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Sub. H. B. No. 692

To amend sections 3701.83, 3718.02, 3718.021,
3718.03, 3718.06, 3718.11, 6111.44, and 6111.441
of the Revised Code to make changes to the law
governing household sewage treatment systems.

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

Section 1. That sections 3701.83, 3718.02, 3718.021,
3718.03, 3718.06, 3718.11, 6111.44, and 6111.441 of the Revised
Code be amended to read as follows:

Sec. 3701.83. There is hereby created in the state
treasury the general operations fund. Moneys in the fund shall
be used for the purposes specified in sections 3701.04,
3701.344, 3711.16, 3717.45, 3718.02, 3718.06, 3721.02, 3721.022,
3729.07, 3733.43, 3748.04, 3748.05, 3748.07, 3748.12, 3748.13,
3749.04, 3749.07, 3776.08, and 4769.09 of the Revised Code.

Sec. 3718.02. (A) ~~The~~ Subject to division (C) of this
section, the director of health, in accordance with Chapter 119.
of the Revised Code, shall adopt, and subsequently may amend and
rescind, rules of general application throughout the state to
administer this chapter. Rules adopted under division (A) of
this section shall do at least all of the following:



(1) Require that the appropriate board of health approve or disapprove the installation, operation, and alteration of a sewage treatment system if it is not connected to a sanitary sewerage system;

~~(2)~~ (2) (a) Require a board of health, or other person as established by rule, to conduct a site evaluation for any proposed installation of a sewage treatment system, which shall include a soil analysis for any sewage treatment system used as the primary system on a property.

(b) Except as provided in division (A) (2) (c) of this section, the rules shall not require a soil analysis for a replacement area or a newly created lot. If a soil analysis is not conducted, a board of health may provide a notification statement to the applicable property owner, in accordance with division (D) of this section, stating a soil analysis was not conducted during the review of the newly created lot.

(c) The rules may authorize a board of health to conduct a soil analysis on a newly created lot when limitations exist at the location that may prevent a sewage treatment system from being installed on the lot.

(d) The rules shall require a developer or property owner of a newly created lot to provide a written notice to any prospective purchaser of that lot stating that a soil analysis was not conducted and that soil conditions may limit or prevent the installation of a sewage treatment system on that lot if either of the following apply:

(i) The local board of health determined that a soil analysis was not required for that lot.

(ii) The local board of health was not notified when the

lot was split or created. 49

(e) The rules shall authorize a board of health to require 50
a soil analysis if a household sewage treatment system is 51
proposed to be installed in a disturbed area that lacks any in- 52
situ soil in order to determine if a household sewage treatment 53
system can be installed in the area. 54

(f) The rules shall require the director of health to 55
provide annual soil analysis training for local health 56
departments. Such training may be conducted electronically. 57

(3) Prescribe standards for the siting, design, 58
installation, operation, monitoring, maintenance, and 59
abandonment of sewage treatment systems that may be used in this 60
state and for the progressive or incremental alteration or 61
repair of an existing sewage treatment system or the progressive 62
or incremental installation of a new system to replace an 63
existing sewage treatment system. The rules shall be adopted so 64
as to establish a preference for the repair of an existing 65
sewage treatment system, when technically and economically 66
feasible, rather than its replacement with a new system. The 67
standards shall include at a minimum all of the following: 68

(a) Soil absorption specifications and vertical separation 69
distances. 70

(i) Soil absorption specifications established in rules 71
shall include standards regarding the sizing of sewage treatment 72
systems in use in the state. 73

(ii) In establishing soil absorption specifications and 74
vertical separation distances, the rules shall identify those 75
soil conditions that present a low or moderate risk of 76
inadequate treatment or dispersal of sewage from sewage 77

treatment systems. For low and moderate risk conditions, the 78
required vertical separation distance shall not exceed eighteen 79
inches except as authorized pursuant to rules adopted under 80
divisions (A) (3) (a) (iii) and (iv) of this section. 81

In addition, the rules shall identify those soil 82
conditions that present a high risk of inadequate treatment or 83
dispersal of sewage. For such high risk conditions, the vertical 84
separation distance shall be set at a depth from twenty-four to 85
thirty-six inches and shall not be lowered unless a reduction of 86
vertical separation is granted in accordance with rules adopted 87
under division (A) (3) (a) (iii) of this section. 88

