



LOGAN COUNTY REGULATION NO. 26

A REGULATION PROVIDING FOR THE PROTECTION OF THE PUBLIC HEALTH AND SAFETY OF THE CITIZENS OF THE LOGAN COUNTY GENERAL HEALTH DISTRICT

BE IT ENACTED BY THE LOGAN COUNTY GENERAL HEALTH DISTRICT BOARD OF HEALTH, A MAJORITY OF THE MEMBERS CONCURRING:

SECTION 1 DEFINITIONS

All definitions are as contained in Ohio Administrative Code (OAC) 3701-29-01, although the term “Board of Health” in this Regulation means the Board of Health of the Logan County General Health District and its designees.

SECTION 2 GENERAL AUTHORITY, CHARGE OF ENFORCEMENT

The Board of Health of Logan County 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, suppression, or abatement of nuisances. The Health Commissioner of the Logan County General Health District or his/her agents shall be charged with the enforcement of the following Regulation that is set forth for the protection of the health of the inhabitants of the Logan County General Health District.

SECTION 3 ORDERS TO IMPROVE OR ABANDON WATER SUPPLIES

- A. A water supply for drinking and culinary purposes, which is found to be impure or subject to contamination by reason of unsatisfactory location, protection, or construction, and dangerous to the Public Health, is hereby declared to be a nuisance and the Board of Health shall order the owner of such water supply to abandon it according to Chapter 3701-28 of the Ohio Administrative Code, or to make improvements, corrections, and changes so as to provide a water supply not subject to contamination according to the requirements under the Chapter, and the time of compliance with such order shall be fixed.
- B. When a well, spring or other water source is abandoned for any reason, no person shall use it as a receptacle for septage, garbage, or other putrescible or filthy substances. In abandonment, the water source shall be filled to the ground surface with grout in accordance with Section 3701-28 of the Ohio Administrative Code and otherwise made unavailable as a water supply source.

SECTION 4 OPERATION PERMIT REQUIRED FOR SEWAGE TREATMENT SYSTEMS, REAL ESTATE INSPECTIONS, OTHER SEWAGE PROGRAM FEES, VERTICAL SEPARATION DISTANCES

- A. Operation permits, terms and conditions.
 - 1. Gravity on-site sewage treatment systems: All sewage or septic tanks shall be cleaned as often as

necessary to prevent the discharge of excessive solids through the outflow drain. In no instance shall more than one-half (½) of the liquid capacity of the sewage or septic tank be allowed to become filled with sludge, scum, or other solid matter.

2. Whenever a sewage treatment system (STS) is sampled to confirm compliance with required effluent quality standards, the testing shall be conducted by a lab approved by the Ohio Environmental Protection Agency (OEPA) at the frequency established by the Ohio Administrative Code and as stated on the operation and/or NPDES permit.
3. A service contract with a registered service provider is required for any sewage treatment system that is subject to an NPDES permit and when otherwise required as a condition of a sewage treatment system component or system approval granted by the Director of the Ohio department of health.
4. Unless otherwise required as a condition stated on the installation and/or operation permit, the following time limits listed below will be applied to the following categories of operation permits:
 - a. Operation permits for non-pretreatment, on lot, gravity sewage treatment systems shall be valid for ten (10) years.
 - b. Operation permits for off lot discharging, sewage treatment systems including those that are subject to an NPDES permit shall be valid for five (5) years.
 - c. Operation permits for sewage treatment systems with mechanical devices or are of an experimental or unknown design shall be valid for one (1) year.

B. Real estate inspections.

1. Whenever a sewage system is inspected by the Board of Health in response to a request by an owner, seller, buyer, financial institution, real estate agent or other person, then a fee shall be collected from the party requesting the inspection. The inspection shall at least consist of a search of department files for a sewage installation permit, sewage operation permit and an on-site evaluation. In cases where no sewage permit is on file in the department or if the located permit indicates the system has been installed for a time greater than one (1) year, the Board of Health shall require the septic tank to be pumped (cleaned) within 96 hours of the requested inspection to facilitate the inspection by the Board of Health. The requirement to clean the septic tank may be waived in permitted systems if an inspection of the system by the Board of Health within the previous twelve (12) months revealed that the system was operating satisfactorily. After all applicable fees are paid and the necessary inspections are completed, a report of the findings of the inspection and an operation permit, where none exists, will be issued.

