

3701-29-22 Variances and more stringent standards.

- (A) A board of health may grant a variance from the requirements of this chapter when a person has made written application for a variance to the board requesting the variance from a specified rule or rules and the applicant shows that because of practical difficulties, or other special conditions, compliance with this chapter will cause unusual and unnecessary hardship. The board of health shall not grant a variance that would defeat the spirit and general intent of this chapter or is otherwise contrary to the public interest, adversely affect the public health, cause contamination of the environment, or not comply with the requirements of Chapter 3718. of the Revised Code. A board of health shall maintain a list of all variances to this chapter and shall provide the name and address of the person granted a variance, the reason for granting the variance, and a copy of the variance request to the department of health by the first day of April each year.
- (B) Experimental systems may be permitted by the board of health under the provisions of paragraph (A) of this rule provided the director of health concurs in writing with the design, evaluation, and operation and maintenance plan.
- (C) As provided in divisions (B)(1) and (B)(2) of section 3718.02 of the Revised Code and in accordance with section 3709.20 or 3709.21 of the Revised Code, as applicable, the board of health may adopt more stringent standards governing STS than those established under this chapter when local conditions support their adoption. As provided in division (C) of section 3718.05 of the Revised Code, more stringent standards shall be subject to review and approval by the director of health.
- (D) STS components or systems differing in design or principle of operation from those set forth in rules 3701-29-01 to 3701-29-23 of the Administrative Code, may qualify for approval as a special device or system upon review and recommendation by the sewage treatment systems technical advisory committee to the director of health as authorized under section 3718.04 of the Revised Code. A comprehensive design review, tests or sampling results, and related investigations must demonstrate that any such component or system produces results equivalent to those obtained by STS components or systems complying with such regulations. Such approval shall be obtained in writing from the director of health.

Replaces: 3701-29-20

Effective: 01/01/2015

Five Year Review (FYR Dates): 01/01/2020

CERTIFIED ELECTRONICALLY

Certification

09/29/2014

Date

Promulgated Under: 119.03
Statutory Authority: 3718.02
Rule Amplifies: 3718.02, 3718.04, 3718.05
Prior Effective Dates: 7/1/1974, 7/1/77, 7/2/07, 7/30/07