

**As Reported by the Senate Energy, Natural Resources and  
Environment Committee**

**125th General Assembly**

**Regular Session**

**2003-2004**

**Sub. H. B. No. 231**

**Representatives Niehaus, Seitz, McGregor, Barrett, Kearns, Husted, Setzer,  
Collier, Webster, Carano, Allen, Aslanides, Carmichael, Strahorn, Daniels,  
Domenick, Flowers, Hollister, Otterman, T. Patton, Wolpert  
Senator Spada**

—

**A BILL**

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  
the scope of regulating the safety, health, and sanitary  
conditions of those buildings.

Any person adversely affected by an order of the board  
adopting, amending, or rescinding a regulation under this section  
may appeal to the court of common pleas of the county on the  
ground that the board failed to comply with the law in adopting,  
amending, rescinding, publishing, or distributing the regulation,  
that the regulation, as adopted or amended by the board, is  
unreasonable or unlawful, or that the revision of the regulation  
was unreasonable or unlawful.

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

(3)(a) A county building code may include regulations that  
provide for a review of the specific effects of a proposed new  
construction on existing surface or subsurface drainage. The  
regulations may require reasonable drainage mitigation and

reasonable alteration of a proposed new construction before a building permit is issued in order to prevent or correct any adverse effects that the proposed new construction may have on existing surface or subsurface drainage. The regulations shall not be inconsistent with, more stringent than, or broader in scope than standards adopted by the natural resource conservation service in the United States department of agriculture concerning drainage or rules adopted by the environmental protection agency for reducing, controlling, or mitigating storm water runoff from construction sites, where applicable. The regulations shall allow a person who is registered under Chapter 4703. or 4733. of the Revised Code to prepare and submit relevant plans and other documents for review, provided that the person is authorized to prepare the plans and other documents pursuant to the person's registration.

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

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

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

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(iii) Completion of the review by the board of county commissioners not later than thirty days after the application for a building permit is filed or a review is requested unless the applicant has agreed in writing to extend that time period or postpone the meeting to a later time, in which case the review shall be completed not later than two days after the date of the meeting. A complete review shall include the issuance of any order of the board of county commissioners regarding necessary reasonable drainage mitigation and necessary reasonable alterations to the proposed new construction to prevent or correct any adverse effects on existing surface or subsurface drainage. If the review is not completed within the thirty-day period or an extended or postponed period that the applicant has agreed to, the proposed new construction shall be deemed to have no adverse effects on existing surface or subsurface drainage, and those effects shall not be a valid basis for the denial of a building permit.

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

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

(d) Regulations authorized by division (B)(3) of this section shall not apply to any property that has been approved by a

plattling 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  
Revised Code for any other kind or class of building in the  
unincorporated territory of the county.

**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 206  
tiles does not exceed two hundred dollars for any one project. No 207  
maintenance or repair shall be performed that is paid for from the 208  
township general fund under this division until the board adopts a 209  
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 under section 3718.02 of 253  
the Revised Code, as a basis for approval of a plat. Where under 254  
~~the provisions of~~ section 711.101 of the Revised Code the board of 255  
county commissioners has set up standards and specifications for 256  
the construction of streets, utilities, and other improvements for 257  
common use, ~~such~~ the general rules may require the submission of 258  
appropriate plans and specifications for approval. The board shall 259  
not require the person submitting the plat to alter the plat or 260  
any part of it as a condition for approval, as long as the plat is 261  
in accordance with general rules governing plats and subdivisions 262  
of land, adopted by the board as provided in this section, in 263  
effect at the time the plat was submitted and the plat is in 264  
accordance with any standards and specifications set up under 265  
section 711.101 of the Revised Code, in effect at the time the 266  
plat was submitted. 267

(C) The ground of refusal to approve any plat, submitted in 268

accordance with section 711.041 of the Revised Code, shall be 269  
stated upon the record of the board, and, within sixty days 270  
thereafter, the person submitting any plat that the board refuses 271  
to approve may file a petition in the court of common pleas of the 272  
county in which the land described in the plat is situated to 273  
review the action of the board. A board of township trustees is 274  
not entitled to appeal a decision of the board of county 275  
commissioners under this section. 276

**Sec. 711.10.** Whenever a county planning commission or a 277  
regional planning commission adopts a plan for the major streets 278  
or highways of the county or region, no plat of a subdivision of 279  
land within the county or region, other than land within a 280  
municipal corporation or land within three miles of a city or one 281  
and one-half miles of a village as provided in section 711.09 of 282  
the Revised Code, shall be recorded until it is approved by the 283  
county or regional planning commission and the approval is 284  
endorsed in writing on the plat. Within five days after the 285  
submission of a plat for approval, the county or regional planning 286  
commission shall schedule a meeting to consider the plat and send 287  
a notice by regular mail or by electronic mail to the clerk of the 288  
board of township trustees of the township in which the plat is 289  
located and the board of health of the health district in which 290  
the plat is located. The notice shall inform the trustees and the 291  
board of health of the submission of the plat and of the date, 292  
time, and location of any meeting at which the county or regional 293  
planning commission will consider or act upon the plat. The 294  
meeting shall take place within thirty days after submission of 295  
the plat, and no meeting shall be held until at least seven days 296  
have passed from the date the notice was sent by the planning 297  
commission. 298

The approval of the planning commission or the refusal to 299

approve shall be endorsed on the plat within thirty days after the  
submission of the plat for approval, or within such further time  
as the applying party may agree to in writing; otherwise that plat  
is deemed approved, and the certificate of the planning commission  
as to the date of the submission of the plat for approval and the  
failure to take action on it within that time shall be sufficient  
in lieu of the written endorsement or evidence of approval  
required by this section. A county or regional planning commission  
shall not require a person submitting the plat to alter the plat  
or any part of it as a condition for approval, as long as the plat  
is in accordance with the general rules governing plats and  
subdivisions of land, adopted by the commission as provided in  
this section, in effect at the time the plat is submitted. The  
ground of refusal of approval of any plat submitted, including  
citation of or reference to the rule violated by the plat, shall  
be stated upon the record of the commission. Within sixty days  
after the refusal, the person submitting any plat that the county  
or regional planning commission refuses to approve may file a  
petition in the court of common pleas of the proper county, and  
the proceedings on the petition shall be governed by section  
711.09 of the Revised Code as in the case of the refusal of a  
planning authority to approve a plat. A board of township trustees  
is not entitled to appeal a decision of the county or regional  
planning commission under this section.

A county or regional planning commission shall adopt general  
rules, of uniform application, governing plats and subdivisions of  
land falling within its jurisdiction, to secure and provide for  
the proper arrangement of streets or other highways in relation to  
existing or planned streets or highways or to the county or  
regional plan, for adequate and convenient open spaces for  
traffic, utilities, access of firefighting apparatus, recreation,  
light, and air, and for the avoidance of congestion of population.

The rules may provide for their modification by the county or regional planning commission in specific cases where unusual topographical and other exceptional conditions require the modification. The rules may require the ~~county department~~ board of health to review and comment on a plat before the county or regional planning commission acts upon it and may also require proof of compliance with any applicable zoning resolutions, and with household sewage treatment rules adopted under section 3718.02 of the Revised Code, as a basis for approval of a plat.

