

Sewage Disposal Regulation

Regulation governing the approval of dwelling sites for the installation of household sewage treatment systems and devices: issuance of permits to install, alter, inspect and operate a household sewage treatment system within our scope of authority: regulation of installers, service providers and sewage tank cleaners; and the disposal of septage.

WHEREAS, the 127th General Assembly passed Amended Substitute House Bill 119 which was signed into law by Governor Ted Strickland and went into effect on July 1, 2007, and

WHEREAS, this legislation requires the Public Health Council to rescind the 2007 Household Sewage Treatment System rules contained in Chapter 3701-29 of the Ohio Administrative Code and further requires the Public Health Council to adopt the Ohio Administrative Code Chapter 3701-29 which was in place prior to January 1, 2007, and

WHEREAS, due to recent changes in Ohio Law it is necessary to amend the Sewage Disposal Regulation for the Combined Allen County General Health District, and

WHEREAS, a memorandum of understanding regarding off-lot discharges of household sewage treatment system effluents has been entered into by the Ohio Department of Health, Ohio Environmental Protection Agency and this Board of Health, and

WHEREAS, the Board of Health for the Combined Allen County General Health District may adopt regulations necessary for the public health, the prevention and restriction of disease and the prevention, abatement and suppression of nuisances, now

THEREFORE, BE IT RESOLVED by the Board of Health for the Combined Allen County General Health District that Chapter 3701-29, Ohio Administrative Code is adopted by incorporation by reference as if fully rewritten herein, together with the following amendments to the Sewage Disposal Regulation of this Board of Health as authorized by Section 3709-085 and 3709.21 of the Ohio Revised Code.

Section 1.1 The definitions of terms, as defined in the Ohio Revised Code Chapter 3718 and the Ohio Administrative Code, Sections 3701-29, 3745-31 and 3745-33 shall be applied with the same meaning in this regulation.

Section 1.2 Household Sewage Disposal System and Household Sewage Treatment System shall have the same meaning.

Section 2.0 Fees

Section 2.1 Any fees for application, license, permit, registration, inspection, sampling, or other fee for services rendered by the Board of Health under this regulation shall be in accordance with the uniform system of fees as established by the Board of Health and as the same is amended from time to time, the applicable portions of which are hereby incorporated by references.

Section 3.0 Evaluation and Dwelling Site Approval

Section 3.01 Any person who proposes to construct or move a dwelling onto a parcel of land, where no sanitary sewer is accessible shall make application for an on-site and vicinity review of soils, topography, lot size and suitability on surface, subsurface, and watercourse drainage for the site. The site owner shall have a site and soil evaluation performed by an evaluator capable of properly conducting site and soil investigations and accurately recording the information required on the site and soil evaluation form provided.

Section 3.02 No person shall construct or move a dwelling onto a parcel of land, where no sanitary sewer is accessible, until favorable evaluation and drawings of the site plan and construction details or the water supply, plumbing and household sewage disposal system for the dwelling have been approved by the Health Commissioner. No person shall inhabit or occupy a dwelling or structure served by a household or semi-public sewage disposal system until the said system has been installed and approved by the Health Commissioner.

Section 3.03 Drawn site plans and construction details for a proposed dwelling shall plainly show the following applicable items; 1. Owner's name and site mailing address; 2. township, section and ¼ section; 3. scale and north point; 4. parcel boundaries and dimensions; 5. access street or road and name; 6. number of bedrooms; 7. location of building(s), driveway(s), and other surface area uses; 8. existing and/or proposed potable water supply sources on-site and adjacent parcels where within fifty (50) feet of parcel boundary; 9. existing and/or proposed pipes conveying potable water, sewage, subsoil and roof water, sump liquids, backwash and/or regeneration liquid from water softeners or conditioners; 10. sewage devices; 11. subsurface and watercourse drainage on and off parcel; 12. flow elevations of drain and sewer, sewage devices, subsurface and watercourse drainage; 13. finished grade elevations at building drain and sewer, sewage devices, and other subsurface drains on and off the parcel; 14. method and/or devices that prevents flow or backflow of surface or soil water into sewage devices.

Section 3.04 Minor Subdivisions of less than two and one half acres will not be approved where a household sewage disposal system would be required for new home construction.

