

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 Los Aguilar Taqueria water system, PWS ID #91582, (plan review 63-2024) hereby requests the Oregon Health Authority to waive the construction standard OAR 333-061-0050 (2)(a)(E): Groundwater – Wells – “. . . No gravity sewer line ~~or septic tank~~ shall be permitted within 50 feet of a well which serves a public water system.”

The construction standard requested to be waived is for the following project: Los Aguilar Taqueria’s well, which serves as a public water supply (transient, non-community).

This waiver is necessary for the following reasons: PWS 91582 has no authority to correct the encroaching gravity sewer line. The encroaching gravity sewer line is located on a neighboring property; the sewer serves one RV on the neighboring property, was constructed without necessary permit(s), and was constructed subsequent to construction of the subject well. The subject well (PWS 91582) met all pertinent construction standards in effect at the time of well construction. Alternatives are impractical: Installation of an onsite storage tank and hauling water from an approved source would create a highly burdensome capital expense and perpetual operating expense for the restaurant business, which operates on low margins. Construction of a new well in compliance with current setback standards would not be practicable due to the parcel size and configuration. Connection to a municipal potable water source is not possible at this location. Approval of the existing well would serve private and public interests (continued operation of the restaurant) without compromising public health. No public interest would be served by disapproving the subject well which provides adequate protection to public health and safety by drawing from a confined aquifer and meeting drinking water MCLs.

Proposed alternate measures to protect the health and welfare of the public in lieu of complying with the construction standards OAR 333-061-0050 will consist of: Source protection: Grading area surrounding well to slope away from well (for positive drainage of surface rainwater), and installation of fencing (exclusion of vehicles). These alternative measures have been performed.



December 4, 2024

Paul Kay, volunteer representative
4495 South Pacific Hwy #100
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(541) 488-8840

Attach plans of proposed waiver request or additional supporting information and mail to:

Oregon Health Authority
Drinking Water Services #640
PO Box 14450
Portland, OR 97293-0450

Please see attached site plan and well evaluation.

Plan review coordinator's notes on justification/mitigation:

Comments: properly constructed well in a confined aquifer provides adequate alternative.

Attachments

Oregon Health Authority Action

After due consideration, the above requested waiver from the construction standards of OAR 333-061-0050 is hereby:

