also acknowledge and recommend that the well water will be tested for quality prior to occupancy.

SIGNATURE

DATE

NYS PE LICENSE #

NYSDEC REGISTERED DRILLER #

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 Section 75.3 and 75.6(b), the waiver requested is hereby:

- Approved: Install as proposed
- Approved: Install with the following conditions: _____
- Denied, for the following reasons: _____

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

Completing the Specific Waiver Application: Individual Water Supplies

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 or replacement residential onsite water supply that does not comply with one or more standards of Appendix 5-B, "Standards for Water Wells". For a new well the proposal must be submitted by a P.E. For replacement wells, the proposal can be provided by a NYSDEC Registered Driller. However, a P.E. may be required at the Health Department's discretion.

**Before a well is drilled that does not meet standards, a specific waiver must be obtained. If there is an emergency situation that may require the installation of a replacement well on short notice, contact the local Health Department having jurisdiction.*

Background

The responsible city, county, or district health official may grant a Specific Waiver in accordance with 10NYCRR Part 75 from a provision of Appendix 5-B when all of the following circumstances apply:

1. Conditions at the particular site make it impractical to comply with these standards.
2. Disapproval will result in a hardship.
3. The well will not create a health hazard.
4. Appropriate protective measures exist or are applied to mitigate nonconformance.

A specific waiver is NOT required for wells that are otherwise subject to DOH or LHD approvals (such as realty subdivisions) or permits. However, standards not met for such systems should be detailed on the approved plans and/or in the permit issued. A Specific Waiver is NOT intended as a device for routinely approving residential wells that do not meet State standards. It is intended to provide administrative flexibility to resolve individual cases when hardships and/or other circumstances exist that make it impractical to meet applicable standards, using the following guidelines. 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 a 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 90-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

Any additional information can be listed after "other" in the space provided. Include additional information on a separate sheet. The amount and or detail of information required by the Health Department representative may depend 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.

Acknowledgement of Risks

The applicant (property owner) and a P.E. or NYSDEC Registered Driller (for some replacement wells) are required to sign the Specific Waiver application and acknowledge the risks that may be associated with the water supply to serve the property.

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.

Health Department Representative Response

The Health Department representative will approve; approve with conditions; 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.