(iii) The rules shall establish options to be utilized by 89
a board of health when approving the reductions of or compliance 90
with vertical separation distances that are established in rules 91
adopted under division (A) (3) (a) (ii) of this section. The 92
options for a board of health in providing such approval shall 93
include, but not be limited to: the use where deemed appropriate 94
for a particular site of subsurface interceptor drains, 95
perimeter drains, or engineered drainage; pretreatment of 96
sewage; or soil elevation. 97

(iv) The rules shall provide that a board of health may 98
petition the director to increase the vertical separation 99
distances required for sewage treatment systems in the 100
applicable health district or a portion of the district when 101
conditions present a high risk of inadequate treatment or 102
dispersal of sewage. The rules also shall provide that the 103
director may approve such a request upon a demonstration by the 104
board of health that unusual or unique local conditions relating 105
to terrain, bedrock, water table, soil fragments, or soil 106
textures require the establishment of greater vertical 107

separation distances within the jurisdiction of the board of health or a portion thereof. If, under the rules, the director of health approves a greater vertical separation distance, a board of health still may approve a reduction of that vertical separation distance for an individual sewage treatment system pursuant to rules adopted under division (A)(3)(a)(iii) of this section. Further, if, under the rules, the director approves a greater vertical separation distance, a person who is denied permission by a board of health to install or replace a sewage treatment system as a result of the director's approval may request a hearing in accordance with section 3718.11 of the Revised Code.

(b) Specifications for the quality of treated sewage effluent from household sewage treatment systems that is applied to soil on the property where a household sewage treatment system is located. The specifications established in the rules for the quality of effluent from discharging systems shall comply with discharge requirements imposed by the national pollutant discharge elimination system permit program established under section 6111.03 of the Revised Code and rules adopted under it.

(c) Requirements for the reasonable maintenance of a system according to maintenance requirements approved by the director of health as recommended by the sewage treatment system technical advisory committee or according to accepted standards and practices established in rules, as applicable. The requirements may include standards for service contracts or other arrangements that assure regular maintenance and upkeep of the system. In determining the reasonableness of a maintenance requirement, the director shall consider a manufacturer's maintenance requirements as well as all other maintenance

alternatives. 139

(4) Prescribe procedures for notification to boards of 140
health of the approval of a sewage treatment system or 141
components of a system by the director of health under section 142
3718.04 of the Revised Code; 143

(5) Prescribe criteria and procedures under which boards 144
of health shall issue installation permits, operation permits, 145
and alteration permits for sewage treatment systems. The rules 146
shall require as a condition of an installation permit that the 147
installer of a system must warrant that the system was installed 148
in accordance with all applicable rules and design requirements. 149
In addition, the rules shall require a board of health, not 150
later than sixty days after the issuance of an installation, ~~—~~ 151
~~operation,~~ or alteration permit, to notify the director that the 152
permit was issued. The rules shall require the notification to 153
be in a format prescribed by the director and to include 154
information related to the issuance of the permit. With the 155
assistance of the department of health, a board of health, to 156
the extent practicable, shall computerize the process of the 157
issuance of permits for sewage treatment systems. 158

(6) Require a board of health to inspect—conduct an 159
educational assessment of a sewage treatment system not later 160
than twelve months after its installation to ensure that the 161
system is operating properly. ~~The rules shall require a board of~~ 162
~~health, not later than sixty days after the inspection, to—~~ 163
~~certify to the director on a form provided by the director that—~~ 164
~~the inspection was performed~~ assessment may be scheduled with the 165
owner of the sewage treatment system. 166

(7) ~~Require—Authorize~~ each board of health to develop a 167
program for the administration of maintenance requirements 168