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

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

commission, or platting commissioner or legislative authority of a 364  
village, with subdivision regulation jurisdiction over 365  
unincorporated territory within the county or region may cooperate 366  
and agree by written agreement that the approval of a plat by the 367  
city or village planning commission, or platting commissioner or 368  
legislative authority of a village, as provided in section 711.09 369  
of the Revised Code, shall be conditioned upon receiving advice 370  
from or approval by the county or regional planning commission. 371

**Sec. 711.131.** Notwithstanding sections 711.001 to 711.13 of 372  
the Revised Code, a proposed division of a parcel of land along an 373  
existing public street, not involving the opening, widening, or 374  
extension of any street or road, and involving no more than five 375  
lots after the original tract has been completely subdivided, may 376  
be submitted to the authority having approving jurisdiction of 377  
plats under section 711.05, 711.09, or 711.10 of the Revised Code 378  
for approval without plat. If the authority acting through a 379  
properly designated representative is satisfied that the proposed 380  
division is not contrary to applicable platting, subdividing, 381  
zoning, or access management regulations ~~or~~ regulations adopted 382  
under division (B)(3) of section 307.37 of the Revised Code 383  
regarding existing surface or subsurface drainage, or household 384  
sewage treatment rules adopted under section 3718.02 of the 385  
Revised Code, it shall within seven working days after submission 386  
approve the proposed division and, on presentation of a conveyance 387  
of the parcel, shall stamp the conveyance "approved by (planning 388  
authority); no plat required" and have it signed by its clerk, 389  
secretary, or other official as may be designated by it. The 390  
planning authority may require the submission of a sketch and 391  
other information that is pertinent to its determination under 392  
this section. 393

**Sec. 3701.83.** (A) There is hereby created in the state 394

treasury the general operations fund. Moneys in the fund shall be 395  
used for the purposes specified in sections 3701.04, 3701.344, 396  
3702.20, 3710.15, 3711.021, 3717.45, 3718.06, 3721.02, 3722.04, 397  
3729.07, 3733.04, 3733.25, 3733.43, 3748.04, 3748.05, 3748.07, 398  
3748.12, 3748.13, 3749.04, 3749.07, 4747.04, 4751.04, and 4769.09 399  
of the Revised Code. 400

(B) The alcohol testing program fund is hereby created in the 401  
state treasury. The director of health shall use the fund to 402  
administer and enforce the alcohol testing and permit program 403  
authorized by section 3701.143 of the Revised Code. 404

The fund shall receive transfers from the liquor control fund 405  
created under section 4301.12 of the Revised Code. All investment 406  
earnings of the alcohol testing program fund shall be credited to 407  
the fund. 408

**Sec. 3709.085.** (A) The board of health of a city or general 409  
health district may enter into a contract with any political 410  
subdivision or other governmental agency to obtain or provide all 411  
or part of any services, including, but not limited to, 412  
enforcement services, for the purposes of Chapter 3704. of the 413  
Revised Code, the rules adopted and orders made pursuant thereto, 414  
or any other ordinances or rules for the prevention, control, and 415  
abatement of air pollution. 416

(B)(1) As used in division (B)(2) of this section: 417

(a) "Semipublic disposal system" means a disposal system that 418  
treats the sanitary sewage discharged from publicly or privately 419  
owned buildings or places of assemblage, entertainment, 420  
recreation, education, correction, hospitalization, housing, or 421  
employment, but does not include a disposal system that treats 422  
sewage in amounts of more than twenty-five thousand gallons per 423  
day; a disposal system for the treatment of sewage that is exempt 424  
from the requirements of section 6111.04 of the Revised Code 425

pursuant to division (F)~~(6)~~(7) of that section; or a disposal 426  
system for the treatment of industrial waste. 427

(b) Terms defined in section 6111.01 of the Revised Code have 428  
the same meanings as in that section. 429

(2) The board of health of a city or general health district 430  
may enter into a contract with the environmental protection agency 431  
to conduct on behalf of the agency inspection or enforcement 432  
services, for the purposes of Chapter 6111. of the Revised Code 433  
and rules adopted thereunder, for the disposal or treatment of 434  
sewage from semipublic disposal systems. The board of health of a 435  
city or general health district may charge a fee established 436  
pursuant to section 3709.09 of the Revised Code to be paid by the 437  
owner or operator of a semipublic disposal system for inspections 438  
conducted by the board pursuant to a contract entered into under 439  
division (B)(2) of this section, except that the board shall not 440  
charge a fee for those inspections conducted at any recreational 441  
vehicle park, recreation camp, or combined park-camp that is 442  
licensed under section 3729.05 of the Revised Code or at any 443  
manufactured home park that is licensed under section 3733.03 of 444  
the Revised Code. 445

**Sec. 3709.09.** (A) The board of health of a city or general 446  
health district may, by rule, establish a uniform system of fees 447  
to pay the costs of any services provided by the board. 448

The fee for issuance of a certified copy of a vital record or 449  
a certification of birth shall not be less than the fee prescribed 450  
for the same service under division (A)(1) of section 3705.24 of 451  
the Revised Code and shall include the fees required by division 452  
(B) of section 3705.24 and section 3109.14 of the Revised Code. 453

Fees for services provided by the board for purposes 454  
specified in sections 3701.344, 3711.05, 3718.06, 3729.07, 455

3730.03, 3733.04, 3733.25, and 3749.04 of the Revised Code shall 456  
be established in accordance with rules adopted under division (B) 457  
of this section. The district advisory council, in the case of a 458  
general health district, and the legislative authority of the 459  
city, in the case of a city health district, may disapprove any 460  
fee established by the board of health under this division, and 461  
any such fee, as disapproved, shall not be charged by the board of 462  
health. 463

(B) The public health council shall adopt rules under section 464  
111.15 of the Revised Code that establish fee categories and 465  
uniform methodologies for use in calculating the costs of services 466  
provided for purposes specified in sections 3701.344, 3711.05, 467  
3718.06, 3729.07, 3730.03, 3733.04, 3733.25, and 3749.04 of the 468  
Revised Code. In adopting the rules, the public health council 469  
shall consider recommendations it receives from advisory boards 470  
established either by statute or the director of health for 471  
entities subject to the fees. 472

(C) At least thirty days prior to establishing a fee for a 473  
service provided by the board for a purpose specified in section 474  
3701.344, 3711.05, 3718.06, 3729.07, 3730.03, 3733.04, 3733.25, or 475  
3749.04 of the Revised Code, a board of health shall notify any 476  
entity that would be affected by the proposed fee of the amount of 477  
the proposed fee. 478

**Sec. 3709.091.** (A) As used in this section: 479

(1) "Household sewage ~~disposal~~ treatment system" means any 480  
sewage ~~disposal~~ or treatment system, or part ~~thereof~~ of such a 481  
system, for a single-family, two-family, or three-family dwelling 482  
that receives sewage. 483

(2) "Sewage" means ~~any~~ liquid waste containing animal or 484  
vegetable matter in suspension or solution ~~from water closets,~~ 485  
~~urinals, lavatories, bathtubs, laundry tubs or devices, floor~~ 486



~~drains, drinking fountains, or other sanitary fixtures, and may~~ 487  
~~include liquid containing chemicals in solution that originates~~ 488  
~~from humans and human activities. "Sewage" includes liquids~~ 489  
~~containing household chemicals in solution commonly discharged~~ 490  
~~from a residence or from commercial, institutional, or other~~ 491  
~~similar facilities.~~ 492

(3) "Small flow on-site sewage treatment system" means a 493  
system, other than a household sewage treatment system, that 494  
treats not more than one thousand gallons of sewage per day and 495  
that does not require a national pollutant discharge elimination 496  
system permit issued under section 6111.03 of the Revised Code or 497  
an injection well drilling or operating permit issued under 498  
section 6111.043 of the Revised Code. 499

(B) If any owner, leaseholder, or assignee of real property 500  
fails to pay a fee as required by rule of a board of health of a 501  
city or general health district pursuant to section 3709.09 of the 502  
Revised Code for an operation permit for, or for inspection of, a 503  
household sewage ~~disposal~~ treatment system or a small flow on-site 504  
sewage treatment system located on the real property, the health 505  
commissioner of the city or general health district or the 506  
commissioner's designated representative shall notify the owner, 507  
leaseholder, or assignee of the real property of the amount of the 508  
fee and any accrued penalties for late payment of the fee. The 509  
notice shall state, in boldface letters: "You have 30 days to 510  
object to the amount of the unpaid operation permit or inspection 511  
fee for your household sewage ~~disposal~~ treatment system or small 512  
flow on-site sewage treatment system, as applicable, as designated 513  
in this notice, which may include accrued penalties for late 514  
payment of the fee. If you do not pay this amount as instructed 515  
herein within 30 days of receipt of this notice or object to this 516  
amount during that time period in accordance with the procedures 517  
set forth herein, the amount will be placed as a lien on your real 518

property." The notice also shall explain how the owner, 519  
leaseholder, or assignee may pay the amount, or object to the 520  
amount in accordance with the procedures established by divisions 521  
(C) and (D) of this section. 522

Notice to the owner, leaseholder, or assignee shall be made 523  
by either of the following: 524

(1) Certified mail, overnight delivery service, hand 525  
delivery, or any other method that includes written evidence of 526  
receipt; 527

