

Application for Waiver from Construction Standards for Public Water Systems

As Provided under OAR 333-061-0055, *The Department may grant waivers from the construction standards prescribed by these rules:*

- (a) *When it is demonstrated to the satisfaction of the Department that strict compliance with the rule would be highly burdensome or impractical due to special conditions or causes; and*
- (b) *When the public or private interest in the granting of the waiver is found by the Department to clearly outweigh the interest of the application of uniform rules; and*
- (c) *When alternate measures are provided which, in the opinion of the Department, will provide adequate protection to the health and safety of the public including the ability to produce water which does not exceed the maximum contaminant levels listed in rule 333-061-0030.*

In accordance with the above, the Shangri-La Water District water system, PWS ID #41 00835, hereby requests the Oregon Health Authority to waive the construction standard:

OAR 333-061-0050(2)(a), and in particular,
“The area within 100 feet of the well shall be owned by the water supplier, or a perpetual restrictive easement shall be obtained by the water supplier for all land (with the exception of public rights-of-way) within 100 feet of the well...”

The construction standard requested to be waived is for the following project:

SHANGRI-LA WELL #2 PROJECT (LANE 9974)

This waiver is necessary for the following reasons:

We are requesting a waiver from the required 100-foot control radius for the well located at 40176 York Lane for the following reasons:

- The well has been in place since 1985, located ^{not} prior to adoption of the most recent construction standards, with no known history of contamination.
- ✓ The well has a 27-foot sanitary seal which exceeds the minimum requirements. The well is semi-confined with the well seal terminating in the middle of a layer of “cemented sand & gravel with clay” that extends from 21-35 feet.
- The first perforation does not begin until 35 feet, below the semi-confining layer of “cemented sand & gravel with clay”.
- ✓ There is no septic system within the 100-foot radius of the well and due to the proximity of the floodplain, further development near the well is unlikely.
- The adjacent property owners are unwilling to provide a 100-foot perpetual restrictive easement, and condemnation is not a financially or politically viable alternative.

