



Ohio Administrative Code

Rule 3701-28-19 Variance or waiver of certain provisions of this chapter.

Effective: January 1, 2020

(A) Any applicant who believes that a variance of this chapter is necessary shall make application in writing to the board of health or the department, specifically stating the proposed variance from the particular rule or rules and describing the system.

(B) The board of health or the department shall not grant any variance unless the applicant demonstrates that:

(1) There will be unusual and unnecessary hardship in complying with the rules;

(2) Contamination of the private water system or the water supply will not occur as a result of construction and operation of the system;

(3) The health of persons using water from the private water system will not be endangered thereby;

(4) No other technically feasible and economically reasonable means of obtaining water from the proposed type of water source exists; and

(5) If the property owner is not the party making application for the variance, there is documentation that the property owner is aware of the variance request and all implications that the variance entails.

(C) In the case of an emergency as determined by the board of health, the board of health may make a written request of the director to waive the fees under paragraph (I) of rule 3701-28-04 of the Administrative Code. The director may grant such waiver of the fee if such waiver is warranted.

(D) No variance or waiver shall be granted that will defeat the spirit and general intent of these rules, or otherwise be contrary to the public interest or adversely impact the public health. No variance or waiver shall be granted where prohibited by rule.



(E) The board of health shall maintain a list of all variances or waivers requested in a calendar year and shall provide to the department the name and address of the person granted a variance or waiver, reason for granting or denying the variance or waiver, and a copy of the variance or waiver request. This information shall be provided to the department by the first day of April of each calendar year.