C. Sewage program fees.

1. Unless there is an error by the Board of Health in accepting a sewage system application or issuing a permit, refunds of fees shall be prohibited. When the Board of Health determines that the installation of a new or replacement STS, GWRS or SFOSTS, or the alteration or abandonment of an existing STS, GWRS or SFOSTS, has commenced prior to a permit being issued, or a person performs the duties of an installer, septage hauler or service provider prior to

obtaining registration, or a person utilizes a septage hauling vehicle without first obtaining a permit as required in rule 3701-29-03 of the Ohio Administrative Code, a penalty fee of twenty-five (25) percent shall be added to the required permit and registration fees.

D. Vertical separation distances.

1. When a seasonal water table is present, the vertical separation distance and the minimum unsaturated in situ soil thickness within the infiltrative distance shall be 6 inches.
2. Where there is more than 24 inches of in situ soil in the infiltrative distance and with concurrence of the sewage treatment system designer, the hydraulic linear loading rate shall be increased by two (2) gallons per day per foot where the uppermost limiting condition is fractured glacial till.
3. Where there is more than 24 inches of in situ soil in the infiltrative distance and with concurrence of the sewage treatment system designer, the hydraulic linear loading rate shall be increased by three (3) gallons per day per foot where fractured bedrock is the uppermost limiting condition or highly permeable material is present above the limiting condition (not to exceed ten gallons per day per foot).
4. Where there is more than 24 inches of in situ soil in the infiltrative distance and with concurrence of the sewage treatment system designer, the hydraulic linear loading rate shall be increased by three (3) gallons per day per foot where no limiting condition is present within 60 inches of the natural ground surface.
5. The minimum vertical separation distance and the minimum in situ soil thickness within the vertical separation distance is one (1) inch where the seasonal water table is present and the sewage effluent is pretreated to less than one thousand fecal coliform colony forming units per one hundred milliliters.

SECTION 5 SOIL EVALUATION, STS OPERATION AND MAINTENANCE MANAGEMENT, SYSTEM OWNER EDUCATION

- A. Logan County General Health District Registered Sanitarians are endorsed by the Board of Health to conduct soil evaluations within Logan County, Ohio.
- B. Pursuant to 3701-29-19 (E)(1) of the Ohio Administrative Code (OAC), the Board of Health declines to permit a registered service provider to collect the initial effluent samples when an off lot discharging STS is being assessed, categorized, and determined as to whether an NPDES permit is required. The Board of Health also hereby requires that such sampling described above shall be collected only by the Board of Health to ensure accuracy and consistency with the collection protocol.
- C. Pursuant to 3701-29-19 (A) of the Ohio Administrative Code, the Board of Health shall develop a program for the administration of Operation and Maintenance (O&M) management for STSs and system owner education in compliance with division (A) (7) of section 3718.02 of the Ohio Revised Code (ORC) and 3701-29-19 (G) of the Ohio Administrative Code.
 1. Operation Permit.

- a. Initial. New sewage operation permits shall be required upon adoption of this Regulation and be in effect upon Board of Health approval of the operation permit issuance or renewal, installation, replacement, or alteration of an STS and shall expire as stated in section 4 (A. 4., a. through c.) and this section.
- b. Renewal. The Board of Health shall automatically renew operation permits for a new operation permit cycle provided all required written inspection, monitoring, pumping, and/or service reports were submitted to and received by the Board of Health within the previous operation permit cycle and the property owner has paid all applicable fees. If not automatically renewed, the property owner must arrange for an assessment inspection of their STS by the Board of Health, pay any fees and penalties, and submit a plan for compliance with this Regulation to the Board of Health.
 - 1) A renewed operation permit shall not expire on the expiration date of the previous operation permit unless the operation permit is suspended per OAC 3701-29-09.
 - 2) Renewal operation permits will be issued by December 31 of the year proceeding the ending year of the permit cycle for every STS on record with the Board of Health.
- c. Fee. The Board of Health will establish a fee for all new and renewal operation permits per its authority established in ORC 3709.09.
 - 1) The renewal operation permit fee will be assessed during the last quarter of the year preceding the operation permit renewal date.
- d. Penalty. Failure to pay the fee for a new or renewal operation permit will result in a twenty-five (25) percent penalty fee. Failure to pay the operation permit fee and penalty fee before April 1 of the initial year of the operation permit program, and before April 1 of each succeeding year following notification of the requirement to pay for a new or renewal operation permit, will result in the entire fee (permit and penalty fees) being assessed to the property tax of the property owner plus any administrative fees of the County Auditor per ORC 3709.091.

