

## FAQ – Private Water System Variances

### Ohio Administrative Code (OAC) 3701-28-19

December 2012

#### Question:

1. Where can I apply for a variance to the private water system rules, Ohio Administrative Code (OAC) Chapter 3701-28?

*Answer: A permit holder applies for a variance to the private water system rules through their local health department for any rules of OAC Chapter 3701-28 except private water system contractor registration (OAC rule 3701-28-18) and the three rules specified below. A local health department will review the request and can accept or deny the request for a variance to the rule. See OAC rule 3701-28-19 for the requirements.*

#### Question:

2. Are there any private water systems rules from (OAC) Chapter 3701-28 for which a variance cannot be granted by the local health department?

*Yes. There are three rules in Chapter 3701-28 of the Ohio Administrative Code (OAC) for which a variance will not be considered.*

1. - OAC 3701-28-03 (BB) in which a private water system permit cannot be approved if work was done on that system by an unregistered contractor,

*However, OAC 3701-28-03 (BB) has an additional caveat in which a private water system can eventually be approved.*

*“The board of health shall not grant a variance to this rule **unless** (emphasis added) the portion of the private water system constructed is assessed and deemed acceptable by a registered private water systems contractor, or that portion of the system is reconstructed by a registered private water systems contractor.”*

*In other words in order to eventually approve a private water system constructed by an unregistered contractor a variance **is required** after the above noted conditions are met.*

2. -OAC 3701-28-10(C)(6)(d) in which a well drilled with less than 15 feet of casing must include the installation of continuous disinfection and cyst reduction.

3. -OAC 3701-28-14(B) in which a private water system pond watershed must be under the control of only one owner on one property, or contiguous properties owned by one person.