



**CARROLL COUNTY  
GENERAL HEALTH DISTRICT**  
Healthy People — Safe Communities

## **RESOLUTION 22-090**

### **A RESOLUTION TO ESTABLISH THE OPERATION AND MAINTENANCE REGULATIONS PER CHAPTER 3701-29-19 STS: OPERATION AND MAINTENANCE MANAGEMENT, AND SYSTEM OWNER EDUCATION, OF THE OHIO ADMINISTRATIVE CODE.**

WHEREAS, the board of health shall of the Carroll County General Health District (CCGHD) shall develop a program for the administration of operation and maintenance (O&M) management for sewage treatment systems (STS) and gray water recycling systems (GWRS), and system owner education;

WHEREAS, boards of health shall work with interested stakeholders to develop a timeline and process for phasing in O&M management for prior installed systems and should consider risk factors such as system age, complexity and risks to public health when establishing the criteria and process for phasing in prior installed systems;

WHEREAS, Ohio Administrative Code Section (OAC) 3701-29 and Ohio Revised Code (ORC) 3709.09, allow for the establishment of fees and regulations for the purpose of administering and enforcing the requirements of OAC Chapter 3701-29;

WHEREAS, OAC Section 3701-29-05 sets forth the types of services and functions for which a fee may be charged and prescribes the use of the cost methodology procedure outlined in OAC Section 3701-36-14;

WHEREAS, this authorization allows the Health Commissioner to revise, or adopt the procedures for implementing the regulations;

### **OPERATION & MAINTENANCE REGULATIONS**

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The Ohio Administrative Code (OAC) 3701-29-19 (A) requires the Board of Health to develop a program for the administration of O&M management for STS, and GWRS, and system owner education in compliance with division (A)(7) of section [3718.02](#) of the Revised Code. The OAC 3701-29-06 (E)(5) prohibits sewage or effluent from being discharged to a dry well or cesspool. Therefore, operation permits with expiration dates must be determined for STS utilizing dry wells or cesspools in Carroll County.

The O&M program adopted by the Board of Health of the CCGHD hereby incorporates the minimum requirements by law by incorporating the O&M regulations with its current point of sale program in existence prior to the effective date of OAC Chapter 3701-29 Household Sewage Disposal Systems. The regulations will consider risk factors, such as: age, complexity, and risks to public health. This program applies to all STS and GWRS similar systems installed both before and after the effective date and deals with them uniformly, when possible.

The terms used in this policy shall have the same meaning specified in Ohio Revised Code (ORC) Chapter 3718 Sewage Treatment Systems and OAC 3701-29 Household Sewage Disposal Systems. See Appendix A List of Definitions.

#### A. SERVICE CONTRACTS

Service contracts shall be required by an owner of an STS utilizing any of the following treatment or dispersal components, singly or in a combination, and 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 the following systems irrespective of age or the date of installation.

- a. Systems installed utilizing a pretreatment component, such as an aerobic treatment unit (A.T.U.) or type 4 graywater system.
- b. A system utilizing time micro-dosing, such as drip irrigation.
- c. A system utilizing surface application of pretreated wastewater, such as spray irrigation.
- d. Any other system required to maintain a service contract by law or approval as a Special Device for use in the State of Ohio

#### B. OPERATION PERMITS

No person shall operate a STS without an approved and valid operation permit from the Board of Health. The property owner or a responsible management entity, when applicable, shall comply with the terms and conditions of the permit and ORC 3718 and OAC 3701-29.

- a. An operation permit shall be in effect upon the approval of an installation, replacement, or alteration of an STS. 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.
- b. Change in the property owner will require a new operation permit. Operation permits are not transferrable on a property sale.
- c. An operation permit in existence prior to the effective date of this regulation shall remain valid until superseded, based on provision (a).
- d. When required by an Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) permit, the property owner shall ensure that water samples are collected from the off-lot discharge STS in accordance with law and proper sampling guidelines and tested by an accredited laboratory to determine compliance with any applicable NPDES standards, as a condition of the operation permit. Copies of sample results shall be submitted to the Board of Health at the sampling frequency determined in the EPA permit. Samples may be collected by a registered service provider, approved laboratory, or an Environmental Health Specialist of the CCGHD.
- e. A STS that currently has a dry well or cesspool that is not creating a public health nuisance will be given an operation permit that will expire ten (10) years from the date the operation permit is issued. Once the permit expires the STS shall be replaced with an approved STS through the CCGHD.
- f. Permits may not be issued for any work on an existing dry well or cesspool STS creating a public health nuisance.

