

As Reported by the House Energy and Environment Committee

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Sub. H. B. No. 231

**Representatives Niehaus, Seitz, McGregor, Barrett, Kearns, Husted, Setzer,
Collier, Webster, Carano, Allen, Aslanides, Carmichael, Strahorn, Daniels**

A B I L L

To amend sections 307.37, 319.281, 521.01, 711.05, 1
711.10, 711.131, 3701.83, 3709.085, 3709.09, 2
3709.091, 4736.01, 5302.30, 6111.04, and 6111.44 3
and to enact sections 3718.01, 3718.02, 3718.021, 4
3718.03 to 3718.10, 3718.99, and 6111.441 of the 5
Revised Code to require the Public Health Council 6
to adopt rules governing household sewage 7
treatment systems and small flow on-site sewage 8
treatment systems, to define and authorize boards 9
of health to regulate small flow on-site sewage 10
treatment systems, to create the Sewage Treatment 11
System Technical Advisory Committee to advise the 12
Director of Health on the approval or disapproval 13
of new systems, to require the transferor of real 14
property that is served by a sewage treatment 15
system to provide on the real property disclosure 16
form a statement that operation and maintenance 17
information on the system is available from the 18
Department of Health or the local board of health 19
of the health district in which the system is 20
located, and to establish other requirements 21
governing sewage treatment systems. 22

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

Section 1. That sections 307.37, 319.281, 521.01, 711.05, 23
711.10, 711.131, 3701.83, 3709.085, 3709.09, 3709.091, 4736.01, 24
5302.30, 6111.04, and 6111.44 be amended and sections 3718.01, 25
3718.02, 3718.021, 3718.03, 3718.04, 3718.05, 3718.06, 3718.07, 26
3718.08, 3718.09, 3718.10, 3718.99, and 6111.441 of the Revised 27
Code be enacted to read as follows: 28

Sec. 307.37. (A) As used in this section, "proposed new 29
construction" means a proposal to erect, construct, repair, alter, 30
redevelop, or maintain a single-family, two-family, or 31
three-family dwelling or any structure that is regulated by the 32
Ohio building code. 33

(B)(1) The board of county commissioners, in addition to its 34
other powers, may adopt, amend, rescind, administer, and enforce 35
regulations pertaining to the erection, construction, repair, 36
alteration, redevelopment, and maintenance of single-family, 37
two-family, and three-family dwellings within the unincorporated 38
territory of the county, or the board may establish districts in 39
any part of the unincorporated territory and may adopt, amend, 40
rescind, administer, and enforce such regulations in the 41
districts. When adopted, all regulations, including service 42
charges, shall be uniform within all districts in which building 43
codes are established; however, more stringent regulations may be 44
imposed in flood hazard areas and in Lake Erie coastal erosion 45
areas identified under section 1506.06 of the Revised Code in 46
order to prevent or reduce the hazard resulting from flooding and 47
from erosion along Lake Erie. Except as provided in division 48
(B)(3) of this section, in no case shall the regulations go beyond 49
the scope of regulating the safety, health, and sanitary 50
conditions of those buildings. 51

Any person adversely affected by an order of the board 52

adopting, amending, or rescinding a regulation under this section 53
may appeal to the court of common pleas of the county on the 54
ground that the board failed to comply with the law in adopting, 55
amending, rescinding, publishing, or distributing the regulation, 56
that the regulation, as adopted or amended by the board, is 57
unreasonable or unlawful, or that the revision of the regulation 58
was unreasonable or unlawful. 59

(2) A county building code may include regulations for 60
participation in the national flood insurance program established 61
in the "Flood Disaster Protection Act of 1973," 87 Stat. 975, 42 62
U.S.C.A. 4002, as amended, and regulations adopted for the 63
purposes of section 1506.04 or 1506.07 of the Revised Code 64
governing the prohibition, location, erection, construction, 65
redevelopment, or floodproofing of new buildings or structures, 66
substantial improvements to existing buildings or structures, or 67
other development in unincorporated territory within flood hazard 68
areas identified under the "Flood Disaster Protection Act of 69
1973," 87 Stat. 975, 42 U.S.C.A. 4002, as amended, or within Lake 70
Erie coastal erosion areas identified under section 1506.06 of the 71
Revised Code, including, but not limited to, residential, 72
commercial, institutional, or industrial buildings or structures 73
or other permanent structures, as defined in section 1506.01 of 74
the Revised Code. Rules adopted under division (B)(2) of this 75
section shall not conflict with the Ohio building code. 76

(3)(a) A county building code may include regulations that 77
provide for a review of the specific effects of a proposed new 78
construction on existing surface or subsurface drainage. The 79
regulations may require reasonable drainage mitigation and 80
reasonable alteration of a proposed new construction before a 81
building permit is issued in order to prevent or correct any 82
adverse effects that the proposed new construction may have on 83
existing surface or subsurface drainage. The regulations shall not 84

be inconsistent with, more stringent than, or broader in scope 85
than standards adopted by the natural resource conservation 86
service in the United States department of agriculture concerning 87
drainage or rules adopted by the environmental protection agency 88
for reducing, controlling, or mitigating storm water runoff from 89
construction sites, where applicable. The regulations shall allow 90
a person who is registered under Chapter 4703. or 4733. of the 91
Revised Code to prepare and submit relevant plans and other 92
documents for review, provided that the person is authorized to 93
prepare the plans and other documents pursuant to the person's 94
registration. 95

(b) If regulations are adopted under division (B)(3) of this 96
section, the board shall specify in the regulations a procedure 97
for the review of the specific effects of a proposed new 98
construction on existing surface or subsurface drainage. The 99
procedure shall include at a minimum all of the following: 100

(i) A meeting at which the proposed new construction shall be 101
examined for those specific effects. The meeting shall be held 102
within thirty days after an application for a building permit is 103
filed or a review is requested unless the applicant agrees in 104
writing to extend that time period or to postpone the meeting to 105
another date, time, or place. The meeting shall be scheduled 106
within five days after an application for a building permit is 107
filed or a review is requested. 108

(ii) Written notice of the date, time, and place of that 109
meeting, sent by regular mail to the applicant. The written notice 110
shall be mailed at least seven days before the scheduled meeting 111
date. 112

(iii) Completion of the review by the board of county 113
commissioners not later than thirty days after the application for 114
a building permit is filed or a review is requested unless the 115
applicant has agreed in writing to extend that time period or 116

postpone the meeting to a later time, in which case the review 117
shall be completed not later than two days after the date of the 118
meeting. A complete review shall include the issuance of any order 119
of the board of county commissioners regarding necessary 120
reasonable drainage mitigation and necessary reasonable 121
alterations to the proposed new construction to prevent or correct 122
any adverse effects on existing surface or subsurface drainage. If 123
the review is not completed within the thirty-day period or an 124
extended or postponed period that the applicant has agreed to, the 125
proposed new construction shall be deemed to have no adverse 126
effects on existing surface or subsurface drainage, and those 127
effects shall not be a valid basis for the denial of a building 128
permit. 129

(iv) A written statement, provided to the applicant at the 130
meeting or in an order for alterations to a proposed new 131
construction, informing the applicant of the right to seek 132
appellate review of the denial of a building permit under division 133
(B)(3)(b)(iii) of this section by filing a petition in accordance 134
with Chapter 2506. of the Revised Code. 135

(c) The regulations may authorize the board, after obtaining 136
the advice of the county engineer, to enter into an agreement with 137
the county engineer or another qualified person or entity to carry 138
out any necessary inspections and make evaluations about what, if 139
any, alterations are necessary to prevent or correct any adverse 140
effects that a proposed new construction may have on existing 141
surface or subsurface drainage. 142

(d) Regulations authorized by division (B)(3) of this section 143
shall not apply to any property that has been approved by a 144
platting authority under section 711.05, 711.09, 711.10, or 145
711.131 of the Revised Code. 146

(e) As used in division (B)(3) of this section, "subsurface 147
drainage" does not include a household sewage ~~disposal~~ treatment 148

system as defined in section 3709.091 of the Revised Code. 149

(C) Regulations or amendments may be adopted under this 150
section only after public hearing at not fewer than two regular 151
sessions of the board. The board shall cause to be published in a 152
newspaper of general circulation in the county notice of the 153
public hearings, including time, date, and place, once a week for 154
two weeks immediately preceding the hearings. The proposed 155
regulations or amendments shall be made available by the board to 156
the public at the board office. The regulations or amendments 157
shall take effect on the thirty-first day following the date of 158
their adoption. 159

(D) No person shall violate any regulation of the board 160
adopted under sections 307.37 to 307.40 of the Revised Code. 161

Each day during which an illegal location, erection, 162
construction, floodproofing, repair, alteration, development, 163
redevelopment, or maintenance continues may be considered a 164
separate offense. 165

(E) Regulations or amendments adopted by resolution of the 166
board do not affect buildings or structures that exist or on which 167
construction has begun on or before the date the regulation or 168
amendment is adopted by the board. 169

(F) The board may provide for a building regulation 170
department and may employ personnel that it determines to be 171
necessary for the purpose of enforcing its regulations. Upon 172
certification of the building department under section 3781.10 of 173
the Revised Code, the board may direct the county building 174
department to exercise enforcement authority and to accept and 175
approve plans pursuant to sections 3781.03 and 3791.04 of the 176
Revised Code for any other kind or class of building in the 177
unincorporated territory of the county. 178

Sec. 319.281. The county auditor shall place on the general tax list and duplicate compiled in accordance with section 319.28 of the Revised Code the amount certified by the health commissioner of a city or general health district pursuant to section 3709.091 of the Revised Code of any unpaid operation permit or inspection fee for a household sewage ~~disposal~~ treatment system or a small flow on-site sewage treatment system or any other unpaid fee levied under Chapter 3718. of the Revised Code and any accrued late payment penalties, together with any fee charged by the county auditor for placing the amount on the general tax list and duplicate and for the expenses of its collection. The amount placed on the general tax list and duplicate shall be a lien on the real property on which the household sewage ~~disposal~~ treatment system or small flow on-site sewage treatment system is located from the date the amount was placed on the tax list and duplicate, and shall be charged and collected in the same manner as taxes on the list.

