

Appeal Process for Onsite Sewage Disposal Permits

Step 1

A sanitarian makes a decision regarding a septic system.

Step 2

A permit or denial letter is issued. The applicant has 30 days from the date the decision letter was mailed to appeal any condition of the denial or permit.

Step 3

The applicant appeals the decision to the Health Officer within timeframe listed above. The appeal hearing will be held as soon as reasonably possible, but not later than 45 days of the date it is received, unless delay is requested by the applicant. Alternatively, the applicant may waive the hearing before the Health Officer and proceed directly to Step 8 (i.e., hearing before the Board of Health).

Step 4

The Health Officer or designee arranges for an independent evaluation of the lot by a representative of the WV Office of Environmental Health Services (WVOEHS). If an appropriate representative from WVOEHS is not available within a reasonable time period, the Health Department may hire a professional soil scientist.

Step 5

An independent evaluation of the lot is performed, and the results are reported to the Health Officer and the applicant.

Step 6

The Health Officer holds a hearing regarding the appeal, and all relevant information about the suitability of the lot for a septic system is considered. The Health Officer then makes a decision based on the facts presented to him or her and issues a written case decision within ten days after the hearing. In the event that the independent evaluation of the lot has not been completed yet, the hearing can be continued with the applicant's consent until that report is available. The hearing can be postponed at the applicant's written request for a period not to exceed 120 days. The decision of the Health Officer may be appealed to the full Board of Health within 30 days of the issuance of the case decision by the Health Officer.

Step 7

The applicant appeals the decision to the Board of Health within 30 days of the date the Health Officer's case decision was mailed.

Step 8

The hearing before the Board of Health is held within 45 days of the date it is requested by the applicant and all relevant information about the suitability of the lot for a septic system is considered. The hearing can be postponed at the applicant's written request for a period not to exceed 120 days. The Board of Health then makes a decision based on the facts presented to them and issues a written case decision within ten days after the hearing.