

Board of Health of the Union County General Health District

UNION COUNTY LOCAL SEWAGE TREATMENT SYSTEM REGULATIONS

***SUPPLEMENTING OHIO DEPARTMENT OF HEALTH
OHIO ADMINISTRATIVE CODE CHAPTER 3701-29
SEWAGE TREATMENT SYSTEM RULES***

2015

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Union County Health Department
LOCAL SEWAGE TREATMENT REGULATIONS
2015

Supplementing the Ohio Department of Health Sewage Treatment System Rules 3701-29

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Section 1 – Definitions

- (A) Unless otherwise defined in these Union County General Health District Sewage Treatment System Regulations, the definitions contained in Ohio Administrative Code (OAC) Rule 3701-29-01, as they may be amended or modified from time to time, are incorporated by reference.
- (B) “Board of Health” means the Board of the Health of the Union County General Health District.
- (C) Terms defined in OAC Rule 3701-29-01 are generally indicated in these Regulations by a **Contrasting Font**; provided, however, the failure to so identify a defined term, without more, does not indicate a different meaning for the term in that instance.

Section 2 – General Authority

The Board of Health of Union County is granted authority under section 3709.21 of the Ohio Revised Code to make such orders and regulations as are necessary for the public health, the prevention, or restriction of disease, and the prevention, abatement, or suppression of nuisances.

Section 3 – Penalties

This regulation shall be enforced in accordance with Chapter 3709 of the Ohio Revised Code. A violation of this regulation is punishable in accordance with section 3709.99 of the Ohio Revised Code or as otherwise permitted by law or Rule.

Section 4 – Small Flows On-Site Sewage Treatment Systems (SFOSTS)

- (A) Pursuant to 3701-29-02 (H)¹ of the Ohio Administrative Code, whereas a board of health may regulate the siting, design, installation, operation, monitoring, maintenance and/or abandonment of **Small Flow On-Site Sewage Treatment Systems (SFOSTS)** in accordance with section 3718.021 of the Revised Code, the Board of Health has determined that it has the capacity to regulate **SFOSTS**. The Board of Health hereby continues to assume authority for **SFOSTS** under its jurisdiction.

Section 5 - Registration of installers, service providers, and septage haulers

¹ (H) A board of health may regulate the siting, design, installation, operation, monitoring, maintenance, and/or abandonment of SFOSTS in accordance with section 3718.021 of the Revised Code. When the rules specifically address SFOSTS, the provisions apply to those SFOSTS that are under the jurisdiction of a board of health having met the following requirements:

(1) The board of health has determined that all applicable provisions of the rules related to SFOSTS can be fully implemented under its authority.

(2) The board of health has sent a letter of notification to the director of health and the director of the Ohio environmental protection agency at least sixty days prior to the date when the board of health will assume authority for SFOSTS. The letter of notification shall include the intended date for transfer of jurisdiction and shall indicate compliance with paragraph (H)(1) of this rule.

- (A) Pursuant to 3701-29-03 (G) of the Ohio Administrative Code, when the registered **service provider** performs the duties of a **service provider** on only the registrant's personal residence, the **service provider** shall be exempt from paragraphs (C)(4)², and (C)(6)³ of the rule. Whereas the Board of Health has the authority to waive (C) (1)⁴ and (C)(5)⁵ of the rule, the Board of Health does hereby determine that it shall require compliance with paragraphs (C)(1) of the rule, as to payment of the registration fee, and it shall waive paragraph (C)(5) of the rule, as to proof of completion of continuing education hours.
- (B) Pursuant to 3701-29-03 (H) of the Ohio Administrative Code, when the registered **installer** performs the duties of an **installer** on only the registrant's personal residence, the Board of Health may waive (C)(1), (C)(4), and (C)(6) of the rule. The Board of Health does hereby determine that it shall require compliance with paragraphs (C)(1) of the rule, as to payment of the registration fee, and it shall waive paragraphs (C)(4), as to proof of general liability insurance, and (C)(6), as to proof of completion of continuing education hours, of the rule.
- (C) Every registrant shall maintain and submit to the board of health such complete and accurate records as may be required for determining compliance with all applicable rules of this chapter.

