

**WAC 173-160-106 How do I apply for a variance on a water well?**

(1) When strict compliance with the requirements and standards of this chapter are impractical, any person may request a variance to the department from a regulation or regulations. The application for variance must propose a comparable alternative specification that will provide equal or greater human health and resource protection than the minimum standards. Application for a variance shall be made in writing and approved prior to the construction or decommissioning of the well.

(2) The variance application shall contain at least the following information:

(a) Name, address, and phone number of the person requesting the variance;

(b) Address of well site;

(c) 1/4, 1/4, section, township, range;

(d) The specific regulation(s) that cannot be followed;

(e) The comparable alternative specification;

(f) Justification for the request.

(3) At the department's discretion, the proponent may be required to provide additional technical information justifying the variance.

(4) The variance application will be evaluated, and a response will be given within fourteen days. In a public health emergency or other exceptional circumstance, verbal notification for a variance may be given. An emergency usually consists of a well failure resulting in a dry well or an unusable well. Driller convenience does not constitute an emergency.

(5) The emergency variance recipient must immediately follow up with a written notification to the department so that a permanent record is made of the variance.

(6) Local health districts or counties with delegated authority may grant variances under the provision chapter 18.104 delegated authority.

[Statutory Authority: Chapter 18.104 RCW. WSR 06-23-121 (Order 06-08), § 173-160-106, filed 11/21/06, effective 12/22/06. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. WSR 98-08-032 (Order 97-08), § 173-160-106, filed 3/23/98, effective 4/23/98.]