



## Fact Sheet

# Variance Process for Onsite Wastewater Treatment (Septic) Systems

## About septic systems

A septic system is the most common method of wastewater treatment for homes and businesses that are not connected to a sewer system. In its basic form, a septic system consists of a septic tank, where solids settle and decompose, and a drainfield where liquid discharged from the tank is treated through the soil with the help of microorganisms.

Properly functioning septic systems treat wastewater to minimize groundwater and surface water pollution. A malfunctioning system can be a health hazard, contaminate drinking water wells and nearby waterways, and harm the environment.

Not all parcels of land are suitable for septic systems. Depth to groundwater, soil types, setbacks, landscape position of the property and local geology are all factors. Property owners must have a site evaluation conducted by a local onsite wastewater agent to determine if a parcel is suitable for a septic system. The Oregon Department of Environmental Quality's regulations are in place to protect public health and the environment.

## Variance process

You may apply for a variance to any rule or standard in the onsite rules ([Oregon Administrative Rule Chapter 340, Division 071](#)). Variances are most commonly applied for after a local onsite agent finds a site does not meet all prescriptive standards established in rule and denies the site evaluation. A site evaluation report outlines the reasons for denial and cites the applicable rules.

A property owner or consultant then submits a complete variance application to DEQ, including a copy of the site evaluation report, plans and specifications for the proposed septic system, other supporting documents, and the application fee. The proposed system design must protect public health and the environment as much as, or more than, the prescriptive standards in [Onsite Wastewater Treatment System Rules](#). The applicant must show that each requested variance from a rule or standard is warranted, including when strict compliance with a rule is inappropriate or when unique site conditions make a rule unreasonable, burdensome, or impractical. Variances are approved only when the proposal meets these objectives. **Variance approval is not guaranteed, and fees are nonrefundable.**

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A DEQ variance officer reviews the proposal and other application materials, conducts a site visit, considers site-specific conditions, and holds a public hearing within 30 days of receipt of a completed application. The variance officer will issue a decision on the variance within 45 days of the hearing close date. The variance hearing is not an opportunity to overturn a local onsite agent's decision. It is an information gathering hearing. The decision to approve or deny a variance application is based on the information presented in the proposal, unique site characteristics, and the requirements and purpose of DEQ's regulations.

## Variance appeals

Anyone negatively affected by a denied variance may submit a request for a hearing to DEQ in writing within 20 days of the denial. The request must state the reason for the appeal. The hearing will be conducted as a contested case hearing under ORS 183.413 through 183.470 and OAR chapter 340, division 011.

Anyone negatively affected by an approved variance may appeal the decision in writing to the Oregon Environmental Quality Commission within 20 days of the approval and must state the reason for the appeal.

## More information

Download the [variance application](#) from Oregon administrative rules regulating onsite wastewater treatment systems.

Learn more about septic system resources and regulations at DEQ's [Onsite Wastewater Management Program](#) web page.

## Contacts

Please visit our [contacts page](#) to find links and names for local entities and the appropriate regional DEQ staff.

## Non-discrimination statement

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