(2) The sheriff of the county in which the owner, 528  
leaseholder, or assignee to be served resides, in one or more of 529  
the methods provided in the Ohio Rules of Civil Procedure. The 530  
sheriff may charge reasonable fees for ~~such~~ that service. 531

(C) Not later than thirty days after receipt under division 532  
(B) of this section of notification of the amount of an unpaid 533  
operation permit or inspection fee and any accrued late payment 534  
penalties, the owner, leaseholder, or assignee may object to the 535  
amount by delivering a written notice of objection to the health 536  
commissioner by any of the means provided for in division (B)(1) 537  
of this section. Not later than sixty days after receipt of the 538  
notice of objection, the county prosecutor, on behalf of the city 539  
or general health district, may file a civil action in the court 540  
of common pleas against the owner, leaseholder, or assignee. If 541  
the county prosecutor fails to commence suit within the sixty-day 542  
period, or if the action is commenced, but dismissed with 543  
prejudice before adjudication, the unpaid fee and any accrued late 544  
payment penalties are void and cannot be placed on the general tax 545  
list and duplicate as a lien against the real property. 546

(D) If, in accordance with division (C) of this section, the 547  
owner, leaseholder, or assignee objects to the amount of the 548  
unpaid operation permit or inspection fee and any accrued late 549

payment penalties and the county prosecutor commences suit and 550  
prevails in the action, the owner, leaseholder, or assignee 551  
objecting shall pay the amount of the fee, any accrued late 552  
payment penalties, and the costs of the action, as determined by 553  
the court. 554

(E) If the owner, leaseholder, or assignee on which the 555  
notice required by division (B) of this section was served does 556  
not pay to the city or general health district the amount of an 557  
unpaid operation permit or inspection fee and any accrued late 558  
payment penalties within thirty days after receipt of the notice, 559  
or does not object to the amount in the manner provided in 560  
division (C) of this section, the health commissioner of the city 561  
or general health district or the commissioner's designated 562  
representative may certify, on or before the first Monday of 563  
September, the amount of the unpaid fee and any accrued late 564  
payment penalties to the county auditor to be placed on the 565  
general tax list and duplicate as provided in section 319.281 of 566  
the Revised Code. 567

**Sec. 3718.01. As used in this chapter:** 568

(A) "Alter" means to change by making substantive 569  
replacements of, additions to, or deletions in the design or 570  
materials or to change the location of an existing sewage 571  
treatment system. 572

(B) "Board of health" means the board of health of a city or 573  
general health district or the authority having the duties of a 574  
board of health in any city as authorized by section 3709.05 of 575  
the Revised Code. 576

(C) "Domestic septage" means the liquid or solid material 577  
removed from a sewage treatment system, portable toilet, or type 578  
III marine sanitation device as defined in 33 C.F.R. 159.3. 579

"Domestic septage" does not include grease removed from a grease trap. 580  
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(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. 582  
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(E) "Inspection" means the on-site evaluation or analysis of the functioning of a sewage treatment system. 585  
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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. 587  
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(G) "Manufacturer" means any person that manufactures sewage treatment systems or components of systems. 590  
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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. 592  
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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. 597  
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(J) "Septage hauler" means any person who engages in the collection, transportation, disposal, and land application of domestic septage. 602  
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(K) "Service provider" means any person who services, but does not install or alter, sewage treatment systems. 605  
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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 607  
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household chemicals in solution commonly discharged from a 610  
residence or from commercial, institutional, or other similar 611  
facilities. 612

(M) "Sewage treatment system" means a household sewage 613  
treatment system, a small flow on-site sewage treatment system, or 614  
both, as applicable. 615

(N) "Small flow on-site sewage treatment system" means a 616  
system, other than a household sewage treatment system, that 617  
treats not more than one thousand gallons of sewage per day and 618  
that does not require a national pollutant discharge elimination 619  
system permit issued under section 6111.03 of the Revised Code or 620  
an injection well drilling or operating permit issued under 621  
section 6111.043 of the Revised Code. 622

**Sec. 3718.02.** (A) Not later than one year after the effective 623  
date of this section, the public health council, in accordance 624  
with Chapter 119. of the Revised Code, shall adopt, and 625  
subsequently may amend and rescind, rules of general application 626  
throughout the state to administer this chapter. Rules adopted 627  
under division (A) of this section shall do at least all of the 628  
following: 629

(1) Require that the appropriate board of health approve or 630  
disapprove the use of a sewage treatment system if it is not 631  
connected to a sanitary sewerage system; 632

(2) Require that a board of health conduct a site evaluation 633  
for any proposed installation of a sewage treatment system; 634

(3) Prescribe standards for the siting, design, installation, 635  
operation, monitoring, maintenance, and abandonment of household 636  
sewage treatment systems that may be used in this state. The 637  
standards shall include at a minimum all of the following: 638

(a) Soil absorption specifications; 639

(b) Specifications for discharging systems that do not 640  
conflict with provisions related to the national pollutant 641  
discharge elimination system permit program established in section 642  
6111.03 of the Revised Code and rules adopted under it; 643

(c) Requirements for the maintenance of a system according to 644  
the manufacturer's instructions, if available; 645

(d) Requirements and procedures under which a person may 646  
demonstrate the required maintenance of a system in lieu of having 647  
an inspection conducted when an inspection otherwise is required. 648

The rules also shall require that a system that has been or 649  
is sited or installed prior to or on the effective date of the 650  
rules and that is operating on that date shall be deemed approved 651  
unless the system is declared to be a public health nuisance by a 652  
board of health. 653

(4) Prescribe procedures for notification to boards of health 654  
of the approval of a sewage treatment system or components of a 655  
system by the director of health under section 3718.04 of the 656  
Revised Code; 657

(5) Prescribe criteria and procedures under which boards of 658  
health shall issue installation and operation permits for sewage 659  
treatment systems. The rules shall require as a condition of an 660  
installation permit that the installer of a system must warrant 661  
that the system was installed in accordance with all applicable 662  
rules and design requirements. In addition, the rules shall 663  
require a board of health, not later than sixty days after the 664  
issuance of an installation permit, to certify to the director on 665  
a form provided by the director that the permit was issued. 666

(6) Require a board of health to inspect a sewage treatment 667  
system not later than eighteen months after its installation to 668  
ensure that the system is operating properly. The rules shall 669  
require a board of health, not later than sixty days after the 670

inspection, to certify to the director on a form provided by the 671  
director that the inspection was performed. 672

(7) Require a board of health to register installers, service 673  
providers, and septage haulers that perform work within the health 674  
district; prescribe criteria and procedures for the registration; 675  
and prescribe criteria for a demonstration of competency as a part 676  
of the registration; 677

(8) Prescribe requirements for the collection, 678  
transportation, disposal, and land application of domestic septage 679  
in this state from a sewage treatment system; 680

(9) Require boards of health to maintain records that are 681  
determined necessary to ascertain compliance with this chapter and 682  
the rules adopted under it; 683

(10) Require a board of health and the manufacturer of a 684  
sewage treatment system, when possible, to provide instructions 685  
for the operation and maintenance of the system. The rules shall 686  
authorize the instructions to be posted on the department of 687  
health's web site and the manufacturer's web site. In addition, 688  
the rules shall require a board of health and a manufacturer to 689  
provide a copy of the operation and maintenance instructions, if 690  
available, when a board of health or a manufacturer receives a 691  
written request for instructions. 692

(11) Prescribe criteria for the provision of written evidence 693  
of compliance with rules pertaining to household sewage treatment 694  
for purposes of sections 711.05 and 711.10 of the Revised Code; 695

(12) Prescribe minimum criteria and procedures under which 696  
boards of health may establish household sewage treatment district 697  
management programs for the purpose of providing a responsive 698  
approach toward preventing or solving sewage treatment problems 699  
resulting from household sewage treatment systems within the 700  
districts established under the program. For purposes of division 701

(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.

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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.

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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.

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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.

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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.