Section 6 – Operation Permit Terms & Conditions

- (A) Pursuant to 3701-29-09(I)(2) of the Ohio Administrative Code, the Board of Health shall specify any terms and conditions of the operation permit consistent with this chapter governing the operation, maintenance, and abandonment including:
 - (a) The requirement that all **Sewage Treatment Systems (STS)** shall be maintained, operated and monitored per manufacturer and/or health district instructions so as to not cause a public nuisance.
 - (b) Discharging systems shall meet **effluent** quality standards set for in [OAC 3701-29-14](#).
 - (c) An operation permit shall require a service contract for any **STS** subject to a **NPDES** permit or when required as a condition of a **STS component** or system approval granted by the director of health.
 - (d) Operation permits shall be in effect upon Board of Health approval of the installation, replacement, or **alteration** of an **STS** and shall not expire for a period equal to the lesser of a prorated amount as referenced in Section 9 (B)(1) or five years from date of installation replacement or **alteration** of a **STS** approval unless suspended or revoked by the Board of Health.
 - (e) Operation permits shall be renewed upon expiration. All operation permits shall automatically renew provided a written **inspection/** service report has been submitted to the Board of Health in the previous operational period and all applicable fees have been

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² (4) Proof of no less than five hundred thousand dollars general liability insurance coverage. In the case of dual or multiple registrations as an installer, septage hauler, and/or service provider, the required general liability insurance shall apply to multiple registration categories.

³ (6) Proof of a surety bond or other financial assurance options approved by the director of health which provides statewide coverage for all work performed on a STS in any local health district in the state of Ohio, on a form provided by the director of health.

⁴ (1) The registration fee established by a board of health in accordance with rule 3701-36-14 of the Ohio Administrative Code;

⁵ (5) Beginning with the registration year starting on January 1, 2016 proof of completion of at least six continuing education hours during the previous calendar year through educational programs approved by the department of health or demonstration of competency obtained through one of the following mechanisms:

paid. The BOH may suspend or revoke the operation permit for failure to comply with this rule supplement or any other rule(s) in Chapter 3701-29. Failure to comply with the written inspection/pumping/service report submission by the expiration date will result in staff of Union County General Health District performing a maintenance **inspection** and applicable fees will be assessed.

Section 6 – Effluent quality standards

(A) ~~(A)~~ Pursuant to 3701-29-14 (C) of the Ohio Administrative Code, whereas the Board of Health may establish nutrient reduction standards for **pretreatment components** when there is a significant risk of nutrient contamination to surface or ground water, the Board of Health does hereby establish the standards referenced in (C) (1)⁶ of that rule and reserves the right to adopt other nutrient standards as permitted in (C) (2) of that rule.

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Section 7 – General soil absorption standards

- (A) Pursuant to 3701-29-15 (G) of the Ohio Administrative Code, when there is a seasonal water table present, the Board of Health may establish a **vertical separation distance** no less than six inches and no greater than eighteen inches, with a required minimum thickness of **in situ soil** within the **infiltrative distance** of no less than six inches, the Board of Health does hereby establish a **vertical separation distance** to the **seasonal water table** of six (6) inches, with a required minimum thickness of **in situ soil** of six (6) inches⁷.
- (B) Pursuant to 3701-29-15 (H) of the Ohio Administrative Code, whereas the Board of Health may establish the required minimum **vertical separation distance** of greater than zero inches and less than six inches, and the required minimum **in situ soil** thickness within the **vertical separation distance** of greater than zero inches and less than six inches where the **seasonal water table** is present and the **sewage effluent** is pretreated to less than one thousand fecal coliform CFU per one hundred milliliters, the Board of Health shall recognize these requirements, and therefore allow a **Sewage Treatment System** or **Gray Water Recycling System** to be permitted in these conditions. The **infiltrative surface** shall not be placed below the depth of the **seasonal water table**.

Section 8 – Gray water recycling systems

⁶ (1) When total nitrogen reduction is required, pretreatment components that meet a fifty per cent reduction in the total nitrogen concentration (average influent and effluent total nitrogen concentrations and the actual percentage of removal are provided) as demonstrated by ANSI/NSF Standard 245, BNQ Standard NQ 3680-910, CEN Standard EN 12566-3 data or equivalent shall be used.

⁷ The minimum allowable amount is 6 inches.

(A) Pursuant to 3701-29-17 (B)⁸ of the Ohio Administrative Code, whereas the Board of Health may issue a permit for the design and installation of a type 1 **gray water recycling system**, the Board of Health does hereby determine that a permit shall be required for the design and installation of these systems.

- (1) No person shall design or install a type 1 **gray water recycling system** without an approved and valid type 1 **gray water recycling system** permit issued by the Board of Health.
- (2) All terms, conditions, and procedures for site review and permitting specified in section 3701-29-09 of the Ohio Administrative Code shall be recognized and enforced.

Section 9 - STS operation and management, and owner education

- (A) Pursuant to 3701-29-19 (E)(1) of the Ohio Administrative Code, the Board of Health declines to permit a registered **service provider** to collect **effluent** samples for a National Pollutant Discharge Elimination System, and the Board of Health does hereby require that the sampling described shall be collected only by the Board of Health to ensure accuracy and consistency with the collection protocol.
- (B) Pursuant to 3701-29-19 (A) of the Ohio Administrative Code, the Board of Health shall develop a program for the administration of an **Operation and Maintenance (O&M)** management for **STS** and **GWRS** and owner education in compliance with division (A)(7) of section 3718.02 of the Revised Code and this chapter.

