

STAFF REPORT

BOARD MEETING DATE: May 2, 2024

TO: Sewage, Wastewater, and Sanitation Hearing Advisory Board
FROM: Latricia Lord, Senior Environmental Health Specialist
775-328-2689, llord@nnph.org
SUBJECT: Variance Case #H24-0001VARI; Requesting variance for APN 089-561-12 from Sections 020.075 & 020.080; requesting permission to install a replacement disposal field in lieu of connecting to Washoe County municipal sewer due to financial hardship.

SUMMARY

This staff report summarizes the Environmental Health Services Division's (EHS) review of the submitted variance application for your decision to recommend or deny approval to the District Board of Health (DBOH) a variance for APN 089-561-12, owned by Lacey Rulli & Robert van Looy. The variance requests permission to install a replacement disposal field in lieu of connecting to Washoe County municipal sewer due to a financial hardship.

Previous Action

There has been no previous action with this variance request. The parcel in question is served by municipal water.

Background

The variance correctly identifies the Northern Nevada Public Health (NNPH) Regulations Governing Sewage, Wastewater, and Sanitation (regulations) that prohibits the issuance of a replacement permit if public sewer is available within 400' of an existing building to be served.

The parcel in question can be served by Washoe County municipal sewer off Alena Way, per correspondence from Washoe County Engineering.

The reason for the variance request is due to the proximity of the sewer line, which prohibits NNPH from issuing the necessary permits for installing a replacement disposal field. Ms. Rulli and Mr. van Looy are contending that the cost for connecting the property to sewer is cost prohibitive.

Findings of Fact

The Board must consider the following when making a recommendation on this variance to the DBOH:

1. Will the proposed variance result in contamination of water to the extent it cannot be used for its existing or expected use?

Reply: The proposed replacement disposal field would be able to meet all applicable setbacks and should not pose any additional threat to groundwater. There is no expectation of groundwater contact expected based on NNPH's knowledge of the area; However, if

groundwater were encountered at depths, NNPH would require an appropriate re-design and believes space is available for any necessary modifications to protect groundwater should it be encountered. It is not expected that any additional risk of contamination of groundwater will occur due to the proposed variance.

2. Will the proposed variance pose a threat to public health?

Reply: There are two primary ways that sewage can pose a threat to public health, direct exposure via surface and groundwater contamination in areas with domestic wells. All sewage would be discharged underground preventing direct exposure and as all setbacks and design requirements are met, no increased risk of groundwater contamination is expected.

3. Are there other reasonable alternatives?

Reply: NNPH regulations do not allow for the issuance of any permit to install, modify, or replace a septic system with municipal sewer available within 400 feet of an existing building to be served. There is no alternative other than for the property owner to connect to the municipal sewer line from Alena Way to their property.

Conditions of Approval

1. NNPH is not recommending any conditions of approval at this time, as the property is of sufficient size for a replacement disposal field that will meet all applicable setbacks. NNPH would follow its normal permitting and inspection procedures and if groundwater or other limiting layers were encountered would require the appropriate redesign. If the Board does determine that there are appropriate conditions of approval, any conditions they set should be required to be recorded to the title, not to be removed without NNPH approval.

Recommendation

Staff is neutral as to whether the Sewage, Wastewater and Sanitation (SWS) Hearing Board should support the presented Variance Case # H24-0001VARI to allow for the construction of a replacement disposal field, as all setbacks should be able to be met and the relative cost of connecting to sewer is the only issue. Our primary reason for remaining neutral is due to EHS's internal policy that financial hardship situations are not to be decided at the staff level but rather that the Advisory Board and District Board of Health level to avoid any personal judgments as to what constitutes a financial hardship.

Possible Motion

Should the SWS Hearing Board wish to approve the variance application, the three possible motions would be:

1. “Move to present to the District Board of Health a recommendation for approval of Variance Case # H24-0001VARI to allow the permitting and construction of a replacement disposal field as proposed, without conditions”, OR
2. “Move to present to the District Board of Health a recommendation for approval of Variance Case # H24-0001VARI to allow the permitting and construction of a replacement disposal field as proposed, with the following conditions (list conditions)”, OR
3. “Move to present to the District Board of Health a denial of Variance care # H24-0001VARI”.

The SWS Board may also formulate their own motion or request additional information from the applicant if desired.