Section 3.05 Site evaluation approvals are valid for one (1) year from the date of issuance.

Section 4.00 Installation-Inspection-Inspections-Operation Permits

Section 4.01 No person shall install or alter a household sewage disposal system, semi-public sewage disposal system or install a sewage holding tank without a valid permit issued by the Health Commissioner. The permit holder shall contact the Health Commissioner or his representative and request a final inspection of the installation or alteration prior to its being covered. A request for final inspection shall be made not less than three working days prior to the system being covered.

Section 4.02 A permit to operate and maintain a household septic tank sewage disposal system installed after November 1, 1974 shall be required. The permit shall be renewed annually on or before the anniversary date of the installation.

Section 4.03 A permit to operate and maintain a household aerobic type sewage treatment system installed after July 1, 1972 shall be required. The permit shall be renewed annually on or before the anniversary date of the installation.

Section 4.04 A permit to operate and maintain a semi-public sewage disposal or treatment system shall be required. The permit shall be renewed annually on or before September 1st of each year. No permit shall be required under this regulation for the United States Federal Government, the State of Ohio or any county, township, school or municipal governmental agency, or to any entity exempted by Section 3709.085 (B)(2) of the Ohio Revised.

Section 4.05 Whenever it becomes necessary to collect effluent samples from a sewage disposal system for laboratory analysis to determine compliance with applicable effluent standards, the owner of the system shall be required to pay the cost of said laboratory analysis together with a sample collection fee. When the results of the analysis show the system is in compliance with applicable effluent standards the owner of the system will not be required to pay the sample collection or laboratory analysis fee.

Section 4.06 Whenever installation/alteration inspections are requested as provided in Section 4.01 of this regulation, and the sewage installation is found incomplete and/or is found to be faulty or improper, and a re-inspection or visit to the site is necessary to give approval of the installation, such person shall be charged a re-inspection fee as established in Section E I k of the Uniform System of Fees Regulation as adopted by the Board of Health.

Section 4.07 Leaching tile field trenches shall be a minimum of eighteen inches in width.

Section 4.08 Curtain drain tile trenches shall be backfilled with three quarters to one and one half inch stone to within twelve inches of finished grade.

Section 4.09 The vertical separation distance between soil absorption sewage treatment systems and the seasonally high or perched water tables or other restrictive layers as identified on soil and site evaluations shall be a minimum of twelve inches.

Section 5.00 Authority to Inspect

Section 5.01 The Health Commissioner is authorized and directed to make inspections, inquiries and investigations of household and semi-public sewage treatment and disposal systems to determine compliance with these regulations, Chapter 3701-29 of the Ohio Administrative Code and Chapter 6111 of the Ohio Revised Code.

Section 5.02 The Health Commissioner may order the owner of a lot to make available any or all sewage disposal devices for visual inspection including any subsurface drain from a household or semi-public sewage treatment or disposal system, at any place on the lot so a sample of the effluent may be collected for analysis.

Section 5.03 Continued use of an existing household sewage disposal system, serving an existing dwelling, with or without off-lot disposal of effluent from filter bed or aeration type treatment system, will be acceptable only if said system is not causing a nuisance or is not in violation of any of the effluent quality standards as established by the Ohio Public Health Council in Ohio Administrative Code Chapter 3701-29. If the system is found to be creating a nuisance, it shall be abated. If the system is found to be in violation of effluent quality standards, the system shall be brought into compliance. Where characteristics of the lot permit, the abatement or compliance shall be by means which will eliminate off-lot disposal.

Section 6.00 Installer and Sewage Tank Cleaner Registration and Bond

Section 6.01 No person shall install a household or semi-public sewage treatment system or parts thereof unless they hold a valid registration issued to them by the Board of Health. No owner shall be required to have a registration or bond for performing work on the household sewage treatment system for the dwelling which they occupy. This registration shall be renewed annually on or before January 1st of each year.

Section 6.02 No person shall perform the services of a sewage tank cleaner unless they hold a valid registration issued to them by the Board of Health. This registration shall be renewed annually on or before January 1st of each year.

Section 6.03 No person shall perform the services of a sewage system service provider unless they hold a valid registration issued to them by the Board of Health. This registration shall be renewed annually on or before January 1st of each year.