established in rules adopted under division (A) (3) (c) of this 169
section. The rules shall include requirements and procedures 170
under which a ~~person~~ property owner may demonstrate the required 171
maintenance of a system in lieu of having an inspection 172
conducted when an inspection otherwise is required. The rules 173
shall require a board of health to provide written notice to a 174
~~person~~ property owner that is demonstrating maintenance of a 175
system in lieu of an inspection that if proof of the required 176
maintenance of the system is not provided as required by rules, 177
the system is subject to inspection by the board and the 178
reasonable cost of the inspection must be paid by the ~~person~~ 179
property owner. The rules shall authorize a board of health to 180
inspect any sewage treatment system if there is a good-faith 181
complaint regarding the system, there is probable cause for the 182
inspection, or proof of the required maintenance of the system 183
has not been provided as required by rules. A property owner 184
providing proof of the required maintenance of the system does 185
not preclude the board of health from conducting compliance 186
inspections for the purpose of oversight of such maintenance or 187
from requiring the payment of an operation permit fee. In 188
addition, the rules shall authorize a board of health to inspect 189
a sewage treatment system without prior notice in any instance 190
in which the board has probable cause to believe that the system 191
is endangering or threatening to endanger public health. The 192
rules shall require that the reasonable costs for sewage 193
effluent testing or evaluation be paid by the owner of a sewage 194
treatment system that is being investigated. Further, the rules 195
shall establish a methodology for determining the reasonable 196
costs of an inspection in accordance with section 3709.09 of the 197
Revised Code. ~~The rules shall allow, but shall not require, a~~ 198
~~board of health to continue an inspection program that was~~ 199
~~established by the board prior to the effective date of the~~ 200

~~rules, provided that the program authorizes a person to~~ 201
~~demonstrate the required maintenance of a system in lieu of an~~ 202
~~inspection.~~ 203

~~(8) Require a board of health the department of health to~~ 204
~~register~~ do all of the following: 205

(a) Register installers, service providers, and septage 206
haulers that perform work within the health district~~state;~~ 207
~~prescribe criteria and procedures for the registration; and~~ 208
~~prescribe criteria for a demonstration of competency as a part~~ 209
~~of the~~ 210

(b) Require each installer, service provider, and septage 211
hauler to submit an application for registration before the 212
first day of January of each year, unless such application is 213
for initial registration; 214

(c) Establish a timeline for when an applicant for initial 215
registration is registered for the subsequent registration 216
period. The 217

The rules shall establish uniform statewide bonding 218
requirements or other financial security requirements for 219
installers, service providers, and septage haulers as a 220
condition of registration ~~within any health district~~. The rules 221
shall establish a methodology by which the required amount of a 222
bond or other security may be calculated for each installer, 223
service provider, and septage hauler. The methodology, at a 224
minimum, shall consider the number of systems installed or 225
serviced and the type of system installed or serviced by an 226
installer, service provider, or septage hauler on an annual 227
basis. The rules shall provide that no board of health shall 228
require an additional or different bond or security requirement 229

~~as a condition of registration~~ beyond the bonding and security 230
requirements established in the rules adopted under division (A) 231
(8) of this section. 232

The rules shall establish a cost methodology for 233
determining the fee for the annual registration and a prorated 234
fee for the initial registration of an installer, service 235
provider, or septage hauler in ~~any health district~~ the state and 236
allow for the collection and deposit of the fees in the general 237
operations fund created under section 3701.83 of the Revised 238
Code. The director of health shall ensure that not less than 239
seventy-five per cent of the proceeds from those fees are used 240
for the benefit and support of the boards of health. The 241
proceeds distributed to the boards of health shall be 242
distributed in accordance with the same subsidy formula adopted 243
by the director under section 3701.342 of the Revised Code. 244

(9) Prescribe requirements for the collection, 245
transportation, disposal, and land application of domestic 246
septage in this state from a sewage treatment system; 247

~~(10) Require boards of health to maintain records that are~~ 248
~~determined necessary to ascertain compliance with this chapter~~ 249
~~and the rules adopted under it;~~ 250

~~(11)~~ Require the manufacturer of a sewage treatment system 251
that is authorized for use in this state in rules adopted under 252
this section or that is approved for use in this state under 253
section 3718.04 of the Revised Code to provide instructions for 254
the operation and maintenance of the system. The rules shall 255
provide that a board of health may require a copy of a 256
manufacturer's instructions for the operation and maintenance of 257
a system to be filed with the board prior to the installation 258
and use of the system in the health district in which the board 259

has jurisdiction. In addition, the rules shall require a board 260
of health and a manufacturer to provide a copy of the operation 261
and maintenance instructions, if available, when a board of 262
health or a manufacturer receives a written request for 263
instructions. 264

~~(12)~~(11) Prescribe criteria for the provision of written 265
evidence of compliance with rules pertaining to sewage treatment 266
for purposes of sections 711.05 and 711.10 of the Revised Code; 267

~~(13)~~(12) Pursuant to divisions (A) (1) and (3) of this 268
section, prescribe standards for the siting, design, 269
installation, operation, monitoring, maintenance, and 270
abandonment of small flow on-site sewage treatment systems that 271
may be used in this state; 272

