

Program Guidance for Processing Well Construction Waivers

This waiver guidance has been prepared to provide direction and consistency regarding the processing of waivers of the minimum well construction standards. The Department receives waiver requests from drillers when constructing a well consistent with the well construction standards rules (IDAPA 37.03.09) is not achievable or is impractical. The intent of the waiver provision is to provide for alternative well construction methods that are also protective of the ground water resource. The waivers are generally sent to the appropriate Regional Office by the driller to get approval for an alternative construction plan regarding a particular well. Waivers are requested for a number of reasons including set back distances, minimum seal depth, below ground completions or other variances often related to sighting of the well or the geology of the well site location.

The Idaho Well Construction Standards Rules (Rules) provides for waiver of the minimum well construction requirements. The rule states, *“in unique cases where the Director concludes that the ground water resources will be protected from waste or contamination and the public health and safety are not compromised, a waiver of specific standards required by these rules may be approved prior to construction, decommissioning or modifying a well.”* The waiver provisions are provided in IDAPA 37.03.09.025.02.

The Department updated the Request for Waiver of Administrative Rules for Well Construction Standards form in June 2013 and has provided specific instructions on use of the waiver form by well owners and drillers. The waiver form and instructions are available on the IDWR website at <http://www.idwr.idaho.gov/RulesStatutesForms/WellConstruction/PDFs/Waiver%20Instructions%20&%20Form%20FD%206-10-13.pdf>.

Waiver Submittal

The waiver form must be complete in order to properly evaluate and document the request. The waiver form and related guidance specifies the information necessary to complete the form. The well tag and well owner must be identified on the form. The driller must specifically identify the rule(s) which are proposed to be waived and provide a purpose for the waiver request.

The waiver request form asks for additional safeguards being proposed to accommodate for a waiver of the required rule. The driller should identify additional measures, if possible, to protect the well and ground water resource from waste or contamination of the ground water resource, and from comingling of water from different aquifers. IDWR inspectors are encouraged to communicate with the driller and well owner regarding the potential additional safeguards.

Driller and Owner Joint Responsibility

A waiver form must be signed by both the driller of the well and the well owner. This is important, since the owner needs to be fully aware of the waiver of minimum standards of their well. Some owners may not be comfortable with waiver of minimum standards.

Processing Time

The Rules specify that the Department has 10 business days following submittal of the waiver to evaluate and respond to the request. Waiver requests are often generated from problem drilling sites or difficult geologic conditions. Although the rules allow 10 days for evaluation and response to the request, regional inspectors are encouraged to evaluate the request in a timely manner so that drilling operations are not significantly impacted.

Verbal Waivers

The Rules provide for verbal approval of waivers followed by a formal written approval. Verbal waivers should only be used as a last option. The Department must be careful to make sure the well owner is in agreement with the waiver before granting approval. IDWR should not approve the waiver without speaking directly to the well owner, and verifying that the well owner is in verbal agreement with the waiver. The waiver form must be completed by the driller and signed by both the driller and owner in a timely manner following the granting of a verbal waiver.

Approval or Denial of the Waiver

Well Construction staff should fully evaluate the information provided in the waiver request to verify the accuracy of the information before approving or denying the waiver request. Three of the most common waiver request scenarios are presented below.

Geology Based Waivers

Waiver requests based on geology should be evaluated by the inspector to assure that the information is accurate. For example, a driller submits a waiver that describes a confining formation in the upper portion of the boring and requests a shallow surface seal (<38 feet) based on the existence of a confining layer. The inspector should field verify the confining layer based on the drill cuttings to assure that an appropriate confining layer is present. Direct visual observation is the best verification of the confining layer. Adjacent well logs may provide valuable data regarding the geology, however, many well logs do not provide detailed or accurate information on the geology and some well logs have been submitted with inaccurate locations. Geologic maps provide good data regarding the geologic formations in the area. Geologic data from U.S. Geological Survey or the Idaho Geological Survey can be used as a tool to verify the drillers request based on the geology. The inspector should also evaluate well logs in the area to determine if the producing formation is under artesian conditions. If wells in the area show artesian pressure, the surface seal may need to be deeper or an additional formation seal may be necessary to properly seal the well based on the geology and hydrogeology.

Waiver for Setback Distances

Setback distances from a variety of potential contaminant sources are provided in the Rules. These setbacks are consistent with setback distances set by DEQ in the “Technical Guidance Manual for Individual and Subsurface Sewage Disposal Systems”. If a driller submits a waiver

regarding setback distances on a small lot with a septic system and drain field, the inspector should meet with the home owner, driller and the District Health Department to evaluate the location of the septic tank and drain field and determine if there is an appropriate location for the well. The well location also needs to meet setbacks from surrounding properties with existing septic tanks and drain fields and replacement drain fields. The Department of Environmental Quality has set a 10% variance rule with respect to construction of a septic tank or drain field and setback distances from an existing well on the property of interest. This same 10% variance should be applied when evaluating waiver of the minimum setback distances in the Rules. The well should also be located up gradient from any septic drain field if possible. If the 10 % variance cannot be met, the waiver should be denied.

Waiver for Inability to Remove Temporary Surface Casing

Driller's have submitted waivers for an alternative seal depth and sealing method because they are unable to remove the temporary casing. In some instances temporary casing becomes stuck in the hole and the driller's equipment cannot remove the casing. This scenario is plausible in areas where heavy gravels, cobbles and boulders are present in the shallow subsurface. Every effort should be made to remove the temporary casing so an adequate seal can be placed. This may involve employing additional equipment such as casing jacks or other casing removal equipment or subcontracting to a different driller who has better equipment and/or better expertise. If the casing cannot be removed, the inspector should evaluate if there is any seal material that was placed below the temporary casing during the attempted casing removal process. If there is no seal material below the temporary casing, the driller must put together a plan to perforate the temporary casing and pressure grout with neat cement to seal between the formation and the temporary casing.

If the information submitted in the waiver is inaccurate and does not provide an acceptable basis for the waiver, it should be denied. The bottom of the Waiver Request form provides a signature line for a Department representative to approve or deny the request.

Data Base Entry of the Waiver

The waiver, if approved, must be entered into the workflow database system. The waiver entry in the work flow data base provides the following choices for data entry:

Casing Stick-up	Other
Seal Requirements	Waiver Denied
Setback	

Entry of "casing stick-up", "seal requirements", "setback" or "other" indicates that the waiver has been approved. If the "waiver denied" entry is chosen then the waiver is not approved by the Department. A copy of any approved or denied waiver form should be provided to the driller and well owner for their records. The waiver form must be scanned and placed in the workflow data base records for the well in question. If "Other" is selected for the type of waiver, an entry should be made in the comments tab as to the nature of the waiver.