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Sec. 3718.021. (A) A board of health may regulate the siting,

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design, installation, operation, monitoring, maintenance, and 732  
abandonment of small flow on-site sewage treatment systems in 733  
accordance with rules adopted by the public health council under 734  
division (A)(13) of section 3718.02 of the Revised Code. If a 735  
board of health chooses to regulate small flow on-site sewage 736  
treatment systems, the board first shall send written notification 737  
to the director of health and the director of environmental 738  
protection. 739

(B) If a board of health chooses to regulate small flow 740  
on-site sewage treatment systems under division (A) of this 741  
section and later determines that it no longer wants to regulate 742  
those systems, the board shall notify the director of health and 743  
the director of environmental protection. Upon the receipt of the 744  
notification by the director of environmental protection, the 745  
board of health shall cease regulating small flow on-site sewage 746  
treatment systems, and the environmental protection agency shall 747  
regulate those systems. 748

(C) If after a survey conducted under section 3718.07 of the 749  
Revised Code the director of health finds that a board of health 750  
that has chosen to regulate small flow on-site sewage treatment 751  
systems is not complying with the rules adopted under division 752  
(A)(13) of section 3718.02 of the Revised Code, the director shall 753  
notify the director of environmental protection and the board of 754  
health. Upon receipt of the notification, the board shall cease 755  
regulating small flow on-site sewage treatment systems, and the 756  
environmental protection agency shall regulate those systems. 757

**Sec. 3718.03.** (A) There is hereby created the sewage 758  
treatment system technical advisory committee consisting of the 759  
director of health or the director's designee and ten members who 760  
are knowledgeable about sewage treatment systems and technologies 761  
to be appointed by the director. Of the ten members appointed by 762  
the director, one shall represent academia, two shall represent 763

the interests of manufacturers of household sewage treatment 764  
systems, one shall represent installers and service providers, two 765  
shall be health commissioners who are members of and recommended 766  
by the association of Ohio health commissioners, one shall be a 767  
sanitarian who is registered under Chapter 4736. of the Revised 768  
Code and who is a member of the Ohio environmental health 769  
association, one shall be an engineer from the environmental 770  
protection agency, one shall be selected from among soil 771  
scientists from the division of soil and water conservation in the 772  
department of natural resources, and one shall be a representative 773  
of the public who is not employed by the state or any of its 774  
political subdivisions and who does not have a pecuniary interest 775  
in sewage treatment systems. All appointments to the committee 776  
shall be made not later than sixty days after the effective date 777  
of this section. 778

(B) Of the initial members appointed by the director to the 779  
technical advisory committee, three shall be appointed for one 780  
year, three shall be appointed for two years, and four shall be 781  
appointed for three years. Thereafter, terms shall be for three 782  
years, with each term ending on the same day of the same month as 783  
did the term that it succeeds. Each member shall serve from the 784  
date of appointment until the end of the term for which the member 785  
was appointed. 786

Members may be reappointed. Vacancies shall be filled in the 787  
same manner as provided for original appointments. Any member 788  
appointed to fill a vacancy occurring prior to the expiration date 789  
of the term for which the member was appointed shall hold office 790  
for the remainder of that term. A member shall continue to serve 791  
after the expiration date of the member's term until the member's 792  
successor is appointed or until a period of sixty days has 793  
elapsed, whichever occurs first. The director may remove a member 794  
from the committee for failure to attend two consecutive meetings 795

without showing good cause for the absences.

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

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

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

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

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

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(2) Develop with the department an application form to be  
submitted to the director by an applicant for approval or  
disapproval of a sewage treatment system or components of a system  
and specify the information that must be included with an

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application form;

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

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

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

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

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**Sec. 3718.04.** (A) A manufacturer seeking approval for the use  
of a sewage treatment system or a component of a system in this  
state that differs in design or function from systems or  
components of systems the use of which is authorized in rules  
adopted under section 3718.02 of the Revised Code shall request an  
application form from the department of health. The applicant

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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  
director may approve or disapprove the application without

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considering the advice of the committee. Not later than ninety 888  
days after receipt of a complete application, the director shall 889  
approve or disapprove the application in writing. If the director 890  
fails to approve or disapprove the application within that 891  
ninety-day period, the application shall be deemed approved. 892

(D) If the director approves an application under this 893  
section, the director shall notify the applicant in writing. The 894  
director also shall notify boards of health in accordance with the 895  
procedures established in rules adopted under section 3718.02 of 896  
the Revised Code. If the director disapproves an application under 897  
this section, the director shall notify the applicant in writing 898  
and provide a brief explanation for the disapproval. 899

Sec. 3718.05. The director of health shall do all of the 900  
following: 901

(A) Administer and enforce this chapter and the rules of the 902  
public health council adopted under it; 903

(B) Examine records of boards of health, in accordance with 904  
rules adopted by the council, that are determined necessary to 905  
ascertain compliance with this chapter and rules adopted under it; 906

(C) Review and approve or disapprove rules proposed by boards 907  
of health under division (B) of section 3718.02 of the Revised 908  
Code. The director shall not disapprove a proposed rule unless the 909  
director determines that the proposed rule conflicts with this 910  
chapter or rules adopted under section 3718.02 of the Revised Code 911  
by the public health council or fails to promote public health or 912  
environmental protection. If the director disapproves a proposed 913  
rule, the director shall provide a written explanation of the 914  
director's disapproval to the board of health that proposed the 915  
rule. 916

(D) Survey boards of health as required by section 3718.07 of 917

the Revised Code; 918

(E) Develop with the sewage treatment system technical 919  
advisory committee standards and guidelines for use by the 920  
director in approving or disapproving a sewage treatment system 921  
under section 3718.04 of the Revised Code and an application form 922  
for use by applicants for that approval, including identification 923  
of the information that must be included with the form; 924

(F) Provide instructions on the operation and maintenance of 925  
a sewage treatment system. The director shall provide the 926  
operation and maintenance instructions on the department of 927  
health's web site. In addition, the director shall provide a copy 928  
of the operation and maintenance instructions when the director 929  
receives a written request for the instructions. 930

**Sec. 3718.06.** (A)(1) A board of health shall establish fees 931  
in accordance with section 3709.09 of the Revised Code for the 932  
purpose of carrying out its duties under this chapter and rules 933  
adopted under it, including a fee for an installation permit 934  
issued by the board. All fees so established and collected by the 935  
board shall be deposited in a special fund of the district to be 936  
used exclusively by the board in carrying out those duties. 937

(2) In accordance with Chapter 119. of the Revised Code, the 938  
public health council may establish by rule a fee to be collected 939  
from applicants for installation permits issued under rules 940  
adopted under this chapter. The director of health shall use the 941  
proceeds from that fee for administering and enforcing this 942  
chapter and the rules adopted under it by the council. A board of 943  
health shall collect the fee at the same time that it collects the 944  
fee established by it under division (A)(1) of this section for 945  
installation permits. 946

Not later than sixty days after the last day of the month in 947

which an installation permit is issued, a board shall certify the 948  
amount collected under division (A)(2) of this section and 949  
transmit the amount to the treasurer of state. All money so 950  
received shall be deposited in the state treasury to the credit of 951  
the general operations fund created in section 3701.83 of the 952  
Revised Code. The director shall use the money so credited solely 953  
for the administration and enforcement of this chapter and the 954  
rules adopted under it by the public health council. 955

(B) The director may submit recommendations to the council 956  
regarding the amount of the fee collected under division (A)(2) of 957  
this section for installation permits. When making the 958  
recommendations, the director shall submit a report stating the 959  
current and projected expenses of administering and enforcing this 960  
chapter and the rules adopted under it by the council and the 961  
total of all money that has been deposited to the credit of the 962  
general operations fund under division (A)(2) of this section. The 963  
director may include in the report any recommendations for 964  
modifying the requirements established under this chapter and the 965  
rules adopted under it by the council. 966

**Sec. 3718.07.** The director of health shall survey each city 967  
and general health district at least once every three years to 968  
determine whether there is substantial compliance with the 969  
requirements of this chapter pertaining to health districts and 970  
the applicable rules adopted by the public health council under 971  
this chapter. Upon determining that there is substantial 972  
compliance, the director shall place the district on an approved 973  
list. The director may resurvey an approved district if it is 974  
determined by the director to be necessary and may remove from the 975  
list a district that is found not to be substantially complying 976  
with the requirements of this chapter pertaining to health 977  
districts and the applicable rules. 978



If the director determines that a district is not eligible to 979  
be placed on the approved list or to continue on the list after a 980  
resurvey, the director shall certify that determination to the 981  
board of health, and the director shall carry out the duties of 982  
the unapproved health district under this chapter and the 983  
applicable rules adopted under it within the district or shall 984  
contract with an approved health district to conduct those duties 985  
until the unapproved district is placed on or returned to the 986  
approved list. The director or the contracting district shall have 987  
within the unapproved district the authority to exercise powers 988  
and perform duties granted to or imposed on the board under this 989  
chapter and the applicable rules adopted under it. 990