Approved

Denied

Casey Lyon 12-5-2024
Drinking Water Regional Manager Signature Date

Oregon Health Authority
Type Phone Number Here

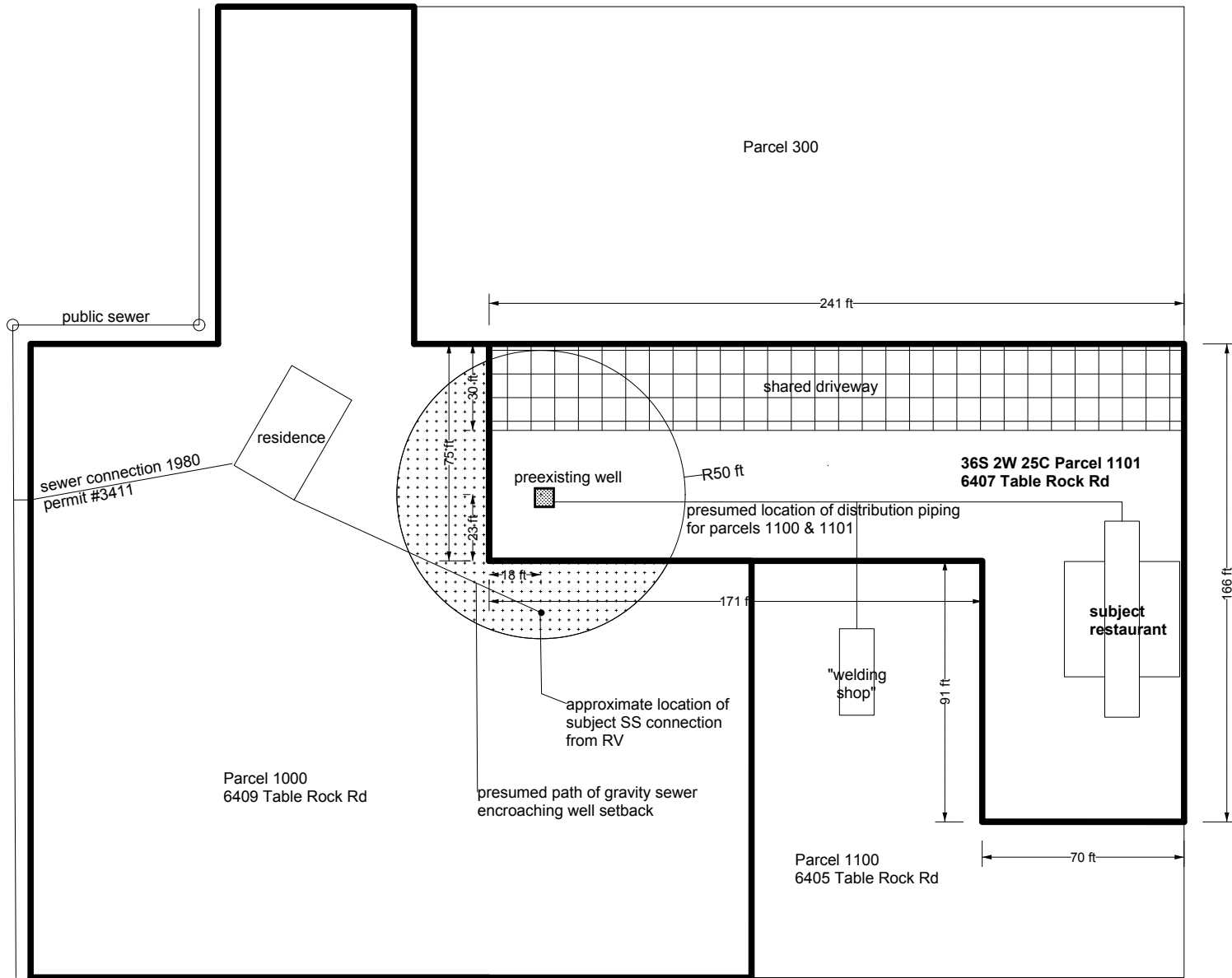
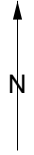


Table Rock Road



PWS #91582
Los Augilar Taqueria

prepared by:
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Paul Kay
April 1, 2024

Evaluation Request for Plan Review, GWUDI Review, Setback Waivers, & Initial Monitoring Reductions

OHA-DWP

* Items in **bold** are required or form will be returned

Background Information:

Analysis completed by Hydrogeologist?

Name of System: Los Aguilar Taqueria

PWS ID #: 91582

Well Name: Well

County: Jackson

Plan Review#: 63-2024

Date well log sent to Springfield: 8/8/2024

Requested by: R. Templin

Entry Point/Source ID: SRC-AA

Surface water w/i 500 ft¹: Yes No

¹For all but monitoring reduction requests.

Nature of Request:

Request for Proposed Well Construction review/suggestions

Township: _____ Range: _____ Section: _____

Or Lat: _____ Long: _____ (Earthtools.org Terraserver-USA.com Submitted Plans)

Or Property Address: _____

Request for As Built Well/Spring Construction for Plan Review (i.e., well construction and aquifer nature) review

Request for Construction Setback Waiver (i.e., well construction and aquifer nature) review

Septic, sewer, or other fecal contaminant source. Describe: _____

Fuel/chemical storage tank and/or associated piping. Describe: _____

Other. Describe: _____

Distance to hazard(s) causing sanitary setback violation within 100 ft: _____

Request for GWUDI review

Distance to surface water = _____

Request for DBP monitoring reduction review

Other well ID#s: _____

Distance to other wells: _____

Request for initial chemical monitoring reduction review

Other well ID#s: _____

Distance to other wells: _____

Well under consideration on New Entry Point

Well under consideration on Existing Entry Point

For all but Proposed Well Construction Request, provide 1) copy of well log or 2) one of the following and Date Well Completed:

County Well ID: JACK7220 Well Tag: L _____ Start Card: _____

Date Well Completed: 8/15/1973

Additional Notes/Comments/Requests: _____

Evaluation Results From Regional Hydrogeologist:

