

Board of Health, 3rd Reading, July 18, 2023
Henry County Health Department

**Supplement to the Ohio Department of Health
Sewage Treatment System Rules
Ohio Administrative Code Chapter 3701-29**



Effective: August 1, 2023

Table of Contents

	Page
Section 1 – Definitions	3
Section 2 – General Authority	3
Section 3 – Penalties	3
Section 4 – Registration of installers, service providers, and septage haulers	3
Section 5 – General soil absorption standards	4
Section 6 – HSTS operation & maintenance (O&M) and system owner education	4
Section 7 – Septage and sewage management	5
Section 8 – HSTS abandonment	5
Section 9 – Establishment of Fees	5
Section 10 – Establishment of operation permit terms and conditions	5
Section 11 – Implementing Operation Permits	6
Appendix A – Operation Permit Terms and Conditions	7-8

As used in this regulation:

HSTS = Household Sewage Treatment System

GWRS = Gray Water Recycling System

NPDES = National Pollutant Discharge Elimination System

Board of Health = Henry County Board of Health

Section 1 – Definitions

Definitions reflect those set forth and identified in 3701-29-01 of the Ohio Administrative Code.

For purposes of this regulation, in addition to the definition specified in 3701-29-01 as stated above, “septic tank(s)” as used in this regulation, includes, but is not limited to, any septic tank, dosing tank, lift station, vault, or other receptacle that holds or distributes sewage and/or effluent.

Section 2 – General Authority

The Board of Health of the Henry County Health Department is granted authority under section 3709.21 of the Ohio Revised Code to make such orders and regulations as are necessary for the public health, the prevention or restriction of disease, and the prevention, abatement, or suppression of nuisances.

Section 3 – Penalties

This regulation shall be enforced in accordance with Chapter 3709 of the Ohio Revised Code. A violation of this regulation is punishable in accordance with section 3709.99 of the Ohio Revised Code.

Section 4 - Registration of installers, service providers, and septage haulers

- A. In reference to 3701-29-03 (G) of the Ohio Administrative Code, when the registered service provider performs the duties of a service provider on only the registrant’s personal residence, the service provider shall be exempt from paragraphs (C)(4), and (C)(6) of the rule. Whereas the Board of Health has the authority to waive (C)(1) and (C)(5) of the rule, The Board of Health does hereby determine that it shall waive paragraphs (C)(1) and (C)(5) of the rule
 - 1. The Board of Health further requires that before granting permission to a homeowner to register as a service provider for their own personal residence, the homeowner must successfully complete a Certification Training provided by the manufacturer and/or other training specified by the Board of Health.
- B. In reference to 3701-29-03 (H) of the Ohio Administrative Code, when the registered installer performs the duties of an installer on only the registrant’s personal residence, the Board of Health may waive (C)(1), (C)(4), and (C)(6) of the rule. The Board of Health does hereby determine that it shall waive paragraphs (C)(1), (C)(4), and (C)(6) of the rule.

Section 5 – General soil absorption standards

- A. In reference to 3701-29-15 (G) of the Ohio Administrative Code, whereas the Board of Health may establish a vertical separation distance no less than six (6) inches and no greater than eighteen (18) inches, with a required minimum thickness of in situ soil within the infiltrative distance of no less than six (6) inches, the Board of Health does hereby establish a vertical separation distance of six (6) inches, with a required minimum thickness of in situ soil of six (6) inches.
- B. In reference to 3701-29-15 (H) of the Ohio Administrative Code, whereas the Board of Health may establish the required minimum vertical separation distance of greater than zero (0) inches and less than six (6) inches, and the required minimum in situ soil thickness within the vertical separation distance of greater than zero (0) inches and less than six (6) inches 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, the Board of Health shall recognize these requirements, and allow a Household Sewage Treatment System (HSTS) or Gray Water Recycling System (GWRS) to be permitted in these conditions.

Section 6 - HSTS operation & maintenance (O&M) and system owner education

- A. In reference to 3701-29-19 (A) of the Ohio Administrative Code, the Board of Health shall develop a program for the administration of operation & maintenance management for HSTS and GWRS and owner education in compliance with division (A)(7) of section 3718.02 of the Revised Code and this chapter, the Board of Health does hereby establish the following provisions:
 - 1. An Implementation Schedule with a phased approach to enroll existing HSTS and GWRS into the Operation and Maintenance Program (O&M Program) has been developed and can be found in Section 11 of these rules. The Board of Health has sought the input of interested stakeholders in developing this schedule.
 - 2. The O&M program shall include HSTS and GWRS owner education for all HSTS and GWRS installed or altered after the effective date of this regulation. Additionally, educational material and courses will be developed or distributed to owners of existing HSTS and GWRS.
 - 3. All HSTS that have been issued coverage under the general NPDES permit after January 1, 2007 shall be included in the O&M program.
- B. In reference to 3701-29-19 (E)(1) of the Ohio Administrative Code, whereas the Board of Health may permit a registered service provider to collect effluent samples for National Pollutant Discharge Elimination System, the Board of Health does hereby allow a Registered service provider to collect effluent samples for the purpose of monitoring as required by the HSTS general permit.

Section 7 - Septage and sewage management

- A. In reference to 3701-29-20 (A) of the Ohio Administrative Code, whereas the Board of Health may adopt rules prohibiting, restricting, or limiting the land application of septage within its jurisdiction, the Board of Health does hereby prohibit the land application of septage within its jurisdiction.