(1) Operation Permit

(a) Initial. Operational permits shall be in effect upon Board of Health approval of the installation, replacement, or alteration of a STS and shall not expire for the lesser of:

- (1) five (5) years from the date of installation, replacement or alteration of an STS approval, or
- (2) the prorated time until the next renewal cycle as described in (B)2, unless suspended per 3701-29-09 (B) 7.ⁱ

(b) Renewal. The Board of Health shall automatically renew operation permits provided all written inspection/monitoring/pumping/service reports were submitted by the property owner to the Board of Health in the previous operational period and the property owner has paid all applicable fees. If not automatically renewed, the property owner must arrange for an assessment of their system by the Board of Health, pay any fees and penalties, and submit a plan for compliance with these rules to the Board of Health.

⁸ (B) A board of health may issue a permit for the design and installation of a type 1 GWRS. Except for gray water systems installed for campgrounds under Chapter 3729. of the Revised Code, a board of health shall issue a permit in compliance with rule 3701-29-09 of the Administrative Code for type 2, 3 and 4 GWRS. When a GWRS is proposed at the same time as a new or replacement STS, both systems shall be authorized under the same permit. Designs for GWRS shall meet the requirements of rule 3701-29-10 of the Administrative Code as applicable.

(1) The renewed operation permit shall not expire for five (5) years from the expiration of the previous permit unless the operation permit is suspended per 3701-29-09.

(2) Operation permits are issued for and inclusive of the five year period beginning with a year ending in zero (0) or ending in a five (5) except for the first renewal which may be prorated to the first regular cycle renewal.

(3) The operation permit will be issued by December 31st of the year proceeding the permit period for all systems on record with the Board of Health.

(c) Fee. The Board of Health will establish a fee for all initial and renewal operational permits per its authority established in ORC 3709.09.

(1) Permit fees will be prorated to match a prorated permit as in (B)2. A prorated permit fee is prorated to a full year's operation.

(2) The renewal fee will be charged in the fall of the year preceding the permit date.

(d) Penalty. Failure to pay the fee for the operational permit will result in a penalty. Failure to pay the penalty and fee before April 1 of the succeeding year (the first year of the operational permit) will result in the entire fee--penalty and permit fee-- being assessed to the property tax of the home owner per ORC 3709.091.ⁱⁱ

(2) Inspections

(a) Definitions.

(1) "Inspection" means the on-site evaluation or analysis of the design, installation, and/or operation of a Sewage Treatment System.

(2) "Regular" or "routine" inspection cycle refers to the inspection frequency established by the Board of Health in this section.

(3) "STS O&M" means Sewage Treatment System Operation and Maintenance.

(4) "Monitoring" means verifying performance requirements and may include, but is not limited to, sampling of effluent from, or inspection of a Sewage Treatment System component. For the purpose of this document, monitoring activities shall be conducted by the Board of Health, a registered service provider, or a home owner authorized by the Board of Health.

(5) "Sewage treatment system" or "STS" means a Household Sewage Treatment System, a Small Flow On-site Sewage Treatment System, or both, as applicable.

(6) "NPDES" means national pollutant discharge elimination system (typically associated with aerators or other discharging STS).

(7) "Septic tank" means a watertight, covered receptacle for treatment of sewage that receives the discharge of sewage from a building, separates settleable and floating solids from the liquid, digests organic matter by anaerobic bacterial action, stores

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digested solids through a period of detention, allows clarified liquids to discharge for additional treatment and final dispersal, and attenuates flows.

(8) "SSSF" means a Subsurface Sand Filter.

(9) "Small Flow On-site Sewage Treatment System" means a system, other than a Household Sewage Treatment System that treats not more than one thousand gallons of sewage per day and that does not require a National Pollutant Discharge Elimination System permit issued under section [6111.03](#) of the Revised Code or an injection well drilling or operating permit issued under section [6111.043](#) of the Revised Code. For the purposes of these rules, structures served by a Small Flow On-site Sewage Treatment System may also include:

- a. More than one dwelling or arrangements such as a dwelling and a detached garage with living space.
- b. More than one vacation rental cabin.
- c. A dwelling and related structure, such as a barn or personal garage, when the structure is used by persons other than, or in addition to the residents of the dwelling.
- d. A dwelling with a home business when the nature of the home business is such that it produces sewage, including but not limited to: home businesses that provides a public restroom for use by nonresidents.

(b) Inspection Frequency. The Board of Health has determined the inspection/monitoring frequency for all types of STS based on the relative risk for failure and/or potential risk to the environment. The inspection frequency is provided in Table 1. When an STS fails to operate as approved, the Board of Health may determine that an increased inspection frequency is required to assure the system does not create a public health nuisance. If a system is moved to a category of more frequent inspections, it will remain in that category until such time as the Board of Health is satisfied that the STS no longer poses a sufficient threat to warrant increased monitoring or the system is returned to its originally approved operation. All applicable inspection fees will be assessed.