Until the unapproved district is placed on or returned to the 991  
approved list, the director or the contracting district shall 992  
collect all fees payable to the board of health under this chapter 993  
and all such fees previously paid to the unapproved district that 994  
have not been expended or encumbered. The director shall deposit 995  
those fees in the state treasury to the credit of a special fund, 996  
which is hereby created, to be used by the director for the 997  
purpose of carrying out the duties of the unapproved health 998  
district under this chapter and the applicable rules adopted under 999  
it. A contracting district shall deposit those fees to the credit 1000  
of its fund created under section 3718.06 of the Revised Code to 1001  
be used by the district for the purpose of carrying out the duties 1002  
of the unapproved district under this chapter and the applicable 1003  
rules adopted under it. The director or contracting district shall 1004  
repay to the unapproved district any balance remaining in the 1005  
applicable fund from all sources when the unapproved district is 1006  
placed on or returned to the approved list by the director. 1007

If a health district is removed from the approved list under 1008  
this section and the board of health of the district is regulating 1009  
small flow on-site sewage treatment systems in the district under 1010

section 3718.021 of the Revised Code, the director of 1011  
environmental protection shall regulate those systems in that 1012  
district in accordance with division (C) of that section. 1013

Sec. 3718.08. No person shall violate this chapter, any rule 1014  
adopted or order issued under it, or any condition of a 1015  
registration or permit issued under rules adopted under it. 1016

Sec. 3718.09. (A) A board of health may issue, modify, 1017  
suspend, or revoke enforcement orders to a registration or permit 1018  
holder or other person directing the holder or person to abate a 1019  
violation of this chapter, any rule adopted or order issued under 1020  
it, or a condition of a registration or permit issued under it 1021  
within a specified, reasonable time. If an order issued under this 1022  
division is neglected or disregarded, the applicable board of 1023  
health may proceed in accordance with section 3707.02 of the 1024  
Revised Code. 1025

(B) The health commissioner or the commissioner's designated 1026  
representative, without prior notice or hearing and in accordance 1027  
with the rules of the public health council, may issue an 1028  
emergency order requiring any action necessary to meet a public 1029  
health emergency regarding domestic septage management or 1030  
regarding a sewage treatment system. A person to whom such an 1031  
emergency order is issued immediately shall comply with the order. 1032  
A person so ordered may apply to the issuer of the order for a 1033  
hearing, which shall be held as soon as possible, but not later 1034  
than twenty days after the issuer's receipt of the application for 1035  
a hearing. 1036

Sec. 3718.10. (A) The prosecuting attorney of the county or 1037  
the city director of law, village solicitor, or other chief legal 1038  
officer of the municipal corporation where a violation has 1039  
occurred or is occurring, upon complaint of the director of health 1040

or a board of health, shall prosecute to termination or bring an 1041  
action for injunction or other appropriate relief against any 1042  
person who is violating or has violated this chapter, any rule 1043  
adopted or order issued under it, or any condition of a 1044  
registration or permit issued under rules adopted under it. The 1045  
court of common pleas or the municipal or county court in which an 1046  
action for injunction is filed has jurisdiction to grant such 1047  
relief upon a showing that the respondent named in the complaint 1048  
is or was in violation of the chapter or rules, orders, or 1049  
conditions. 1050

Upon finding that a person intentionally has violated this 1051  
chapter, a rule adopted or order issued under it, or any condition 1052  
of a registration or permit issued under rules adopted under it, 1053  
the court may assess a civil penalty of not more than one hundred 1054  
dollars for each day of violation against the person. Seventy-five 1055  
per cent of any penalties assessed by the court under this 1056  
division shall be paid to the health district whose board of 1057  
health brought the complaint, or to the state treasury to the 1058  
credit of the general operations fund created in section 3701.83 1059  
of the Revised Code if the director of health is carrying out the 1060  
duties of an unapproved health district in which the violation 1061  
occurred in accordance with section 3718.07 of the Revised Code, 1062  
and shall be used for the purposes of this chapter and the rules 1063  
adopted under it. Twenty-five per cent of any penalties assessed 1064  
by the court under this division shall be paid to the prosecuting 1065  
attorney of the county or city director of law, village solicitor, 1066  
or other chief legal officer of the municipal corporation that 1067  
prosecuted or brought the action under this division to pay the 1068  
expenses incurred in bringing the action. 1069

(B) The remedies provided in this chapter are in addition to 1070  
any other remedies available under law. 1071

Sec. 3718.99. Whoever purposely violates section 3718.08 of 1072  
the Revised Code shall be fined not more than one thousand 1073  
dollars. Each day of violation is a separate offense. All money 1074  
collected from fines under this section shall be used to 1075  
administer and enforce this chapter and rules adopted under it and 1076  
shall be deposited as follows: 1077

(A) If the violation occurred within a health district that 1078  
is approved under section 3718.07 of the Revised Code, the money 1079  
shall be deposited to the credit of the district's special fund 1080  
created under section 3718.06 of the Revised Code. 1081

(B) If the violation occurred within a health district that 1082  
is not approved under section 3718.07 of the Revised Code and a 1083  
contracting district is carrying out the duties of the unapproved 1084  
health district in accordance with that section, the money shall 1085  
be deposited to the credit of the contracting district's special 1086  
fund created under section 3718.06 of the Revised Code. 1087

(C) If the violation occurred within an unapproved health 1088  
district and the director of health is carrying out the duties of 1089  
the unapproved health district in accordance with section 3718.07 1090  
of the Revised Code, the money shall be deposited in the state 1091  
treasury to the credit of the general operations fund created in 1092  
section 3701.83 of the Revised Code. 1093

**Sec. 4736.01.** As used in this chapter: 1094

(A) "Environmental health science" means the aspect of public 1095  
health science that includes, but is not limited to, the following 1096  
bodies of knowledge: air quality, food quality and protection, 1097  
hazardous and toxic substances, consumer product safety, housing, 1098  
institutional health and safety, community noise control, 1099  
radiation protection, recreational facilities, solid and liquid 1100  
waste management, vector control, drinking water quality, milk 1101

sanitation, and rabies control.	1102
(B) "Sanitarian" means a person who performs for compensation	1103
educational, investigational, technical, or administrative duties	1104
requiring specialized knowledge and skills in the field of	1105
environmental health science.	1106
(C) "Registered sanitarian" means a person who is registered	1107
as a sanitarian in accordance with this chapter.	1108
(D) "Sanitarian-in-training" means a person who is registered	1109
as a sanitarian-in-training in accordance with this chapter.	1110
(E) "Practice of environmental health" means consultation,	1111
instruction, investigation, inspection, or evaluation by an	1112
employee of a city health district, a general health district, the	1113
environmental protection agency, the department of health, or the	1114
department of agriculture requiring specialized knowledge,	1115
training, and experience in the field of environmental health	1116
science, with the primary purpose of improving or conducting	1117
administration or enforcement under any of the following:	1118
(1) Chapter 911., 913., 917., 3717., <u>3718.</u> , 3721., 3729., or	1119
3733. of the Revised Code;	1120
(2) Chapter 3734. of the Revised Code as it pertains to solid	1121
waste;	1122
(3) Section 955.26, 3701.344, 3707.01, or 3707.03, sections	1123
3707.38 to 3707.99, or section 3715.21 of the Revised Code;	1124
(4) Rules adopted under section 3701.34 of the Revised Code	1125
pertaining to <del>home sewage</del> , rabies control, or swimming pools.	1126
"Practice of environmental health" does not include sampling,	1127
testing, controlling of vectors, reporting of observations, or	1128
other duties that do not require application of specialized	1129
knowledge and skills in environmental health science performed	1130
under the supervision of a registered sanitarian.	1131

The state board of sanitarian registration may further define 1132  
environmental health science in relation to specific functions in 1133  
the practice of environmental health through rules adopted by the 1134  
board under Chapter 119. of the Revised Code. 1135

**Sec. 5302.30.** (A) As used in this section: 1136

(1) "Good faith" means honesty in fact in a transaction 1137  
involving the transfer of residential real property. 1138

(2) "Land installment contract" has the same meaning as in 1139  
section 5313.01 of the Revised Code. 1140

