



Public Health
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Board of Health Sidney-Shelby County

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Resolution 14-7

SUPPLEMENT TO OHIO ADMINISTRATIVE CODE CHAPTER 3701-29 SEWAGE TREATMENT SYSTEM RULES

WHEREAS, the Board of Health of the Sidney-Shelby County Health District is responsible for enforcement of Ohio Administrative Code (OAC) 3701-29 in Shelby County;

WHEREAS, NOW THEREFORE BE IT RESOLVED, the Sidney-Shelby County Board of Health adopts the following supplement to OAC 3701-29 that becomes effective January 1, 2015 as shown in Attachment A, "Supplement to Ohio Administrative Code 3701-29 Sewage Treatment System Rules".

Robert J. McDevitt Jr., MD, President
Sidney-Shelby County Board of Health

Steven J. Tostrick, MPH, REHS, RS
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SIDNEY-SHELBY COUNTY HEALTH DISTRICT

**SUPPLEMENT TO OHIO ADMINISTRATIVE CODE
CHAPTER 3701-29 SEWAGE TREATMENT SYSTEM RULES
(Attachment A)**

2015

**Resolution 14-7
Effective January 1, 2015**

Section 1 - Definitions

Definitions reflect those set forth and identified in 3701-29-01 of the Ohio Administrative Code.

Section 2 – General Authority

The Sidney-Shelby County 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.

Section 3 – General Soil Absorption Standards

In reference to 3701-29-15 (G) of the OAC, whereas the board of health may establish a vertical separation distance no less than six inches and no greater than eighteen inches, with a required minimum thickness of “*in situ*” soil within the infiltrative distance of no less than six inches, the board of health does hereby establish a vertical separation distance of six (6) inches, with a required minimum thickness of “*in situ*” soil of eight (8) inches.

Section 4 – Gray Water Recycling Systems

In reference to 3701-29-17 (B) of the OAC, whereas 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 shall be required for the design and installation of these systems.

- (A) 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.
- (B) All terms, conditions, and procedures for site review and permitting specified in section 3701-29-09 of the OAC shall be recognized and enforced.

Section 5 – Operational Permit Terms & Conditions/Operation & Maintenance (O&M) Program

In reference to 3701-29-09 (I)(2) and 3701-29-15 (G) of the OAC which references operational permits and O&M program requirements, the board of health hereby requires:

- (A) Operational Permits – Sewage Treatment Systems (STS) and Gray Water Recycling Systems (GWRS)
 - (1) Any STS installed prior to June 1, 2003 that does not currently have an operation permit that is determined by the board of health to be malfunctioning and/or creating a public health nuisance (as defined in ORC 3718.011) which requires a permitted alteration or replacement shall maintain a current and continuous 5-year operation permit upon the approved completion of the permitted alteration or replacement.
 - (2) All STS/GWRS installed or altered after January 1, 2015 shall maintain a current and continuous 5-year operation permit upon the approved completion of a permitted replacement or installation.
 - (3) All NPDES permitted discharging STS’s installed after January 1, 2007 shall maintain a current and continuous 5-year operational permit. These systems shall also maintain a continuous service contract with a qualified registered service provider, comply with all NPDES requirements and sample effluent using a qualified registered service provider with samples analyzed by accredited laboratory consistent with NPDES

requirements and OAC 3701-29. NPDES STS's installed after January 1, 2007 that have a valid service contract shall be exempt from paying a fee for renewal of the operation permit.

- (4) All non-NPDES type aeration STS's installed prior to January 1, 2007 shall continue to be required to maintain an annual operation permit and pay appropriate fee unless a valid service contract is in place.
- (5) All STS's installed prior to January 1, 2015 that were required to have a service contract as a stipulation of the original STS approval shall maintain the required service contract. Any STS with a valid service contract shall not be required to pay the operation permit renewal fee.
- (6) All conventional STS's installed since June 1, 2003 that currently have an operation permit shall continue to be required to have a 5-year operation permit.
- (7) All 5-year and annual operation permits shall automatically renew upon proof of system maintenance, compliance with OAC 3701-29 and payment of applicable fee.
- (8) All STS's installed prior to June 1, 2003 that do not currently have an operation permit will be brought into the Shelby County O&M Program through STS real estate evaluations, nuisance complaints, land survey evaluations with existing STS's, and the current "Policy and Procedures for HSTS Evaluation/Inspection" (Appendix A). STS's will also be brought into the O&M Program by the current "Building Permit Sign-off Policy for HSTS Application Section "C"" (Appendix B).

(B) Operation Permit – Penalties

Whoever fails to obtain an operation permit and/or service contract with a registered service provider as required, shall be subject to a penalty fee established in ORC 3709.09 and subject to enforcement action in accordance with ORC 3709.091 and ORC 3718.08

Section 6 – NPDES Annual Sample Collection

In reference to 3701-29-19 (E)(1) of the OAC, whereas the board of health may permit a registered service provider to collect effluent samples for NPDES system, the board of health does hereby permit that the sampling described may be collected by a registered service provider.

