




POLICY

On-Site Septic Variance			
Manual	On-Site Wastewater Policy Manual	Policy Number	900.502.1
Effective Date	05/01/2016	Last Review	
Distribution	Sanitarians		
Purpose	To provide clarification on variances and deviations.		
Formulated By			
Job Title	Environmental Health On-Site Supervisor		
Division:	Environmental Health		
Approval			
	 <p>Digitally signed by Kevin Hughes DN: cn=Kevin Hughes, o=District Health Department #10, ou=Administration, email=khughes@dhd10.org, c=US Date: 2016.06.09 11:00:20 -04'00'</p>		
Retrieval			
File Location	On-Site Wastewater Policy Manual		
File Name	Septic Variances and Deviations		
References			
Sanitary Code			

On-Site Septic Variance

I. Policy Statement

- A. Under certain circumstances strict compliance with the sanitary code may result in an unnecessary or unreasonable hardship to the property owner. In such cases a deviation or variance may be considered if the following conditions are met:
1. The outcome would provide essentially equivalent protection of the environment and public health.
 2. No substantial health hazard or nuisance would likely occur.
 3. No state statute or other applicable laws would be violated.

NOTE: If minimum isolation distances are available then a Deviation or Variance will not be approved.

II. Procedure

- A. Deviations are approved by the sanitarian based on their professional judgement. Variances are approved by the program coordinator or the Environmental Health Director.
1. The sanitarian will conduct an onsite inspection of the proposed development to determine the location of the sanitary facilities (septic and well systems) on the property as well as adjacent properties if they are likely to be within the minimum isolation distances.
 2. The sanitarian will determine if a deviation or a variance will be necessary for the installation of the sanitary facilities. The following table indicates the level of authority to issue deviations and variances regarding isolation distances:

From	Septic Tank	Septic System
Wells	Variance for replacement, Denial for new construction	Variance for replacement, Denial for new construction
Property Line	Deviation	Deviation
Basement Wall	Deviation	Deviation
Lakes/Streams	Variance for replacement, **Variance for new construction	Variance for replacement, **Variance for new construction
Pressurized Water Lines	Deviation	Deviation
Ravines, Banks, Drop-offs	Deviation	Deviation
Swimming Pools	Deviation	Deviation
*Seasonal High Water Table	Not Applicable	Variance for replacement/repair, **Variance for new construction
Lack of Reserve Area	Not Applicable	Not required for replacement/ repair, Denial for new construction

* A seasonal high water table that is less than 12 inches below grade is reason for a denial under Section 5.2.16 of the Sanitary Code.

Note: All alternative septic systems must receive a variance.

3. All variances must be requested in writing from the property owner and submitted to the Sanitarian. The sanitarian must then submit the variance request to the program coordinator along with the internal variance document for consideration.
4. If a deviation or variance is granted, the conditions and reason for the variance must be fully documented on the permit. Whenever a deviation or variance is approved, some provision should be made to mitigate any negative impact. The following table provides examples of recommendations and conditions used to mitigate negative impacts and thus justify the approval of deviations and variances:

Well	Recommend annual bacterial water sample, notification of neighbor
Property Line	Stake property line before beginning construction
Basement Wall	Recommend annual inspection and pumping of septic tank
Pressurized Water Line	Recommend annual bacterial water sample
Ravine, Bank, Drop-offs	Retaining wall
Swimming Pool	Recommend marking of septic area

5. Each county will maintain a log of all deviations and variances that are granted. The sanitarian issuing the permit will record the conditions imposed upon the construction of the associated septic system.

III. Definitions

- Deviations are approved by the sanitarian based on their professional judgement.
- Variances are approved by the program coordinator or the Environmental Health Director.

IV. Additional Authority

District Health Department #10 – Sanitary Code, Effective Date: January 21, 2008
 Groundwater Quality Control Part 127 - Act 368 of the Public Acts of 1978, as amended, and rules