(3) "Political subdivision" and "state" have the same 1141  
meanings as in section 2744.01 of the Revised Code. 1142

(4) "Residential real property" means real property that is 1143  
improved by a building or other structure that has one to four 1144  
dwelling units. 1145

(B)(1) Except as provided in division (B)(2) of this section, 1146  
this section applies to any transfer of residential real property 1147  
that occurs on or after July 1, 1993, by sale, land installment 1148  
contract, lease with option to purchase, exchange, or lease for a 1149  
term of ninety-nine years and renewable forever. For purposes of 1150  
this section, a transfer occurs when the initial contract for 1151  
transfer is executed, regardless of when legal title is 1152  
transferred, and references in this section to transfer offers and 1153  
transfer agreements refer to offers and agreements in respect of 1154  
the initial contract for transfer. 1155

(2) This section does not apply to any transfer of 1156  
residential real property that is any of the following: 1157

(a) A transfer pursuant to court order, including, but not 1158  
limited to, a transfer ordered by a probate court during the 1159  
administration of a decedent's estate, a transfer pursuant to a 1160  
writ of execution, a transfer by a trustee in bankruptcy, a 1161

transfer as a result of the exercise of the power of eminent	1162
domain, and a transfer that results from a decree for specific	1163
performance of a contract or other agreement between persons;	1164
(b) A transfer to a mortgagee by a mortgagor by deed in lieu	1165
of foreclosure or in satisfaction of the mortgage debt;	1166
(c) A transfer to a beneficiary of a deed of trust by a	1167
trustor in default;	1168
(d) A transfer by a foreclosure sale that follows a default	1169
in the satisfaction of an obligation secured by a mortgage;	1170
(e) A transfer by a sale under a power of sale following a	1171
default in the satisfaction of an obligation that is secured by a	1172
deed of trust or another instrument containing a power of sale;	1173
(f) A transfer by a mortgagee, or a beneficiary under a deed	1174
of trust, who has acquired the residential real property at a sale	1175
conducted pursuant to a power of sale under a mortgage or a deed	1176
of trust or who has acquired the residential real property by a	1177
deed in lieu of foreclosure;	1178
(g) A transfer by a fiduciary in the course of the	1179
administration of a decedent's estate, a guardianship, a	1180
conservatorship, or a trust;	1181
(h) A transfer from one co-owner to one or more other	1182
co-owners;	1183
(i) A transfer made to the transferor's spouse or to one or	1184
more persons in the lineal line of consanguinity of one or more of	1185
the transferors;	1186
(j) A transfer between spouses or former spouses as a result	1187
of a decree of divorce, dissolution of marriage, annulment, or	1188
legal separation or as a result of a property settlement agreement	1189
incidental to a decree of divorce, dissolution of marriage,	1190
annulment, or legal separation;	1191

(k) A transfer to or from the state, a political subdivision	1192
of the state, or another governmental entity;	1193
(l) A transfer that involves newly constructed residential	1194
real property that previously has not been inhabited;	1195
(m) A transfer to a transferee who has occupied the property	1196
as a personal residence for one or more years immediately prior to	1197
the transfer;	1198
(n) A transfer from a transferor who both has not occupied	1199
the property as a personal residence within one year immediately	1200
prior to the transfer and has acquired the property through	1201
inheritance or devise.	1202
(C) Except as provided in division (B)(2) of this section and	1203
subject to divisions (E) and (F) of this section, every person who	1204
intends to transfer any residential real property on or after July	1205
1, 1993, by sale, land installment contract, lease with option to	1206
purchase, exchange, or lease for a term of ninety-nine years and	1207
renewable forever shall complete all applicable items in a	1208
property disclosure form prescribed under division (D) of this	1209
section and shall deliver in accordance with division (I) of this	1210
section a signed and dated copy of the completed form to each	1211
prospective transferee or <del>his</del> <u>prospective transferee's</u> agent as	1212
soon as is practicable.	1213
(D)(1) Prior to July 1, 1993, the director of commerce, by	1214
rule adopted in accordance with Chapter 119. of the Revised Code,	1215
shall prescribe the disclosure form to be completed by	1216
transferors. The form prescribed by the director shall be designed	1217
to permit the transferor to disclose material matters relating to	1218
the physical condition of the property to be transferred,	1219
including, but not limited to, the source of water supply to the	1220
property; the nature of the sewer system serving the property; the	1221
condition of the structure of the property, including the roof,	1222



foundation, walls, and floors; the presence of hazardous materials 1223  
or substances, including lead-based paint, asbestos, 1224  
urea-formaldehyde foam insulation, and radon gas; and any material 1225  
defects in the property that are within the actual knowledge of 1226  
the transferor. 1227

The form also shall set forth a statement of the purpose of 1228  
the form, including statements substantially similar to the 1229  
following: that the form constitutes a statement of the conditions 1230  
of the property and of information concerning the property 1231  
actually known by the transferor; that, unless the transferee is 1232  
otherwise advised in writing, the transferor, other than having 1233  
lived at or owning the property, possesses no greater knowledge 1234  
than that which could be obtained by a careful inspection of the 1235  
property by a potential transferee; that the statement is not a 1236  
warranty of any kind by the transferor or by any agent or subagent 1237  
representing the transferor in this transaction; that the 1238  
statement is not a substitute for any inspections; that the 1239  
transferee is encouraged to obtain ~~his/her~~ the transferee's own 1240  
professional inspection; that the representations are made by the 1241  
transferor and are not the representations of the transferor's 1242  
agent or subagent; and that the form and the representations 1243  
contained therein are provided by the transferor exclusively to 1244  
potential transferees in a transfer made by the transferor, and 1245  
are not made to transferees in any subsequent transfers. 1246

The form shall include instructions to the transferor for 1247  
completing the form, space in which the transferor or transferors 1248  
shall sign and date the form, and space in which the transferee or 1249  
transferees shall sign and date the form acknowledging receipt of 1250  
a copy of the form and stating that the transferee or transferees 1251  
understand the purpose of the form as stated thereon. 1252

(2) Not later than January 1, 2006, the director shall revise 1253  
the disclosure form to include a statement that information on the 1254

operation and maintenance of the type of sewage treatment system 1255  
servicing the property is available from the department of health or 1256  
the board of health of the health district in which the property 1257  
is located. 1258

As used in this section, "sewage treatment system" has the 1259  
same meaning as in section 3718.01 of the Revised Code. 1260

(E)(1) Each disclosure of an item of information that is 1261  
required to be made in the property disclosure form prescribed 1262  
under division (D) of this section in connection with particular 1263  
residential real property and each act that may be performed in 1264  
making any disclosure of an item of information shall be made or 1265  
performed in good faith. 1266

(2) If an item of information is unknown to the transferor of 1267  
residential real property at the time the item is required to be 1268  
disclosed in the property disclosure form and if the approximation 1269  
is not used for the purpose of circumventing or otherwise evading 1270  
divisions (C) and (D) of this section, the transferor may make a 1271  
good faith approximation of the item of information. 1272

(F)(1) A transferor of residential real property is not 1273  
liable in damages in a civil action for injury, death, or loss to 1274  
person or property that allegedly arises from any error in, 1275  
inaccuracy of, or omission of any item of information required to 1276  
be disclosed in the property disclosure form if the error, 1277  
inaccuracy, or omission was not within the transferor's actual 1278  
knowledge. 1279

(2) If any item of information that is disclosed in the 1280  
property disclosure form is rendered inaccurate after the delivery 1281  
of the form to the transferee of residential real property or ~~his~~ 1282  
the transferee's agent as a result of any act, occurrence, or 1283  
agreement, the subsequent inaccuracy does not cause, and shall not 1284  
be construed as causing, the transferor of the residential real 1285

property to be in noncompliance with the requirements of divisions 1286  
(C) and (D) of this section. 1287

(G) Any disclosure of an item of information in the property 1288  
disclosure form prescribed under division (D) of this section may 1289  
be amended in writing by the transferor of residential real 1290  
property at any time following the delivery of the form in 1291  
accordance with divisions (C) and (I) of this section. The 1292  
amendment shall be subject to ~~the provisions of~~ this section. 1293

(H) Except as provided in division (B)(2) of this section, 1294  
every prospective transferee of residential real property who 1295  
receives in accordance with division (C) of this section a signed 1296  
and dated copy of a completed property disclosure form as 1297  
prescribed under division (D) of this section shall acknowledge 1298  
~~his~~ receipt of the form by doing both of the following: 1299

