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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 692  
136<sup>th</sup> General Assembly

## Bill Analysis

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**Version:** As Introduced

**Primary Sponsor:** Reps. Pizzulli and John

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### SUMMARY

- Eliminates certain requirements governing the inspection of a sewage treatment system ("STS"), including mandatory initial and annual inspections.
- Prohibits the Department of Health rules from requiring a board of health to conduct a soil evaluation at the site of a proposed STS unless the board has a good-faith reason to conduct a soil evaluation that is in the interest of public health and safety.
- Prohibits a board of health from imposing certain requirements or prohibitions on an owner of a household sewage treatment system ("HSTS") regarding the HSTS's installation and design.

### DETAILED ANALYSIS

#### Sewage treatment systems

##### Overview

Under current law, the Director of Health must adopt rules of general application throughout Ohio to administer the law governing sewage treatment systems. A sewage treatment system ("STS") is a household sewage treatment system ("HSTS"), a small flow on-site sewage treatment system, or both, as applicable.<sup>1</sup> An HSTS is any sewage treatment system, or part of such a system, that receives sewage from a single-family, two-family, or three-family dwelling (e.g., a septic system).<sup>2</sup> Generally, the rules require local boards of health, within their respective jurisdictions, to administer and enforce the STS laws. This authority includes approving system installation, establishing system operation requirements, approving system alterations,

<sup>1</sup> Ohio Administrative Code (O.A.C.) 3701-29-01 (QQQQ).

<sup>2</sup> R.C. 3718.01(F), not in the bill.

and conducting ongoing system inspection and maintenance. The bill limits a board of health's authority to conduct regular inspections and to prohibit HSTS installation in certain locations, as discussed below.

### **STS inspections**

The bill eliminates current law requirements that a board of health conduct an initial inspection within one year of an STS's installation and certify that inspection to the Director within 60 days of performing the inspection. Furthermore, it prohibits a board of health from conducting any of the following types of inspections:

1. A mandatory annual inspection of an STS;
2. An STS inspection conducted without probable cause that the system is endangering or threatening to endanger public health; and
3. An STS inspection conducted without a good-faith complaint regarding the system.<sup>3</sup>

### **Maintenance in lieu of inspection**

As a result of eliminating mandatory regular STS inspections, the bill also eliminates the requirement that a board of health allow a property owner to demonstrate the system's maintenance in lieu of inspection.

Under current law, the Director's rules must require a board of health to develop a program for the administration of STS maintenance requirements. Current law also requires the rules to include requirements and procedures under which a property owner may demonstrate the system's maintenance in lieu of having a required inspection conducted. A board of health must provide written notice to the property owner if the owner fails to properly demonstrate the required maintenance. The notice must state that the board may conduct a system inspection and the property owner must pay the reasonable costs of that inspection.

The bill retains the requirement that a board of health develop a maintenance program but removes any requirement that a board must adopt corresponding inspection or maintenance in lieu of inspection requirements. It also removes the authorization that a board conduct an inspection if it does not receive proof of required maintenance. However, a board may still conduct an inspection if it receives a good-faith complaint regarding an STS or if there is probable cause to conduct the inspection.<sup>4</sup>

### **Soil evaluations**

Current law requires a board of health to conduct a site evaluation, which includes a soil evaluation, prior to a homeowner installing a new or replacement STS and prior to altering an existing STS.<sup>5</sup>

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<sup>3</sup> R.C. 3718.02(A)(6) and (C)(1); conforming changes in R.C. 3718.021, 3718.11, 6111.44, and 6111.441.

<sup>4</sup> R.C. 3718.02(A)(6).

<sup>5</sup> R.C. 3718.02(A)(2) and O.A.C. 3701-29-07 and 3701-29-09.

The bill retains the site evaluation requirement, but prohibits the rules from requiring a board of health to conduct a soil evaluation at the site of a proposed STS, unless the board has a good-faith reason to conduct a soil evaluation that is in the interest of public health and safety. However, a property owner may request a soil evaluation prior to the installation of a new system.<sup>6</sup>

### **HSTS installation and design**

The bill also prohibits a board of health from doing any of the following regarding the installation and design of an HSTS:

1. Prohibiting an HSTS from being installed on a slope so long as effluent is designed to leach downhill in a manner that protects public health and safety;
2. Requiring a new design approval, site drawing, or new permit for an HSTS that is being replaced if there are no proposed substantive changes to the original system; and
3. Requiring an HSTS to be installed in an undisturbed area, provided the soil meets basic functionality requirements as determined by the board.<sup>7</sup>

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## **HISTORY**

Action	Date
Introduced	02-10-2026

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<sup>6</sup> R.C. 3718.02(A)(2).

<sup>7</sup> R.C. 3718.02(C)(2) to (4).