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**Representatives Pizzulli, John**

**Cosponsors: Representatives Deeter, Salvo, Robb Blasdel, Young, Williams, Bird, Thomas, D., Hall, T., Daniels, Fischer, Moore, Ritter, Schmidt, Stewart, Brennan, Dovilla, Gross, Hiner, Lorenz, Mathews, A., Mathews, T., McClain, Miller, K., Peterson, Sigrist, Stephens**

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To amend sections 3701.83, 3718.02, 3718.021, 1  
3718.03, 3718.06, 3718.11, 6111.44, and 6111.441 2  
of the Revised Code to make changes to the law 3  
governing household sewage treatment systems. 4

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

**Section 1.** That sections 3701.83, 3718.02, 3718.021, 5  
3718.03, 3718.06, 3718.11, 6111.44, and 6111.441 of the Revised 6  
Code be amended to read as follows: 7

**Sec. 3701.83.** There is hereby created in the state 8  
treasury the general operations fund. Moneys in the fund shall 9  
be used for the purposes specified in sections 3701.04, 10  
3701.344, 3711.16, 3717.45, 3718.02, 3718.06, 3721.02, 3721.022, 11  
3729.07, 3733.43, 3748.04, 3748.05, 3748.07, 3748.12, 3748.13, 12  
3749.04, 3749.07, 3776.08, and 4769.09 of the Revised Code. 13

**Sec. 3718.02.** (A) ~~The~~ Subject to division (C) of this 14  
section, the director of health, in accordance with Chapter 119. 15  
of the Revised Code, shall adopt, and subsequently may amend and 16  
rescind, rules of general application throughout the state to 17

administer this chapter. Rules adopted under division (A) of 18  
this section shall do at least all of the following: 19

(1) Require that the appropriate board of health approve 20  
or disapprove the installation, operation, and alteration of a 21  
sewage treatment system if it is not connected to a sanitary 22  
sewerage system; 23

~~(2)~~(2) (a) Require a board of health, or other person as 24  
established by rule, to conduct a site evaluation for any 25  
proposed installation of a sewage treatment system, which shall 26  
include a soil evaluation for any sewage treatment system used 27  
as the primary system on a property. 28

(b) Except as provided in division (A) (2) (c) of this 29  
section, the rules shall not require a soil evaluation for a 30  
replacement area or a newly created lot. If a soil evaluation is 31  
not conducted, a board of health may provide a notification 32  
statement to the applicable property owner, in accordance with 33  
division (D) of this section, stating a soil evaluation was not 34  
conducted during the review of the newly created lot. 35

(c) The rules may authorize a board of health to conduct a 36  
soil evaluation on a newly created lot when limitations exist at 37  
the location that may prevent a sewage treatment system from 38  
being installed on the lot. 39

(d) The rules shall require a developer or property owner 40  
of a newly created lot to provide a written notice to any 41  
prospective purchaser of that lot stating that a soil evaluation 42  
was not conducted and that soil conditions may limit or prevent 43  
the installation of a sewage treatment system on that lot if 44  
either of the following apply: 45

(i) The local board of health determined that a soil 46

evaluation was not required for that lot. 47

(ii) The local board of health was not notified when the lot was split or created. 48  
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(e) The rules shall authorize a board of health to require a soil evaluation if a household sewage treatment system is proposed to be installed in a disturbed area that lacks any in-situ soil in order to determine if a household sewage treatment system can be installed in the area. 50  
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(f) The rules shall require the director of health to provide annual soil evaluation training for local health departments. Such training may be conducted electronically. 55  
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(3) Prescribe standards for the siting, design, installation, operation, monitoring, maintenance, and abandonment of sewage treatment systems that may be used in this state and for the progressive or incremental alteration or repair of an existing sewage treatment system or the progressive or incremental installation of a new system to replace an existing sewage treatment system. The rules shall be adopted so as to establish a preference for the repair of an existing sewage treatment system, when technically and economically feasible, rather than its replacement with a new system. The standards shall include at a minimum all of the following: 58  
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(a) Soil absorption specifications and vertical separation distances. 69  
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(i) Soil absorption specifications established in rules shall include standards regarding the sizing of sewage treatment systems in use in the state. 71  
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(ii) In establishing soil absorption specifications and vertical separation distances, the rules shall identify those 74  
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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 108  
health or a portion thereof. If, under the rules, the director 109  
of health approves a greater vertical separation distance, a 110  
board of health still may approve a reduction of that vertical 111  
separation distance for an individual sewage treatment system 112  
pursuant to rules adopted under division (A) (3) (a) (iii) of this 113  
section. Further, if, under the rules, the director approves a 114  
greater vertical separation distance, a person who is denied 115  
permission by a board of health to install or replace a sewage 116  
treatment system as a result of the director's approval may 117  
request a hearing in accordance with section 3718.11 of the 118  
Revised Code. 119

