

Ohio Department of Health Sewage Treatment Systems



Sewage Treatment Systems Contractor Update - September, 2010

The purpose of this update is to provide the sewage treatment system contractors operating in Ohio with the recent and upcoming changes to the Ohio Revised Code (ORC) and Ohio Administrative Code (OAC) law and rules.

Sewage treatment systems in Ohio are regulated through state law, state rules, and by the local health districts who often adopt additional public health rules for use within their health district.

- Chapter 3718 of the ORC is the section of law that governs sewage treatment systems in Ohio.
www.codes.ohio.gov/orc/3718
- Section 3701-29 of the OAC is the section of state rules that governs sewage treatment systems.
www.codes.ohio.gov/oac/3701-29

Below is a list of **three important dates** and a description of the changes that will happen on each date.

July 1, 2010 – Sections of ORC 3718 Become Unsuspended

Amended Substitute House Bill 119 of the 127th General Assembly which passed on July 1, 2007 rescinded the newly adopted sewage treatment system rules (January 1, 2007) and suspended several sections of the sewage law. When the rules were rescinded, the original 1977 state minimum sewage treatment system rules were temporarily re-established. Since July, 2007, several more bills have continued to the suspension of law while legislators met with interested parties to decide how the law should be changed. This suspension of the sewage law ended July 1, 2010.

Several portions of state law are now valid that can affect homeowners and sewage system installers. The law allows the prosecuting attorney to take legal action against any person who is violating the sewage treatment system law or conditions of a registration or permit, and the court may now assess a civil penalty of up to \$100.00 a day. The law also states persons who purposely violate the sewage law shall be fined up to \$1,000.00 dollars a day by the local health department. Sewage treatment installers, service providers or septage haulers operating in Ohio are required to register with local health districts prior to installing or altering a system and a permit must be obtained prior to beginning work on a system. The law now provides that any registrations or permits that are submitted late are subject to a late fee totaling 25% of the registration or permit amount.

September 17, 2010 - Provisions of Sub. Senate Bill 110 Become Effective

Substitute Senate Bill 110 was passed by the Ohio Senate and House of Representatives in June, 2010 and signed into law by Governor Strickland on June 18, 2010. This bill becomes effective September 17, 2010. On September 17th, several sections of the sewage law will be changed. These changes include:

- Definitions for public health nuisance, bedrock, gray water recycling, infiltrative surface, soil, vertical separation distance, and water table, and inspection.
- Approval of sewage treatment systems that are not creating a public health nuisance.
- Sub. SB 110 requires that new statewide rules be written and adopted after January 1, 2012.
- Applications for installation permits (health department approval of a design or system type for a site) accepted prior to January 1, 2012 are valid for three (3) years from the date of submission of a complete application.
- An installation permit issued by a local board of health prior to January 1, 2012 is valid through January 1, 2013 unless extended for six (6) months by the board. Permits issued after January 1, 2012 will be valid for the period of time to be specified in the newly written rules.
- The establishment of a sewage treatment system appeals board as an alternative appeals process for those homeowners who want to appeal the decision of a board of health and do not want to go through the court of common pleas process.

January 1, 2012 – New Rules Adopted by the State of Ohio

Sub. SB 110 requires that new statewide rules be adopted no sooner than January 1, 2012 and that these rules require the following:

- Require a site evaluation for a proposed installation of a sewage treatment system.
- Allow for the progressive alteration or repair of a failing system.
- Include specifications for vertical separation distances (VSD) or the thickness of soil required at a site beneath the soil absorption component (leaching trench, mound, drip tubing, chamber, etc.) to treat the sewage effluent.
- Include reductions for required VSD (soil depth credits) including subsurface drains (perimeter, interceptor or engineered), pretreatment of sewage, and soil elevation.
- Allow local health districts to petition the ODH to approve an increase in the VSD.
- Establish requirements for the reasonable maintenance of systems.
- Require statewide bonding for installers, service providers, and septage haulers as a condition of registration, and requires a cost methodology in rules to set the bond and local registration fee amounts.
- Require standards for the inspection of septage hauling tanks.
- Ensure that all types of septic and related tanks are structurally sound and watertight.
- Require local boards of health to give notice and opportunity for a hearing regarding board of health actions.

Proposed Rule Development Process and Information Access by Stakeholders

The Ohio Department of Health (ODH) will be developing new rules with stakeholders and will spend an appropriate amount of time to build support for the new rules. In order to build stakeholder support, ODH will create the following mechanisms to enlist participation:

- ODH will create a rule advisory committee with representation from a wide variety of stakeholders. ODH anticipates that contractors will be represented by multiple representatives from the Ohio Onsite Wastewater Association (OOWA). The rule advisory committee will meet at least monthly and smaller workgroups may be established to work on different rule sections.
- ODH will offer participation and/or viewing of the committee meetings on the web or by conference calls.
- ODH will establish a SharePoint website to facilitate an open and transparent rules development process. Stakeholders will be able to access the website via login and password. At the website you will be able to download and view draft rules, participate in discussion boards, access technical references, and view recorded rules advisory committee meetings. SharePoint users can set alerts to be notified when new information is posted on the website.
- To ensure adequate time for training of local health districts sanitarians, sewage installers, designers, service providers, septage haulers and soil scientists, and for implementation during the non-construction season, the effective date of the rules will be established based on recommendations of the rule advisory committee.

Contact Information

Questions or comments regarding this guidance and the proposed rule development process should be directed to Residential Water and Sewage staff at:

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