Section 6.04 Any person who installs or excavates for the purpose of installing a sewage treatment system or part thereof shall furnish a bond to be approved by the Allen County General Health District in the penal sum of \$25,000.00 conditioned to reimburse the Allen County General Health District, any of its employees, on any installation of said sewage treatment system. The purpose of said bond is to guarantee the proper installation of said sewage treatment system and to hold the said Allen County General Health District, any of its employees, or any member of the public free and harmless from any and all claims for damages on account of negligence, misfeasance, or improper installation of said sewage treatment system. Said bond shall remain in force and effect until released by the Allen County General Health District.

Section 6.05 Any person who performs the services of a sewage tank cleaner shall furnish a bond to be approved by the Combined Allen County General Health District in the penal sum of \$10,000.00 conditioned to reimburse the Allen County General Health District, any of its employees, for any violation of septage disposal requirements or pollution caused by improper septage disposal. The purpose of said bond is to guarantee the proper disposal of septage and to hold the said Combined Allen County General Health District, any of its employees, or any member of the public free and harmless from any and all claims for damages on account of negligence, misfeasance or improper disposal of said septage. Said bond shall remain in force and effect until released by the Combined Allen County General Health District.

Section 7.00 Disposal of Septage

Section 7.01 Each person that is engaged in the business of collection, removal, or disposal of human waste from the contents of privy or sewage tank within the Combined Allen County General Health District shall dispose of such wastes at an Ohio Environmental Protection Agency approved wastewater treatment plant. Land disposal of such wastes is not permitted under this regulation.

Section 7.02 Whenever the Health Commissioner finds that a sewage tank cleaner is engaging or has engaged in practices which are in violation of any provision of these regulations, the Board of Health shall give notice in writing to the registrant describing the alleged violation and stating that an opportunity for an administrative hearing will be provided by the Board of Health for registrant to show just cause why his registration shall not be revoked.

Section 7.03 These regulations shall not pertain to the digested municipal wastewater treatment sludge properly applied under permit from the Ohio Environmental Protection Agency.

Section 8.00 Inspection of Septage Pumping Vehicles

Section 8.01 All vehicles and equipment used for septage pumping shall be inspected by the Health Commissioner at the time of registration with this department.

Section 8.02 Each vehicle used for the collection and transportation of septage shall be equipped with a leak-proof and fly-tight tank.

Section 8.03 Pumping equipment on board will be in good working condition which will not allow drippage of septage.

Section 8.04 The company or individual name of sewage tank cleaner and business phone number shall be printed on the sides of each vehicle in letters a minimum of four inches in height.

Section 8.05 Following use, each sewage hose, pump, tool or other implements, which have been contaminated, shall be rinsed clean and stored in such manner that they will not create a hazard or nuisance nor drip liquid septage onto the surface of the ground or outside portions of the vehicle.

Section 9.00 Hearing

Section 9.01 The Board of Health shall grant a hearing to any person affected or aggrieved by this regulation.

Section 10.00 Penalties

Section 10.1 Any person which violates any provision of this regulation is subject to penalties provided by Section 3709.99. Ohio Revised Code.

Section 10.2 Any person who fails to properly operate a semi-public treatment system will be referred to the Ohio Environmental Protection Agency for Enforcement actions.

Section 11.00 Relief From Personal Liability

Section 11.1 The Health Commissioner or any person charged with the enforcement of any provisions of the Sewage Disposal Regulation shall not be personally liable while acting for the Board of Health of the Combined Allen County General Health District and within the scope of that persons authority is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his official duties.

Section 12.00 Repeal of Existing Sewage Disposal Regulations

Section 12.1 All regulations or parts of regulations in conflict with this regulation are hereby repealed.

Section 13.00 Effects on Partial Invalidity

Section 13.1 Should any part of this regulation be declared invalid or unconstitutional for any reason any remainder of this regulation shall not be affected thereby.

Section 14.00 Availability of Regulations

Section 14.1 A complete copy of "Sewage Disposal Rules", Chapter 3701-29, Ohio Administrative Code, and Ohio Administrative Code Sections 3745-31 and 3745-43 are on file with the secretary of the Board of Health, and also on file in the law library of Allen County, Ohio.