(1) Signing and dating a copy of the form; 1300

(2) Delivering a signed and dated copy of the form to the 1301  
transferor or ~~his~~ the transferor's agent or subagent. 1302

(I) The transferor's delivery under division (C) of this 1303  
section of a property disclosure form as prescribed under division 1304  
(D) of this section and the prospective transferee's delivery 1305  
under division (H) of this section of an acknowledgment of ~~his~~ 1306  
receipt of that form shall be made by personal delivery to the 1307  
other party or ~~his~~ the other party's agent or subagent, by 1308  
ordinary mail or certified mail, return receipt requested, or by 1309  
facsimile transmission. For the purposes of the delivery 1310  
requirements of this section, the delivery of a property 1311  
disclosure form to a prospective co-transferee of residential real 1312  
property or ~~his~~ a prospective co-transferee's agent shall be 1313  
considered delivery to the other prospective transferees unless 1314  
otherwise provided by contract. 1315

(J) The specification of items of information that must be 1316

disclosed in the property disclosure form as prescribed under 1317  
division (D)(1) of this section does not limit or abridge, and 1318  
shall not be construed as limiting or abridging, any obligation to 1319  
disclose an item of information that is created by any other 1320  
provision of the Revised Code or the common law of this state or 1321  
that may exist in order to preclude fraud, either by 1322  
misrepresentation, concealment, or nondisclosure in a transaction 1323  
involving the transfer of residential real property. The 1324  
disclosure requirements of this section do not bar, and shall not 1325  
be construed as barring, the application of any legal or equitable 1326  
defense that a transferor of residential real property may assert 1327  
in a civil action commenced against the transferor by a 1328  
prospective or actual transferee of that property. 1329

(K)(1) Except as provided in division (K)(2) of this section, 1330  
but subject to divisions (J) and (L) of this section, a transfer 1331  
of residential real property that is subject to this section shall 1332  
not be invalidated because of the failure of the transferor to 1333  
provide to the transferee in accordance with division (C) of this 1334  
section a completed property disclosure form as prescribed under 1335  
division (D) of this section. 1336

(2) Subject to division (K)(3)(c) of this section, if a 1337  
transferee of residential real property that is subject to this 1338  
section receives a property disclosure form or an amendment of 1339  
that form as described in division (G) of this section after the 1340  
transferee has entered into a transfer agreement with respect to 1341  
the property, the transferee, after ~~his~~ receipt of the form or 1342  
amendment, may rescind the transfer agreement in a written, 1343  
signed, and dated document that is delivered to the transferor or 1344  
~~his~~ the transferor's agent or subagent in accordance with 1345  
divisions (K)(3)(a) and (b) of this section, without incurring any 1346  
legal liability to the transferor because of the rescission, 1347  
including, but not limited to, a civil action for specific 1348

performance of the transfer agreement. Upon the rescission of the 1349  
transfer agreement, the transferee is entitled to the return of, 1350  
and the transferor shall return, any deposits made by the 1351  
transferee in connection with the proposed transfer of the 1352  
residential real property. 1353

(3)(a) Subject to division (K)(3)(b) of this section, a 1354  
rescission of a transfer agreement under division (K)(2) of this 1355  
section only may occur if the transferee's written, signed, and 1356  
dated document of rescission is delivered to the transferor or ~~his~~ 1357  
the transferor's agent or subagent within three business days 1358  
following the date on which the transferee or ~~his~~ the transferee's 1359  
agent receives the property disclosure form prescribed under 1360  
division (D) of this section or the amendment of that form as 1361  
described in division (G) of this section. 1362

(b) A transferee may not rescind a transfer agreement under 1363  
division (K)(2) of this section unless ~~he~~ the transferee rescinds 1364  
the transfer agreement by the earlier of the date that is thirty 1365  
days after the date upon which the transferor accepted the 1366  
transferee's transfer offer or the date of the closing of the 1367  
transfer of the residential real property. 1368

(c) A transferee of residential real property may waive the 1369  
right of rescission of a transfer agreement described in division 1370  
(K)(2) of this section. 1371

(d) A rescission of a transfer agreement is not permissible 1372  
under division (K)(2) of this section if a transferee of 1373  
residential real property that is subject to this section receives 1374  
a property disclosure form as prescribed under division (D) of 1375  
this section or an amendment of that form as described in division 1376  
(G) of this section prior to the transferee's submission to the 1377  
transferor or ~~his~~ the transferor's agent or subagent of a transfer 1378  
offer and the transferee's entry into a transfer agreement with 1379  
respect to the property. 1380

(4) If a transferee of residential real property subject to 1381  
this section does not receive a property disclosure form from the 1382  
transferor after the transferee has submitted to the transferor or 1383  
~~his~~ the transferor's agent or subagent a transfer offer and has 1384  
entered into a transfer agreement with respect to the property, 1385  
the transferee may rescind the transfer agreement in a written, 1386  
signed, and dated document that is delivered to the transferor or 1387  
~~his~~ the transferor's agent or subagent in accordance with division 1388  
(K)(4) of this paragraph, section without incurring any legal 1389  
liability to the transferor because of the rescission, including, 1390  
but not limited to, a civil action for specific performance of the 1391  
transfer agreement. Upon the rescission of the transfer agreement, 1392  
the transferee is entitled to the return of, and the transferor 1393  
shall return, any deposits made by the transferee in connection 1394  
with the proposed transfer of the residential real property. A 1395  
transferee may not rescind a transfer agreement under division 1396  
(K)(4) of this paragraph section unless ~~he~~ the transferee rescinds 1397  
the transfer agreement by the earlier of the date that is thirty 1398  
days after the date upon which the transferor accepted the 1399  
transferee's transfer offer or the date of the closing of the 1400  
transfer of the residential real property. 1401

(L) The right of rescission of a transfer agreement described 1402  
in division (K)(2) of this section or the absence of that right 1403  
does not affect, and shall not be construed as affecting, any 1404  
other legal causes of action or other remedies that a transferee 1405  
or prospective transferee of residential real property may possess 1406  
against the transferor of that property. 1407

**Sec. 6111.04.** (A) Both of the following apply except as 1408  
otherwise provided in division (A) or (F) of this section: 1409

(1) No person shall cause pollution or place or cause to be 1410  
placed any sewage, sludge, sludge materials, industrial waste, or 1411

other wastes in a location where they cause pollution of any 1412  
waters of the state. 1413

(2) Such an action prohibited under division (A)(1) of this 1414  
section is hereby declared to be a public nuisance. 1415

Divisions (A)(1) and (2) of this section do not apply if the 1416  
person causing pollution or placing or causing to be placed wastes 1417  
in a location in which they cause pollution of any waters of the 1418  
state holds a valid, unexpired permit, or renewal of a permit, 1419  
governing the causing or placement as provided in sections 6111.01 1420  
to 6111.08 of the Revised Code or if the person's application for 1421  
renewal of such a permit is pending. 1422

(B) If the director of environmental protection administers a 1423  
sludge management program pursuant to division (S) of section 1424  
6111.03 of the Revised Code, both of the following apply except as 1425  
otherwise provided in division (B) or (F) of this section: 1426

(1) No person, in the course of sludge management, shall 1427  
place on land located in the state or release into the air of the 1428  
state any sludge or sludge materials. 1429

(2) An action prohibited under division (B)(1) of this 1430  
section is hereby declared to be a public nuisance. 1431

Divisions (B)(1) and (2) of this section do not apply if the 1432  
person placing or releasing the sludge or sludge materials holds a 1433  
valid, unexpired permit, or renewal of a permit, governing the 1434  
placement or release as provided in sections 6111.01 to 6111.08 of 1435  
the Revised Code or if the person's application for renewal of 1436  
such a permit is pending. 1437

(C) No person to whom a permit has been issued shall place or 1438  
discharge, or cause to be placed or discharged, in any waters of 1439  
the state any sewage, sludge, sludge materials, industrial waste, 1440  
or other wastes in excess of the permissive discharges specified 1441

under an existing permit without first receiving a permit from the 1442  
director to do so. 1443

