



Fact Sheet

Variance Process for Onsite Septic Systems

About Septic Systems

A septic system is the most common method of sewage treatment for homes and businesses that are not connected to a municipal sewage 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 sewage to minimize groundwater and surface water pollution. A malfunctioning system can be a health hazard, can contaminate drinking water wells and nearby waterways, and can harm other natural resources.

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 DEQ or a locally run onsite program inspector to determine if a parcel is suitable for a septic system. DEQ's regulations are in place to protect public health and the environment.

Variance Process

A variance may be initiated after the onsite program inspector finds the property is unsuitable for siting an onsite septic system. The site evaluation report will outline reasons for denial and cite the applicable rules.

A property owner or consultant may then submit to DEQ a complete variance application that includes a copy of the site evaluation report, plans and specifications for the proposed septic system, other supporting documents, and the application fee. The applicant must demonstrate that the variance from each requested state rule is warranted, and that the proposed system would adequately function to safeguard public health and the environment. Variances are approved only when the proposal meets these objectives. **Variance approval is not guaranteed, and fees are non-refundable.**

A DEQ variance officer will review the proposal and other application materials, conduct a site visit, consider site-specific conditions and hold a public hearing. 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 the county 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 and the requirements and purpose of DEQ's regulations.

Property owners may appeal variance denials in Circuit Court, per ORS 183.484. The general public may appeal variance approvals to the Oregon Environmental Quality Commission.

Note: DEQ variance requests most commonly occur as result of a site evaluation denial. However, there may be other reasons to request a variance. An applicant may request variances from any rule or standard in the onsite rules (Oregon Administrative Rule chapter 340, division 071).

More Information

Learn more about septic system resources and regulations at <https://ordeq.org/septic>

Download the application for variance from Oregon administrative rules regulating onsite wastewater treatment systems at <https://ordeq.org/variance>

Alternate Formats

DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at 800-452-4011 or email deqinfo@deq.state.or.us.