



POLICY AND PROCEDURE

CAVALIER COUNTY HEALTH DISTRICT

SECTION: ENVIRONMENTAL HEALTH

POLICY #2019-OSTS: VARIANCE PROCESS FOR ON-SITE SEPTIC TREATMENT SYSTEMS

POLICY: Cavalier County Health District (CCHD) has promulgated **CCHD Regulation #2019-OSTS**, governing the installation of On-Site Sewage Treatment Systems (OSTS). Property owners who cannot comply with the regulation may apply to the Board of Health for a variance. If a permittable option exists for the project, and a practical difficulty does not exist, then a variance cannot be applied for and will not be granted.

PROCEDURE:

1. Property owner shall request a variance application from the Environmental Health Division.
2. The variance application must be completed in full. Failure to complete the application will result in denial.
3. **The variance application will be reviewed by the Environmental Health Director, CCHD Administrator, and Board of Health Chairman. They will make a decision on the variance application and provide the decision to the applicant. The variance information will be noted with the filing of the permit.**
4. **If a decision cannot be determined (in Step 3) or there is an appeal request, the application will be brought to the next Board of Health meeting for review, and the following procedures will be followed:**
 - a.) When the variance application is submitted **to the Board of Health**, the variance hearing fee must be paid. This fee is nonrefundable regardless of the determination of the Board of Health.
 - b.) The Board of Health shall be provided a copy of the variance application to review prior to the meeting.
 - c.) At the next regularly scheduled Board of Health meeting, the variance hearing will be added to the agenda.
 - If a special meeting is requested or required prior to a regularly scheduled Board of Health meeting, Board of Health members as well as media sources and any other requesting entities shall be given proper notice of the special meeting. The special meeting shall follow special meeting rules. Additional fees may be assessed for special meetings.
 - d.) The Board of Health shall review the variance application and determine if a decision can be reached. If more information is required beyond what is required in the application, the applicant will be contacted for the additional information.
 - e.) The final decision of the board will be recorded in the Board of Health meeting minutes, along with original paperwork.
 - f.) If the variance is approved, an On-site Sewage Treatment System permit must be purchased/obtained.
 - g.) For an approved variance, the originals of any paperwork shall be kept and filed at Lake Region District Health Unit, Environmental Health Division. Copies shall be made available for the property owner requesting the variance.