

"Striving Toward a Healthier Community."

Kirkland Norris, REHS, MPH, Health Commissioner
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RESOLUTION #4-2022

A RESOLUTION TO ADOPT THE ATTACHED PROVISIONS AMENDING THE OPERATION AND MAINTENANCE REGULATIONS FOR SEWAGE TREATMENT SYSTEMS IN ACCORDANCE WITH OHIO ADMINISTRATIVE CODE SECTION 3701-29-19 AND TO ESTABLISH THE VERTICAL SEPARATION DISTANCE TO A SEASONAL WATER TABLE IN ACCORDANCE WITH 3701-29-15.

WHEREAS, Ohio Administrative Code (OAC) Section 3701-29-09 requires operation permits to be issued by the board of health and OAC section 3701-29-19 requires the board of health to develop an Operation and Maintenance program in compliance with ORC Chapter 3718;

WHEREAS, OAC Section 3701-29-19 (B) authorizes a previously established Operation and Maintenance program to continue;

WHEREAS, an Operation and Maintenance program promotes a proactive and preventative approach to managing sewage treatment system performance

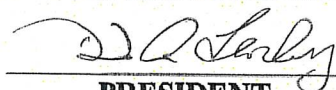
WHEREAS, previously adopted Operation and Maintenance Regulations, Resolution #3-2014, will be superseded by this resolution, and


WHEREAS, OAC Sections 3701-29-15(G) and (H) allow the board of health to establish the vertical separation distance to a seasonal water table in certain circumstances;

BE IT THEREFORE RESOLVED, by the Board of Health of the Stark County Combined General Health District, adopts this measure to be effective on and after February 1, 2023.


ADOPTED: January 11, 2023
By a majority of the members
of the Board of Health of the
Stark County Combined General
Health District.

**STARK COUNTY COMBINED
BOARD OF HEALTH**



PRESIDENT


SECRETARY

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"Striving Toward a Healthier Community."

Sewage Treatment System

Operation and Maintenance Regulations and
Establishment of Vertical Separation Distance to
Seasonal Water

Resolution # 4-2022, Effective February 1, 2023

STARK COUNTY SEWAGE TREATMENT SYSTEM OPERATION AND MAINTENANCE REGULATIONS

1) SCOPE AND AUTHORITY

- a) According to Ohio Administrative Code 3701-29-19, the Board of Health *shall* develop a program for the administration of O&M management for Sewage Treatment Systems (STS) and Gray Water Recycling Systems (GWRS) in compliance with division (A)(7) of section 3718.02 of the Ohio Revised Code (O.R.C.) and Administrative Code (O.A.C.) 3701-29-19. Minimum criteria for the adoption of an O&M Program are outlined in Administrative Code 3701-29-19. The O&M program adopted by the Board of Health of the Stark County Combined General Health District hereby incorporates these minimum criteria by building on its program in existence prior to the effective date of Chapter 3701-29 of the Administrative Code, with consideration given to risk factors, such as: age, complexity, and risks to public health. This program considers similar systems installed both before and after the effective date and deals with them uniformly, when possible.

2) DEFINITIONS

- a) Terms used in this regulation shall have the same meaning specified in Ohio Revised Code 3718 and Ohio Administrative Code 3701-29.

3) SERVICE CONTRACTS REQUIRED FOR CERTAIN SYSTEMS

- a) An owner of an STS utilizing any of the following treatment or dispersal components, singly or in a combination, is required to maintain a contract with a registered service provider or register as a service provider to perform service at his/her own personal residence for the life of the system. This requirement shall apply to all of the following systems irrespective of age or the date of installation.
 - i) A system utilizing a pretreatment component, such as an aerobic treatment unit (A.T.U.) or type 4 graywater system
 - ii) A system utilizing time micro-dosing, such as drip irrigation.
 - iii) A system utilizing surface application of pretreated wastewater, such as spray irrigation.
 - iv) Any other system required to maintain a service contract by law or approval as a Special Device for use in the State of Ohio