Section 8 - HSTS abandonment

- A. In reference to 3701-29-21(E) of the Ohio Administrative Code, whereas the Board of Health may require a permit for abandonment of a Sewage Treatment System and establish a permit fee in accordance with paragraph (D)(12) of rule 3701-29-05 of the Administrative Code, the Board of Health does hereby determine that an abandonment permit shall be required.
 - 1. No person shall abandon a sewage treatment system without an approved and valid abandonment permit issued by the Board of Health.
 - 2. All terms, conditions, and procedures for abandonment specified in section 3701-29-21 of the Ohio Administrative Code shall be enforced.
 - 3. An approved abandonment permit issued by the Board of Health shall be valid for one year from the date of issuance or until the abandonment is completed and approved by the Board of Health within the one-year period.

Section 9 – Establishment of Fees

- A. Boards of Health shall establish fees in accordance with 3709.09 of the Ohio Revised Code. The Board of Health does hereby establish the fees as listed on the current Environmental Fee schedule.

Section 10 – Establishment of operation permit terms and conditions

- A. In reference to 3701-29-09(I)(2) of the Ohio Administrative Code (OAC), the Board of Health shall specify any terms and conditions of the operation permit consistent with this chapter governing the operation, maintenance, and abandonment of any HSTS.
- B. Operation Permit terms and conditions are specified in Appendix A of this regulation.

Section 11 – Implementing Operation Permits

- A. The townships in Henry County will be divided into five (5) groups, each containing approximately the same number of Household Sewage Treatment Systems.

Group 1		Group 2	
Township	Estimated # of HSTS	Township	Estimated # of HSTS
Damascus	424	Freedom	354
Flatrock	396	Harrison	410
Bartlow	247	Marion	280
Total	1067	Total	1044

Group 3		Group 4	
Township	Estimated # of HSTS	Township	Estimated # of HSTS
Washington	699	Napoleon	554
Ridgeville	293	Liberty	477
Total	992	Total	1031

Group 5	
Township	Estimated # of HSTS
Pleasant	410
Richfield	255
Monroe	370
Total	1035

- B. HSTS and GWRS owners will be required to pay a fee and apply for an Operation Permit. Application or payments received or postmarked after the due date shall be assessed a penalty of 25% of the applicable fee as required by Revised Code 3709.09. Each township group will be phased in during the following years

Group	Years
1	2023-2024
2	2024-2025
3	2025-2026
4	2026-2027
5	2027-2028

- C. No Credit shall be given for an HSTS or GWRS that is abandoned prior to the Operation Permit expiration.

Appendix A

Henry County Health Department Operation Permit Terms and Conditions

- A. All HSTS shall be maintained, operated, and monitored per manufacturer and/or HCHD instructions and to not cause a public health nuisance.
- B. Each owner of an HSTS or GWRS in Henry County shall obtain and maintain an Operation Permit from the Board of Health.
 - 1. Owners must apply for Operation Permits upon notification from the Board of Health.
 - 2. Owners shall comply with conditions listed on the Operation Permit
 - 3. Operation permits shall be renewed prior to expiration.
 - 4. Operation permits shall be in effect upon Board of Health approval of the installation, replacement, or alteration of a HSTS.
- C. Operation Permits issued are valid for five years.
- D. Each owner of a HSTS or GWRS shall provide proof to the Board of Health that the HSTS or GWRS has been inspected or serviced and maintained by a Registered Service Provider and/or pumped by a Registered Septage Hauler within each five-year operational period. Records of any inspection or service and maintenance shall be submitted to the Henry County Health Department on forms approved by the Board of Health or the Ohio Department of Health within sixty (60) days of any such inspection or service and maintenance or pumping.
- E. The Board of Health shall inspect the system under the following circumstances:
 - 1. Any owner fails to obtain or maintain an Operation Permit
 - 2. Any owner fails to provide evidence of inspection or service and maintenance. The board shall bill the owner for the inspection for a fee adopted by the board. The board will issue a notice to the owner regarding any required maintenance or repair.
 - 3. Any good-faith report of a public health nuisance created by a HSTS or GWRS.

- F. An operation permit shall require a service contract for any HSTS subject to an NPDES permit or when required as a condition of a HSTS component or system approval granted by the director of health. If an HSTS is required to obtain an NPDES general discharge permit per Ohio Revised Code 611, the owner must do all the following:
1. Maintain a service contract with a Registered Service Provider or become a Registered Service Provider.
 2. Provide proof to the Board of Health that maintenance is being completed according to the manufacturer's specifications.
 3. Provide the Board of Health copies of the lab reports documenting annual effluent tests.
 4. Operate and maintain the system in accordance with the terms and conditions of the NPDES permit.
- G. If more than one HSTS or GWRS exists on a parcel or at an address, the property owner will be responsible for obtaining Operation Permits for each system.
- H. If a HSTS or GWRS has a tank located on a parcel separate from the structure that it serves, the owner of the parcel on which the tank is located shall be responsible for obtaining the Operation Permit.
- I. Failure of the Board of Health to contact the owner of a HSTS or GWRS does not negate the owner's obligation to obtain an operation permit.
- J. Permit fees are not refundable.
- K. The Board of Health may suspend or revoke the operation permit for failure to comply with this rule supplement or any other rule(s) in Chapter 3701-29 of the Ohio Administrative Code. Failure to comply with the written inspection/service report submission by the expiration date will result in staff of Henry County Health Department performing a maintenance inspection and applicable fees will be assessed.