2. Inspections.

a. Definitions.

- 1) “Inspection” means the on-site evaluation, assessment or analysis of the design, installation, and/or operation of a Sewage Treatment System (STS).
- 2) “Regular” or “routine” means the minimum required inspection that must occur within the inspection frequency requirement of the operation permit cycle as established by the Board of Health in this section.
- 3) “O&M” means 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 the property owner authorized by the Board of Health.
- 5) “Sewage Treatment System” or “STS” means a Household Sewage Treatment System (HSTS), a Gray Water Recycling System (GWRS), a Small Flow On-site Sewage Treatment System (SFOSTS), and any or all referred to together, as applicable.
- 6) “NPDES” means National Pollutant Discharge Elimination System typically associated with aeration systems and other discharging STSs.
- 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 digested solids through a period of detention, allows clarified liquids to discharge for additional treatment and final dispersal, and attenuates flows.
- 8) “SSF” means a Subsurface Sand Filter.
- 9) “Small Flow On-site Sewage Treatment System” or “SFOSTS” 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 operation permit issued under section 611.043 of the Revised Code. For the purposes of this Regulation, 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.

- 1) The Board of Health has determined the inspection/monitoring frequency for all types of STSs based on the relative risk for failure and/or potential risk to the environment. The inspection frequency is provided in Table 1 below. 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.

Table 1. Inspection Requirements.	
<i>The following are the inspection cycles for the various types of Sewage Treatment Systems (STSs).</i>	
Frequency Group (in order of risk, highest to lowest)	Requirement
A. Aerators, mechanical components, etc. <ul style="list-style-type: none"> ▪ Regular Aerator ▪ NPDES Aerator ▪ Drip Distribution System ▪ Aerator to Leaching Trenches ▪ Aerator to Mound ▪ Aerator to SSF ▪ Aerator to Peat/Sphagnum Moss Filter ▪ Aerator to any other STS ▪ ST to SB2 ▪ ST to Mound ▪ ST to Lift Station to Mound ▪ ST to Lift Station to Leaching Trenches ▪ Lift Station to any other STS ▪ STS with sump pump in the perimeter drain ▪ Holding tank, privy vault, experimental or STS with time-limited variance ▪ Unknown STS (until STS is categorized by type) 	One Inspection Per Permit Cycle (once annually)
B. Septic Tank (ST) to filter beds, NPDES, etc. <ul style="list-style-type: none"> ▪ ST to SSF (Discharging) ▪ ST to Peat/Sphagnum Moss Filter (Discharging) ▪ ST to Filter Bed (Discharging) 	One Inspection per Permit Cycle (1time per 5 years)
C. Septic Tank (ST) to leach field, etc. <ul style="list-style-type: none"> ▪ ST to leaching trenches ▪ ST to Filter Bed (Non-Discharging) ▪ GWRS 	One Inspection per Permit Cycle (1time per 10 years)

c. Authorized Inspections.

- 1) To satisfy the operation inspection requirement, property owners may elect to do any of the following after the initial Board of Health assessment review and/or inspection:

- a) A property owner may contract with a service provider registered per OAC 3701-29. The property 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 requirement if the inspection was conducted within the applicable operation permit cycle as established by the Board of Health. More frequent service provider inspections will also be accepted if submitted.

- b) A property owner may conduct a personal Sewage Treatment System (STS) inspection for their personal residence (per OAC 3701-29) and may submit their inspection report on a form provided by the Board of Health. Before submitting their first inspection report for each permit period, per OAC 3709-29-03, the property owner must be registered with the Board of Health as a service provider and shall include each of the following with the registration application:
 - I. The registration fee established by the Board of Health in accordance with rule 3701-36-14 of the Ohio Administrative Code.

