

As Introduced

132nd General Assembly

Regular Session

2017-2018

S. B. No. 31

Senator Eklund

Cosponsors: Senators Terhar, Hottinger, Huffman, Hoagland

A BILL

To enact section 3718.026 of the Revised Code to 1
authorize a board of county commissioners or 2
municipal legislative authority to elect to 3
withdraw the county or municipal corporation 4
from the application of any rule adopted by the 5
Department of Health after January 1, 2014, that 6
governs the design of household sewage treatment 7
systems. 8

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3718.026 of the Revised Code be 9
enacted to read as follows: 10

Sec. 3718.026. (A) A board of county commissioners or the 11
legislative authority of a municipal corporation, by a majority 12
vote of the full membership of the board or legislative 13
authority, may elect to withdraw the county or municipal 14
corporation from the application of any rule governing the 15
design of a household sewage treatment system adopted by the 16
department of health after January 1, 2014, if both of the 17
following apply: 18

(1) The board or legislative authority demonstrates to the 19
department that for each year in a period of three consecutive 20
years after December 31, 2010, at least ninety per cent of a 21
statistically significant sample of the household sewage 22
treatment systems operating within the county or municipal 23
corporation complied with the requirements established in the 24
rules adopted by the department governing the design of 25
household sewage treatment systems that existed on January 1, 26
2014. 27

(2) The board of health of the applicable health district 28
has established and maintains a program to inspect and test a 29
household sewage treatment system operating within the county or 30
municipal corporation prior to, at the time of, or within a 31
reasonable time after the transfer of ownership of property 32
served by the household sewage treatment system. 33

(B) If a board of county commissioners or the legislative 34
authority of a municipal corporation votes to elect to withdraw 35
the county or municipal corporation from the application of 36
rules under division (A) of this section, the board of health of 37
the applicable health district shall administer within the 38
county or municipal corporation the rules adopted by the 39
department governing the design of a household sewage treatment 40
system that existed on January 1, 2014. 41

(C) A board of county commissioners or the legislative 42
authority of a municipal corporation that votes to elect to 43
withdraw the county or municipal corporation from the 44
application of rules under division (A) of this section shall 45
prepare a report of the results of the inspections and tests 46
conducted under division (A) (2) of this section and shall submit 47
the report to the department by the first day of March of each 48

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| <u>year beginning in the year following the vote to elect to</u> | 49 |
| <u>withdraw.</u> | 50 |
| <u>(D) An election to withdraw under division (A) of this</u> | 51 |
| <u>section is null and void if either of the following applies:</u> | 52 |
| <u>(1) The board of health of the applicable health district</u> | 53 |
| <u>fails to comply with this section.</u> | 54 |
| <u>(2) A report prepared under division (C) of this section</u> | 55 |
| <u>indicates a failure rate of household sewage treatment systems</u> | 56 |
| <u>in excess of ten per cent.</u> | 57 |