[\(1\) By resolution, the Board of Health may reassign system types to another frequency group based on new technology, information regarding the performance of the system type, or state requirements and recommendations.](#)

Table 1. Inspection Requirements.	
<i>The following are the inspection cycles for the various types of Sewage Treatment System (STS).</i>	
Frequency Group (in order of risk, highest to lowest)	Requirement
A1. Aerators, discharging systems, NPDES, etc. <ul style="list-style-type: none"> ▪ Regular Aerators ▪ NPDES Aerators ▪ Drip Distribution Systems ▪ Aerator to Leach ▪ Aerator to Mound 	Annual Inspection (5x per 5 years of the permit and no more than one accepted annually)

<ul style="list-style-type: none"> ▪ Aerator to SSSF ▪ Aerator to Peat/Sphagnum Moss Filter ▪ Aerator to any other STS ▪ <u>ST to SSSF (Discharging)</u> ▪ <u>ST to Peat/Sphagnum Moss Filter (Discharging)</u> ▪ <u>ST to Filter Bed (Discharging)</u> ▪ Unknown STS (until confirmed as something specific) 	
<p><u>A2. Septic Tank (ST) to filter beds, lift stations, etc.</u></p> <ul style="list-style-type: none"> ▪ ST to SSSF (Discharging) ▪ ST to Mound ▪ ST to SB2 ▪ ST to Peat/Sphagnum Moss Filter (Discharging) ▪ ST to Lift Station to Mound ▪ ST to Filter Bed (Discharging) ▪ ST to Lift Station to Leach ▪ Lift Station to any other STS 	
<p><u>B1. Septic Tank (ST) to filter beds, lift stations, etc.</u></p> <ul style="list-style-type: none"> ▪ ST to SSSF (Discharging) ▪ ST to Mound ▪ ST to SB2 ▪ ST to Peat/Sphagnum Moss Filter (Discharging) ▪ ST to Lift Station to Mound ▪ ST to Filter Bed (Discharging) ▪ ST to Lift Station to Leach ▪ Lift Station to any other STS <p>B21. Septic Tank (ST) to holding tanks, filter beds, etc.</p> <ul style="list-style-type: none"> ▪ Holding Tanks ▪ ST to Filter Bed (Non Discharging) ▪ STS with sump pumps in the perimeter drain ▪ <u>ST to Mound</u> ▪ <u>ST to SB2</u> ▪ <u>ST to Lift Station to Mound</u> ▪ <u>ST to Lift Station to Leach</u> ▪ <u>Lift Station to any other STS</u> 	<p>Two Inspections per Permit Cycle</p> <p>(2x per 5 years of the permit but no more than one accepted annually)</p> <p><u>One inspection per five year permit</u></p>
<p><u>B2. Septic Tank to leach field</u></p>	

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<ul style="list-style-type: none"> <u>B3. Unknown System Type</u> 	
<p>C. Septic Tank to leach field</p> <p><u>C. Failing Systems</u></p> <ul style="list-style-type: none"> <u>Any known or unknown system type designated as creating a public health nuisance per O.R.C. 3718.011. A system that meets the criteria of 3718.011 may be categorized as 'failing' and placed in Frequency Group C without Board of Health action.</u> 	<p>One inspection per Permit Cycle (1x per 5 years)</p> <p><u>Inspection cycle determined by the agency based on the severity of the failure</u></p>

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(c) Authorized Inspections. To satisfy the inspection requirement, home owners may elect any of the following:

(1) A home owner may contract with a Service Provider registered per OAC 3701-29. The home owner remains responsible for ensuring the Service Provider submits a report to the Board of Health proving the appropriate inspection frequency is being observed. The Board of Health will accept a report from a registered Service Provider as proof of compliance with the inspection requirements if conducted on the inspection cycle established by the Board of Health or more frequently.

(2) A home owner may conduct a personal Household Sewage Treatment System (HSTS) inspection on their personal residence (per OAC 3701-29) and submit their inspection report on a form provided by the Board of Health.ⁱⁱⁱ Before submitting their first inspection report for each permit period, per OAC 3709-29-03, the home owner must apply for registration with the Board of Health as a service provider and shall include each of the following with the application:

- a. The registration fee established by a Board of Health in accordance with rule 3701-36-14 of the Administrative Code.
- b. Proof of compliance with testing requirements related to the category of registration established by the department of health. If a registration is revoked or suspended in accordance with paragraph (L) of OAC 3701-29-03, the Board of Health may require the registrant to demonstrate compliance with testing requirements before a registration is reinstated or a new registration is issued by the Board of Health.
- c. Proof of compliance with any system specific training, qualification, or certification required as a condition of a system's approval by the director, or one of the following:

i. Provide proof of status as an Ohio Waste Hauler association qualified service provider, or proof of certification in the national association of wastewater transporters O&M or inspector programs;

ii. Other certification programs developed and/or authorized by the director; or

iii. Hold a current Class A, I, II, III or IV treatment works operator certification from Ohio EPA as authorized under Chapter 3745-7 of the Administrative Code.