 - II. Proof of compliance with testing requirements related to the category of registration established by the Ohio 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.

 - III. Proof of compliance with any system specific training, qualification, or certification required as a condition of a system's approval by the director of the Ohio department of health, or one of the following:
 - i. Provide proof of status as a qualified service provider with the Ohio Waste Haulers Association, or proof of certification in the National Association of Wastewater Technicians' O&M or inspector programs;

 - ii. Other certification programs developed and/or authorized by the director of the Ohio department of health; 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 Ohio Administrative Code.

- c) A property owner may request to be placed on the Board of Health monitoring and inspection program. For any property owner that does not contract with a service provider, nor self-reports an inspection, an inspection will be automatically conducted by the Board of Health.
 - I. If the Board of Health inspects a home pursuant to c) above, an

inspection fee will be assessed.

- i. The Board of Health will establish a fee for all inspections and re-inspections conducted by the Board of Health per its authority established in ORC 3709.09.
 - ii. Failure to pay an inspection or re-inspection fee will result in an additional penalty fee of twenty-five (25) percent of the O&M inspection fee by the Board of Health per its 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 a first occurrence of failure to pay the inspection cost during the permit cycle.
 - iv. Failure to pay the inspection, re-inspection and penalty fees before April 1 of the year following the inspection year may result in the entire inspection cost (all inspection, re-inspection, and/or penalty fees) being assessed to the property tax of the property owner per ORC 3709.091.
 - v. The Board of Health authorizes the Logan County Environmental Health Director or designee to place with the Logan County Auditor on or before the first Monday of September the amount of any unpaid operation permit or inspection fee for a household sewage treatment system or a small flow on-site sewage treatment system or any other unpaid fee levied under Chapter 3718 of the Ohio Revised Code and any accrued late payment penalties, to be placed on the general tax list and duplicate as provided in Section 319.281 of the Ohio Revised Code. The Environmental Health Director shall provide to the Logan County Auditor the property owners' names, property addresses, parcel numbers, amounts of fees owed and what services were rendered.
- II. After the initial assessment or inspection by the Board of Health, if a valid inspection is not received from a registered service provider on or before July 1, the Board of Health will conduct an inspection which may occur in the year following the year for the normally required inspection. 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 the section above titled "Authorized Inspections" (2. c. 1) a) through c)), in which case the Board of

Health will charge an inspection fee and a penalty fee to be collected as described in this Regulation.

d. Inspection/Monitoring Reports.

- 1) For property owners conducting inspections of their own property, a report must be received by the Logan County Health District or be postmarked no later than the close of business on December 31 of each applicable year.
- 2) For properties covered by a registered service provider:
 - a. A list of all properties being inspected or maintained by the service provider must be received by the Logan County Health District or be postmarked no later than the close of business on December 31 of every year.
 - 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 an inspection report provided by or approved by the Logan County General Health District.

e. Failure to Provide Inspection/Monitoring Reports.

- 1) Inspection/monitoring reports must be submitted to the Logan County General Health District on or before the date established by the Board of Health for the type of STS located on each property. A property owner that has not reported as being part of a 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 within the appropriate permit cycle will be automatically added to the Board of Health's Operation and Maintenance (O&M) inspection program for the following year. A fee will be assessed for the inspection per the section above titled "Sewage program fees" (C. 1.) of this Regulation.
 - a) The inspection by the Board of Health will still occur in the following year even if proof is later provided of a previous inspection that occurred before December 31.
 - b) If the Board of Health adds a property to its O&M inspection program as a result of the failure of a property owner to provide proof of participation in a service provider program as stated above in the section titled "Authorized Inspections" (2. c.) of this Regulation, the Board of Health will add a twenty-five (25) percent late penalty fee to the inspection fee.

f. Quality Assurance.

- 1) The Board of Health may conduct random inspections to ensure the quality and accuracy of the STS inspection reports.

- 2) Inspections for the purpose of quality assurance do not incur a fee per the section above titled “Authorized Inspections” (2. c. 1) c) II), of this Regulation.
- 3) Inspections for the purpose of quality assurance do not count as being considered a “routine” or “regular” inspection for the purposes of meeting compliance with the inspection frequency established by the Board of Health.

g. Re-inspections.