Sec. 521.01. (A) As used in this chapter, "private sewage collection tile" means any tile, ditch, pipe, or other improvement installed by a private person to receive and convey sewage and sewage effluent from at least five household sewage ~~disposal~~ treatment systems, as those systems are defined ~~in rules adopted by the public health council under~~ in section ~~3701.34~~ 3718.01 of the Revised Code.

(B) A board of township trustees may maintain and repair private sewage collection tiles located within a township road right-of-way in the township, where the expenditure from the township general fund for materials to maintain and repair the tiles does not exceed two hundred dollars for any one project. No maintenance or repair shall be performed that is paid for from the township general fund under this division until the board adopts a

resolution authorizing the maintenance or repair. If material 210
costs would exceed two hundred dollars, the board may proceed 211
under ~~sections 521.02 to 521.07 of the Revised Code~~ this chapter 212
to maintain and repair the tiles by assessing the cost against 213
property based on the special benefits the property receives from 214
the project. 215

Sec. 711.05. (A) Upon the submission of a plat for approval, 216
in accordance with section 711.041 of the Revised Code, the board 217
of county commissioners shall certify on it the date of the 218
submission. Within five days of submission of the plat, the board 219
shall schedule a meeting to consider the plat and send a written 220
notice by regular mail to the clerk of the board of township 221
trustees of the township in which the plat is located and the 222
board of health of the health district in which the plat is 223
located. The notice shall inform the trustees and the board of 224
health of the submission of the plat and of the date, time, and 225
location of any meeting at which the board of county commissioners 226
will consider or act upon the proposed plat. The meeting shall 227
take place within thirty days of submission of the plat, and no 228
meeting shall be held until at least seven days have passed from 229
the date the notice was sent by the board of county commissioners. 230
The approval of the board required by section 711.041 of the 231
Revised Code or the refusal to approve shall take place within 232
thirty days from the date of submission or such further time as 233
the applying party may agree to in writing; otherwise the plat is 234
deemed approved and may be recorded as if bearing such approval. 235

(B) The board may adopt general rules governing plats and 236
subdivisions of land falling within its jurisdiction, to secure 237
and provide for the coordination of the streets within the 238
subdivision with existing streets and roads or with existing 239
county highways, for the proper amount of open spaces for traffic, 240
circulation, and utilities, and for the avoidance of future 241

congestion of population detrimental to the public health, safety, 242
or welfare, but shall not impose a greater minimum lot area than 243
forty-eight hundred square feet. Before the board may amend or 244
adopt rules, it shall notify all the townships in the county of 245
the proposed amendments or rules by regular mail at least thirty 246
days before the public meeting at which the proposed amendments or 247
rules are to be considered. 248

The rules may require the ~~county department~~ board of health 249
to review and comment on a plat before the board of county 250
commissioners acts upon it and may also require proof of 251
compliance with any applicable zoning resolutions, and with 252
household sewage treatment rules adopted by the board of health 253
pursuant to division (B) of section 3718.02 of the Revised Code as 254
shown by written evidence of compliance with those rules that is 255
provided in accordance with rules adopted by the public health 256
council under division (A)(11) of that section, as a basis for 257
approval of a plat. Where under ~~the provisions of~~ section 711.101 258
of the Revised Code the board of county commissioners has set up 259
standards and specifications for the construction of streets, 260
utilities, and other improvements for common use, ~~such~~ the general 261
rules may require the submission of appropriate plans and 262
specifications for approval. The board shall not require the 263
person submitting the plat to alter the plat or any part of it as 264
a condition for approval, as long as the plat is in accordance 265
with general rules governing plats and subdivisions of land, 266
adopted by the board as provided in this section, in effect at the 267
time the plat was submitted and the plat is in accordance with any 268
standards and specifications set up under section 711.101 of the 269
Revised Code, in effect at the time the plat was submitted. 270

(C) The ground of refusal to approve any plat, submitted in 271
accordance with section 711.041 of the Revised Code, shall be 272
stated upon the record of the board, and, within sixty days 273

thereafter, the person submitting any plat that the board refuses 274
to approve may file a petition in the court of common pleas of the 275
county in which the land described in the plat is situated to 276
review the action of the board. A board of township trustees is 277
not entitled to appeal a decision of the board of county 278
commissioners under this section. 279

Sec. 711.10. Whenever a county planning commission or a 280
regional planning commission adopts a plan for the major streets 281
or highways of the county or region, no plat of a subdivision of 282
land within the county or region, other than land within a 283
municipal corporation or land within three miles of a city or one 284
and one-half miles of a village as provided in section 711.09 of 285
the Revised Code, shall be recorded until it is approved by the 286
county or regional planning commission and the approval is 287
endorsed in writing on the plat. Within five days after the 288
submission of a plat for approval, the county or regional planning 289
commission shall schedule a meeting to consider the plat and send 290
a notice by regular mail or by electronic mail to the clerk of the 291
board of township trustees of the township in which the plat is 292
located and the board of health of the health district in which 293
the plat is located. The notice shall inform the trustees and the 294
board of health of the submission of the plat and of the date, 295
time, and location of any meeting at which the county or regional 296
planning commission will consider or act upon the plat. The 297
meeting shall take place within thirty days after submission of 298
the plat, and no meeting shall be held until at least seven days 299
have passed from the date the notice was sent by the planning 300
commission. 301

The approval of the planning commission or the refusal to 302
approve shall be endorsed on the plat within thirty days after the 303
submission of the plat for approval, or within such further time 304
as the applying party may agree to in writing; otherwise that plat 305

is deemed approved, and the certificate of the planning commission 306
as to the date of the submission of the plat for approval and the 307
failure to take action on it within that time shall be sufficient 308
in lieu of the written endorsement or evidence of approval 309
required by this section. A county or regional planning commission 310
shall not require a person submitting the plat to alter the plat 311
or any part of it as a condition for approval, as long as the plat 312
is in accordance with the general rules governing plats and 313
subdivisions of land, adopted by the commission as provided in 314
this section, in effect at the time the plat is submitted. The 315
ground of refusal of approval of any plat submitted, including 316
citation of or reference to the rule violated by the plat, shall 317
be stated upon the record of the commission. Within sixty days 318
after the refusal, the person submitting any plat that the county 319
or regional planning commission refuses to approve may file a 320
petition in the court of common pleas of the proper county, and 321
the proceedings on the petition shall be governed by section 322
711.09 of the Revised Code as in the case of the refusal of a 323
planning authority to approve a plat. A board of township trustees 324
is not entitled to appeal a decision of the county or regional 325
planning commission under this section. 326

A county or regional planning commission shall adopt general 327
rules, of uniform application, governing plats and subdivisions of 328
land falling within its jurisdiction, to secure and provide for 329
the proper arrangement of streets or other highways in relation to 330
existing or planned streets or highways or to the county or 331
regional plan, for adequate and convenient open spaces for 332
traffic, utilities, access of firefighting apparatus, recreation, 333
light, and air, and for the avoidance of congestion of population. 334
The rules may provide for their modification by the county or 335
regional planning commission in specific cases where unusual 336
topographical and other exceptional conditions require the 337
modification. The rules may require the ~~county department~~ board of 338

health to review and comment on a plat before the county or 339
regional planning commission acts upon it and may also require 340
proof of compliance with any applicable zoning resolutions, and 341
with household sewage treatment rules adopted by the board of 342
health pursuant to division (B) of section 3718.02 of the Revised 343
Code as shown by written evidence of compliance with those rules 344
that is provided in accordance with rules adopted by the public 345
health council under division (A)(11) of that section, as a basis 346
for approval of a plat. 347

Before adoption of its rules or amendment of its rules, a 348
public hearing shall be held on the adoption or amendment by the 349
commission. Notice of the public hearing shall be sent to all 350
townships in the county or region by regular mail or electronic 351
mail at least thirty days before the hearing. No county or 352
regional planning commission shall adopt any rules requiring 353
actual construction of streets or other improvements or facilities 354
or assurance of that construction as a condition precedent to the 355
approval of a plat of a subdivision unless the requirements have 356
first been adopted by the board of county commissioners after a 357
public hearing. A copy of the rules shall be certified by the 358
planning commission to the county recorders of the appropriate 359
counties. 360

After a county or regional street or highway plan has been 361
adopted as provided in this section, the approval of plats and 362
subdivisions provided for in this section shall be in lieu of any 363
approvals provided for in other sections of the Revised Code, so 364
far as the territory within the approving jurisdiction of the 365
county or regional planning commission, as provided in this 366
section, is concerned. Approval of a plat shall not be an 367
acceptance by the public of the dedication of any street, highway, 368
or other way or open space shown upon the plat. Any county or 369
regional planning commission and a city or village planning 370

commission, or platting commissioner or legislative authority of a 371
village, with subdivision regulation jurisdiction over 372
unincorporated territory within the county or region may cooperate 373
and agree by written agreement that the approval of a plat by the 374
city or village planning commission, or platting commissioner or 375
legislative authority of a village, as provided in section 711.09 376
of the Revised Code, shall be conditioned upon receiving advice 377
from or approval by the county or regional planning commission. 378

Sec. 711.131. Notwithstanding sections 711.001 to 711.13 of 379
the Revised Code, a proposed division of a parcel of land along an 380
existing public street, not involving the opening, widening, or 381
extension of any street or road, and involving no more than five 382
lots after the original tract has been completely subdivided, may 383
be submitted to the authority having approving jurisdiction of 384
plats under section 711.05, 711.09, or 711.10 of the Revised Code 385
for approval without plat. If the authority acting through a 386
properly designated representative is satisfied that the proposed 387
division is not contrary to applicable platting, subdividing, 388
zoning, or access management regulations ~~or~~ regulations adopted 389
under division (B)(3) of section 307.37 of the Revised Code 390
regarding existing surface or subsurface drainage, or household 391
sewage treatment rules adopted by the applicable board of health 392
pursuant to division (B) of section 3718.02 of the Revised Code, 393
it shall within seven working days after submission approve the 394
proposed division and, on presentation of a conveyance of the 395
parcel, shall stamp the conveyance "approved by (planning 396
authority); no plat required" and have it signed by its clerk, 397
secretary, or other official as may be designated by it. The 398
planning authority may require the submission of a sketch and 399
other information that is pertinent to its determination under 400
this section. 401