~~(14)~~(13) Prescribe minimum criteria and procedures under 273
which boards of health may establish household sewage treatment 274
district management programs for the purpose of providing a 275
responsive approach toward preventing or solving sewage 276
treatment problems resulting from household sewage treatment 277
systems within the districts established under the program. For 278
purposes of division ~~(A)~~(14)(A) (13) of this section, a board of 279
health may enter into a contract with any entity to administer a 280
household sewage treatment district management program. 281

~~(15)~~(14) Prescribe standards for the use of subsurface 282
interceptor drains, perimeter drains, and engineered drainage to 283
remove or divert any subsurface water from an area to be used 284
for soil absorption of sewage in the soil of a sewage treatment 285
system; 286

~~(16)~~(15) Prescribe standards for the inspection of septage 287
hauling truck tanks by boards of health, including, but not 288

limited to, tank seal safety specifications;	289
(17) (16) Establish standards and testing methods to ensure	290
that all septic tanks, other disposal component tanks, dosing	291
tanks, pump vaults, household sewage treatment disposal system	292
holding tanks and privy vaults, or other applicable sewage	293
disposal system components manufactured after September 17,	294
2010, and used in this state are watertight and structurally	295
sound;	296
(18) (17) Require a board of health to give notice and an	297
opportunity for a hearing, pursuant to section 3718.11 of the	298
Revised Code, to an affected property owner regarding any of the	299
following:	300
(a) The denial of an installation, operation, or	301
alteration permit for a sewage treatment system;	302
(b) The imposition of a condition on the installation of a	303
sewage treatment system;	304
(c) The required replacement of a sewage treatment system;	305
(d) Any other final order or decision of a board of health	306
that is made under this chapter concerning which a property	307
owner is claiming to be aggrieved or adversely affected.	308
The rules also shall establish procedures for giving such	309
notice and for conducting the hearing required in rules adopted	310
under division (A) (18) (A) (17) of this section.	311
(19) (18) Prescribe standards for the regulation of gray	312
water recycling systems;	313
(20) (19) Prohibit a sewage treatment system from causing a	314
public health nuisance;	315

~~(21)~~(20) Define economic impact for purposes of division 316
(B) of this section and section 3718.022 of the Revised Code. 317

The director may adopt other rules under division (A) of 318
this section that the director determines are necessary to 319
implement this chapter and to protect the public health and 320
welfare. 321

At least sixty days prior to adopting a rule under 322
division (A) of this section, the director shall provide boards 323
of health and any other interested parties an opportunity to 324
comment on the rule. 325

(B) (1) In accordance with section 3709.20 or 3709.21 of 326
the Revised Code, as applicable, and subject to review by and 327
approval of the director under division (C) of section 3718.05 328
of the Revised Code, a board of health may adopt rules necessary 329
for the public health providing for more stringent standards 330
than those established in rules adopted by the director under 331
division (A) of this section. In proposing or adopting the 332
rules, a board of health shall consider and document the 333
economic impact of the rules on property owners within the 334
applicable health district. 335

(2) A board that intends to adopt rules shall notify the 336
department of health of the proposed rules and submit a copy of 337
the proposed rules and the documentation of the economic impact 338
of the rules at least ninety days prior to the proposed date of 339
adoption. The director shall approve or disapprove any such 340
proposed rule within ninety days after receiving a copy of the 341
proposed rule from the board of health. 342

(3) In reviewing a proposed rule, the director shall 343
approve the rule if all of the following apply: 344

(a) The proposed rule is not in conflict with this chapter 345
or rules adopted under it. 346

(b) The proposed rule is authorized by division (B) of 347
this section. 348

(c) The proposed rule is no less stringent than rules 349
adopted by the director. 350

(d) Unless otherwise authorized by this chapter or rules 351
adopted under it, the proposed rule does not require design 352
changes to a sewage treatment system, or component thereof, that 353
differ from a design authorized in rules adopted under division 354
(A) of this section, including rules adopted under division (A) 355
(1) or (A) (3) (a) (iii) or (iv) of this section, or approved by 356
the director under section 3718.04 of the Revised Code. 357