4) OPERATION PERMITS

a) General Requirements

- i) No person shall operate a Sewage Treatment System (STS) without an approved and valid operation permit from the Board of Health. The owner or a responsible management entity, when applicable, shall comply with the terms and conditions of the permit and O.R.C. 3718 and O.A.C. 3701-29.
- ii) An operation permit shall be issued upon the approval of an installation, replacement, or alteration of an STS. Additionally, the issuance of an operation permit for existing STSs may be initiated following service or inspection performed by a Registered Service Providers, Board of Health or tank pumping by Registered Septage Hauler.
- iii) An operation permit may be renewed, suspended, or revoked by the Board of Health. In the case of an alteration or replacement, the previous operation permit shall be voided upon approval.

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- iv) An operation permit in existence prior to the effective date of this regulation shall remain valid until superseded.
- b) **Operation Permit Terms**
 - i) **Small Flow On-site Sewage Treatment Systems**
 - (1) Operation permits for Small Flow On-Site Sewage Treatment Systems (SFOSTS) shall be renewed yearly on March 1st, and shall be accompanied by a fee established by the Board of Health. When a service contract is maintained with a registered service provider, and proof of such is provided to the Board of Health, the annual fee shall be waived.
 - ii) **Home Sewage Treatment Systems - Permit Term Length and Renewal**
 - (1) **Type 1 Operation Permit**
 - (a) When a service contract is required for a Home Sewage Treatment System (HSTS) as required by Section (3) (a), the type 1 operation permit term shall be five (5) years.
 - (b) When a service contract is not required for an HSTS, the type 1 operation permit term for an installation, replacement, or alteration after the effective date of this regulation shall be ten (10) years.
 - (c) Type 1 operation permits for an HSTS's renew automatically prior to the expiration date, at no charge, as long as compliance with the operation permit's terms and conditions and applicable regulations are maintained, and proof of compliance has been submitted to the Board of Health.
 - (2) **Type 2 Alternate Operation Permit**
 - (a) When the terms and conditions of a type 1 operation permit have not been fulfilled as described, then a type 2 alternate operation permit may be issued yearly and associated fee assessed as described in paragraph (4)(c) of this rule.
- c) **Type 2 Alternate Operation Permits, Enforcement and Penalties**
 - i) Whosoever fails to obtain an operation permit as required, comply with the terms of a permit and applicable regulations, fails to obtain a contract with a registered service provider, when required, or fails to submit proof of compliance may be subject to a yearly type 2 alternate operation permit and associated alternate operation permit fee established by the Board of Health, as well as inspection by the Board of Health and associated fee. The penalty for late payment of the type 2 alternate operation permit after sixty (60) days shall be 25% of the permit fee established by the Board of Health. If the owner refuses, upon demand, to pay the type 2 alternate operation permit fee(s), late payment fees, or expenses incurred by the Board to inspect, the sum of the fees thereof may be placed as a lien against the real property in accordance with Ohio Revised Code Section 3709.091.
 - 1) A property owner may object to a notice sent to them regarding a lien being placed on their real property within thirty (30) days of receipt of the notice, by delivering a written notice of objection to the health commissioner. Any objection thus submitted shall undergo an administrative review. If any of following are determined, the notice and lien shall be voided:

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- a) It is found that the notice was sent in error.
 - b) The owner's service provider failed to submit their contract lists.
 - c) The structure(s) on the property have been connected to sanitary sewer and the sewage treatment system has been properly abandoned.
 - d) The owner wishes to convert their type 2 permit to a type 1 permit, provided they have done so no more than two times in the past five years.
- 2) If the administrative review finds that the objection does not meet the criteria in (1)(a), (1)(b), (1)(c), or (1)(d) above then civil action will be commenced in accordance with O.R.C. 3709.091 (C).
- ii) If a sewage treatment system is found to be in need of service, malfunctioning, and/or creating a sewage nuisance as defined by O.R.C. 3718.011 the owner will be subject to enforcement action in accordance with O.R.C. 3718 and O.A.C. 3701-29, and may be subject penalties outlined in O.R.C. 3718.99.