Sec. 3701.83. (A) There is hereby created in the state 402
treasury the general operations fund. Moneys in the fund shall be 403
used for the purposes specified in sections 3701.04, 3701.344, 404
3702.20, 3710.15, 3711.021, 3717.45, 3718.06, 3721.02, 3722.04, 405
3733.04, 3733.25, 3733.43, 3748.04, 3748.05, 3748.07, 3748.12, 406
3748.13, 3749.04, 3749.07, 4747.04, 4751.04, and 4769.09 of the 407
Revised Code. 408

(B) The alcohol testing program fund is hereby created in the 409
state treasury. The director of health shall use the fund to 410
administer and enforce the alcohol testing and permit program 411
authorized by section 3701.143 of the Revised Code. 412

The fund shall receive transfers from the liquor control fund 413
created under section 4301.12 of the Revised Code. All investment 414
earnings of the alcohol testing program fund shall be credited to 415
the fund. 416

Sec. 3709.085. (A) The board of health of a city or general 417
health district may enter into a contract with any political 418
subdivision or other governmental agency to obtain or provide all 419
or part of any services, including, but not limited to, 420
enforcement services, for the purposes of Chapter 3704. of the 421
Revised Code, the rules adopted and orders made pursuant thereto, 422
or any other ordinances or rules for the prevention, control, and 423
abatement of air pollution. 424

(B)(1) As used in division (B)(2) of this section: 425

(a) "Semipublic disposal system" means a disposal system that 426
treats the sanitary sewage discharged from publicly or privately 427
owned buildings or places of assemblage, entertainment, 428
recreation, education, correction, hospitalization, housing, or 429
employment, but does not include a disposal system that treats 430
sewage in amounts of more than twenty-five thousand gallons per 431

day; a disposal system for the treatment of sewage that is exempt 432
from the requirements of section 6111.04 of the Revised Code 433
pursuant to division (F)~~(6)~~(7) of that section; or a disposal 434
system for the treatment of industrial waste. 435

(b) Terms defined in section 6111.01 of the Revised Code have 436
the same meanings as in that section. 437

(2) The board of health of a city or general health district 438
may enter into a contract with the environmental protection agency 439
to conduct on behalf of the agency inspection or enforcement 440
services, for the purposes of Chapter 6111. of the Revised Code 441
and rules adopted thereunder, for the disposal or treatment of 442
sewage from semipublic disposal systems. The board of health of a 443
city or general health district may charge a fee established 444
pursuant to section 3709.09 of the Revised Code to be paid by the 445
owner or operator of a semipublic disposal system for inspections 446
conducted by the board pursuant to a contract entered into under 447
division (B)(2) of this section, except that the board shall not 448
charge a fee for those inspections conducted at any manufactured 449
home park, recreational vehicle park, recreation camp, or combined 450
park-camp that is licensed under section 3733.03 of the Revised 451
Code. 452

Sec. 3709.09. (A) The board of health of a city or general 453
health district may, by rule, establish a uniform system of fees 454
to pay the costs of any services provided by the board. 455

The fee for issuance of a certified copy of a vital record or 456
a certification of birth shall not be less than the fee prescribed 457
for the same service under division (A)(1) of section 3705.24 of 458
the Revised Code and shall include the fees required by division 459
(B) of section 3705.24 and section 3109.14 of the Revised Code. 460

Fees for services provided by the board for purposes 461
specified in sections 3701.344, 3711.05, 3718.06, 3730.03, 462

3733.04, 3733.25, and 3749.04 of the Revised Code shall be 463
established in accordance with rules adopted under division (B) of 464
this section. The district advisory council, in the case of a 465
general health district, and the legislative authority of the 466
city, in the case of a city health district, may disapprove any 467
fee established by the board of health under this division, and 468
any such fee, as disapproved, shall not be charged by the board of 469
health. 470

(B) The public health council shall adopt rules under section 471
111.15 of the Revised Code that establish fee categories and 472
uniform methodologies for use in calculating the costs of services 473
provided for purposes specified in sections 3701.344, 3711.05, 474
3718.06, 3730.03, 3733.04, 3733.25, and 3749.04 of the Revised 475
Code. In adopting the rules, the public health council shall 476
consider recommendations it receives from advisory boards 477
established either by statute or the director of health for 478
entities subject to the fees. 479

(C) At least thirty days prior to establishing a fee for a 480
service provided by the board for a purpose specified in section 481
3701.344, 3711.05, 3718.06, 3730.03, 3733.04, 3733.25, or 3749.04 482
of the Revised Code, a board of health shall notify any entity 483
that would be affected by the proposed fee of the amount of the 484
proposed fee. 485

Sec. 3709.091. (A) As used in this section: 486

(1) "Household sewage ~~disposal~~ treatment system" means any 487
sewage ~~disposal~~ or treatment system, or part ~~thereof~~ of such a 488
system, for a single-family, two-family, or three-family dwelling 489
that receives sewage. 490

(2) "Sewage" means ~~any~~ liquid waste containing animal or 491
vegetable matter in suspension or solution ~~from water closets,~~ 492
~~urinals, lavatories, bathtubs, laundry tubs or devices, floor~~ 493

~~drains, drinking fountains, or other sanitary fixtures, and may~~ 494
~~include liquid containing chemicals in solution that originates~~ 495
~~from humans and human activities. "Sewage" includes liquids~~ 496
~~containing household chemicals in solution commonly discharged~~ 497
~~from a residence or from commercial, institutional, or other~~ 498
~~similar facilities.~~ 499

(3) "Small flow on-site sewage treatment system" means a 500
system, other than a household sewage treatment system, that 501
treats not more than one thousand gallons of sewage per day and 502
that does not require a national pollutant discharge elimination 503
system permit issued under section 6111.03 of the Revised Code or 504
an injection well drilling or operating permit issued under 505
section 6111.043 of the Revised Code. 506

(B) If any owner, leaseholder, or assignee of real property 507
fails to pay a fee as required by rule of a board of health of a 508
city or general health district pursuant to section 3709.09 of the 509
Revised Code for an operation permit for, or for inspection of, a 510
household sewage ~~disposal~~ treatment system or a small flow on-site 511
sewage treatment system located on the real property, the health 512
commissioner of the city or general health district or the 513
commissioner's designated representative shall notify the owner, 514
leaseholder, or assignee of the real property of the amount of the 515
fee and any accrued penalties for late payment of the fee. The 516
notice shall state, in boldface letters: "You have 30 days to 517
object to the amount of the unpaid operation permit or inspection 518
fee for your household sewage ~~disposal~~ treatment system or small 519
flow on-site sewage treatment system, as applicable, as designated 520
in this notice, which may include accrued penalties for late 521
payment of the fee. If you do not pay this amount as instructed 522
herein within 30 days of receipt of this notice or object to this 523
amount during that time period in accordance with the procedures 524
set forth herein, the amount will be placed as a lien on your real 525

property." The notice also shall explain how the owner, 526
leaseholder, or assignee may pay the amount, or object to the 527
amount in accordance with the procedures established by divisions 528
(C) and (D) of this section. 529

Notice to the owner, leaseholder, or assignee shall be made 530
by either of the following: 531

(1) Certified mail, overnight delivery service, hand 532
delivery, or any other method that includes written evidence of 533
receipt; 534

(2) The sheriff of the county in which the owner, 535
leaseholder, or assignee to be served resides, in one or more of 536
the methods provided in the Ohio Rules of Civil Procedure. The 537
sheriff may charge reasonable fees for ~~such~~ that service. 538

(C) Not later than thirty days after receipt under division 539
(B) of this section of notification of the amount of an unpaid 540
operation permit or inspection fee and any accrued late payment 541
penalties, the owner, leaseholder, or assignee may object to the 542
amount by delivering a written notice of objection to the health 543
commissioner by any of the means provided for in division (B)(1) 544
of this section. Not later than sixty days after receipt of the 545
notice of objection, the county prosecutor, on behalf of the city 546
or general health district, may file a civil action in the court 547
of common pleas against the owner, leaseholder, or assignee. If 548
the county prosecutor fails to commence suit within the sixty-day 549
period, or if the action is commenced, but dismissed with 550
prejudice before adjudication, the unpaid fee and any accrued late 551
payment penalties are void and cannot be placed on the general tax 552
list and duplicate as a lien against the real property. 553

(D) If, in accordance with division (C) of this section, the 554
owner, leaseholder, or assignee objects to the amount of the 555
unpaid operation permit or inspection fee and any accrued late 556

payment penalties and the county prosecutor commences suit and 557
prevails in the action, the owner, leaseholder, or assignee 558
objecting shall pay the amount of the fee, any accrued late 559
payment penalties, and the costs of the action, as determined by 560
the court. 561

(E) If the owner, leaseholder, or assignee on which the 562
notice required by division (B) of this section was served does 563
not pay to the city or general health district the amount of an 564
unpaid operation permit or inspection fee and any accrued late 565
payment penalties within thirty days after receipt of the notice, 566
or does not object to the amount in the manner provided in 567
division (C) of this section, the health commissioner of the city 568
or general health district or the commissioner's designated 569
representative may certify, on or before the first Monday of 570
September, the amount of the unpaid fee and any accrued late 571
payment penalties to the county auditor to be placed on the 572
general tax list and duplicate as provided in section 319.281 of 573
the Revised Code. 574

Sec. 3718.01. As used in this chapter: 575

(A) "Alter" means to change by making substantive 576
replacements of, additions to, or deletions in the design or 577
materials or to change the location of an existing sewage 578
treatment system. 579

(B) "Board of health" means the board of health of a city or 580
general health district or the authority having the duties of a 581
board of health in any city as authorized by section 3709.05 of 582
the Revised Code. 583