(e) The proposed rule does not require operation or 358
maintenance procedures for a sewage treatment system that 359
conflict with operation or maintenance procedures authorized in 360
rules adopted under division (A) of this section, including 361
rules adopted under division (A) (1) or (A) (3) (a) (iii) or (iv) of 362
this section, or approved by the director under section 3718.04 363
of the Revised Code. 364

(4) If a board of health fails to submit a proposed rule 365
to the director or fails to demonstrate that the board has 366
considered the economic impact of the proposed rule, the rule 367
shall have no force or effect and is not enforceable. 368

(C) (1) Notwithstanding any provision of law or rules to 369
the contrary, no board of health shall prohibit the installation 370
of a sewage treatment system on a slope so long as the sewage 371
treatment system meets the design criteria prescribed in the 372
rules and the installation does not pose a risk to contractor 373

safety. 374

(2) (a) Except as provided in divisions (C) (2) (b) and (c) 375
of this section, a board of health shall not require a permit if 376
a sewage treatment system is repaired and the repair entails 377
replacing components of the system with the same component or a 378
component similar to the original component. 379

(b) A board of health shall require a permit for the 380
replacement of a septic tank or aeration treatment unit tank. 381
However, the board of health shall not require the existing 382
system to be upgraded, provided that the replacement tank is one 383
of the same type and design capacity as the original system and 384
is approved for use under applicable state standards. 385

(c) A board of health shall require a permit if the soil 386
absorption component of a sewage treatment system is being 387
altered or replaced. 388

(D) If a soil analysis is not conducted in accordance with 389
division (A) (2) (b) of this section, a board of health may 390
provide a notification statement to the applicable property 391
owner stating a soil analysis was not conducted during the 392
review of the newly created lots. The board of health, in 393
consultation with the association of Ohio health commissioners 394
and the Ohio environmental health association, may create the 395
notification statement and determine when issuance of the 396
statement is appropriate. 397

Sec. 3718.021. (A) A board of health may regulate the 398
siting, design, installation, operation, monitoring, 399
maintenance, and abandonment of small flow on-site sewage 400
treatment systems in accordance with rules adopted by the 401
director of health under division ~~(A) (13)~~ (A) (12) of section 402

3718.02 of the Revised Code. If a board of health chooses to 403
regulate small flow on-site sewage treatment systems, the board 404
first shall send written notification to the director of health 405
and the director of environmental protection. 406

(B) If a board of health chooses to regulate small flow 407
on-site sewage treatment systems under division (A) of this 408
section and later determines that it no longer wants to regulate 409
those systems, the board shall notify the director of health and 410
the director of environmental protection. Upon the receipt of 411
the notification by the director of environmental protection, 412
the board of health shall cease regulating small flow on-site 413
sewage treatment systems, and the environmental protection 414
agency shall regulate those systems. 415

(C) If after a survey conducted under section 3718.07 of 416
the Revised Code the director of health finds that a board of 417
health that has chosen to regulate small flow on-site sewage 418
treatment systems is not complying with the rules adopted under 419
division ~~(A) (13)~~ (A) (12) of section 3718.02 of the Revised Code, 420
the director shall notify the director of environmental 421
protection and the board of health. Upon receipt of the 422
notification, the board shall cease regulating small flow on- 423
site sewage treatment systems, and the environmental protection 424
agency shall regulate those systems. 425

Sec. 3718.03. (A) There is hereby created the sewage 426
treatment system technical advisory committee consisting of the 427
director of health or the director's designee and thirteen 428
members who are knowledgeable about sewage treatment systems and 429
technologies. The director or the director's designee shall 430
serve as committee secretary and may vote on actions taken by 431
the committee. Of the thirteen members, five shall be appointed 432

by the governor, four shall be appointed by the president of the 433
senate, and four shall be appointed by the speaker of the house 434
of representatives. 435

(1) Of the members appointed by the governor, one shall 436
represent academia and shall be active in teaching or research 437
in the area of on-site wastewater treatment, one shall be a 438
representative of the public who is not employed by the state or 439
any of its political subdivisions and who does not have a 440
pecuniary interest in sewage treatment systems, one shall be a 441
registered professional engineer employed by the environmental 442
protection agency, one shall be selected from among soil 443
scientists in the division of soil and water conservation in the 444
department of agriculture, and one shall be a representative of 445
a statewide organization representing townships. 446

