

**Application for Waiver from Construction Standards for Public Water Systems**

Water System Name	Balsall Creek Winery	PWS ID	not assigned
Project or Facility	Balsall Creek Winery	County	Yamhill
Need for waiver identified:	<input type="checkbox"/> Water System Survey	Date of Survey	
	<input checked="" type="checkbox"/> Plan Review # 109-2023		

Construction standard requested to be waived: OAR 333-061-0050 (2)(a)(B)

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.

Describe situation that conflicts with the standard. The existing well cannot meet the 100-foot radius of control because of its proximity to the property line and a roadway. Applicant owns and controls 62% percent of the 100-foot radius of control, with 19% within the roadway (including the gravel ditches along each side of the road) and another 19% on the neighboring properties.

Describe why meeting the standard is highly burdensome or impractical. A public roadway separates applicant's property from third-party properties located within the 100-foot radius of control. Applicant cannot get an easement as required by the rules from the local jurisdiction. Further, Applicant owns 62% percent of the radius of control and in order to satisfy the rule, Applicant would have to relocate the well. In addition, adding footing drains around the water tank would add to the cost. To move the well and add footings would cost approximately \$32,000.

Describe proposed alternate measure that provide adequate protection to public health and safety. Per Condition 2 of PR 109-2023, OHA granted a waiver for the 100-foot setback requirement for the roadway located within 19 feet of the well. Applicant will implement measures to protect against contamination from surface runoff or hazardous liquid spills and such measures will also ensure that there is adequate protection for purposes of the radius of control waiver request. Applicant will implement measures as provided Attachment 1.

Attach plans of proposed waiver request or additional supporting information and

  
Signature

11/17/2023  
Date

Name Owens Vineyard Holdings, LLC

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Telephone Number 503-778-5423

- Email your regulator; or
- Email [dws.planreview@dhsoha.state.or.us](mailto:dws.planreview@dhsoha.state.or.us); or
- Mail:  
Oregon Health Authority  
Drinking Water Services #640  
PO Box 14450  
  
Portland, OR 97293-0450

Comments:

Attachments: Attachment 1

**OHA Use Only**

Waiver ID 468-2023

Entered into waiver database

Plan Review Coordinator's notes: Well is properly constructed in a confined aquifer, which is an acceptable mitigation.

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

Approved    Comments:

Denied



1/11/2024

Drinking Water Regional Manager Signature  
Oregon Health Authority

Date

Waiver database updated