

As Reported by the Committee of Conference

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Am. Sub. S. B. No. 110

Senator Niehaus

**Cosponsors: Senators Cafaro, Fedor, Harris, Kearney, Sawyer, Schaffer, Schiavoni, Seitz, Turner, Miller, D., Strahorn, Smith, Miller, R., Morano
Representatives Bubb, Chandler, DeBose, Domenick, Garland, Hagan, Harwood, Letson, Luckie, Mallory, Reece, Uecker, Walter, Weddington, Williams, B., Winburn, Yuko**

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A B I L L

To amend sections 711.05, 711.10, 3718.01, 3718.02, 1
3718.03, 3718.04, 3718.05, 3718.06, and 3718.09 2
and to enact sections 3718.011, 3718.012, 3
3718.023, 3718.024, 3718.025, 3718.041, and 4
3718.11 of the Revised Code to revise the 5
Household Sewage and Small Flow On-Site Sewage 6
Treatment Systems Law, and to amend Section 3 of 7
Am. H.B. 416 of the 127th General Assembly to 8
extend the date by which the report of the Great 9
Lakes-St. Lawrence River Basin Water Resources 10
Compact Advisory Board is due. 11

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

Section 1. That sections 711.05, 711.10, 3718.01, 3718.02, 12
3718.03, 3718.04, 3718.05, 3718.06, and 3718.09 be amended and 13
sections 3718.011, 3718.012, 3718.023, 3718.024, 3718.025, 14
3718.041, and 3718.11 of the Revised Code be enacted to read as 15
follows: 16

Sec. 711.05. (A) Upon the submission of a plat for approval, 17
in accordance with section 711.041 of the Revised Code, the board 18
of county commissioners shall certify on it the date of the 19
submission. Within five days of submission of the plat, the board 20
shall schedule a meeting to consider the plat and send a written 21
notice by regular mail to the fiscal officer of the board of 22
township trustees of the township in which the plat is located and 23
the board of health of the health district in which the plat is 24
located. The notice shall inform the trustees and the board of 25
health of the submission of the plat and of the date, time, and 26
location of any meeting at which the board of county commissioners 27
will consider or act upon the proposed plat. The meeting shall 28
take place within thirty days of submission of the plat, and no 29
meeting shall be held until at least seven days have passed from 30
the date the notice was sent by the board of county commissioners. 31
The approval of the board required by section 711.041 of the 32
Revised Code or the refusal to approve shall take place within 33
thirty days from the date of submission or such further time as 34
the applying party may agree to in writing; otherwise, the plat is 35
deemed approved and may be recorded as if bearing such approval. 36

(B) The board may adopt general rules governing plats and 37
subdivisions of land falling within its jurisdiction, to secure 38
and provide for the coordination of the streets within the 39
subdivision with existing streets and roads or with existing 40
county highways, for the proper amount of open spaces for traffic, 41
circulation, and utilities, and for the avoidance of future 42
congestion of population detrimental to the public health, safety, 43
or welfare, but shall not impose a greater minimum lot area than 44
forty-eight hundred square feet. Before the board may amend or 45
adopt rules, it shall notify all the townships in the county of 46
the proposed amendments or rules by regular mail at least thirty 47
days before the public meeting at which the proposed amendments or 48

rules are to be considered. 49

The rules may require the board of health to review and 50
comment on a plat before the board of county commissioners acts 51
upon it and may also require proof of compliance with any 52
applicable zoning resolutions, and with ~~household~~ sewage treatment 53
rules adopted under section 3718.02 of the Revised Code, as a 54
basis for approval of a plat. Where under section 711.101 of the 55
Revised Code the board of county commissioners has set up 56
standards and specifications for the construction of streets, 57
utilities, and other improvements for common use, the general 58
rules may require the submission of appropriate plans and 59
specifications for approval. The board shall not require the 60
person submitting the plat to alter the plat or any part of it as 61
a condition for approval, as long as the plat is in accordance 62
with general rules governing plats and subdivisions of land, 63
adopted by the board as provided in this section, in effect at the 64
time the plat was submitted and the plat is in accordance with any 65
standards and specifications set up under section 711.101 of the 66
Revised Code, in effect at the time the plat was submitted. 67

(C) The ground of refusal to approve any plat, submitted in 68
accordance with section 711.041 of the Revised Code, shall be 69
stated upon the record of the board, and, within sixty days 70
thereafter, the person submitting any plat that the board refuses 71
to approve may file a petition in the court of common pleas of the 72
county in which the land described in the plat is situated to 73
review the action of the board. A board of township trustees is 74
not entitled to appeal a decision of the board of county 75
commissioners under this section. 76