(2) Of the members appointed by the president of the 447
senate, one shall be a health commissioner who is a member of 448
and recommended by the association of Ohio health commissioners, 449
one shall represent the interests of manufacturers of sewage 450
treatment systems, one shall represent installers and service 451
providers, and one shall be a person with demonstrated 452
experience in the design of sewage treatment systems. 453

(3) Of the members appointed by the speaker of the house 454
of representatives, one shall be a health commissioner who is a 455
member of and recommended by the association of Ohio health 456
commissioners, one shall represent the interests of 457
manufacturers of sewage treatment systems, one shall be an 458
environmental health specialist who is registered under Chapter 459
3776. of the Revised Code and who is a member of the Ohio 460
environmental health association, and one shall be a registered 461
professional engineer with experience in sewage treatment 462

systems. 463

(B) Terms of members appointed to the committee shall be 464
for three years, with each term ending on the same day of the 465
same month as did the term that it succeeds. Each member shall 466
serve from the date of appointment until the end of the term for 467
which the member was appointed. 468

Members may be reappointed. Vacancies shall be filled in 469
the same manner as provided for original appointments. Any 470
member appointed to fill a vacancy occurring prior to the 471
expiration date of the term for which the member was appointed 472
shall hold office for the remainder of that term. A member shall 473
continue to serve after the expiration date of the member's term 474
until the member's successor is appointed or until a period of 475
sixty days has elapsed, whichever occurs first. The applicable 476
appointing authority may remove a member from the committee for 477
failure to attend two consecutive meetings without showing good 478
cause for the absences. 479

(C) The technical advisory committee annually shall select 480
from among its members a chairperson and a vice-chairperson. The 481
secretary shall keep a record of its proceedings. A majority 482
vote of the members of the full committee is necessary to take 483
action on any matter. The committee may adopt bylaws governing 484
its operation, including bylaws that establish the frequency of 485
meetings. 486

(D) Serving as a member of the sewage treatment system 487
technical advisory committee does not constitute holding a 488
public office or position of employment under the laws of this 489
state and does not constitute grounds for removal of public 490
officers or employees from their offices or positions of 491
employment. Members of the committee shall serve without 492

compensation for attending committee meetings. 493

(E) A member of the committee shall not have a conflict of 494
interest with the position. For the purposes of this division, 495
"conflict of interest" means the taking of any action that 496
violates any provision of Chapter 102. or 2921. of the Revised 497
Code. 498

(F) The sewage treatment system technical advisory 499
committee shall do all of the following: 500

(1) Develop with the department of health standards, 501
guidelines, and protocols for approving or disapproving a sewage 502
treatment system or components of a system under section 3718.04 503
of the Revised Code. Any guideline requiring the submission of 504
scientific information or testing data shall specify, in 505
writing, the protocol and format to be used in submitting the 506
information or data. 507

(2) Develop with the department an application form to be 508
submitted to the director by an applicant for approval or 509
disapproval of a sewage treatment system or components of a 510
system and specify the information that must be included with an 511
application form; 512

(3) Make recommendations to the director regarding the 513
approval or disapproval of an application sent to the director 514
under section 3718.04 of the Revised Code requesting approval of 515
a sewage treatment system or components of a system; 516

(4) Pursue and recruit in an active manner the research, 517
development, introduction, and timely approval of innovative and 518
cost-effective sewage treatment systems and components of a 519
system for use in this state, which shall include conducting 520
pilot projects to assess the effectiveness of a system or 521

components of a system. 522

(G) The five members of the committee appointed by the 523
governor shall also hear and decide any appeal of a hearing 524
conducted by a board of health related to the board's decision 525
regarding a sewage treatment system under section 3718.11 of the 526
Revised Code. 527

(H) The chairperson of the committee shall prepare and 528
submit an annual report concerning the activities of the 529
committee to the general assembly not later than ninety days 530
after the end of the calendar year. The report shall discuss the 531
number of applications submitted under section 3718.04 of the 532
Revised Code for the approval of a new sewage treatment system 533
or a component of a system, the number of such systems and 534
components that were approved, any information that the 535
committee considers beneficial to the general assembly, and any 536
other information that the chairperson determines is beneficial 537
to the general assembly. If other members of the committee 538
determine that certain information should be included in the 539
report, they shall submit the information to the chairperson not 540
later than thirty days after the end of the calendar year. 541

~~(H)~~ (I) The department shall provide meeting space for the 542
committee. The committee shall be assisted in its duties by the 543
staff of the department. 544