(3) A home owner may request to be placed on the Board of Health monitoring and inspection program. A home owner that does not contract a service provider nor self-report an inspection will be automatically inspected by the Board of Health.

a. If the Board of Health inspects a home pursuant to (3), an inspection/monitoring fee will be assessed.

i. The Board of Health will establish a fee for all inspections/monitoring conducted by staff or designee(s) of the Board of Health per its authority established in ORC 3709.09.

ii. Failure to pay inspection fees will result in a penalty under the Board of Health authority in ORC 3709.09.

iii. The Board of Health may authorize the Health Commissioner to waive the penalty in certain circumstances, including but not limited to: First occurrence of failure to pay the inspection cost during the permit cycle.

iv. Failure to pay the penalty and fee before April 1 of each year following the inspection year may result in the entire fee (inspection fee and penalty) being assessed to the property tax of the home owner per ORC 3709.091.

iv. By resolution, the Board of Health may assign a sliding fee scale for the cost of an inspection/ monitoring activity associated with B.2. (Inspections) when conducted by the Board of health.

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v. By resolution at any scheduled Board meeting, the Board of Health may limit the type of systems for which it will provide inspection/monitoring services. This limitation only applies to a class of STS or STS of a particular manufacture.

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b. The Board of Health Inspection may occur in the year following the normally required inspection year or later as required by the permit cycle if the home is not reported to the Board of Health on or before July 1. No additional penalty will be assessed to the property owner as a result of this delay unless the property is placed on the Board of Health's monitoring program as a result of a failure on the property owner's part to register as a service provider, contract with a service provider or work with the Board of Health to provide monitoring

and assessment per II (C)1-3, in which case the Board of Health will charge the inspection fee and penalty as described in these rules.

(d) Inspection/Monitoring Reports.

(1) For property owner inspections of their own property, the report must be submitted by the close of business or postmarked by December 31 of each applicable year to the offices of the Union County Board of Health.

(2) For properties covered by a registered service provider:

a. a list of all properties inspected or maintained by the service provider must be received or postmarked no later than close of business [December 31] of each year to the offices of the Union County Board of Health.

b. Registered Service providers are required to submit a monthly report to the Board of Health detailing all systems inspected in the prior month and include a copy of the inspection report for each property inspected.

c. The service provider may use the inspection report provided by the state Department of Health or approved by the Health Department.

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(e) Failure to Provide Inspection/ Monitoring Reports. Inspection/monitoring reports must be submitted on or before the date established by the Board of Health. A home owner that is not reported as being part of service contract, fails to provide an inspection report from a registered service provider, nor self-reports an inspection per OAC 3701-29 by the date established by the Board of Health on the appropriate inspection cycle will be automatically added to the Board of Health Inspection and Monitoring program in the following year. A fee will be assessed for the inspection per (C)1 of these rules.

(1) An inspection by the Board of Health will occur in the following year even if proof is later provided of a previous inspection that occurred before December 31st.

(2) If the Board of Health adds a property to its inspection program as a result of the failure of a home-owner to provide proof of participation in a service provider program as detailed in II(C), the Board will assess a late penalty to the inspection fee.

(f) Quality Assurance. The Board of Health may conduct random inspections to ensure the quality and accuracy of the STS inspection reports.

(1) Inspections for the purpose of quality assurance do not incur a fee per (B)(3)b. of this section.

(2) Inspections for the purpose of quality assurance do not count as a "routine" or "regular" inspection for the purposes of meeting compliance with the inspection frequency established by the Board of Health.

(g) Re-inspections. If a system fails to operate per its permit and/or is considered 'failing' or in need of repair but not otherwise classified under C. Failing Systems on Table 1 above, then

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~~it then it~~ may be inspected in the succeeding year to determine compliance regardless of its inspection schedule.

(1) A re-inspection within the same year will not be assessed an inspection fee.

(2) If incremental repairs are not being performed as approved in the incremental repair plan and subsequent re-inspections by the Board of Health are required in a succeeding year(s) to ensure compliance, then an inspection fee will be assessed.

a. The first re-inspection following an unsatisfactory inspection will not be assessed a re-inspection fee.

b. Subsequent re-inspections will be assessed a re-inspection fee, until the system is compliant with its incremental repair plan or is operating as permitted.

(3) The Health Commissioner or their designee is authorized to waive the inspection fee if:

a. the system is newly installed (less than or equal to two years old);

b. the failure is the result of natural disaster or catastrophic event outside of the control of the owner;

c. the reviewing sanitarian believes reasonable efforts have been made to effect incremental repairs.