(C) "Domestic septage" means the liquid or solid material 584
removed from a sewage treatment system, portable toilet, or type 585
III marine sanitation device as defined in 33 C.F.R. 159.3. 586
"Domestic septage" does not include grease removed from a grease 587

trap. 588

(D) "Household sewage treatment system" means any sewage treatment system, or part of such a system, that receives sewage from a single-family, two-family, or three-family dwelling. 589
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(E) "Inspection" means the on-site evaluation or analysis of the functioning of a sewage treatment system. 592
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(F) "Installer" means any person who engages in the business of installing or altering or who, as an employee of another, installs or alters any sewage treatment system. 594
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(G) "Manufacturer" means any person that manufactures sewage treatment systems or components of systems. 597
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(H) "Person" has the same meaning as in section 1.59 of the Revised Code and also includes any state, any political subdivision of a state, and any department, division, board, commission, agency, or instrumentality of a state or political subdivision. 599
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(I) "Sanitary sewerage system" means pipelines or conduits, pumping stations, force mains, and all other constructions, devices, appurtenances, and facilities that convey sewage to a central sewage treatment plant and that are required to obtain a permit under Chapter 6111. of the Revised Code. 604
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(J) "Septage hauler" means any person who engages in the collection, transportation, disposal, and land application of domestic septage. 609
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(K) "Service provider" means any person who services, but does not install or alter, sewage treatment systems. 612
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(L) "Sewage" means liquid waste containing animal or vegetable matter in suspension or solution that originates from humans and human activities. "Sewage" includes liquids containing household chemicals in solution commonly discharged from a 614
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residence or from commercial, institutional, or other similar facilities.

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(M) "Sewage treatment system" means a household sewage treatment system, a small flow on-site sewage treatment system, or both, as applicable.

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(N) "Small flow on-site sewage treatment system" means a system, other than a household sewage treatment system, that treats not more than one thousand gallons of sewage per day and that does not require a national pollutant discharge elimination system permit issued under section 6111.03 of the Revised Code or an injection well drilling or operating permit issued under section 6111.043 of the Revised Code.

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Sec. 3718.02. (A) Not later than one year after the effective date of this section, the public health council, in accordance with Chapter 119. of the Revised Code, shall adopt, and subsequently may amend and rescind, rules of general application throughout the state to administer this chapter. Rules adopted under division (A) of this section shall do at least all of the following:

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(1) Require that the appropriate board of health approve or disapprove the use of a sewage treatment system if it is not connected to a sanitary sewerage system;

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(2) Require that a board of health conduct a site evaluation for any proposed installation of a sewage treatment system;

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(3) Prescribe standards for the siting, design, installation, operation, monitoring, maintenance, and abandonment of household sewage treatment systems that may be used in this state. The standards shall include at a minimum all of the following:

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(a) Soil absorption specifications;

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(b) Specifications for discharging systems that do not

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conflict with provisions related to the national pollutant 648
discharge elimination system permit program established in section 649
6111.03 of the Revised Code and rules adopted under it; 650

(c) Requirements for the maintenance of a system according to 651
the manufacturer's instructions, if available; 652

(d) Requirements and procedures under which a person may 653
demonstrate the required maintenance of a system in lieu of having 654
an inspection conducted when an inspection otherwise is required. 655

The rules also shall require that a system that has been or 656
is sited or installed prior to or on the effective date of the 657
rules and that is operating on that date shall be deemed approved 658
unless the system is declared to be a public health nuisance by a 659
board of health. 660

(4) Prescribe procedures for notification to boards of health 661
of the approval of a sewage treatment system or components of a 662
system by the director of health under section 3718.04 of the 663
Revised Code; 664

(5) Prescribe criteria and procedures under which boards of 665
health shall issue installation and operation permits for sewage 666
treatment systems. The rules shall require as a condition of an 667
installation permit that the installer of a system must warrant 668
that the system was installed in accordance with all applicable 669
rules and design requirements. In addition, the rules shall 670
require a board of health, not later than sixty days after the 671
issuance of an installation permit, to certify to the director on 672
a form provided by the director that the permit was issued. 673

(6) Require a board of health to inspect a sewage treatment 674
system not later than eighteen months after its installation to 675
ensure that the system is operating properly. The rules shall 676
require a board of health, not later than sixty days after the 677
inspection, to certify to the director on a form provided by the 678

director that the inspection was performed.

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(7) Require a board of health to register installers, service providers, and septage haulers that perform work within the health district; prescribe criteria and procedures for the registration; and prescribe criteria for a demonstration of competency as a part of the registration;

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(8) Prescribe requirements for the collection, transportation, disposal, and land application of domestic septage in this state from a sewage treatment system;

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(9) Require boards of health to maintain records that are determined necessary to ascertain compliance with this chapter and the rules adopted under it;

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(10) Require a board of health and the manufacturer of a sewage treatment system, when possible, to provide instructions for the operation and maintenance of the system. The rules shall authorize the instructions to be posted on the department of health's web site and the manufacturer's web site. In addition, the rules shall require a board of health and a manufacturer to provide a copy of the operation and maintenance instructions, if available, when a board of health or a manufacturer receives a written request for instructions.

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(11) Prescribe criteria for the provision of written evidence of compliance with board of health rules pertaining to household sewage treatment for purposes of sections 711.05 and 711.10 of the Revised Code;

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(12) Prescribe minimum criteria and procedures under which boards of health may establish household sewage treatment district management programs for the purpose of providing a responsive approach toward preventing or solving sewage treatment problems resulting from household sewage treatment systems within the districts established under the program. For purposes of division

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(A)(12) of this section, a board of health may enter into a contract with any entity to administer a household sewage treatment district management program. 710
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(13) Prescribe standards for the siting, design, installation, operation, monitoring, maintenance, and abandonment of small flow on-site sewage treatment systems that may be used in this state. 713
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The council may adopt other rules under division (A) of this section that it determines are necessary to implement this chapter and to protect the public health and welfare. 717
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At least sixty days prior to adopting a rule under division (A) of this section, the council shall provide boards of health and any other interested parties an opportunity to comment on the rule. 720
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(B) In accordance with section 3709.20 or 3709.21 of the Revised Code, as applicable, and subject to review by and approval of the director under division (C) of section 3718.05 of the Revised Code, a board of health may adopt rules necessary for the public health providing for more stringent standards governing household sewage treatment systems, installers, service providers, or septage haulers than those established in rules of the public health council adopted under division (A) of this section. A board that intends to adopt such rules shall notify the department of health of the rules at least ninety days prior to the proposed date of adoption. The director shall approve or disapprove any such proposed rule within ninety days after receiving notice of it under this division. If the director fails to approve or disapprove a proposed rule within ninety days after receiving notice of it, the proposed rule shall be deemed approved. 724
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Sec. 3718.021. (A) A board of health may regulate the siting, 739

design, installation, operation, monitoring, maintenance, and 740
abandonment of small flow on-site sewage treatment systems in 741
accordance with rules adopted by the public health council under 742
division (A)(13) of section 3718.02 of the Revised Code. If a 743
board of health chooses to regulate small flow on-site sewage 744
treatment systems, the board first shall send written notification 745
to the director of health and the director of environmental 746
protection. 747

(B) If a board of health chooses to regulate small flow 748
on-site sewage treatment systems under division (A) of this 749
section and later determines that it no longer wants to regulate 750
those systems, the board shall notify the director of health and 751
the director of environmental protection. Upon the receipt of the 752
notification by the director of environmental protection, the 753
board of health shall cease regulating small flow on-site sewage 754
treatment systems, and the environmental protection agency shall 755
regulate those systems. 756

(C) If after a survey conducted under section 3718.07 of the 757
Revised Code the director of health finds that a board of health 758
that has chosen to regulate small flow on-site sewage treatment 759
systems is not complying with the rules adopted under division 760
(A)(13) of section 3718.02 of the Revised Code, the director shall 761
notify the director of environmental protection and the board of 762
health. Upon receipt of the notification, the board shall cease 763
regulating small flow on-site sewage treatment systems, and the 764
environmental protection agency shall regulate those systems. 765

Sec. 3718.03. (A) There is hereby created the sewage 766
treatment system technical advisory committee consisting of the 767
director of health or the director's designee and ten members who 768
are knowledgeable about sewage treatment systems and technologies 769
to be appointed by the director. Of the ten members appointed by 770

the director, one shall represent academia, two shall represent 771
the interests of manufacturers of household sewage treatment 772
systems, one shall represent installers and service providers, two 773
shall be health commissioners who are members of and recommended 774
by the association of Ohio health commissioners, one shall be a 775
sanitarian who is registered under Chapter 4736. of the Revised 776
Code and who is a member of the Ohio environmental health 777
association, one shall be an engineer from the environmental 778
protection agency, one shall be selected from among soil 779
scientists from the division of soil and water conservation in the 780
department of natural resources, and one shall be a representative 781
of the public who is not employed by the state or any of its 782
political subdivisions and who does not have a pecuniary interest 783
in sewage treatment systems. All appointments to the committee 784
shall be made not later than sixty days after the effective date 785
of this section. 786

(B) Of the initial members appointed by the director to the 787
technical advisory committee, three shall be appointed for one 788
year, three shall be appointed for two years, and four shall be 789
appointed for three years. Thereafter, terms shall be for three 790
years, with each term ending on the same day of the same month as 791
did the term that it succeeds. Each member shall serve from the 792
date of appointment until the end of the term for which the member 793
was appointed. 794

Members may be reappointed. Vacancies shall be filled in the 795
same manner as provided for original appointments. Any member 796
appointed to fill a vacancy occurring prior to the expiration date 797
of the term for which the member was appointed shall hold office 798
for the remainder of that term. A member shall continue to serve 799
after the expiration date of the member's term until the member's 800
successor is appointed or until a period of sixty days has 801
elapsed, whichever occurs first. The director may remove a member 802

from the committee for failure to attend two consecutive meetings 803
without showing good cause for the absences. 804