~~(I)~~ (J) Sections 101.82 to 101.87 of the Revised Code do 545
not apply to the sewage treatment system technical advisory 546
committee. 547

Sec. 3718.06. ~~(A)~~ (A) (1) Except as prohibited under 548
division (A) (2) of this section, a board of health shall 549
establish fees in accordance with section 3709.09 of the Revised 550

Code for the purpose of carrying out its duties under this 551
chapter and rules adopted under it, including fees for 552
installation permits, operation permits, and alteration permits 553
issued by the board. All fees so established and collected by 554
the board shall be deposited in a special fund of the district 555
to be used exclusively by the board in carrying out those 556
duties. 557

(2) A board of health shall not charge a fee under 558
division (A) (1) of this section unless the board conducts a 559
service for the purposes of this chapter and the rules adopted 560
under it. 561

(B) In accordance with Chapter 119. of the Revised Code, 562
the director of health may establish by rule a fee to be 563
collected from applicants for installation permits and 564
alteration permits issued under rules adopted under this 565
chapter. The director of health shall use not more than ninety 566
per cent of the proceeds from that fee for administering and 567
enforcing this chapter and the rules adopted under it by the 568
director. The director shall use not less than ten per cent of 569
the proceeds from that fee to establish a program in cooperation 570
with boards of health to fund installation and evaluation of 571
sewage treatment system new technology pilot projects through 572
grants or other agreements. In the selection of pilot projects, 573
the director shall consult with the sewage treatment system 574
technical advisory committee. A board of health shall collect 575
and transmit the fee to the director pursuant to section 576
3709.092 of the Revised Code. 577

Sec. 3718.11. (A) A property owner may request a hearing 578
with the board of health for any reason described in division 579
~~(A) (18)~~ (A) (17) of section 3718.02 of the Revised Code. A 580

property owner may appeal the results of the hearing to ~~either~~ 581
~~of the following:~~ 582

~~(1) The court of common pleas of the county in which the~~ 583
~~property owner's land is located;~~ 584

~~(2) A sewage treatment system appeals board that is~~ 585
~~established in accordance with this section~~technical advisory 586
committee. 587

(B) A property owner that wishes to appeal to a ~~the~~ sewage 588
treatment system ~~appeals board~~ technical advisory committee 589
shall file the appeal with the ~~board of health~~ director of 590
health in writing within whose jurisdiction the property owner's 591
land is located ten days of receiving written notice of the board 592
of health's decision. Upon receipt of a filing, the ~~board of~~ 593
~~health~~ director shall send the filing of the appeal to the 594
chairperson of the sewage treatment system ~~appeals board~~ for the 595
county in which the board of health has jurisdiction ~~technical~~ 596
advisory committee for a hearing before the members of the 597
committee that are appointed by the governor. 598

~~(C) (1) Not later than ninety days after the effective date~~ 599
~~of this section, a sewage treatment system appeals board shall~~ 600
~~be appointed for each county as follows:~~ 601

~~(a) One member shall be appointed by the health~~ 602
~~commissioner of the general health district having jurisdiction~~ 603
~~in the county.~~ 604

~~(b) One member shall be appointed by the judge of the~~ 605
~~probate court of the county having the longest continuous~~ 606
~~service as a judge of the probate court.~~ 607

~~(c) One member shall be appointed by the director of~~ 608
~~health.~~ 609

~~(2) Terms of appointment to a sewage treatment system appeals board shall be for two years. Members may be reappointed. Vacancies shall be filled in the same manner as provided for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member was appointed shall hold office for the remainder of that term.~~ 610
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~~(3) The person appointed by the judge of the probate court shall serve as chairperson of the board. A majority vote of the members of the board is necessary to take action on any matter. The chairperson of the board shall designate the time and location for a hearing before the board. Members of the board shall serve without compensation.~~ 617
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~~(4) A board of health shall send an appeal that has been filed with the board of health under division (B) of this section to the sewage treatment system appeals board immediately after the appeal has been filed. (C) Not later than forty-five days after a hearing before a the applicable members of the sewage treatment system appeals board technical advisory committee, the ~~board~~ applicable members of that committee shall issue a written decision concerning an ~~the~~ appeal ~~before the board~~.~~ 623
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~~(5) The judge of the probate court who made an appointment to the board under this section shall establish due process procedures to be used by the applicable sewage treatment system appeals board appointed under this section for the purpose of hearing appeals regarding orders and decisions of a board of health. All appeals before the applicable sewage treatment system appeals board shall be conducted in accordance with those procedures. The procedures may include filing fees applicable to~~ 632
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~~appeals conducted by the sewage treatment system appeals board.~~ 640