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(3) Monitoring Ports & Risers/Lids

(a) Monitoring Ports. To effectively monitor a STS, sampling ports (post treatment) and any STS components that have access openings are required to have risers and lids that extend to grade or above grade in a manner to prevent infiltration of surface or ground water. Chapter 3701-29-02 (C) of the Ohio Administrative Code states "... a Board of Health may require components, be added or exposed to determine compliance with this chapter."

(1) Any discharging STS without a sampling port for monitoring effluent (post treatment) will be required to add them upon any repair or alteration of the STS, adding additional flows or when substantial changes to the structure occur. All inspections will encourage their addition if not present, but may not mandate unless one of the aforementioned conditions exist.

(2) Septic tanks, pump stations, distribution boxes, or any other STS component that require risers and lids for the purposes of pumping or maintenance, will be required to add them upon any permitted repair or alteration of the STS, adding additional flows or when substantial changes to the structure occur. All inspections will encourage their addition if not present, but may not mandate unless one of the aforementioned conditions exist.

(4) Remediation

(a) Mitigation. If, upon inspection or notice, a STS covered by these rules is not functioning as intended or is contributing to a possible public health nuisance, the Board of Health will review the situation and determine what steps are necessary to mitigate the issue. The Board

of Health may authorize a series of, "incremental repairs" to lessen the immediate impact and work towards complete compliance with OAC 3707-29.

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(b) Nuisance. Per ORC 3718.011 Conditions under which Sewage Treatment System causes a public health nuisance.

(1) For purposes of this chapter, a Sewage Treatment System is causing a public health nuisance if any of the following situations occurs and, after notice by ~~a~~ the Board of Health to the applicable property owner, timely repairs are not made to that system to eliminate the situation public health nuisance:

- a. The Sewage Treatment System is not operating properly due to a missing component, incorrect settings, or a mechanical or electrical failure.
- b. There is a blockage in a known Sewage Treatment System component or pipe that causes a backup of sewage or effluent affecting the treatment process or inhibiting proper plumbing drainage.
- c. An inspection conducted by, or under the supervision of, the environmental protection agency or a sanitarian registered under Chapter 4736 of the Revised Code documents that there is ponding of liquid or bleeding of liquid onto the surface of the ground or into surface water and the liquid has a distinct sewage odor, a black or gray coloration, or the presence of organic matter and any of the following:
 - i. The presence of sewage effluent identified through a dye test;
 - ii. The presence of fecal coliform at a level that is equal to or greater than five thousand colonies per one hundred milliliters of liquid as determined in two or more samples of the liquid when five or fewer samples are collected or in more than twenty per cent of the samples when more than five samples of the liquid are collected;
 - iii. Water samples that exceed one thousand thirty e. coli counts per one hundred milliliters in two or more samples when five or fewer samples are collected or in more than twenty per cent of the samples when more than five samples are collected.
- d. With respect to a discharging system for which an NPDES permit has been issued under Chapter 6111. of the Revised Code and rules adopted under it, the system routinely exceeds the effluent discharge limitations specified in the permit.

2. With respect to divisions (c)(2) and (3) of this section, a property owner may request samples be collected by a Board of Health to verify the Sewage Treatment System is causing a public health nuisance. The property owner is responsible for the costs of the test.

3. Pursuant to 3701-29-23, if the Board of Health has probable cause to believe a STS is endangering or threatening to endanger public health, the Board may assess a fee as established under rule 3701-29-05 of the Administrative Code for the costs of effluent testing or evaluation to the owner of the STS that is being investigated.

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a. If the STS is not determined to be creating a nuisance, then no fee will be assessed to the property owner.

b. If the STS is to be creating a nuisance from either evaluation, observation or effluent testing, then the Board may assess the fee to the property owner.

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(c) Inspection. If a system is identified as creating a public health nuisance as identified in (b) it shall be required to participate in an inspection program until it has been repaired, abandoned, replaced or otherwise ceases creating a public health nuisance as determined by the Board of Health.

1. The property owner will have one year from the date of the notice of violation to abate the public health nuisance and repair and/or return the system to operation so that it is, in the expert opinion of the inspecting sanitarian, not creating a nuisance per O.R.C. 3718.011. At such time, the property will return to the inspection cycle required in 9.B.2. Table 1.

2. If the system is not returned to operation, the property will automatically be placed on an inspection cycle as determined by the expert opinion of the supervising sanitarian and approved by the Health Commissioner or his/her designee. The inspection cycle will begin:

a. At the start of the next annual inspection cycle if the system is identified with more than six months remaining in the current annual inspection cycle.

b. After the conclusion of the next annual inspection cycle if the system is identified with less than six months remaining in the current inspection cycle.

3. Except as indicated in this section, a property placed on an inspection cycle is bound by the provisions of Section 9 of these rules.

(5) Phase In

(a) Schedule. The Board of Health will determine a schedule to establish an initial permit and inspection for all STS in the health district.