#### C. SERVICE PROVIDER REQUIREMENTS

- a. Each STS or component thereof, requiring a service contract with a Carroll County Registered Service Provider, shall be serviced in accordance with ORC 3718, OAC 3701-29, manufacturer's specifications, and the conditions of the operation permit.
- b. The registered service provider shall report monthly any new or renewed service contracts and the STSs that have been routinely serviced within the Health District, on a report form approved by the Board of Health.
- c. At the time of service, the service provider shall affix an audit sticker, supplied by the Board of Health, to the control panel or other suitable location. The number on the sticker shall be reported on the report form submitted to the Board of Health.
- d. Registered service providers shall pay a fee dependent on the number of active service contracts in Carroll County, upon registering with the CCGHD when a fee is established by the Board of Health.
- e. A registered service provider who performs service at his/her own personal residence shall register annually in accordance with OAC 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.
- f. 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 ORC 3718 and OAC 3701-29.

#### D. OPERATION PERMIT TERMS

- a. The requirements of an operation permit are dependent on the type of Household Sewage Treatment System (HSTS), Small Flow On-Site Sewage Treatment System (SFOSTS), and GWRS.
- b. Permit terms for renewal will be dependent on the type of STS or GWRS.
- c. SFOSTS
  - i. Operation permits for SFOSTS shall be renewed annually 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.
- d. HSTS
  - ii. When a service contract is required for a HSTS as required by Section (A), the operation permit term shall be five (5) years.
  - iii. When a service contract is not required for a HSTS, the operation permit term for an installation, replacement, or alteration after the effective date of this regulation shall be ten (10) years.
  - iv. Operation permits for a HSTS shall renew automatically prior to the expiration date, at no charge, if compliance with the permit requirements and applicable regulations are maintained.

#### E. ENFORCEMENT

- a. Whosoever fails to obtain an operation permit as required, comply with the terms of a permit and applicable regulations, or fails to obtain a contract with a registered service provider, when required, will be subject to an inspection by the Board of Health and enforcement action in accordance with the CCGHD enforcement procedures, ORC 3718, 3707.02, and OAC. 3701-29.

- b. When a business or person is not in compliance with (a.) this matter will be brought before the Board of Health. If the business or person does not comply with a Board of Health order, per ORC 3718.09, the Board of Health may elect to prosecute the parties involved. A citation will be given requiring the parties to appear before the Board of Health for a hearing. This may result in a lien placed upon the property.
- c. Per ORC 3718.10 when a person or business is not in compliance with a Board of Health, the Board of Health may cause the Carroll County Prosecutor to seek an injunction in the appropriate court where the violations occur. If the court finds an intentional violation, the court has the discretion to impose a civil penalty.
- d. Per ORC 3718.09 (B) the CCGHD Health Commissioner or the Health Commissioner's designee, without prior notice or hearing, may issue emergency orders necessary to meet a public health emergency or to prevent or abate an imminent and substantial threat to surface or groundwater.

F. COMPLIANCE INSPECTIONS

- 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.
- 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 ORC 3707 and 3709.

BE IT FURTHER RESOLVED, by the Board of Health of the CCGHD adopts these regulations to be effective after the completion of the third and final reading on and after October 19, 2022.

1<sup>st</sup> Reading: August 17, 2022

2<sup>nd</sup> Reading: September 20, 2022

3<sup>rd</sup> Reading: October 19, 2022

Kelley A. Engelhart  
 Kelly Engelhart MPH, BSN, RN, Health Commissioner

10-19-2022  
 Date

W.S. Stine MD  
 Dr. W.S. Stine, Board President

10/19/2022  
 Date