(b) Specifications for the quality of treated sewage 120  
effluent from household sewage treatment systems that is applied 121  
to soil on the property where a household sewage treatment 122  
system is located. The specifications established in the rules 123  
for the quality of effluent from discharging systems shall 124  
comply with discharge requirements imposed by the national 125  
pollutant discharge elimination system permit program 126  
established under section 6111.03 of the Revised Code and rules 127  
adopted under it. 128

(c) Requirements for the reasonable maintenance of a 129  
system according to maintenance requirements approved by the 130  
director of health as recommended by the sewage treatment system 131  
technical advisory committee or according to accepted standards 132  
and practices established in rules, as applicable. The 133  
requirements may include standards for service contracts or 134  
other arrangements that assure regular maintenance and upkeep of 135  
the system. In determining the reasonableness of a maintenance 136

requirement, the director shall consider a manufacturer's 137  
maintenance requirements as well as all other maintenance 138  
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

<del>(16)</del> <u>(15)</u> 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
<del>(17)</del> <u>(16)</u> 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
<del>(18)</del> <u>(17)</u> 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 <del>(A)</del> <u>(A)</u> <del>(18)</del> <u>(17)</u> of this section.	311
<del>(19)</del> <u>(18)</u> Prescribe standards for the regulation of gray	312
water recycling systems;	313
<del>(20)</del> <u>(19)</u> 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 or rules adopted under it.	345 346
(b) The proposed rule is authorized by division (B) of this section.	347 348
(c) The proposed rule is no less stringent than rules adopted by the director.	349 350
(d) Unless otherwise authorized by this chapter or rules adopted under it, the proposed rule does not require design changes to a sewage treatment system, or component thereof, that differ from a design authorized in rules adopted under division (A) of this section, including rules adopted under division (A) (1) or (A) (3) (a) (iii) or (iv) of this section, or approved by the director under section 3718.04 of the Revised Code.	351 352 353 354 355 356 357
(e) The proposed rule does not require operation or maintenance procedures for a sewage treatment system that conflict with operation or maintenance procedures authorized in rules adopted under division (A) of this section, including rules adopted under division (A) (1) or (A) (3) (a) (iii) or (iv) of this section, or approved by the director under section 3718.04 of the Revised Code.	358 359 360 361 362 363 364
(4) If a board of health fails to submit a proposed rule to the director or fails to demonstrate that the board has considered the economic impact of the proposed rule, the rule shall have no force or effect and is not enforceable.	365 366 367 368
<u>(C) (1) Notwithstanding any provision of law or rules to the contrary, no board of health shall prohibit the installation of a sewage treatment system on a slope so long as the sewage treatment system meets the design criteria prescribed in the</u>	369 370 371 372

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 evaluation is not conducted in accordance 389  
with 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 evaluation 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 chairperson of the committee shall prepare and 523  
submit an annual report concerning the activities of the 524  
committee to the general assembly not later than ninety days 525  
after the end of the calendar year. The report shall discuss the 526  
number of applications submitted under section 3718.04 of the 527  
Revised Code for the approval of a new sewage treatment system 528  
or a component of a system, the number of such systems and 529  
components that were approved, any information that the 530  
committee considers beneficial to the general assembly, and any 531  
other information that the chairperson determines is beneficial 532  
to the general assembly. If other members of the committee 533  
determine that certain information should be included in the 534  
report, they shall submit the information to the chairperson not 535  
later than thirty days after the end of the calendar year. 536

(H) The department shall provide meeting space for the 537  
committee. The committee shall be assisted in its duties by the 538  
staff of the department. 539