(1) During the phase in period, an initial permit fee will be charged to STS owners and cover the period from the initial inspection through 2019. The initial permit fee may be prorated as described in Article I(B)2 of this rule.

(2) All STS inspected by the Board of Health as part of a regular operation inspection will be assessed a fee as established in Article II. This fee is not assessed for the first inspection conducted as part of the phase in of this program, i.e. the initial site evaluation which determines the type of system.

(3) The inspection requirement is waived for any systems added to the program between January 1, 2016 and January 1, ~~2020~~ 2024 unless the system is required to have an annual inspection as a condition of its permit.

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(b) Existing Systems. Upon adoption of these rules, any system that was part of the Board of Health's existing O/M program prior to January 1, 2016, will have its inspection cycle and permit cycle reassessed and categorized as appropriate before the Board of Health issues the first permit renewal for that individual system per these rules.

(1) Those systems which are currently on an annual inspection cycle and who are determined to remain on the annual inspection cycle will be required to submit a report annually to the Board of Health per Article II of these rules, including all applicable fees, beginning the first year of implementation of these rules (2016).

(2) Those systems which are on the Board of Health's existing O/M program (prior to 2016) but are determined to not require an annual inspection will have their inspection requirement waived following the issuing of the first permit renewal until the start of the first full permit cycle beginning in ~~2020-2024~~. ~~Until the first permit renewal is issued and in effect, All~~ all systems currently on the Board of Health's existing O/M program will be required to continue their annual inspection if required under Section 9, Table 1.

(c) By resolution at a regular Board of Health meeting, the Board may adjust the implementation date of the inspection requirement providing the new implementation date is more than one year out.

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(C) Pursuant to 3701-29-19(B), the Board of Health elects to maintain its existing **O&M** program, and all **STS** currently enrolled in the **O&M** program will remain on their current schedule until the new standards have been developed.

(D) All applicable **STS** systems may be serviced by: (1) a private, registered **service provider** as identified in 3701-29-03 or, (2) a homeowner registered as providing service to the homeowner's own system in the homeowner's personal property of residence as identified in Section 5 of these rules

(E) When a homeowner of an applicable **STS** fails to provide proof of service per (C), the homeowner's system will be automatically registered with the Board of Health's **O&M** program, inspected according to the schedule established by the Board of Health, and assessed a fee as adopted in the Board of Health's fee resolution.

(F) Pursuant to 3701-29-19 (F), whereas the Board of Health may establish a household sewage treatment districts in accordance with division (A)(14) of section 3718.02 of the Revised code, the Board of Health reserves the authority to establish HST districts within the limitations and guidance provided in 3709-29-19 (F).

Section 10 - Septage and sewage management

(A) ~~(A)~~ Pursuant to 3701-29-20 (A) of the Ohio Administrative Code, whereas the Board of Health may adopt rules prohibiting, restricting or limiting the land application of **domestic septage** within its jurisdiction, the Board of Health does hereby permit the land application of **domestic septage** within its jurisdiction, ~~and~~ in compliance with 3709-29-20, and under the following provisions:-

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(1) Each owner, operator, or person responsible for land application of domestic septage shall minimize pollution from occurring on land application areas by following the applicable standards in the "National minimum standards for the land application of domestic septage as defined in 1993 as part of the federal 503 regulations," and/or other appropriate methods or management practices approved by the Board or in law. In order to minimize the potential for pollution the following items shall be considered, including but not limited to: characteristics of the available land, topography, cropping system, method of application, weather, time of the year, condition of the soil, other nutrients applied, and nutrient status of the soil.

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[B] Domestic septage application shall be reported monthly to the Board of Health by a date determined by the Board and will contain such information as deemed necessary to confirm the location, site conditions, source of the domestic septage, the time of application, and any other information necessary to protect the public health and comply with these rules.

[C] To ensure compliance with these rules, the Board of Health will inspect sites of domestic septage land application no less than annually. Such inspection may occur without notice to the owner or operator.

[D] If any element of these rules are deemed to be in violation by an agent of the Board of Health, the owner, operator, or person responsible for land application of domestic septage shall be notified and given an opportunity correct any violation and/or respond to the charge. If the responsible party fails to respond or correct the violation, the matter will be referred to the Board of Health for consideration.

1. Upon notice of violation, the owner, operator, or person responsible for land application of domestic septage will immediately suspend all further application until the violation is corrected, a plan of correction has been agreed upon by the operator and the Health Commissioner or their designee, or the matter is heard by the Board of Health and the Board of Health has issued a ruling on the matter.

