

Mahoning County General Health District

Supplement to Ohio Department of Health

Ohio Administrative Code

3701-29

Sewage Treatment Rules

2021

Resolution 2014-01 Effective January 1, 2015
(Updated 2021)

Mahoning County 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 Mahoning County 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 Mahoning County 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 Written Approval for a Sewage Treatment System (“STS”) On-site/Design Prior to the Effective Date of OAC 3709-29

In cases where the Board of Health has provided written approval for a STS design prior to the effective date of OAC 3701-29, the Board of Health shall permit the installation of the system at the applicant’s request under the following conditions:

- (1) There is written documentation that the STS on-site/design was approved by the Board of Health prior to the effective date of OAC 3701-29 and the written approval has not expired;
- (2) The STS shall not conflict with provisions of the NPDES program established in pursuant to ORC 6111.03;
- (3) Other than the siting and STS specifications previously approved by the Board of Health, the provisions of OAC 3709-29 shall apply; and
- (4) The installation permit for the STS is issued by the Board of Health prior to January 1, 2017.

Section 5 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 not waive (C)(1) and (C)(5) of OAC 3701-29-03.
- (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 6 General Soil Absorption Standards

- (A) Pursuant to OAC 3701-29-15(G), when a seasonal water table is present, the Board of Health may establish a vertical separation distance no less than six (6) inches and no greater than eighteen (18) inches, with a required minimum thickness of in situ soil within the infiltrative distance of no less than six (6) inches when effluent is discharged to the soil absorption component.

The Board of Health does hereby establish, when a seasonal water table is present, a vertical separation distance of six (6) inches, with a required minimum thickness of in situ soil of six (6) inches when effluent is discharged to the soil absorption component.

- (B) Pursuant to OAC 3701-29-15(H), the Board of Health may establish the required minimum vertical separation distance of greater than zero (0) inches and less than six (6) inches, and the required minimum in situ soil thickness within the vertical separation distance of greater than zero (0) inches and less than six (6) inches where the seasonal water table is present and the sewage effluent is pretreated to less than one thousand fecal coliform CFU units per one hundred milliliters.

The Board of Health establishes a minimum vertical separation distance of one inch where a seasonal water table is present and the sewage effluent is pretreated to less than one thousand fecal coliform CFU units per one hundred (100) milliliters and the required minimum in situ soil thickness within the vertical separation distance is one (1) inch. The infiltrative surface shall not be placed below the depth of the seasonal water table.

- (1) The design shall, when necessary, include either an interceptor, perimeter or engineered drain. No property owner shall be required to pump an interceptor, perimeter, or engineered drain.

Section 7 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 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 OAC 3701-29-10 shall be recognized and enforced.

Section 8 STS Operation and Maintenance Management, and System Owner Education

(A) Pursuant to OAC 3701-29-109(I), no person shall operate a STS or type 2, 3, 4 GWRS without an approved and valid operation permit from the Board of Health. In conjunction with OAC 3701-29-19(A), the Board of Health shall develop a program for the administration of O&M management for STS and GWRS and system owner education. 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. Monitoring and assessment of STS may also be performed upon request for real estate inspections or as part of locally established real estate transfer programs.

(1) The Board of Health elects to reauthorize the current monitoring or assessment of systems, 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:

a. The owner of each sewage treatment system installed, altered or repaired after January 1, 2022, shall be issued an operational permit by the Board of Health and shall:

i. Submit an operational permit fee to the Board of Health as described on the operational permit.

ii. Maintain a maintenance service agreement for household sewage treatment systems that have aerobic treatment or other pretreatment devices approved by the Director of the Ohio Department of Health and require maintenance. Maintenance service shall be performed by an authorized manufacturer's representative who is a registered service provider for Mahoning County.

iii. Sewage treatment systems that do not require aerobic treatment or other pretreatment devices for the operation of the approved system are required to have the tanks pumped and/or evaluated, along with any other system specific maintenance requirements, prior to the reissuance of the operation permit.

iv. All terms, conditions, and procedures described on the operational permit shall be followed by the property owner(s). Failure to do so shall require a Board of Health Inspection and a penalty inspection fee will be assessed to the property owner(s)

v. All recorded sewage treatment systems will be classified into one of three designated classes, based on the system components and discharge. A fee will be assessed to each property owner based on the system classification.

vi. The Board of Health reserves the right to assess the property taxes for any unpaid operational permit fees, late fees and/or inspection fees.

b. Each household sewage treatment system installed prior to January 1, 2022, that has been altered, operated, repaired, inspected or Board of Health reviewed and/or inventoried shall be enrolled in the O&M program which includes:

- i. Submit an operational permit fee to the Board of Health as described on the operational permit.
- ii. Maintain a maintenance service agreement for household sewage treatment systems that have aerobic treatment or other pretreatment devices approved by the Director of the Ohio Department of Health and require maintenance. Maintenance service shall be performed by an authorized manufacturer's representative who is a registered service provider for Mahoning County.
- iii. Sewage treatment systems that do not require aerobic treatment or other pretreatment devices for the operation of the approved system are required to have the tanks pumped and/or evaluated, along with any other system specific maintenance requirements, prior to the reissuance of the Operation permit.
- iv. All terms, conditions, and procedures described on the operational permit shall be followed by the property owner(s). Failure to do so shall require a Board of Health inspection and a penalty inspection fee will be assessed to the property owner(s).
- v. All recorded sewage treatment systems will be classified into one of three designated classes, based on the system components and discharge. A fee will be assessed to each property owner based on the system classification.
- vi. The Board of Health reserves the right to assess the property taxes for any unpaid operational permit fees and/or inspection fees

(2) The Board of Health elects to reauthorize the monitoring and assessment of STS performed upon request for real estate inspections or as part of a locally established real estate transfer programs. A current maintenance service agreement does not waive this requirement.

- a. Ownership of a dwelling served by a household sewage treatment system and/or a private water system shall not be transferred, pursuant to sale or completion of a land installment contract, unless the household sewage treatment system and/or private water system has been inspected within the preceding twelve (12) months by the health commissioner or his authorized representative.
- b. A service contract/inspection conducted within the preceding twelve

(12) months does NOT fulfill the requirements of this regulation.

- (B) Pursuant to OAC 3701-29-19(E)(1), the Board of Health may permit a registered service provider to collect effluent samples per National Pollutant Discharge Elimination System. The Board of Health does hereby require that the sampling described may be collected by a registered service provider in accordance with protocols established by the Ohio Department Health or Ohio Environmental Protection Agency (OEPA).

Section 9 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 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 OAC 3701-29-21 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 10 Effect of Partial Invalidity

Each rule or rules 01 to 11 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 11 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 1st day of January 2022.

Adopted on the 19th day of December, 2021, by the Board of Health of the Mahoning County General Health District.

Joseph Mistovich, President

Ryan Tekac, REHS, MPH, Health Commissioner

I, Ryan Tekac, Clerk of the Board of Health of the Mahoning County General Health District, hereby certify that the above Regulation was published in the Vindicator on _____ and _____ 2021

CLERK, BOARD OF HEALTH
MAHONING COUNTY GENERAL HEALTH DISTRICT

NOTARY PUBLIC