- 1) If a system is considered “failed” or in need of repair, then it may be inspected in the succeeding year to determine compliance regardless of its inspection schedule.
- 2) A re-inspection within the same year will not be assessed an inspection fee.
- 3) If incremental repairs are not being conducted as approved in the property owner’s “incremental repair plan” and subsequent re-inspections by the Board of Health are required in a succeeding year (or years) to ensure compliance, then an inspection fee will be assessed for each inspection.
 - a) The first re-inspection following an unsatisfactory inspection will not be assessed a re-inspection fee.
 - b) Subsequent annual 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. Monitoring/Sampling Ports, Risers and Lids

a. Monitoring/Sampling Ports.

- 1) To effectively monitor an STS, sampling ports (post treatment and prior to discharging off lot) and any STS components that have or are required to have access openings for monitoring must have risers with lids that extend 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.”
- 2) Any discharging STS without a sampling port for monitoring effluent (post treatment and prior to discharging off lot) will be required to have them added and will be included where applicable as part of any permitted repair or alteration of an STS, and when substantial changes are made to a structure such that wastewater flow will be substantially increased such as when adding a bedroom.

b. Risers and lids.

- 1) Septic tanks, pump stations, distribution boxes, or any other STS component that

require risers and lids for the purposes of pumping, cleaning, servicing or maintenance, will be required to have them added and will be included where applicable as part of any permitted repair or alteration of an STS, and when substantial changes are made to a structure such that wastewater flow will be substantially increased such as when adding a bedroom.

4. Remediation

- a. Mitigation. If, upon inspection or notice, an STS covered by these rules is not functioning as intended or is creating a 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 repairs in agreement with an “incremental repair plan” submitted by the property owner to lessen the immediate impact and to work toward complete compliance with OAC 3707-29.
- b. Nuisance. Per ORC 3718.011, conditions under which an STS causes a public health nuisance.
 - 1) For the purposes of this Regulation, an STS is deemed to be causing a public health nuisance if any of the following situations occur and, after a Board of Health notice and time limit to correct have been issued to the applicable property owner, repairs are not made to the system to eliminate the condition:
 - a) The STS is not operating properly due to a missing component, incorrect settings, or a mechanical or electrical failure.
 - b) There is a blockage identified in a particular STS component or pipe that causes a backup of sewage or effluent affecting the treatment process or preventing proper plumbing drainage.
 - c) An inspection conducted by, or under the supervision of, the Ohio Environmental Protection Agency or a sanitarian registered under Chapter 4736 of the Ohio Revised Code documents that there is ponding 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 the 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. The presence of more than one thousand thirty E. coli counts per one hundred milliliters 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.

d) With respect to a discharging system for which an NPDES permit has been issued under Chapter 6111. of the Ohio Revised Code and rules adopted under it, the system exceeds the effluent discharge limitations specified in the NPDES permit for two (2) consecutive permit cycles.

2) With respect to divisions c) II. and III. above in this section, a property owner may request samples be collected by the Board of Health to verify that the STS is not causing a public health nuisance. The property owner is responsible for the costs of all testing.

5. Phase In.

a. Schedule. Upon adoption of this Regulation, the Board of Health will require all property owners in the health district that have an STS to obtain a valid operation permit.

1) During the phase in period, the Board of Health will determine a schedule to establish an initial assessment inspection and/or office review for each STS based on the risk each presents to the public health and the environment by virtue of each system's installation permit, design type, age and geographic location.

2) Each STS inspected by the Board of Health as part of a regular operation inspection will be charged an inspection fee as established in this Regulation.

3) The initial assessment inspection requirement is waived for any system altered or installed after January 1, 2015, that possesses a valid operation permit (unless the system is required to have an annual inspection as a condition of its operation permit). These systems will be assigned an expiration date for their operation permits as determined by the system design type. An inspection will be required for an operation permit renewal for these systems.

b. Systems existing prior to January 1, 2015. Upon adoption of this Regulation, any system that was in existence prior to January 1, 2015, will have its operation permit revoked and its permit cycle will be reassessed and categorized as appropriate before the Board of Health issues the first operation permit renewal for each individual system per this Regulation. Every system may not receive an initial inspection if sufficient documentation already exists at the Board of Health to adequately determine the design type, age and geographic location of the system.

