

Ohio Department of Health Sewage Treatment Systems



Recent Changes to Ohio Sewage 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, and sometimes more stringent, rules for their health jurisdiction.

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

History of Sewage System Regulation

New sewage rules were adopted by the Ohio Department of Health (ODH) in January, 2007 to update the 30 year old sewage regulations. Due to concerns over cost and readiness of local health districts and contractors to implement the rules, Amended Substitute House Bill 119, which passed on July 1, 2007, rescinded the newly adopted sewage treatment system rules and suspended the law. When the rules were rescinded, the original 1977 state minimum sewage treatment system rules were temporarily re-established. Local health districts were authorized to adopt local rules which can be more stringent or detailed than the state minimum rules during this interim period. Since July, 2007, several more bills have continued to suspend several sections of the Ohio Revised Code Chapter 3718, the sewage law, while legislators met with interested parties to decide how the law should be changed. Substitute Senate Bill 110 made important changes to the sewage law and is described below.

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

While the legislature was working on changes to the sewage law, the law was temporarily suspended. This suspension of the law ended July 1, 2010. Several portions of state law, that may affect you as a homeowner, are now valid.

- The Health Commissioner of a local health district may issue emergency orders to require an action related to a public health emergency regarding a sewage treatment system including prevention or abatement of imminent and substantial threats to surface or ground water from an improperly operating or failing sewage treatment system.
- 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. The court may 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 health department.
- Permits for installing new or altering existing systems have been required since 1977. These permits must be issued before work has begun on the system, and some local health districts have established late fees for permits taken out after work has begun. The new law sets a standard late fee assessment of 25% of the original permit fee amount.

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

Substitute Senate Bill 110 became law on June 18, 2010, and becomes effective September 17, 2010. On September 17th, several sections of the sewage law will be changed. These changes include:

- New definitions for public health nuisance, bedrock, gray water recycling, infiltrative surface, soil, vertical separation distance, and water table, and inspection.
- Automatic continued 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 or lot) 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 new rules.
- The establishment of a sewage treatment system appeals board by December 17, 2010 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.

After January 1, 2012 – New Rules Adopted by the Ohio Department of Health

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 (review of soils, topography, lot size, etc.) 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 the ability to reduce the required VSD using soil depth credits and the use of different types of engineered, subsurface drains.
- Allow local health districts to petition 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.
- ***The local rules and programs established by your health district will remain in effect until new state rules are adopted after January 1, 2012.***

Proposed Rule Development Process and Information Access by Stakeholders

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 including local health districts, industry, trade and professional associations, other state agencies and the public. 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 maintain updated rule development information on the sewage program website page at <http://www.odh.ohio.gov/odhPrograms/eh/sewage/sewage1.aspx>.
- 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? Need more information? Contact us at:

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