Proposed Well Construction Recommendations:

Estimated depth to water-bearing zone: _____
Estimated aquifer nature: Confined Unconfined
Estimated depth of casing seal: _____
Comments: _____

As Built Well Construction Evaluation for Plan Review and/or Setback Waiver:

- Well/Spring meets current construction standards.
 - WRD special construction standards, see well log or Comments.
- Well/Spring construction does not meet construction standards.
 - Not sealed to appropriate depth. Recommended depth: _____
 - Not appropriate seal materials
 - Open to more than one aquifer
 - Seal info missing or unknown
 - Seal not constructed properly (Insufficient sealant volume Insufficient annular space)
- Susceptible construction, but grandfathered source. Consider for reconstruction if nitrate \geq 5mg/L or confirmed *E. coli* at source.
- Susceptible well construction, **not approved for use.**

Comments: The well was drilled to a depth of 45 feet in August 1973. A 6 inch casing was placed to a depth of 43 feet and sealed to 20 feet (four sacks cement). The borehole is only 9 inches in diameter. The casing was perforated with a torch from 37-43 feet in depth. The well log format did not include method of sealing documentation the seal placement method is unknown and therefore allowed.

A site map was not provided, based upon aerial photo GIS layer and the GPS location, the well does not appear to meet setbacks to neighboring properties and neighboring septic/sewer. If chlorination or UV are to be applied, the monthly assessment monitoring is required. If the source is untreated triggered monitoring will apply.

Nature of Aquifer Evaluation:

Aquifer Nature: Confined aquifer Semi-confined aquifer Unconfined aquifer

Comments: The well is surficially located in what is reported as Holocene alluvium. The well appears to produce from gravel at a depth of 42 feet. A 39 foot thick layer of yellow clay is reported to overlie the water bearing zone and appears to be confining based on the rise and static water level (16 feet) compared the initial water bearing zone depth of (42 feet).

Construction Setback Waiver Info:

- Facility Profiler review for additional contamination info:
 - Not applicable, Facility Profiler doesn't track releases from this type of contaminant source.
 - Facility Profiler does not indicate a spill or chemical release related to the sanitary setback violation.
 - Facility Profiler indicates that there is a spill or chemical release related to the sanitary setback violation.

Comments and/or suggested "alternate measures" that could be considered for a Waiver from Construction Standards Request: _____

GWUDI Review Results:

- New system/source **or** surface water is inside sanitary setback, initiate **monthly source assessment monitoring when source goes into production or as soon as possible.**
 - Fractured bedrock, < 500 ft to surface water
 - Coarse sand, gravel, and boulders, < 200 ft to surface water
 - Sand and gravel, < 100 ft to surface water
 - Sand, < 75 ft to surface water
 - Pre-existing source, initiate **monthly source assessment monitoring as part of annually generated monthly assessment monitoring list.**
 - Fractured bedrock, < 500 ft to surface water
 - Coarse sand, gravel, and boulders, < 200 ft to surface water
 - Sand and gravel, < 100 ft to surface water
 - Sand, < 75 ft to surface water
 - Source may be sensitive to GWUDI but approved for use. Source must be included as one of repeat coliform sampling sites, consider for GWUDI if *E. coli* ever confirmed in the source.
 - Do not need to consider for GWUDI.
- Comments: _____
-

Monitoring Reduction Determination Results:

- Qualifies for initial chemical monitoring reduction as part of existing Wellfield – one round of chemical testing is sufficient.
 - Source is on existing entry point – future monitoring required at entry point.
 - Source is on a separate entry point – future monitoring includes nitrate at all entry points & source monitoring at entry point designated by geologist in comments below.
 - Qualifies for initial chemical monitoring reduction based on historical data from nearby public water supply well(s) sharing the same aquifer – one round of chemical testing is sufficient. Future monitoring required at entry point.
 - Qualifies for Common Aquifer designation for DBP monitoring – additional DBP sample sites not required.
 - Does not qualify for monitoring reduction.
 - Other: _____
- Comments: _____

Reviewed by: S. Stevenson

Date: 8-25-2024, amended 10-01-2024