Section 7 – Penalties

This regulation shall be enforced in accordance with Chapter 3709 of the ORC. A violation of this regulation is punishable in accordance with section 3709.99 of the ORC.

Section 8 – Effect of Partial Invalidity

Should any part of this supplement be declared unconstitutional or illegal for any reason, the remainder of these regulations shall not be affected.



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Policy and Procedures for HSTS Evaluation/Inspection

The following are policies and procedures for the evaluation of existing Household Sewage Treatment Systems (HSTS) as it relates to real estate evaluations for real estate transfers, land surveys involving a lot split with an existing dwelling, and for section “C” site evaluations when a sewage application is submitted. This is a guide only and may not fit every situation that arises on an evaluation.

HSTS Section “C”, and Land Survey Lot Split with Existing dwelling evaluations

The purpose of these evaluations is to make sure the development or new lot will not impact on the existing sewage system or sewage system replacement area and to ensure that the sewage system is not creating a nuisance. The development or new lot line must be at least ten feet from the sewage areas. This procedure will vary in implementation depending on the system type. The more common system configurations and the evaluation procedure for each are as follows:

1. A septic tank only with no permit on file with the Health Department:

The homeowner or designated agent will have to provide proof of a secondary treatment mechanism. If no secondary treatment mechanism is found, then the system will be required to be upgraded.

2. A septic tank and sub-surface sand filter (permit on file):

The effluent being discharged from the sand filter needs to be inspected for quality. A riser must be in place or installed on the outlet tile of the sand filter.

3. A septic tank and leach field or bed and curtain drain (permit on file):

The effluent level in the septic tank and distribution box can be checked to make sure the leach field or bed is not backed-up. The curtain drain needs to be checked to make sure no sewage water is draining into the tile. The leaching area needs to be probed and walked to see if there is any surfacing sewage water. A dye test may need to be conducted if there is a question to whether or not sewage water is discharging off-lot. If no curtain drain exists, additional checking may be required to ensure no sewage water is discharging off-lot (check for any connections made to leaching via gravel trench or tile).

4. An aeration system:

The system should be checked to make sure it's functioning as designed and discharging a quality effluent (see aeration inspection sheet).

5. Mound system:

Reference editions 9.14 and 15.24 of “Design and Construction Manual for Wisconsin Mounds” or the OSU Extension Bulletins 813 and 829.

Note: The HSTS Section “C” evaluation application and fee requirements are waived if the HSTS was inspected by the Health Department within the past 18 months by a Real Estate or Land Survey HSTS evaluation or if the system has a HSTS Operational Permit (1 or 5 year permit, including aeration systems under a maintenance contract). Only a site plan needs to be submitted to show that the proposed development will not impact the HSTS or HSTS replacement area. An inspection may be done at that time at the discretion of the sanitarian and will count towards the HSTS Operation Permit renewal. HSTS Operational Permit renewals will be done according to the expiration date assigned.

Real Estate evaluation

The purpose of this evaluation is to ensure that the sewage system is not creating a nuisance and functioning as designed. The procedure for this evaluation is the same as section “C” and lot split evaluations except that it is mandatory for all system components to be in place. Risers to grade with lids must be installed over the inlet and outlet access manholes of the septic tank and over the distribution box. An inspection port must be in place or installed over the curtain drain for a leach field or a subsurface sand filter drain prior to connection to the outlet tile. The baffles of the septic tank must be checked to make sure they are intact. The house plumbing must be checked to make sure all wastewater drains go to the sewage system. The tank must be pumped out after the initial evaluation unless it has been pumped out in the past 2 years (proof must be provided). A dye test may be needed if there is uncertainty on whether or not untreated sewage effluent is discharging off-lot.



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Building permit sign-off policy for HSTS application section “C”

The Health Department evaluates existing sewage systems and wells on residential lots when there is a development due to a home addition or when there is a proposed development that will permanently reduce the amount of ground area on a lot. The “Policy and Procedures for Sewage System Evaluation/Inspection” should be referenced for the process for evaluating the sewage system. This policy outlays the various situations that arise and how to handle them as it relates to the building permit and/or property.

1. During the evaluation, the sewage system is found failing and creating a nuisance.
Orders should be issued to upgrade the sewage system giving a timeframe to have the system installed. The building permit can be signed-off on and the upgrade of the system can be handled under the normal process for compliance. An additional \$75 needs to be collected to convert the sewage application to a section “B” for the upgrade of the system
2. During the evaluation, the sewage system is found satisfactory but needs altered.
This may be due to a bedroom addition or changing the location of part of the system due to the proposed development. (Adding leaching, moving septic tank, changing size of system, etc.) A letter needs to be sent to the applicant detailing what is required to be done to the system due to the proposed development. An additional \$75 needs to be collected to convert the sewage application to a section “B” for the alteration of the system. The building permit can be signed-off on and the alteration of the system must be completed prior to the completion of the project.
3. During the evaluation, the system is found satisfactory.
An approval letter is to be sent to the applicant.