1) Those systems which are determined to be on an annual inspection permit cycle, following the initial Board of Health assessment inspection, will be required to submit a report and all applicable fees annually to the Board of Health per this Regulation.

D. All applicable STSs following the initial assessment by the Board of Health may be serviced by: (1) a private, registered service provider as identified in 3701-29-03 or, (2) a property owner registered as providing service to the property owner's own system if it is located on the property owner's personal property of residence as identified in Section 5 of this Regulation.

- E. When a property owner of an applicable STS fails to provide proof of service per D. above, the property owner'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 per this Regulation.
- F. Pursuant to 3701-29-19 (F), whereas the Board of Health may establish a household sewage treatment district in accordance with division (A) (14) of section 3718.02 of the Revised code, the Board of Health reserves the authority to establish a household sewage treatment district within the limitations and guidance provided in 3709-29-19 (F).

SECTION 6 STS ABANDONMENT, CLEANING OF SEWAGE OR SEPTIC TANKS

- A. Pursuant to 3701-29-21 (E) of the Ohio Administrative Code, whereas the Board of Health may require a permit for the abandonment of an STS and establish a permit fee in accordance with paragraph (D) (12) 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 time period of the abandonment permit.
- B. Required Record Submission for the Cleaning of Sewage or Septic Tanks.
 - 1. As required by Ohio Administrative Code 3701-29-20 (C) as effective on January 1, 2015, septage haulers shall maintain a record and manifest of septage or sewage pumped from each STS including, but not limited to: the system owner; location address; quantity of septage or sewage removed from the system; condition of the tank; presence or absence of baffles or tees; condition of risers; evidence of high water, water intrusion, or tank deterioration; any repairs, replacements or improvements made to the tank; date of septage or sewage removal; and the wastewater treatment plant or other receiving facility where the septage or sewage was disposed, or the location of land application. Pumping and disposal records shall be provided to the Board of Health on a form prescribed by the Director of the Ohio department of health and retained by the septage hauler for at least five (5) years. The septage hauler shall provide a receipt to the system owner showing: the date of service; any conditions noted regarding the tank, risers and effluent filters; and quantity of septage and sewage removed from the system.
- C. Additional record keeping requirements as outlined in Chapter 40 of the Code of Federal Regulations Part 503 and authorized by Ohio Administrative Code 3701-29-20 (F) (5) as effective on January 1, 2015, are:
 - 1. Record of the location of the site where each load of domestic septage is land applied by either street address or by longitude and latitude;

2. Record of the number of acres and a map delineating the location of each acre each time domestic septage is land applied;
3. Record of the date and time of each domestic septage application;
4. Record of the nitrogen requirement for the crop or vegetation grown on each land application site each calendar year;
5. Record of the expected crop yield for each land application site each calendar year;
6. Record of measurements of pH and time prior to land application of each load of domestic septage land applied;
7. Record of how the septage hauler has assured that the land owner is following the crop harvesting restrictions and what those restrictions are for each load of domestic septage land applied.

D. These records are also required to be retained by the septage hauler for a minimum of five (5) years.

SECTION 7 REGISTRATION OF SEWAGE SYSTEM INSTALLERS, SERVICE PROVIDERS, AND SEPTAGE HAULERS

- A. Registration of sewage system installers, service providers and septage haulers is required as stated in Ohio Administrative Code 3701-03 as effective on January 1, 2015.
- B. Pursuant to 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 the rule. Whereas the Board of Health has the authority to waive (C) (1) and (C) (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 registration fee, and it shall waive paragraph (C) (5) of the rule, as to proof of completion of continuing education hours.
- C. 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 paragraph (C) (1) of the rule, as to payment of the registration fee, and it shall waive paragraphs (C) (4) of the rule, as to proof of general liability insurance, and (C) (6) of the rule, as to proof of completion of continuing hours.
- D. 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 Chapter 3701-29 of the Ohio Administrative Code and this Regulation.