(D) No person to whom a sludge management permit has been 1444  
issued shall place on the land or release into the air of the 1445  
state any sludge or sludge materials in excess of the permissive 1446  
amounts specified under the existing sludge management permit 1447  
without first receiving a modification of the existing sludge 1448  
management permit or a new sludge management permit to do so from 1449  
the director. 1450

(E) The director may require the submission of plans, 1451  
specifications, and other information that the director considers 1452  
relevant in connection with the issuance of permits. 1453

(F) This section does not apply to any of the following: 1454

(1) Waters used in washing sand, gravel, other aggregates, or 1455  
mineral products when the washing and the ultimate disposal of the 1456  
water used in the washing, including any sewage, industrial waste, 1457  
or other wastes contained in the waters, are entirely confined to 1458  
the land under the control of the person engaged in the recovery 1459  
and processing of the sand, gravel, other aggregates, or mineral 1460  
products and do not result in the pollution of waters of the 1461  
state; 1462

(2) Water, gas, or other material injected into a well to 1463  
facilitate, or that is incidental to, the production of oil, gas, 1464  
artificial brine, or water derived in association with oil or gas 1465  
production and disposed of in a well, in compliance with a permit 1466  
issued under Chapter 1509. of the Revised Code, or sewage, 1467  
industrial waste, or other wastes injected into a well in 1468  
compliance with an injection well operating permit. Division 1469

(F)(2) of this section does not authorize, without a permit, any 1470  
discharge that is prohibited by, or for which a permit is required 1471  
by, regulation of the United States environmental protection 1472



agency. 1473

(3) Application of any materials to land for agricultural 1474  
purposes or runoff of the materials from that application or 1475  
pollution by animal waste or soil sediment, including attached 1476  
substances, resulting from farming, silvicultural, or earthmoving 1477  
activities regulated by Chapter 307. or 1515. of the Revised Code; 1478

(4) The excrement of domestic and farm animals defecated on 1479  
land or runoff therefrom into any waters of the state; 1480

(5) On and after the date on which the United States 1481  
environmental protection agency approves the NPDES program 1482  
submitted by the director of agriculture under section 903.08 of 1483  
the Revised Code, storm water from an animal feeding facility, as 1484  
defined in section 903.01 of the Revised Code, or manure, as 1485  
defined in that section; 1486

(6) The discharge of sewage, industrial waste, or other 1487  
wastes into a sewerage system tributary to a treatment works. 1488  
Division (F)(6) of this section does not authorize any discharge 1489  
into a publicly owned treatment works in violation of a 1490  
pretreatment program applicable to the publicly owned treatment 1491  
works. 1492

(7) ~~Septic tanks or any other disposal systems for the~~ 1493  
~~disposal or treatment of sewage from single family, two family, or~~ 1494  
~~three family dwellings~~ A household sewage treatment system or a 1495  
small flow on-site sewage treatment system, as applicable, as 1496  
defined in section 3718.01 of the Revised Code that is installed 1497  
in compliance with ~~the sanitary code and section 3707.01 Chapter~~ 1498  
3718. of the Revised Code and rules adopted under it. Division 1499  
(F)(7) of this section does not authorize, without a permit, any 1500  
discharge that is prohibited by, or for which a permit is required 1501  
by, regulation of the United States environmental protection 1502  
agency. 1503

(8) Exceptional quality sludge generated outside of this 1504  
state and contained in bags or other containers not greater than 1505  
one hundred pounds in capacity. As used in division (F)(8) of this 1506  
section, "exceptional quality sludge" has the same meaning as in 1507  
division (Y) of section 3745.11 of the Revised Code. 1508

(G) The holder of a permit issued under section 402 (a) of 1509  
the Federal Water Pollution Control Act need not obtain a permit 1510  
for a discharge authorized by the permit until its expiration 1511  
date. The director shall administer and enforce those permits 1512  
within this state and may modify their terms and conditions in 1513  
accordance with division (J) of section 6111.03 of the Revised 1514  
Code. 1515

**Sec. 6111.44.** (A) Except as otherwise provided in division 1516  
(B) of this section, in section 6111.14 of the Revised Code, or in 1517  
rules adopted under division (G) of section 6111.03 of the Revised 1518  
Code, no municipal corporation, county, public institution, 1519  
corporation, or officer or employee thereof or other person shall 1520  
provide or install sewerage or treatment works for sewage, sludge, 1521  
or sludge materials disposal or treatment or make a change in any 1522  
sewerage or treatment works until the plans therefor have been 1523  
submitted to and approved by the director of environmental 1524  
protection. Sections 6111.44 to 6111.46 of the Revised Code apply 1525  
to sewerage and treatment works of a municipal corporation or part 1526  
thereof, an unincorporated community, a county sewer district, or 1527  
other land outside of a municipal corporation or any publicly or 1528  
privately owned building or group of buildings or place, used for 1529  
the assemblage, entertainment, recreation, education, correction, 1530  
hospitalization, housing, or employment of persons. 1531

In granting an approval, the director may stipulate 1532  
modifications, conditions, and rules that the public health and 1533  
prevention of pollution may require. Any action taken by the 1534

director shall be a matter of public record and shall be entered 1535  
in the director's journal. Each period of thirty days that a 1536  
violation of this section continues, after a conviction for the 1537  
violation, constitutes a separate offense. 1538

(B) Sections 6111.45 and 6111.46 of the Revised Code and 1539  
division (A) of this section do not apply to any of the following: 1540

(1) Sewerage or treatment works for sewage installed or to be 1541  
installed for the use of a private residence or dwelling; 1542

(2) Sewerage systems, treatment works, or disposal systems 1543  
for storm water from an animal feeding facility or manure, as 1544  
"animal feeding facility" and "manure" are defined in section 1545  
903.01 of the Revised Code; 1546

(3) Animal waste treatment or disposal works and related 1547  
management and conservation practices that are subject to rules 1548  
adopted under division (E)(2) of section 1511.02 of the Revised 1549  
Code; 1550

(4) Sewerage or treatment works for the on-lot disposal or 1551  
treatment of sewage from a small flow on-site sewage treatment 1552  
system, as defined in section 3718.01 of the Revised Code, if the 1553  
board of health of a city or general health district has notified 1554  
the director of health and the director of environmental 1555  
protection under section 3718.021 of the Revised Code that the 1556  
board has chosen to regulate the system, provided that the board 1557  
remains in compliance with the rules adopted under division 1558  
(A)(13) of section 3718.02 of the Revised Code. 1559

The exclusions established in divisions (B)(2) and (3) of 1560  
this section do not apply to the construction or installation of 1561  
disposal systems, as defined in section 6111.01 of the Revised 1562  
Code, that are located at an animal feeding facility and that 1563  
store, treat, or discharge wastewaters that do not include storm 1564  
water or manure or that discharge to a publicly owned treatment 1565

works. 1566

Sec. 6111.441. In addition to the exemption established under 1567  
division (B)(4) of section 6111.44 of the Revised Code, sewerage 1568  
or treatment works for the on-lot disposal or treatment of sewage 1569  
from a small flow on-site sewage treatment system, as defined in 1570  
section 3718.01 of the Revised Code, concerning which the board of 1571  
health of a city or general health district has notified the 1572  
director of health and the director of environmental protection 1573  
under section 3718.021 of the Revised Code that the board has 1574  
chosen to regulate the system are exempt from the administrative 1575  
and permitting requirements established in this chapter and rules 1576  
adopted under it and the fees established under section 3745.11 of 1577  
the Revised Code, provided that the board remains in compliance 1578  
with the rules adopted under division (A)(13) of section 3718.02 1579  
of the Revised Code. 1580

**Section 2.** That existing sections 307.37, 319.281, 521.01, 1581  
711.05, 711.10, 711.131, 3701.83, 3709.085, 3709.09, 3709.091, 1582  
4736.01, 5302.30, 6111.04, and 6111.44 of the Revised Code are 1583  
hereby repealed. 1584

**Section 3.** Chapter 3701-29 of the Ohio Administrative Code 1585  
shall remain in effect as it existed on the effective date of this 1586  
act until it is superseded by the rules that are required to be 1587  
adopted under section 3718.02 of the Revised Code as enacted by 1588  
this act. 1589

**Section 4.** Section 3718.021 of the Revised Code, as enacted 1590  
by this act, shall become operative on the effective date of the 1591  
rules adopted under division (A)(13) of section 3718.02 of the 1592  
Revised Code, as enacted by this act. 1593