



Environmental Health Variance Committee



Policy E-G-1

November 15, 2004
Revised December 18, 2012

Purpose: To establish a process whereby clients can seek approval for sewage systems that vary from those set forth as detailed in the Kentucky On Site Sewage Disposal Systems Regulation (902 KAR 10:085) and/or local regulations set forth by Three Rivers District Health Department Board of Health.

Policy: An Environmental Health Variance Committee shall be compromised to act as the official designee of the District Board of Health to issue technical advice and recommendations to builders, realtors, installers, and individuals who cannot satisfactorily meet the construction requirements detailed in the Kentucky On Site Sewage Disposal Systems Regulation (902 KAR 10:085) and/or local regulations set forth by Three Rivers District Health Department Board of Health.

Procedure: The committee will meet periodically at the request of agency environmental staff to determine, based upon current available soil data and information, whether on-site sewage disposal systems are viable on individual lots or part of a planned subdivision. A vote will be taken among non-staff members of the committee to determine criteria for approval or disapproval. Recommendations issued by the committee will be technically binding until the next meeting of the Three Rivers District Board of Health. Builders, realtors, installers, or individuals receiving a favorable decision regarding their variance request will be allowed to continue construction under the guidance of specific criteria developed by the environmental committee. The Three Rivers District Board of Health will evaluate the formal recommendations of the Environmental Variance Committee and enter said recommendations into the official record of the Board by rendering its formal decision.

- I. Composition of the Committee:
 - A. A minimum of two (2) District Board of Health members from county(s) not associated with the requested variance.
 - B. A minimum of one (1) certified installer may be utilized if request is technical in nature and necessitates another professional opinion.
 - C. Three Rivers District Environmental Health Supervisor/Director
 - D. Three Rivers District Health Department District Director

II. Variance Request and Review Process

- A. Individual, builder, developer, installer to complete appropriate application on the required form (DFS-325) and pay any associated fees.
- B. Environmental Health staff to conduct a site visit/evaluation to obtain various information including soil tests, etc. (if not done previous to the request)
- C. Environmental Supervisor/Director schedules meeting with affected party and committee. The Environmental Variance Committee considers the information from staff, installer, and party requesting variance.
- D. Consideration of approval of any variance will be based upon the standards set forth in the Kentucky On Site Sewage Disposal Systems Regulation (902 KAR 10:085) Section 12 and any existing Three Rivers District Environmental Program Professional Interpretations developed by the Board (if applicable).
- E. Environmental Committee will develop a written report on the prescribed format summarizing discussion and recommendations.
- F. Environmental Committee will distribute the written report with its various recommendations and conclusions to the Board of Health to be acted upon at the next scheduled meeting following the variance meeting.
- G. The affected party has the right to appeal the Environmental Health Variance Committee's recommendations as outlined in Section 12 of the Kentucky Administrative Code.

District Director

Date

Chairperson, Three Rivers District Board of Health

Date