(D) An appeal before ~~a~~ the applicable members of the 641
sewage treatment system appeals board technical advisory 642
committee is final, and no further appeal may be taken. 643

Sec. 6111.44. (A) Except as otherwise provided in division 644
(B) of this section, in section 6111.14 of the Revised Code, or 645
in rules adopted under division (G) of section 6111.03 of the 646
Revised Code, no municipal corporation, county, public 647
institution, corporation, or officer or employee thereof or 648
other person shall provide or install sewerage or treatment 649
works for sewage, sludge, or sludge materials disposal or 650
treatment or make a change in any sewerage or treatment works 651
until the plans therefor have been submitted to and approved by 652
the director of environmental protection. Sections 6111.44 to 653
6111.46 of the Revised Code apply to sewerage and treatment 654
works of a municipal corporation or part thereof, an 655
unincorporated community, a county sewer district, or other land 656
outside of a municipal corporation or any publicly or privately 657
owned building or group of buildings or place, used for the 658
assemblage, entertainment, recreation, education, correction, 659
hospitalization, housing, or employment of persons. 660

In granting an approval, the director may stipulate 661
modifications, conditions, and rules that the public health and 662
prevention of pollution may require. Any action taken by the 663
director shall be a matter of public record and shall be entered 664
in the director's journal. Each period of thirty days that a 665
violation of this section continues, after a conviction for the 666
violation, constitutes a separate offense. 667

(B) Sections 6111.45 and 6111.46 of the Revised Code and 668
division (A) of this section do not apply to any of the 669

following: 670

(1) Sewerage or treatment works for sewage installed or to 671
be installed for the use of a private residence or dwelling; 672

(2) Sewerage systems, treatment works, or disposal systems 673
for storm water from an animal feeding facility or manure, as 674
"animal feeding facility" and "manure" are defined in section 675
903.01 of the Revised Code; 676

(3) Residual farm products and manure treatment or 677
disposal works and related management and conservation practices 678
that are subject to rules adopted under division (E) (1) of 679
section 939.02 of the Revised Code. As used in division (B) (3) 680
of this section, "residual farm products" and "manure" have the 681
same meanings as in section 939.01 of the Revised Code. 682

(4) Sewerage or treatment works for the on-lot disposal or 683
treatment of sewage from a small flow on-site sewage treatment 684
system, as defined in section 3718.01 of the Revised Code, if 685
the board of health of a city or general health district has 686
notified the director of health and the director of 687
environmental protection under section 3718.021 of the Revised 688
Code that the board has chosen to regulate the system, provided 689
that the board remains in compliance with the rules adopted 690
under division ~~(A) (13)~~ (A) (12) of section 3718.02 of the Revised 691
Code. 692

The exclusions established in divisions (B) (2) and (3) of 693
this section do not apply to the construction or installation of 694
disposal systems, as defined in section 6111.01 of the Revised 695
Code, that are located at an animal feeding facility and that 696
store, treat, or discharge wastewaters that do not include storm 697
water or manure or that discharge to a publicly owned treatment 698

works. 699

Sec. 6111.441. In addition to the exemption established 700
under division (B) (4) of section 6111.44 of the Revised Code, 701
sewerage or treatment works for the on-lot disposal or treatment 702
of sewage from a small flow on-site sewage treatment system, as 703
defined in section 3718.01 of the Revised Code, concerning which 704
the board of health of a city or general health district has 705
notified the director of health and the director of 706
environmental protection under section 3718.021 of the Revised 707
Code that the board has chosen to regulate the system are exempt 708
from the administrative and permitting requirements established 709
in this chapter and rules adopted under it and the fees 710
established under section 3745.11 of the Revised Code, provided 711
that the board remains in compliance with the rules adopted 712
under division ~~(A) (13)~~ (A) (12) of section 3718.02 of the Revised 713
Code. 714

Section 2. That existing sections 3701.83, 3718.02, 715
3718.021, 3718.03, 3718.06, 3718.11, 6111.44, and 6111.441 of 716
the Revised Code are hereby repealed. 717