

**§1394. Variances**

The provisions of this section govern the granting of a variance from the prohibitions under section 1393. [PL 2007, c. 569, §6 (NEW).]

**1. Community drinking water well, private drinking water well or well that supplies school.** In the case of a community drinking water well, a private drinking water well or a well that supplies drinking water to a school, the commissioner may grant a variance from the prohibition of section 1393 if the applicant demonstrates that no hydrogeologic connection exists between the proposed facility and the water supply at issue.  
[PL 2007, c. 569, §6 (NEW).]

**2. Public drinking water well that is not community drinking water well or does not supply school.** In the case of a public drinking water well other than a community drinking water well or a drinking water well supplying drinking water to a school, the commissioner may grant a variance from the prohibition of section 1393 if the commissioner determines that the engineering and monitoring measures proposed by the applicant exceed regulatory requirements and will effectively minimize the likelihood of drinking water contamination due to the discharge of oil or hazardous waste.  
[PL 2007, c. 569, §6 (NEW).]

**3. Determination.** In considering whether to grant a variance under this section, the commissioner may consider the importance of the groundwater resource, the hydrogeology of the site and other relevant factors.  
[PL 2007, c. 569, §6 (NEW).]

**4. Procedure.** The commissioner shall provide public notice and an opportunity for public comment on each variance request. The commissioner may deny a variance request or approve the request with or without conditions. The decision must be in writing with findings sufficient to explain the basis of the decision. The decision may be appealed to the board under section 341-D, subsection 4, paragraph A.  
[PL 2007, c. 569, §6 (NEW).]

**SECTION HISTORY**

PL 2007, c. 569, §6 (NEW).

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