(C) The director or the director's designee shall serve as 805
the chairperson of the technical advisory committee. The committee 806
annually shall select from among its members a vice-chairperson 807
and a secretary to keep a record of its proceedings. A majority 808
vote of the members of the full committee is necessary to take 809
action on any matter. The committee may adopt bylaws governing its 810
operation, including bylaws that establish the frequency of 811
meetings. 812

(D) Serving as a member of the sewage treatment system 813
technical advisory committee does not constitute holding a public 814
office or position of employment under the laws of this state and 815
does not constitute grounds for removal of public officers or 816
employees from their offices or positions of employment. Members 817
of the committee shall serve without compensation for attending 818
committee meetings. 819

(E) A member of the committee shall not have a conflict of 820
interest with the position. For the purposes of this division, 821
"conflict of interest" means the taking of any action that 822
violates any provision of Chapter 102. or 2921. of the Revised 823
Code. 824

(F) The sewage treatment system technical advisory committee 825
shall do all of the following: 826

(1) Develop with the department of health standards and 827
guidelines for use by the director in approving or disapproving a 828
sewage treatment system or components of a system under section 829
3718.04 of the Revised Code; 830

(2) Develop with the department an application form to be 831
submitted to the director by an applicant for approval or 832
disapproval of a sewage treatment system or components of a system 833

and specify the information that must be included with an 834
application form; 835

(3) Advise the director on the approval or disapproval of an 836
application sent to the director under section 3718.04 of the 837
Revised Code requesting approval of a sewage treatment system or 838
components of a system. 839

(G) If the committee meets in a calendar year, the director 840
of health shall prepare and submit a report concerning the 841
activities of the committee to the general assembly not later than 842
ninety days after the end of the calendar year. The report shall 843
discuss the number of applications submitted under section 3718.04 844
of the Revised Code for the approval of a new sewage treatment 845
system or a component of a system, the number of such systems and 846
components that were approved, any information that the committee 847
considers beneficial to the general assembly, and any other 848
information that the director determines is beneficial to the 849
general assembly. If the committee determines that certain 850
information should be included in the report, the committee shall 851
submit the information to the director not later than thirty days 852
after the end of the calendar year. 853

(H) The department shall provide meeting space for the 854
committee. The committee shall be assisted in its duties by the 855
staff of the department. 856

(I) Sections 101.82 to 101.87 of the Revised Code do not 857
apply to the sewage treatment system technical advisory committee. 858

Sec. 3718.04. (A) A manufacturer seeking approval for the use 859
of a sewage treatment system or a component of a system in this 860
state that differs in design or function from systems or 861
components of systems the use of which is authorized in rules 862
adopted under section 3718.02 of the Revised Code shall request an 863

application form from the department of health. The applicant
shall complete the form and include with it all of the information
that is required by the department and the sewage treatment system
technical advisory committee. The applicant shall submit a
completed application and all required information to the director
of health.

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(B) Upon receipt of an application, the director shall
examine the application and all accompanying information to
determine if the application is complete. If the director
determines that the application is not complete, the director
shall notify the applicant not later than fourteen days after
determining that the application is not complete, provide a
description of the information that is missing from the
application, and return the application and all accompanying
information to the applicant. The applicant may resubmit the
application to the director. Not later than fourteen days after
receipt of a complete application, the director shall notify the
committee of the complete application and send a copy of the
complete application and all accompanying information to the
committee together with a request that the committee advise the
director on the approval or disapproval of the system.

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(C) In approving or disapproving an application, the director
shall use the standards and guidelines that the committee
developed with the department for that purpose. The director shall
not approve an application that fails to comply with those
standards and guidelines. If the committee advises the director
concerning the application, the director shall consider the advice
before approving or disapproving the application. However, if the
committee fails to provide advice or if the committee fails to
provide advice within a reasonable period of time before the
director is required to approve or disapprove the application, the

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director may approve or disapprove the application without 895
considering the advice of the committee. Not later than ninety 896
days after receipt of a complete application, the director shall 897
approve or disapprove the application in writing. If the director 898
fails to approve or disapprove the application within that 899
ninety-day period, the application shall be deemed approved. 900

(D) If the director approves an application under this 901
section, the director shall notify the applicant in writing. The 902
director also shall notify boards of health in accordance with the 903
procedures established in rules adopted under section 3718.02 of 904
the Revised Code. If the director disapproves an application under 905
this section, the director shall notify the applicant in writing 906
and provide a brief explanation for the disapproval. 907

Sec. 3718.05. The director of health shall do all of the 908
following: 909

(A) Administer and enforce this chapter and the rules of the 910
public health council adopted under it; 911

(B) Examine records of boards of health, in accordance with 912
rules adopted by the council, that are determined necessary to 913
ascertain compliance with this chapter and rules adopted under it; 914

(C) Review and approve or disapprove rules proposed by boards 915
of health under division (B) of section 3718.02 of the Revised 916
Code. The director shall not disapprove a proposed rule unless the 917
director determines that the proposed rule conflicts with this 918
chapter or rules adopted under section 3718.02 of the Revised Code 919
by the public health council or fails to promote public health or 920
environmental protection. If the director disapproves a proposed 921
rule, the director shall provide a written explanation of the 922
director's disapproval to the board of health that proposed the 923
rule. 924

(D) Survey boards of health as required by section 3718.07 of the Revised Code; 925
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(E) Develop with the sewage treatment system technical advisory committee standards and guidelines for use by the director in approving or disapproving a sewage treatment system under section 3718.04 of the Revised Code and an application form for use by applicants for that approval, including identification of the information that must be included with the form; 927
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(F) Provide instructions on the operation and maintenance of a sewage treatment system. The director shall provide the operation and maintenance instructions on the department of health's web site. In addition, the director shall provide a copy of the operation and maintenance instructions when the director receives a written request for the instructions. 933
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Sec. 3718.06. (A)(1) A board of health shall establish fees in accordance with section 3709.09 of the Revised Code for the purpose of carrying out its duties under this chapter and rules adopted under it, including a fee for an installation permit issued by the board. All fees so established and collected by the board shall be deposited in a special fund of the district to be used exclusively by the board in carrying out those duties. 939
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(2) In accordance with Chapter 119. of the Revised Code, the public health council may establish by rule a fee to be collected from applicants for installation permits issued under rules adopted under this chapter. The director of health shall use the proceeds from that fee for administering and enforcing this chapter and the rules adopted under it by the council. A board of health shall collect the fee at the same time that it collects the fee established by it under division (A)(1) of this section for installation permits. 946
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Not later than sixty days after the last day of the month in 955
which an installation permit is issued, a board shall certify the 956
amount collected under division (A)(2) of this section and 957
transmit the amount to the treasurer of state. All money so 958
received shall be deposited in the state treasury to the credit of 959
the general operations fund created in section 3701.83 of the 960
Revised Code. The director shall use the money so credited solely 961
for the administration and enforcement of this chapter and the 962
rules adopted under it by the public health council. 963

(B) The director may submit recommendations to the council 964
regarding the amount of the fee collected under division (A)(2) of 965
this section for installation permits. When making the 966
recommendations, the director shall submit a report stating the 967
current and projected expenses of administering and enforcing this 968
chapter and the rules adopted under it by the council and the 969
total of all money that has been deposited to the credit of the 970
general operations fund under division (A)(2) of this section. The 971
director may include in the report any recommendations for 972
modifying the requirements established under this chapter and the 973
rules adopted under it by the council. 974

Sec. 3718.07. The director of health shall survey each city 975
and general health district at least once every three years to 976
determine whether there is substantial compliance with the 977
requirements of this chapter pertaining to health districts and 978
the applicable rules adopted by the public health council under 979
this chapter. Upon determining that there is substantial 980
compliance, the director shall place the district on an approved 981
list. The director may resurvey an approved district if it is 982
determined by the director to be necessary and may remove from the 983
list a district that is found not to be substantially complying 984
with the requirements of this chapter pertaining to health 985

districts and the applicable rules. 986

If the director determines that a district is not eligible to 987
be placed on the approved list or to continue on the list after a 988
resurvey, the director shall certify that determination to the 989
board of health, and the director shall carry out the duties of 990
the unapproved health district under this chapter and the 991
applicable rules adopted under it within the district or shall 992
contract with an approved health district to conduct those duties 993
until the unapproved district is placed on or returned to the 994
approved list. The director or the contracting district shall have 995
within the unapproved district the authority to exercise powers 996
and perform duties granted to or imposed on the board under this 997
chapter and the applicable rules adopted under it. 998

Until the unapproved district is placed on or returned to the 999
approved list, the director or the contracting district shall 1000
collect all fees payable to the board of health under this chapter 1001
and all such fees previously paid to the unapproved district that 1002
have not been expended or encumbered. The director shall deposit 1003
those fees in the state treasury to the credit of a special fund, 1004
which is hereby created, to be used by the director for the 1005
purpose of carrying out the duties of the unapproved health 1006
district under this chapter and the applicable rules adopted under 1007
it. A contracting district shall deposit those fees to the credit 1008
of its fund created under section 3718.06 of the Revised Code to 1009
be used by the district for the purpose of carrying out the duties 1010
of the unapproved district under this chapter and the applicable 1011
rules adopted under it. The director or contracting district shall 1012
repay to the unapproved district any balance remaining in the 1013
applicable fund from all sources when the unapproved district is 1014
placed on or returned to the approved list by the director. 1015

If a health district is removed from the approved list under 1016

this section and the board of health of the district is regulating 1017
small flow on-site sewage treatment systems in the district under 1018
section 3718.021 of the Revised Code, the director of 1019
environmental protection shall regulate those systems in that 1020
district in accordance with division (C) of that section. 1021

Sec. 3718.08. No person shall violate this chapter, any rule 1022
adopted or order issued under it, or any condition of a 1023
registration or permit issued under rules adopted under it. 1024

Sec. 3718.09. (A) A board of health may issue, modify, 1025
suspend, or revoke enforcement orders to a registration or permit 1026
holder or other person directing the holder or person to abate a 1027
violation of this chapter, any rule adopted or order issued under 1028
it, or a condition of a registration or permit issued under it 1029
within a specified, reasonable time. If an order issued under this 1030
division is neglected or disregarded, the applicable board of 1031
health may proceed in accordance with section 3707.02 of the 1032
Revised Code. 1033

