

Variance or waiver of certain provisions of this chapter.

- (A) Any applicant who believes that a variance of rules 3701-28-01 to 3701-28-18 of the Administrative Code 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; and
 - (4) No other technically feasible and economically reasonable means of obtaining water from the proposed type of water source exists.
- (C) In the case of an emergency as determined by the board of health, the board of health may make 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 as cited in paragraph (BB) of rule 3701-28-03, paragraph (C)(6)(d) of rule 3701-28-10, and paragraph (B) of rule 3701-28-14 of the Administrative Code.
- (E) The board of health shall maintain a list of all variances or waivers granted in a calendar year and shall provide to the director the name and address of the person granted a variance or waiver, reason for granting the variance or waiver, and a copy of the variance or waiver request for each variance or waiver granted. This information shall be provided to the director by the first day of April of each calendar year.

Replaces: 3701-28-21

Effective: 04/01/2011

R.C. 119.032 review dates: 04/01/2016

CERTIFIED ELECTRONICALLY

01/20/2011

Date

Promulgated Under:	119.03
Statutory Authority:	3701.344, 3701.345
Rule Amplifies:	3701.344, 3701.345
Prior Effective Dates:	1/1/1984, 1/1/00