

Portage County Combined General Health District

Supplement to Ohio Department of Health

Ohio Administrative Code

3701-29

Sewage Treatment System Rules

2015

***Resolution 2015-22 Effective May 21, 2015***

Portage County Combined General Health District

Supplement to the Ohio Department of Health Sewage Treatment System

Rules 3701-29

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## **Section 1 Definitions**

“Health Commissioner” means the Health Commissioner of the Portage County Combined General Health District.

Definitions reflect those set forth and identified in 3701-29-01 of the Ohio Administrative Code (“OAC”).

## **Section 2 General Authority**

The Board of Health of the Portage County Combined General Health District (“Board of Health”) is granted authority under Section 3709.21 of the Ohio Revised Code (“ORC”) 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.

Furthermore, the Board of Health is authorized pursuant to OAC 3701-29, as set forth below, to adopt rules pertaining to sewage treatments systems.

## **Section 3 Penalties**

This regulation shall be enforced in accordance with ORC Chapter 3718 and 3709. A violation of this regulation is punishable in accordance with ORC 3718.10, 3718.99 and 3709.99.

## **Section 4 Registration of Service Providers and Installers**

- (A) Pursuant to OAC 3701-29-03(G), 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), and (C)(6) of OAC 3701-29-03, and the Board of Health has the authority to waive (C)(1) and (C)(5) of OAC 3701-29-03.

The Board of Health does hereby determine that it does waive (C)(1) and (C)(5) of OAC 3701-29-03 provided that the registrant provides documentation to the Board of Health demonstrating they have complied with the statewide testing requirements and sewage system specific training, qualification, or certification requirements appropriate, as determined by the manufacturer, for the

household sewage treatment system.

- (B) Pursuant to OAC 3701-29-03(H), when the registered installer performs 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 OAC 3701-29-03.

The Board of Health does hereby determine that it does not waive (C)(1), (C)(4) and (C)(6) of OAC 3701-29-03.

- (1) Property owner may provide proof of personal liability insurance that is no less than five hundred thousand dollars of general liability insurance coverage required in (C)(4).

### **Section 5 Gray Water Recycling Systems**

- (A) Pursuant to OAC 3701-29-17(B), 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 and fee shall be required for the design and installation of these systems.

- (1) No person shall 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 OAC 3701-29-10 shall be recognized and enforced.

### **Section 6 STS Operation and Maintenance Management, and System Owner Education**

- (A) Pursuant to OAC 3701-29-19(B), Boards of Health that have established a program prior to the effective date of OAC 3701-29 for the monitoring or assessment of systems, are authorized to continue their program provided that the program allows a person to demonstrate the required maintenance of the system in lieu of a Board of Health inspection.

The Board of Health elects to reauthorize the current monitoring or assessment of systems under the annual aeration inspection program, and provides that the program allows a person to demonstrate the required maintenance of a system in lieu of a Board of Health inspection, as described below:

- (1) The owner of each off-lot discharging aeration type sewage treatment system installed, altered, or repaired between 1986 and 2006, shall be required to:
  - a. Maintain and provide documentation, acceptable to the Board of Health, of a maintenance service agreement on a continuous yearly basis with an authorized manufacturer's representative who is a registered service provider.
- (B) Pursuant to OAC 3701-29-19(E)(1), the Board of Health may permit a registered service provider to collect effluent samples as required by the household general National Pollutant Discharge Elimination System (NPDES) permit .

The Board of Health does hereby allow the sampling described to be collected by a registered service provider in accordance with protocols established by the Ohio Department Health or Ohio Environmental Protection Agency (OEPA).

### **Section 7 Septage and Sewage Management**

- (A) Pursuant to OAC 3701-29-20(A), the Board of Health may adopt rules prohibiting, restricting or limiting the land application of septage within its jurisdiction.

The Board of Health does hereby prohibit land application of septage.

### **Section 8 STS Abandonment**

- (A) Pursuant to OAC 3701-29-21(E), the Board of Health may require a permit for abandonment of a STS and establish a permit fee in accordance with (D)(12) of OAC 3701-29-05.

The Board of Health does hereby establish that an abandonment permit and fee, as applicable, 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.
  - a. When a sewage treatment system component abandonment is proposed at the same time as a replacement STS, the abandonment shall be authorized under the replacement permit.
- (2) All terms, conditions, and procedures for abandonment specified in OAC 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 accepted by the Board of Health within the one year period.

### **Section 9 Effect of Partial Invalidity**

Each rule or rules 01 to 10 of this regulation, and every part of each rule is an independent rule and a part of a rule, and the holding of any rule or part thereof to be unconstitutional, void, or not effective for any cause does not affect the validity or constitutionality of any other rule or part thereof.

### **Section 10 Repeal and Date of Effect**

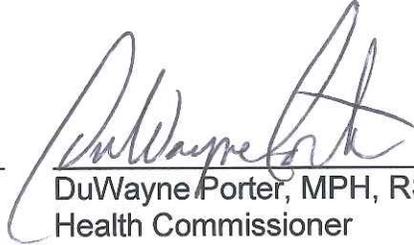
- (A) All previous regulations of the Board of Health regulating household sewage treatment systems are hereby repealed and this regulation shall be in full force as of the effective date set forth below.

This Regulation adopted with due consideration of economic and health impact shall be effective on and after the 7th day of June, 2015.

Adopted on the 21<sup>st</sup> day of May, 2015, by the Board of Health of the Portage County Combined General Health District.



Robert Palmer, President



DuWayne Porter, MPH, RS,  
Health Commissioner