SECTION 8 MANURE

No person shall place or deposit manure produced by an animal or animals of the horse, mule, sheep, goat, cattle, bison, buffalo, beefalo, llama, canine, feline, poultry, primate kind or any other animal or animals kept in captivity in a street, alley, road, open excavation ditch, stream, or body of water. This Regulation shall not prohibit the spreading of manure on the surface of the ground for fertilizing purposes at any point not prohibited by law.

SECTION 9 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.

Whoever violates Section 3709.20, 3709.21, or 3709.22 of the Revised Code or any order or regulation of the Board of Health of a city or general health district adopted in pursuance of such sections, or interferes with the execution of such an order or regulation by a member of the Board or person authorized by the Board, shall be fined not more than one hundred dollars or imprisoned not more than ninety days, or both. No person shall be imprisoned for the first offense, and the prosecution shall always be for a first offense unless the affidavit upon which the prosecution is instituted contains the allegation that the offense is a subsequent offense (Ohio Revised Code 3709.99).

SECTION 10 AMENDMENTS

Any of the preceding sections may be amended or a new section may be added by following the necessary procedure in conformity with the Ohio Revised Code.

SECTION 11 CONSTITUTIONALITY CLAUSE

Should any paragraph, sentence, clause or phrase of this Regulation be declared unconstitutional or invalid for any reason, the remainder of the Regulation shall not be affected thereby.

APPENDIX: FEES

- (1) An application for a site review of an HSTS, SFOSTS or GWRS. \$75.00
- (2) An application for a soil evaluation for an HSTS, SFOSTS or GWRS. \$75.00
- (3) An application for a design for an HSTS, SFOSTS or GWRS. \$120.00
- (4) Permit for the installation of a new or replacement HSTS and/or GWRS, except that only one installation permit is required for a new GWRS installed at the same time as a new HSTS. \$350.00
- (5) Permit for the alteration of an existing HSTS and/or GWRS. \$311.00
- (6) Permit for the installation of a new or replacement SFOSTS. \$350.00
- (7) Permit for the alteration of an existing SFOSTS. \$311.00

- (8) Permit for the operation of an HSTS, type 2, 3 or 4 GWRS or SFOSTS, which may vary based on the time period that the permit is valid and/or complexity of the system, except that only one operation permit is required for a GWRS installed at the same property as an HSTS. \$50.00
- (9) Registration of installers, service providers and septage haulers, which may vary based on category of registration. \$150.00
- (10) Vehicle permits for septage haulers. \$20.00
- (11) Inspections and re-inspections of an HSTS and/or a type 2, 3 or 4 GWRS as authorized in division (A) (7) of section 3718.02 of the Ohio Revised Code to ensure compliance with this Regulation as allowed in rule 3701-29-09 of the Ohio Administrative Code. \$50.00
- (12) Abandonment of an HSTS and/or GWRS. \$50.00
- (13) Application for a variance. \$50.00
- (14) Collection and examination of effluent samples taken to determine compliance with this Regulation. Lab Cost plus \$15.00
- (15) A site review, evaluation and approval/disapproval of land application of septage. \$100.00
- (16) Review of a subdivision or new lots in accordance with rule 3701-29-08 of the Ohio Administrative Code. \$100.00
- (17) Twenty-five (25) percent penalty fee added to the local portion of permit and registration fees for commencing work prior to obtaining a permit for a new, replacement, alteration or abandonment of an HSTS, GWRS and/or a SFOSTS, a registration as an installer, service provider and/or septage hauler, and/or a permit for a septage hauler vehicle in accordance with rule 3701-29-03 of the Ohio Administrative Code.
- (18) Twenty-five (25) percent penalty fee for late payment of a new or renewal operation permit for an HSTS, type 2, 3 or 4 GWRS and/or a SFOSTS in accordance with rule 3701-29-09 of the Ohio Administrative Code and this Regulation.
- (19) Twenty-five (25) percent penalty fee for late payment of an operation inspection or re-inspection for an HSTS, type 2, 3, or 4 GWRS and/or a SFOSTS in accordance with rule 3701-29-09 of the Ohio Administrative Code and this Regulation.
- (20) Real estate inspections. \$100.00

Effective: 01/01/2019