5) SERVICE PROVIDER REPORTING & REQUIREMENTS

- a) Each STS or component thereof, requiring a service contract with a registered service provider in section 3, shall be serviced in accordance with O.R.C. 3718, O.A.C. 3701-29, manufacturer's specifications, and the conditions of the operation permit.
 - i) The registered service provider shall report monthly any new or renewed service contracts and the systems that have been routinely serviced within the Health District, on a report form or web-based application approved by the Board of Health.
 - ii) At the time of service, the service provider shall affix an audit sticker, supplied by the Board, to the control panel or other suitable location. The number on the sticker shall be reported on the documentation submitted to the Board of Health.
 - iii) A fee established by the Board shall accompany the monthly report submission per STS with a new or renewed service contract, when the service contract is required by the operation permit. This shall include service agreements issued at the time of a new installation. In the case where the service contract is for a period over one year or less than one year, the total fee submitted shall be the fee established by the Board multiplied by the number of years (or fraction of one year) covered by the contract. The report and fee shall be due no later than fourteen (14) days after the end of the month. No service contract term shall be less than six (6) months (1/2 of a year).
- b) In lieu of a contract with a registered service provider, a property owner may register as a service provider who performs service at his/her own personal residence and shall register yearly in accordance with O.A.C. 3701-29-03. The registrant shall be subject to a registration fee, but shall not be required to present proof of liability coverage or proof of surety coverage. The registrant must submit a record of service activities performed at his/her property at the time of registration on a form approved by the Board of Health.

6) REQUIRED OPERATION INSPECTIONS - STS

- a) Any person proposing to construct or add living space to a dwelling or an appurtenance(s) to a property requiring a building and/or zoning permit, shall have the STS serving the property reviewed and/or inspected by the Board of Health to determine compliance with this Chapter.

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The addition of one-story detached accessory structures, which do not exceed 200 square feet, are except from this requirement.

- i) Application for this review must be made on a form provided by the Board of Health. The property owner or the owner's authorized agent shall submit design plans or a scale drawing to explain the project and to demonstrate that the property contains adequate replacement area that can accommodate an STS. A review fee established by the Board shall accompany the application. The existing STS must be functioning in accordance with O.R.C. 3718 and O.A.C. 3701-29. When the system is not functioning in accordance with law, it must be repaired or an alteration or replacement permit obtained prior to approval to build. Once the STS area and an STS replacement area are identified, portions of the property outside this designated area may be considered for further development.
 - ii) If the project increases the potential occupancy of the dwelling, the Board of Health may require expansion of the STS or installation of a replacement STS to accommodate the potential increase in wastewater flow. Once the Board has determined that the project is in compliance with this rule, a zoning and/or building permit release approval will be issued.
 - iii) Replacement areas shall not to be cut, filled, or compacted.
- b) Prior to a property transfer, a property served by an STS within the Health District shall be inspected by the Board of Health or a registered service provider to determine compliance with O.R.C. 3718 and O.A.C. 3701-29. The inspection shall be conducted in accordance with the sewage treatment system property transfer inspection guidelines provided by the Board of Health.
- i) When a system is inspected by a service provider, a report on an approved form shall be submitted for review to the Board of Health, within three (3) business days of inspection. A fee established by the Board of Health shall be paid for each report reviewed within thirty (30) days. Inspections will not be reviewed for those Service Providers whose invoice(s) are in excess of 90 days overdue.
 - ii) When a transferor fails to have an inspection conducted prior to transfer, the Board of Health may require the transferee to have a post-transfer inspection completed. If the inspection is conducted by the Board of Health the transferee shall pay the cost of the inspection. Failure to do so will result in collection of inspection fees under O.R.C 3709.091.
 - iii) If it is determined that sanitary sewer is available to a property at the time of inspection, the property shall be connected to the sanitary sewer within sixty (60) days of the property transfer. The inspection may be waived.
 - iv) An inspection may be postponed when the structure has been vacant for thirty (30) days or more due to the difficulty in accurately assessing the STS. When the inspection is to be postponed, the buyer and seller must notify the Board of their intention prior to the transfer on a form approved by the Board. The transferee shall then be responsible to ensure that the inspection is conducted within 120 days of occupancy of the structure. A fee established by Board shall be charged for the review of a waiver due to vacancy.
 - v) The following are exempt from the requirements in section (6)(b) above:

STARK COUNTY SEWAGE TREATMENT SYSTEM OPERATION AND MAINTENANCE REGULATIONS

- (1) All transfers and partitions of real property under order of a court of competent jurisdiction, including but not limited to: foreclosure sales, probate property sales, and divorce decrees.
 - (2) Transfers from a sole owner to a survivorship when transferor is also one of the survivor transferees, and where no valuable consideration is paid at the time of the transfer.
 - (3) Transfers from a survivorship instrument/joint tenancy to one or both of the survivors so long as a non-party transferee is not added to the deed, and so long as no valuable consideration is paid at the time of the transfer.
 - (4) Transfers to one or more of the beneficiaries on a Transfer on Death (T.O.D.) deed, and so long as no valuable consideration is paid at the time of transfer.
 - (5) Transfers to a trust, when the transferor is the beneficiary of that trust, and so long as no valuable consideration is paid at the time of the transfer.
 - (6) Transfers from a trust to the remaining beneficiaries, when requirements in paragraph "5" are met, and so long as no valuable consideration is paid at the time of the transfer.
 - (7) Transfers by and between spouses, as a result of death of one spouse or otherwise, from or to a survivorship or a tenancy in common, where the spouses are the only parties to the instrument, and so long as no valuable consideration is paid at the time of the transfer.
 - (8) Transfers from a parent to a child or grandchild, where the parent reserves a life estate, and so long as no valuable consideration is paid at the time of the transfer.
 - (9) Transfers made for corrective purposes, so long as the transfer inspection was completed before the time of the original transfer, or original transfer was exempt by virtue of these exemptions, or if the transfer inspections were not mandated at the time of the original transfer.
- c) An operation inspection shall be conducted prior to the subdivision of a property with an existing structure served by an STS in accordance with the Subdivision Regulations adopted by the Stark County Regional Planning Commission. Application for this review must be made on a form approved by the Board of Health. A review fee established by the Board shall accompany the application.
 - d) All SFOSTS's that are not under contract with a registered service provider shall be inspected by the Board of Health at least once every three years to determine compliance with O.R.C. 3718 and O.A.C. 3701-29.

7) TANK PUMPING

Pumping reminders shall be sent to property owners whose tank pumping frequency is less than once every five (5) years. Septage haulers shall submit the state-wide Septage Pumping Report Form within sixty (60) days of activity in accordance with OAC 3701-19-C(1). Gallonage fees established in accordance with OAC 3701-29-05-D (17) within 30 days of invoice date for septage pumped within the health district.

8) OTHER PROVISIONS, BOARD AUTHORITY

- a) No provision of this regulation shall preclude the Board of Health from conducting compliance or verification inspections for the purpose of oversight of installers, service providers, or septage haulers.

STARK COUNTY SEWAGE TREATMENT SYSTEM OPERATION AND MAINTENANCE REGULATIONS

- b) No provision of this regulation shall preclude the Board of Health from carrying out its statutory authority to abate public health nuisances in accordance with 3707 and 3709 of the Ohio Revised Code.

9) ESTABLISHMENT OF VERTICAL SEPARATION DISTANCE TO A SEASONAL WATER TABLE

- a) Except for paragraphs (E), (F) and (H) of OAC 3701-29-15, the vertical separation distance to a seasonal water table shall be twelve (12) inches, with a minimum thickness of in situ soil within the infiltrative distance of twelve (12) inches when septic tank effluent is discharged to the soil absorption component.
- b) A minimum vertical separation distance of six (6) inches and a minimum in situ soil thickness within the vertical separation distance of six (6) inches may be used where the seasonal water table is present and the sewage effluent is pretreated to less than one thousand fecal coliform CFU per one hundred milliliters.