(B) The health commissioner or the commissioner's designated 1034
representative, without prior notice or hearing and in accordance 1035
with the rules of the public health council, may issue an 1036
emergency order requiring any action necessary to meet a public 1037
health emergency regarding domestic septage management or 1038
regarding a sewage treatment system. A person to whom such an 1039
emergency order is issued immediately shall comply with the order. 1040
A person so ordered may apply to the issuer of the order for a 1041
hearing, which shall be held as soon as possible, but not later 1042
than twenty days after the issuer's receipt of the application for 1043
a hearing. 1044

Sec. 3718.10. (A) The prosecuting attorney of the county or 1045
the city director of law, village solicitor, or other chief legal 1046

officer of the municipal corporation where a violation has 1047
occurred or is occurring, upon complaint of the director of health 1048
or a board of health, shall prosecute to termination or bring an 1049
action for injunction or other appropriate relief against any 1050
person who is violating or has violated this chapter, any rule 1051
adopted or order issued under it, or any condition of a 1052
registration or permit issued under rules adopted under it. The 1053
court of common pleas or the municipal or county court in which an 1054
action for injunction is filed has jurisdiction to grant such 1055
relief upon a showing that the respondent named in the complaint 1056
is or was in violation of the chapter or rules, orders, or 1057
conditions. 1058

Upon finding that a person intentionally has violated this 1059
chapter, a rule adopted or order issued under it, or any condition 1060
of a registration or permit issued under rules adopted under it, 1061
the court may assess a civil penalty of not more than one hundred 1062
dollars for each day of violation against the person. Seventy-five 1063
per cent of any penalties assessed by the court under this 1064
division shall be paid to the health district whose board of 1065
health brought the complaint, or to the state treasury to the 1066
credit of the general operations fund created in section 3701.83 1067
of the Revised Code if the director of health is carrying out the 1068
duties of an unapproved health district in which the violation 1069
occurred in accordance with section 3718.07 of the Revised Code, 1070
and shall be used for the purposes of this chapter and the rules 1071
adopted under it. Twenty-five per cent of any penalties assessed 1072
by the court under this division shall be paid to the prosecuting 1073
attorney of the county or city director of law, village solicitor, 1074
or other chief legal officer of the municipal corporation that 1075
prosecuted or brought the action under this division to pay the 1076
expenses incurred in bringing the action. 1077

(B) The remedies provided in this chapter are in addition to 1078
any other remedies available under law. 1079

Sec. 3718.99. Whoever purposely violates section 3718.08 of 1080
the Revised Code shall be fined not more than one thousand 1081
dollars. Each day of violation is a separate offense. All money 1082
collected from fines under this section shall be used to 1083
administer and enforce this chapter and rules adopted under it and 1084
shall be deposited as follows: 1085

(A) If the violation occurred within a health district that 1086
is approved under section 3718.07 of the Revised Code, the money 1087
shall be deposited to the credit of the district's special fund 1088
created under section 3718.06 of the Revised Code. 1089

(B) If the violation occurred within a health district that 1090
is not approved under section 3718.07 of the Revised Code and a 1091
contracting district is carrying out the duties of the unapproved 1092
health district in accordance with that section, the money shall 1093
be deposited to the credit of the contracting district's special 1094
fund created under section 3718.06 of the Revised Code. 1095

(C) If the violation occurred within an unapproved health 1096
district and the director of health is carrying out the duties of 1097
the unapproved health district in accordance with section 3718.07 1098
of the Revised Code, the money shall be deposited in the state 1099
treasury to the credit of the general operations fund created in 1100
section 3701.83 of the Revised Code. 1101

Sec. 4736.01. As used in this chapter: 1102

(A) "Environmental health science" means the aspect of public 1103
health science that includes, but is not limited to, the following 1104
bodies of knowledge: air quality, food quality and protection, 1105
hazardous and toxic substances, consumer product safety, housing, 1106
institutional health and safety, community noise control, 1107

radiation protection, recreational facilities, solid and liquid 1108
waste management, vector control, drinking water quality, milk 1109
sanitation, and rabies control. 1110

(B) "Sanitarian" means a person who performs for compensation 1111
educational, investigational, technical, or administrative duties 1112
requiring specialized knowledge and skills in the field of 1113
environmental health science. 1114

(C) "Registered sanitarian" means a person who is registered 1115
as a sanitarian in accordance with ~~Chapter 4736. of the Revised~~ 1116
~~Code~~ this chapter. 1117

(D) "Sanitarian-in-training" means a person who is registered 1118
as a sanitarian-in-training in accordance with ~~Chapter 4736. of~~ 1119
~~the Revised Code~~ this chapter. 1120

(E) "Practice of environmental health" means consultation, 1121
instruction, investigation, inspection, or evaluation by an 1122
employee of a city health district, a general health district, the 1123
~~Ohio~~ environmental protection agency, the department of health, or 1124
the department of agriculture requiring specialized knowledge, 1125
training, and experience in the field of environmental health 1126
science, with the primary purpose of improving or conducting 1127
administration or enforcement under any of the following: 1128

(1) Chapter 911., 913., 917., 3717., 3718., 3721., or 3733. 1129
of the Revised Code; 1130

(2) Chapter 3734. of the Revised Code as it pertains to solid 1131
waste; 1132

(3) Section 955.26, 3701.344, 3707.01, or 3707.03, sections 1133
3707.38 to 3707.99, or section 3715.21 of the Revised Code; 1134

(4) Rules adopted under section 3701.34 of the Revised Code 1135
pertaining to ~~home sewage~~, rabies control, or swimming pools. 1136

"Practice of environmental health" does not include sampling, 1137

testing, controlling of vectors, reporting of observations, or 1138
other duties that do not require application of specialized 1139
knowledge and skills in environmental health science performed 1140
under the supervision of a registered sanitarian. 1141

The state board of sanitarian registration may further define 1142
environmental health science in relation to specific functions in 1143
the practice of environmental health through rules adopted by the 1144
board under Chapter 119. of the Revised Code. 1145

Sec. 5302.30. (A) As used in this section: 1146

(1) "Good faith" means honesty in fact in a transaction 1147
involving the transfer of residential real property. 1148

(2) "Land installment contract" has the same meaning as in 1149
section 5313.01 of the Revised Code. 1150

(3) "Political subdivision" and "state" have the same 1151
meanings as in section 2744.01 of the Revised Code. 1152

(4) "Residential real property" means real property that is 1153
improved by a building or other structure that has one to four 1154
dwelling units. 1155

(B)(1) Except as provided in division (B)(2) of this section, 1156
this section applies to any transfer of residential real property 1157
that occurs on or after July 1, 1993, by sale, land installment 1158
contract, lease with option to purchase, exchange, or lease for a 1159
term of ninety-nine years and renewable forever. For purposes of 1160
this section, a transfer occurs when the initial contract for 1161
transfer is executed, regardless of when legal title is 1162
transferred, and references in this section to transfer offers and 1163
transfer agreements refer to offers and agreements in respect of 1164
the initial contract for transfer. 1165

(2) This section does not apply to any transfer of 1166
residential real property that is any of the following: 1167

(a) A transfer pursuant to court order, including, but not limited to, a transfer ordered by a probate court during the administration of a decedent's estate, a transfer pursuant to a writ of execution, a transfer by a trustee in bankruptcy, a transfer as a result of the exercise of the power of eminent domain, and a transfer that results from a decree for specific performance of a contract or other agreement between persons;	1168 1169 1170 1171 1172 1173 1174
(b) A transfer to a mortgagee by a mortgagor by deed in lieu of foreclosure or in satisfaction of the mortgage debt;	1175 1176
(c) A transfer to a beneficiary of a deed of trust by a trustor in default;	1177 1178
(d) A transfer by a foreclosure sale that follows a default in the satisfaction of an obligation secured by a mortgage;	1179 1180
(e) A transfer by a sale under a power of sale following a default in the satisfaction of an obligation that is secured by a deed of trust or another instrument containing a power of sale;	1181 1182 1183
(f) A transfer by a mortgagee, or a beneficiary under a deed of trust, who has acquired the residential real property at a sale conducted pursuant to a power of sale under a mortgage or a deed of trust or who has acquired the residential real property by a deed in lieu of foreclosure;	1184 1185 1186 1187 1188
(g) A transfer by a fiduciary in the course of the administration of a decedent's estate, a guardianship, a conservatorship, or a trust;	1189 1190 1191
(h) A transfer from one co-owner to one or more other co-owners;	1192 1193
(i) A transfer made to the transferor's spouse or to one or more persons in the lineal line of consanguinity of one or more of the transferors;	1194 1195 1196
(j) A transfer between spouses or former spouses as a result	1197

of a decree of divorce, dissolution of marriage, annulment, or 1198
legal separation or as a result of a property settlement agreement 1199
incidental to a decree of divorce, dissolution of marriage, 1200
annulment, or legal separation; 1201

(k) A transfer to or from the state, a political subdivision 1202
of the state, or another governmental entity; 1203

(l) A transfer that involves newly constructed residential 1204
real property that previously has not been inhabited; 1205

(m) A transfer to a transferee who has occupied the property 1206
as a personal residence for one or more years immediately prior to 1207
the transfer; 1208

(n) A transfer from a transferor who both has not occupied 1209
the property as a personal residence within one year immediately 1210
prior to the transfer and has acquired the property through 1211
inheritance or devise. 1212

(C) Except as provided in division (B)(2) of this section and 1213
subject to divisions (E) and (F) of this section, every person who 1214
intends to transfer any residential real property on or after July 1215
1, 1993, by sale, land installment contract, lease with option to 1216
purchase, exchange, or lease for a term of ninety-nine years and 1217
renewable forever shall complete all applicable items in a 1218
property disclosure form prescribed under division (D) of this 1219
section and shall deliver in accordance with division (I) of this 1220
section a signed and dated copy of the completed form to each 1221
prospective transferee or ~~his~~ prospective transferee's agent as 1222
soon as is practicable. 1223