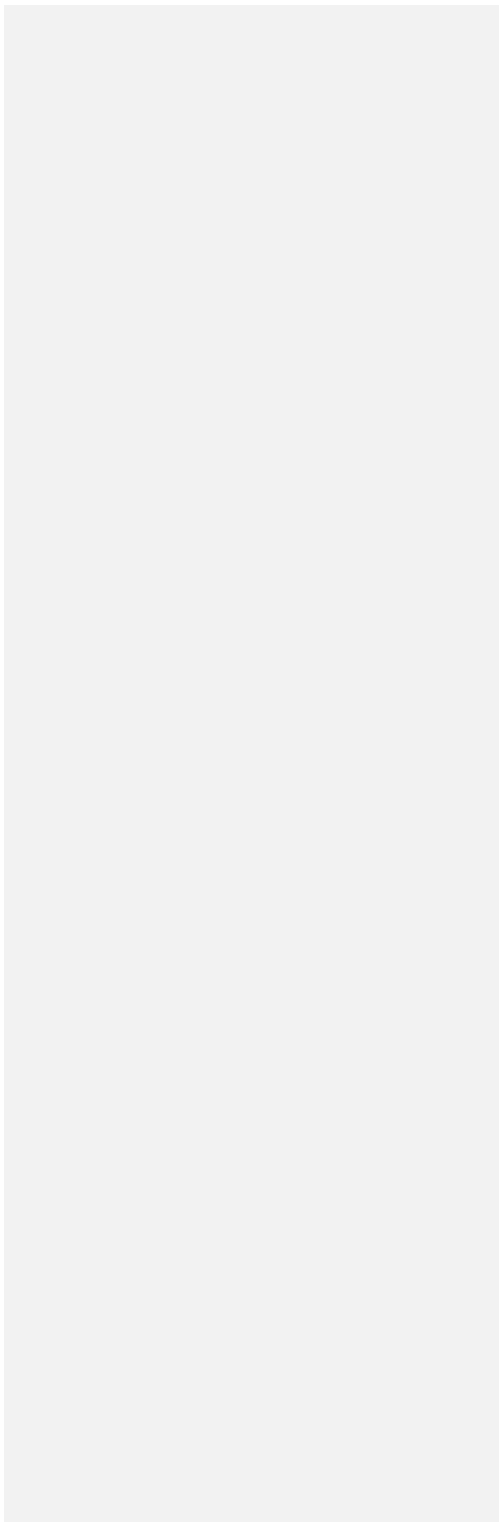
Section 11 - STS abandonment

(A) Pursuant to 3701-29-21(E) of the Ohio Administrative Code, whereas the Board of Health may require a permit for abandonment of a **Sewage Treatment System** and establish a permit fee in accordance with paragraph (D)(12)⁹ of rule 3701-29-05 of the Administrative Code, the Board of Health does hereby determine that an abandonment permit and fee shall be required.

- (1) No person shall abandon a sewage treatment system without an approved and valid abandonment permit issued by the Board of Health.
- (2) All terms, conditions, and procedures for abandonment specified in section 3701-29-21 of the Ohio Administrative Code shall be enforced.
- (3) An approved abandonment permit issued by the Board of Health shall be valid for one year from the date of issuance or until the abandonment is completed and approved by the Board of Health within the one year period.

⁹ References the allowable fee Categories

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ⁱ Including but not limited to: (2) The board of health shall review the application information and conduct an on-site evaluation to determine whether the proposed STS design is in compliance with this chapter [OAC 3701-29]... the board of health shall [also] determine compliance with NPDES or **Underground Injection Control** requirements prior to issuing a permit in accordance with paragraph (B) of this rule...

(3) The board of health shall disapprove a site review application if:

(a) The application information, soil evaluation, STS design, or site review by the board of health indicates that the provisions of this chapter cannot be met;

(b) The STS design, soil evaluation, or application information is incomplete, inaccurate or not in compliance with this chapter;

(c) The site conditions observed during the site review are such that the provisions of this chapter cannot be met; or

(d) The incremental replacement plan is not acceptable to the board of health, if applicable.

ⁱⁱ ORC 3709.091 (E), If the owner, leaseholder, or assignee on which the notice required by division (B) of this section was served does not pay to the city or general health district the amount of an unpaid operation permit or inspection fee and any accrued late payment penalties within thirty days after receipt of the notice, or does not object to the amount in the manner provided in division (C) of this section, the health commissioner of the city or general health district or the commissioner's designated representative may certify, on or before the first Monday of September, the amount of the unpaid fee and any accrued late payment penalties to the county auditor to be placed on the general tax list and duplicate as provided in section 319.281 of the Revised Code.

ⁱⁱⁱ When the registered service provider performs the duties of a service provider on only the registrant's personal residence, the service provider shall be exempt from **liability insurance requirements**, and **surety bond requirements** of this rule and the board of health may waive **the registration fee** and **continuing education hours requirements**, or require continuing education applicable to the product as specified by the manufacturer. A registered service provider that performs the duties of a service provider on only the registrant's personal residence shall **maintain and submit to the board of health such complete and accurate records as may be required for determining compliance with all applicable rules of this chapter.**