(I) Sections 101.82 to 101.87 of the Revised Code do not 540  
apply to the sewage treatment system technical advisory 541  
committee. 542

**Sec. 3718.06.** ~~(A)~~ (A) (1) Except as prohibited under 543  
division (A) (2) of this section, a board of health shall 544  
establish fees in accordance with section 3709.09 of the Revised 545  
Code for the purpose of carrying out its duties under this 546  
chapter and rules adopted under it, including fees for 547  
installation permits, operation permits, and alteration permits 548  
issued by the board. All fees so established and collected by 549  
the board shall be deposited in a special fund of the district 550

to be used exclusively by the board in carrying out those 551  
duties. 552

(2) A board of health shall not charge a fee under 553  
division (A) (1) of this section unless the board conducts a 554  
service for the purposes of this chapter and the rules adopted 555  
under it. 556

(B) In accordance with Chapter 119. of the Revised Code, 557  
the director of health may establish by rule a fee to be 558  
collected from applicants for installation permits and 559  
alteration permits issued under rules adopted under this 560  
chapter. The director of health shall use not more than ninety 561  
per cent of the proceeds from that fee for administering and 562  
enforcing this chapter and the rules adopted under it by the 563  
director. The director shall use not less than ten per cent of 564  
the proceeds from that fee to establish a program in cooperation 565  
with boards of health to fund installation and evaluation of 566  
sewage treatment system new technology pilot projects through 567  
grants or other agreements. In the selection of pilot projects, 568  
the director shall consult with the sewage treatment system 569  
technical advisory committee. A board of health shall collect 570  
and transmit the fee to the director pursuant to section 571  
3709.092 of the Revised Code. 572

**Sec. 3718.11.** (A) A property owner may request a hearing 573  
with the board of health for any reason described in division 574  
~~(A) (18)~~ (A) (17) of section 3718.02 of the Revised Code. A 575  
property owner may appeal the results of the hearing to either 576  
of the following: 577

(1) The court of common pleas of the county in which the 578  
property owner's land is located; 579

(2) A sewage treatment system appeals board that is 580  
established in accordance with this section. 581

(B) A property owner that wishes to appeal to a sewage 582  
treatment system appeals board shall file the appeal with the 583  
board of health within whose jurisdiction the property owner's 584  
land is located. Upon receipt of a filing, the board of health 585  
shall send the filing of the appeal to the chairperson of the 586  
sewage treatment system appeals board for the county in which 587  
the board of health has jurisdiction. 588

(C) (1) Not later than ninety days after ~~the effective date~~ 589  
~~of this section~~ September 17, 2010, a sewage treatment system 590  
appeals board shall be appointed for each county as follows: 591

(a) One member shall be appointed by the health 592  
commissioner of the general health district having jurisdiction 593  
in the county. 594

(b) One member shall be appointed by the judge of the 595  
probate court of the county having the longest continuous 596  
service as a judge of the probate court. 597

(c) One member shall be appointed by the director of 598  
health. 599

(2) Terms of appointment to a sewage treatment system 600  
appeals board shall be for two years. Members may be 601  
reappointed. Vacancies shall be filled in the same manner as 602  
provided for original appointments. Any member appointed to fill 603  
a vacancy occurring prior to the expiration of the term for 604  
which the member was appointed shall hold office for the 605  
remainder of that term. 606

(3) The person appointed by the judge of the probate court 607  
shall serve as chairperson of the board. A majority vote of the 608

members of the board is necessary to take action on any matter. 609  
The chairperson of the board shall designate the time and 610  
location for a hearing before the board. Members of the board 611  
shall serve without compensation. 612

(4) A board of health shall send an appeal that has been 613  
filed with the board of health under division (B) of this 614  
section to the sewage treatment system appeals board immediately 615  
after the appeal has been filed. Not later than forty-five days 616  
after a hearing before a sewage treatment system appeals board, 617  
the board shall issue a written decision concerning an appeal 618  
before the board. 619

(5) The judge of the probate court who made an appointment 620  
to the board under this section shall establish due process 621  
procedures to be used by the applicable sewage treatment system 622  
appeals board appointed under this section for the purpose of 623  
hearing appeals regarding orders and decisions of a board of 624  
health. All appeals before the applicable sewage treatment 625  
system appeals board shall be conducted in accordance with those 626  
procedures. The procedures may include filing fees applicable to 627  
appeals conducted by the sewage treatment system appeals board. 628