(D)(1) Prior to July 1, 1993, the director of commerce, by 1224
rule adopted in accordance with Chapter 119. of the Revised Code, 1225
shall prescribe the disclosure form to be completed by 1226
transferors. The form prescribed by the director shall be designed 1227
to permit the transferor to disclose material matters relating to 1228

the physical condition of the property to be transferred, 1229
including, but not limited to, the source of water supply to the 1230
property; the nature of the sewer system serving the property; the 1231
condition of the structure of the property, including the roof, 1232
foundation, walls, and floors; the presence of hazardous materials 1233
or substances, including lead-based paint, asbestos, 1234
urea-formaldehyde foam insulation, and radon gas; and any material 1235
defects in the property that are within the actual knowledge of 1236
the transferor. 1237

The form also shall set forth a statement of the purpose of 1238
the form, including statements substantially similar to the 1239
following: that the form constitutes a statement of the conditions 1240
of the property and of information concerning the property 1241
actually known by the transferor; that, unless the transferee is 1242
otherwise advised in writing, the transferor, other than having 1243
lived at or owning the property, possesses no greater knowledge 1244
than that which could be obtained by a careful inspection of the 1245
property by a potential transferee; that the statement is not a 1246
warranty of any kind by the transferor or by any agent or subagent 1247
representing the transferor in this transaction; that the 1248
statement is not a substitute for any inspections; that the 1249
transferee is encouraged to obtain ~~his/her~~ the transferee's own 1250
professional inspection; that the representations are made by the 1251
transferor and are not the representations of the transferor's 1252
agent or subagent; and that the form and the representations 1253
contained therein are provided by the transferor exclusively to 1254
potential transferees in a transfer made by the transferor, and 1255
are not made to transferees in any subsequent transfers. 1256

The form shall include instructions to the transferor for 1257
completing the form, space in which the transferor or transferors 1258
shall sign and date the form, and space in which the transferee or 1259
transferees shall sign and date the form acknowledging receipt of 1260

a copy of the form and stating that the transferee or transferees
understand the purpose of the form as stated thereon.

(2) If the real property to be transferred is served by a
sewage treatment system, the transferor of the property shall
include on the disclosure form a statement that information on the
operation and maintenance of the type of system serving the
property is available from the department of health or the board
of health of the health district in which the property is located.

As used in this section, "sewage treatment system" has the
same meaning as in section 3718.01 of the Revised Code.

(E)(1) Each disclosure of an item of information that is
required to be made in the property disclosure form prescribed
under division (D) of this section in connection with particular
residential real property and each act that may be performed in
making any disclosure of an item of information shall be made or
performed in good faith.

(2) If an item of information is unknown to the transferor of
residential real property at the time the item is required to be
disclosed in the property disclosure form and if the approximation
is not used for the purpose of circumventing or otherwise evading
divisions (C) and (D) of this section, the transferor may make a
good faith approximation of the item of information.

(F)(1) A transferor of residential real property is not
liable in damages in a civil action for injury, death, or loss to
person or property that allegedly arises from any error in,
inaccuracy of, or omission of any item of information required to
be disclosed in the property disclosure form if the error,
inaccuracy, or omission was not within the transferor's actual
knowledge.

(2) If any item of information that is disclosed in the
property disclosure form is rendered inaccurate after the delivery

of the form to the transferee of residential real property or ~~his~~ 1292
the transferee's agent as a result of any act, occurrence, or 1293
agreement, the subsequent inaccuracy does not cause, and shall not 1294
be construed as causing, the transferor of the residential real 1295
property to be in noncompliance with the requirements of divisions 1296
(C) and (D) of this section. 1297

(G) Any disclosure of an item of information in the property 1298
disclosure form prescribed under division (D) of this section may 1299
be amended in writing by the transferor of residential real 1300
property at any time following the delivery of the form in 1301
accordance with divisions (C) and (I) of this section. The 1302
amendment shall be subject to ~~the provisions of~~ this section. 1303

(H) Except as provided in division (B)(2) of this section, 1304
every prospective transferee of residential real property who 1305
receives in accordance with division (C) of this section a signed 1306
and dated copy of a completed property disclosure form as 1307
prescribed under division (D) of this section shall acknowledge 1308
~~his~~ receipt of the form by doing both of the following: 1309

(1) Signing and dating a copy of the form; 1310

(2) Delivering a signed and dated copy of the form to the 1311
transferor or ~~his~~ the transferor's agent or subagent. 1312

(I) The transferor's delivery under division (C) of this 1313
section of a property disclosure form as prescribed under division 1314
(D) of this section and the prospective transferee's delivery 1315
under division (H) of this section of an acknowledgment of ~~his~~ 1316
receipt of that form shall be made by personal delivery to the 1317
other party or ~~his~~ the other party's agent or subagent, by 1318
ordinary mail or certified mail, return receipt requested, or by 1319
facsimile transmission. For the purposes of the delivery 1320
requirements of this section, the delivery of a property 1321
disclosure form to a prospective co-transferee of residential real 1322

property or ~~his~~ a prospective co-transferee's agent shall be 1323
considered delivery to the other prospective transferees unless 1324
otherwise provided by contract. 1325

(J) The specification of items of information that must be 1326
disclosed in the property disclosure form as prescribed under 1327
division (D)(1) of this section does not limit or abridge, and 1328
shall not be construed as limiting or abridging, any obligation to 1329
disclose an item of information that is created by any other 1330
provision of the Revised Code or the common law of this state or 1331
that may exist in order to preclude fraud, either by 1332
misrepresentation, concealment, or nondisclosure in a transaction 1333
involving the transfer of residential real property. The 1334
disclosure requirements of this section do not bar, and shall not 1335
be construed as barring, the application of any legal or equitable 1336
defense that a transferor of residential real property may assert 1337
in a civil action commenced against the transferor by a 1338
prospective or actual transferee of that property. 1339

(K)(1) Except as provided in division (K)(2) of this section, 1340
but subject to divisions (J) and (L) of this section, a transfer 1341
of residential real property that is subject to this section shall 1342
not be invalidated because of the failure of the transferor to 1343
provide to the transferee in accordance with division (C) of this 1344
section a completed property disclosure form as prescribed under 1345
division (D) of this section. 1346

(2) Subject to division (K)(3)(c) of this section, if a 1347
transferee of residential real property that is subject to this 1348
section receives a property disclosure form or an amendment of 1349
that form as described in division (G) of this section after the 1350
transferee has entered into a transfer agreement with respect to 1351
the property, the transferee, after ~~his~~ receipt of the form or 1352
amendment, may rescind the transfer agreement in a written, 1353
signed, and dated document that is delivered to the transferor or 1354

~~his~~ the transferor's agent or subagent in accordance with 1355
divisions (K)(3)(a) and (b) of this section, without incurring any 1356
legal liability to the transferor because of the rescission, 1357
including, but not limited to, a civil action for specific 1358
performance of the transfer agreement. Upon the rescission of the 1359
transfer agreement, the transferee is entitled to the return of, 1360
and the transferor shall return, any deposits made by the 1361
transferee in connection with the proposed transfer of the 1362
residential real property. 1363

(3)(a) Subject to division (K)(3)(b) of this section, a 1364
rescission of a transfer agreement under division (K)(2) of this 1365
section only may occur if the transferee's written, signed, and 1366
dated document of rescission is delivered to the transferor or ~~his~~ 1367
the transferor's agent or subagent within three business days 1368
following the date on which the transferee or ~~his~~ the transferee's 1369
agent receives the property disclosure form prescribed under 1370
division (D) of this section or the amendment of that form as 1371
described in division (G) of this section. 1372

(b) A transferee may not rescind a transfer agreement under 1373
division (K)(2) of this section unless ~~he~~ the transferee rescinds 1374
the transfer agreement by the earlier of the date that is thirty 1375
days after the date upon which the transferor accepted the 1376
transferee's transfer offer or the date of the closing of the 1377
transfer of the residential real property. 1378

(c) A transferee of residential real property may waive the 1379
right of rescission of a transfer agreement described in division 1380
(K)(2) of this section. 1381

(d) A rescission of a transfer agreement is not permissible 1382
under division (K)(2) of this section if a transferee of 1383
residential real property that is subject to this section receives 1384
a property disclosure form as prescribed under division (D) of 1385
this section or an amendment of that form as described in division 1386

(G) of this section prior to the transferee's submission to the 1387
transferor or ~~his~~ the transferor's agent or subagent of a transfer 1388
offer and the transferee's entry into a transfer agreement with 1389
respect to the property. 1390

(4) If a transferee of residential real property subject to 1391
this section does not receive a property disclosure form from the 1392
transferor after the transferee has submitted to the transferor or 1393
~~his~~ the transferor's agent or subagent a transfer offer and has 1394
entered into a transfer agreement with respect to the property, 1395
the transferee may rescind the transfer agreement in a written, 1396
signed, and dated document that is delivered to the transferor or 1397
~~his~~ the transferor's agent or subagent in accordance with division 1398
(K)(4) of this paragraph, section without incurring any legal 1399
liability to the transferor because of the rescission, including, 1400
but not limited to, a civil action for specific performance of the 1401
transfer agreement. Upon the rescission of the transfer agreement, 1402
the transferee is entitled to the return of, and the transferor 1403
shall return, any deposits made by the transferee in connection 1404
with the proposed transfer of the residential real property. A 1405
transferee may not rescind a transfer agreement under division 1406
(K)(4) of this paragraph section unless ~~he~~ the transferee rescinds 1407
the transfer agreement by the earlier of the date that is thirty 1408
days after the date upon which the transferor accepted the 1409
transferee's transfer offer or the date of the closing of the 1410
transfer of the residential real property. 1411

(L) The right of rescission of a transfer agreement described 1412
in division (K)(2) of this section or the absence of that right 1413
does not affect, and shall not be construed as affecting, any 1414
other legal causes of action or other remedies that a transferee 1415
or prospective transferee of residential real property may possess 1416
against the transferor of that property. 1417

Sec. 6111.04. (A) Both of the following apply except as 1418
otherwise provided in division (A) or (F) of this section: 1419

(1) No person shall cause pollution or place or cause to be 1420
placed any sewage, sludge, sludge materials, industrial waste, or 1421
other wastes in a location where they cause pollution of any 1422
waters of the state. 1423

(2) Such an action prohibited under division (A)(1) of this 1424
section is hereby declared to be a public nuisance. 1425

Divisions (A)(1) and (2) of this section do not apply if the 1426
person causing pollution or placing or causing to be placed wastes 1427
in a location in which they cause pollution of any waters of the 1428
state holds a valid, unexpired permit, or renewal of a permit, 1429
governing the causing or placement as provided in sections 6111.01 1430
to 6111.08 of the Revised Code or if the person's application for 1431
renewal of such a permit is pending. 1432

(B) If the director of environmental protection administers a 1433
sludge management program pursuant to division (S) of section 1434
6111.03 of the Revised Code, both of the following apply except as 1435
otherwise provided in division (B) or (F) of this section: 1436

(1) No person, in the course of sludge management, shall 1437
place on land located in the state or release into the air of the 1438
state any sludge or sludge materials. 1439

(2) An action prohibited under division (B)(1) of this 1440
section is hereby declared to be a public nuisance. 1441

Divisions (B)(1) and (2) of this section do not apply if the 1442
person placing or releasing the sludge or sludge materials holds a 1443
valid, unexpired permit, or renewal of a permit, governing the 1444
placement or release as provided in sections 6111.01 to 6111.08 of 1445
the Revised Code or if the person's application for renewal of 1446
such a permit is pending. 1447

(C) No person to whom a permit has been issued shall place or discharge, or cause to be placed or discharged, in any waters of the state any sewage, sludge, sludge materials, industrial waste, or other wastes in excess of the permissive discharges specified under an existing permit without first receiving a permit from the director to do so.

(D) No person to whom a sludge management permit has been issued shall place on the land or release into the air of the state any sludge or sludge materials in excess of the permissive amounts specified under the existing sludge management permit without first receiving a modification of the existing sludge management permit or a new sludge management permit to do so from the director.

(E) The director may require the submission of plans, specifications, and other information that the director considers relevant in connection with the issuance of permits.

(F) This section does not apply to any of the following:

(1) Waters used in washing sand, gravel, other aggregates, or mineral products when the washing and the ultimate disposal of the water used in the washing, including any sewage, industrial waste, or other wastes contained in the waters, are entirely confined to the land under the control of the person engaged in the recovery and processing of the sand, gravel, other aggregates, or mineral products and do not result in the pollution of waters of the state;

(2) Water, gas, or other material injected into a well to facilitate, or that is incidental to, the production of oil, gas, artificial brine, or water derived in association with oil or gas production and disposed of in a well, in compliance with a permit issued under Chapter 1509. of the Revised Code, or sewage, industrial waste, or other wastes injected into a well in

compliance with an injection well operating permit. Division 1479
(F)(2) of this section does not authorize, without a permit, any 1480
discharge that is prohibited by, or for which a permit is required 1481
by, regulation of the United States environmental protection 1482
agency. 1483

(3) Application of any materials to land for agricultural 1484
purposes or runoff of the materials from that application or 1485
pollution by animal waste or soil sediment, including attached 1486
substances, resulting from farming, silvicultural, or earthmoving 1487
activities regulated by Chapter 307. or 1515. of the Revised Code; 1488

(4) The excrement of domestic and farm animals defecated on 1489
land or runoff therefrom into any waters of the state; 1490

(5) On and after the date on which the United States 1491
environmental protection agency approves the NPDES program 1492
submitted by the director of agriculture under section 903.08 of 1493
the Revised Code, storm water from an animal feeding facility, as 1494
defined in section 903.01 of the Revised Code, or manure, as 1495
defined in that section; 1496

(6) The discharge of sewage, industrial waste, or other 1497
wastes into a sewerage system tributary to a treatment works. 1498
Division (F)(6) of this section does not authorize any discharge 1499
into a publicly owned treatment works in violation of a 1500
pretreatment program applicable to the publicly owned treatment 1501
works. 1502

(7) ~~Septic tanks or any other disposal systems for the~~ 1503
~~disposal or treatment of sewage from single family, two family, or~~ 1504
~~three family dwellings~~ A household sewage treatment system or a 1505
small flow on-site sewage treatment system, as applicable, as 1506
defined in section 3718.01 of the Revised Code that is installed 1507
in compliance with the sanitary code and section 3707.01 Chapter 1508
3718. of the Revised Code and rules adopted under it. Division 1509

(F)(7) of this section does not authorize, without a permit, any discharge that is prohibited by, or for which a permit is required by, regulation of the United States environmental protection agency.

(8) Exceptional quality sludge generated outside of this state and contained in bags or other containers not greater than one hundred pounds in capacity. As used in division (F)(8) of this section, "exceptional quality sludge" has the same meaning as in division (Y) of section 3745.11 of the Revised Code.

(G) The holder of a permit issued under section 402 (a) of the Federal Water Pollution Control Act need not obtain a permit for a discharge authorized by the permit until its expiration date. The director shall administer and enforce those permits within this state and may modify their terms and conditions in accordance with division (J) of section 6111.03 of the Revised Code.

Sec. 6111.44. (A) Except as otherwise provided in division (B) of this section, in section 6111.14 of the Revised Code, or in rules adopted under division (G) of section 6111.03 of the Revised Code, no municipal corporation, county, public institution, corporation, or officer or employee thereof or other person shall provide or install sewerage or treatment works for sewage, sludge, or sludge materials disposal or treatment or make a change in any sewerage or treatment works until the plans therefor have been submitted to and approved by the director of environmental protection. Sections 6111.44 to 6111.46 of the Revised Code apply to sewerage and treatment works of a municipal corporation or part thereof, an unincorporated community, a county sewer district, or other land outside of a municipal corporation or any publicly or privately owned building or group of buildings or place, used for the assemblage, entertainment, recreation, education, correction,

hospitalization, housing, or employment of persons. 1541

In granting an approval, the director may stipulate 1542
modifications, conditions, and rules that the public health and 1543
prevention of pollution may require. Any action taken by the 1544
director shall be a matter of public record and shall be entered 1545
in the director's journal. Each period of thirty days that a 1546
violation of this section continues, after a conviction for the 1547
violation, constitutes a separate offense. 1548

(B) Sections 6111.45 and 6111.46 of the Revised Code and 1549
division (A) of this section do not apply to any of the following: 1550

(1) Sewerage or treatment works for sewage installed or to be 1551
installed for the use of a private residence or dwelling; 1552

(2) Sewerage systems, treatment works, or disposal systems 1553
for storm water from an animal feeding facility or manure, as 1554
"animal feeding facility" and "manure" are defined in section 1555
903.01 of the Revised Code; 1556

(3) Animal waste treatment or disposal works and related 1557
management and conservation practices that are subject to rules 1558
adopted under division (E)(2) of section 1511.02 of the Revised 1559
Code; 1560

(4) Sewerage or treatment works for the on-lot disposal or 1561
treatment of sewage from a small flow on-site sewage treatment 1562
system, as defined in section 3718.01 of the Revised Code, if the 1563
board of health of a city or general health district has notified 1564
the director of health and the director of environmental 1565
protection under section 3718.021 of the Revised Code that the 1566
board has chosen to regulate the system, provided that the board 1567
remains in compliance with the rules adopted under division 1568
(A)(13) of section 3718.02 of the Revised Code. 1569

The exclusions established in divisions (B)(2) and (3) of 1570

this section do not apply to the construction or installation of 1571
disposal systems, as defined in section 6111.01 of the Revised 1572
Code, that are located at an animal feeding facility and that 1573
store, treat, or discharge wastewaters that do not include storm 1574
water or manure or that discharge to a publicly owned treatment 1575
works. 1576

Sec. 6111.441. In addition to the exemption established under 1577
division (B)(4) of section 6111.44 of the Revised Code, sewerage 1578
or treatment works for the on-lot disposal or treatment of sewage 1579
from a small flow on-site sewage treatment system, as defined in 1580
section 3718.01 of the Revised Code, concerning which the board of 1581
health of a city or general health district has notified the 1582
director of health and the director of environmental protection 1583
under section 3718.021 of the Revised Code that the board has 1584
chosen to regulate the system are exempt from the administrative 1585
and permitting requirements established in this chapter and rules 1586
adopted under it and the fees established under section 3745.11 of 1587
the Revised Code, provided that the board remains in compliance 1588
with the rules adopted under division (A)(13) of section 3718.02 1589
of the Revised Code. 1590

Section 2. That existing sections 307.37, 319.281, 521.01, 1591
711.05, 711.10, 711.131, 3701.83, 3709.085, 3709.09, 3709.091, 1592
4736.01, 5302.30, 6111.04, and 6111.44 of the Revised Code are 1593
hereby repealed. 1594

Section 3. Chapter 3701-29 of the Ohio Administrative Code 1595
shall remain in effect as it existed on the effective date of this 1596
act until it is superseded by the rules that are required to be 1597
adopted under section 3718.02 of the Revised Code as enacted by 1598
this act. 1599

Section 4. Section 3718.021 of the Revised Code, as enacted 1600
by this act, shall become operative on the effective date of the 1601
rules adopted under division (A)(13) of section 3718.02 of the 1602
Revised Code, as enacted by this act. 1603

Section 5. Section 3709.085 of the Revised Code is presented 1604
in this act as a composite of the section as amended by both Am. 1605
Sub. H.B. 197 and S.B. 198 of the 123rd General Assembly. The 1606
General Assembly, applying the principle stated in division (B) of 1607
section 1.52 of the Revised Code that amendments are to be 1608
harmonized if reasonably capable of simultaneous operation, finds 1609
that the composite is the resulting version of the section in 1610
effect prior to the effective date of the section as presented in 1611
this act. 1612