(D) An appeal before a sewage treatment system appeals 629  
board is final, and no further appeal may be taken. 630

**Sec. 6111.44.** (A) Except as otherwise provided in division 631  
(B) of this section, in section 6111.14 of the Revised Code, or 632  
in rules adopted under division (G) of section 6111.03 of the 633  
Revised Code, no municipal corporation, county, public 634  
institution, corporation, or officer or employee thereof or 635  
other person shall provide or install sewerage or treatment 636  
works for sewage, sludge, or sludge materials disposal or 637  
treatment or make a change in any sewerage or treatment works 638

until the plans therefor have been submitted to and approved by 639  
the director of environmental protection. Sections 6111.44 to 640  
6111.46 of the Revised Code apply to sewerage and treatment 641  
works of a municipal corporation or part thereof, an 642  
unincorporated community, a county sewer district, or other land 643  
outside of a municipal corporation or any publicly or privately 644  
owned building or group of buildings or place, used for the 645  
assemblage, entertainment, recreation, education, correction, 646  
hospitalization, housing, or employment of persons. 647

In granting an approval, the director may stipulate 648  
modifications, conditions, and rules that the public health and 649  
prevention of pollution may require. Any action taken by the 650  
director shall be a matter of public record and shall be entered 651  
in the director's journal. Each period of thirty days that a 652  
violation of this section continues, after a conviction for the 653  
violation, constitutes a separate offense. 654

(B) Sections 6111.45 and 6111.46 of the Revised Code and 655  
division (A) of this section do not apply to any of the 656  
following: 657

(1) Sewerage or treatment works for sewage installed or to 658  
be installed for the use of a private residence or dwelling; 659

(2) Sewerage systems, treatment works, or disposal systems 660  
for storm water from an animal feeding facility or manure, as 661  
"animal feeding facility" and "manure" are defined in section 662  
903.01 of the Revised Code; 663

(3) Residual farm products and manure treatment or 664  
disposal works and related management and conservation practices 665  
that are subject to rules adopted under division (E) (1) of 666  
section 939.02 of the Revised Code. As used in division (B) (3) 667

of this section, "residual farm products" and "manure" have the 668  
same meanings as in section 939.01 of the Revised Code. 669

(4) Sewerage or treatment works for the on-lot disposal or 670  
treatment of sewage from a small flow on-site sewage treatment 671  
system, as defined in section 3718.01 of the Revised Code, if 672  
the board of health of a city or general health district has 673  
notified the director of health and the director of 674  
environmental protection under section 3718.021 of the Revised 675  
Code that the board has chosen to regulate the system, provided 676  
that the board remains in compliance with the rules adopted 677  
under division ~~(A)(13)~~(A)(12) of section 3718.02 of the Revised 678  
Code. 679

The exclusions established in divisions (B)(2) and (3) of 680  
this section do not apply to the construction or installation of 681  
disposal systems, as defined in section 6111.01 of the Revised 682  
Code, that are located at an animal feeding facility and that 683  
store, treat, or discharge wastewaters that do not include storm 684  
water or manure or that discharge to a publicly owned treatment 685  
works. 686

**Sec. 6111.441.** In addition to the exemption established 687  
under division (B)(4) of section 6111.44 of the Revised Code, 688  
sewerage or treatment works for the on-lot disposal or treatment 689  
of sewage from a small flow on-site sewage treatment system, as 690  
defined in section 3718.01 of the Revised Code, concerning which 691  
the board of health of a city or general health district has 692  
notified the director of health and the director of 693  
environmental protection under section 3718.021 of the Revised 694  
Code that the board has chosen to regulate the system are exempt 695  
from the administrative and permitting requirements established 696  
in this chapter and rules adopted under it and the fees 697

established under section 3745.11 of the Revised Code, provided 698  
that the board remains in compliance with the rules adopted 699  
under division ~~(A) (13)~~ (A) (12) of section 3718.02 of the Revised 700  
Code. 701

**Section 2.** That existing sections 3701.83, 3718.02, 702  
3718.021, 3718.03, 3718.06, 3718.11, 6111.44, and 6111.441 of 703  
the Revised Code are hereby repealed. 704