Sec. 711.10. (A) Whenever a county planning commission or a 77
regional planning commission adopts a plan for the major streets 78
or highways of the county or region, no plat of a subdivision of 79

land within the county or region, other than land within a 80
municipal corporation or land within three miles of a city or one 81
and one-half miles of a village as provided in section 711.09 of 82
the Revised Code, shall be recorded until it is approved by the 83
county or regional planning commission under division (C) of this 84
section and the approval is endorsed in writing on the plat. 85

(B) A county or regional planning commission may require the 86
submission of a preliminary plan for each plat sought to be 87
recorded. If the commission requires this submission, it shall 88
provide for a review process for the preliminary plan. Under this 89
review process, the planning commission shall give its approval, 90
its approval with conditions, or its disapproval of each 91
preliminary plan. The commission's decision shall be in writing, 92
shall be under the signature of the secretary of the commission, 93
and shall be issued within thirty-five business days after the 94
submission of the preliminary plan to the commission. The 95
disapproval of a preliminary plan shall state the reasons for the 96
disapproval. A decision of the commission under this division is 97
preliminary to and separate from the commission's decision to 98
approve, conditionally approve, or refuse to approve a plat under 99
division (C) of this section. 100

(C) Within five calendar days after the submission of a plat 101
for approval under this division, the county or regional planning 102
commission shall schedule a meeting to consider the plat and send 103
a notice by regular mail or by electronic mail to the fiscal 104
officer of the board of township trustees of the township in which 105
the plat is located and the board of health of the health district 106
in which the plat is located. The notice shall inform the trustees 107
and the board of health of the submission of the plat and of the 108
date, time, and location of any meeting at which the county or 109
regional planning commission will consider or act upon the plat. 110
The meeting shall take place within thirty calendar days after 111

submission of the plat, and no meeting shall be held until at 112
least seven calendar days have passed from the date the planning 113
commission sent the notice. 114

The approval of the county or regional planning commission, 115
the commission's conditional approval as described in this 116
division, or the refusal of the commission to approve shall be 117
endorsed on the plat within thirty calendar days after the 118
submission of the plat for approval under this division or within 119
such further time as the applying party may agree to in writing; 120
otherwise that plat is deemed approved, and the certificate of the 121
commission as to the date of the submission of the plat for 122
approval under this division and the failure to take action on it 123
within that time shall be sufficient in lieu of the written 124
endorsement or evidence of approval required by this division. 125

A county or regional planning commission may grant 126
conditional approval under this division to a plat by requiring a 127
person submitting the plat to alter the plat or any part of it, 128
within a specified period after the end of the thirty calendar 129
days, as a condition for final approval under this division. Once 130
all the conditions have been met within the specified period, the 131
commission shall cause its final approval under this division to 132
be endorsed on the plat. No plat shall be recorded until it is 133
endorsed with the commission's final or unconditional approval 134
under this division. 135

The ground of refusal of approval of any plat submitted under 136
this division, including citation of or reference to the rule 137
violated by the plat, shall be stated upon the record of the 138
county or regional planning commission. Within sixty calendar days 139
after the refusal under this division, the person submitting any 140
plat that the commission refuses to approve under this division 141
may file a petition in the court of common pleas of the proper 142
county, and the proceedings on the petition shall be governed by 143

section 711.09 of the Revised Code as in the case of the refusal 144
of a planning authority to approve a plat. A board of township 145
trustees is not entitled to appeal a decision of the commission 146
under this division. 147

A county or regional planning commission shall adopt general 148
rules, of uniform application, governing plats and subdivisions of 149
land falling within its jurisdiction, to secure and provide for 150
the proper arrangement of streets or other highways in relation to 151
existing or planned streets or highways or to the county or 152
regional plan, for adequate and convenient open spaces for 153
traffic, utilities, access of firefighting apparatus, recreation, 154
light, and air, and for the avoidance of congestion of population. 155
The rules may provide for their modification by the commission in 156
specific cases where unusual topographical and other exceptional 157
conditions require the modification. The rules may require the 158
board of health to review and comment on a plat before the 159
commission acts upon it and also may require proof of compliance 160
with any applicable zoning resolutions, and with ~~household~~ sewage 161
treatment rules adopted under section 3718.02 of the Revised Code, 162
as a basis for approval of a plat. 163

Before adoption of its rules or amendment of its rules, the 164
commission shall hold a public hearing on the adoption or 165
amendment. Notice of the public hearing shall be sent to all 166
townships in the county or region by regular mail or electronic 167
mail at least thirty business days before the hearing. No county 168
or regional planning commission shall adopt any rules requiring 169
actual construction of streets or other improvements or facilities 170
or assurance of that construction as a condition precedent to the 171
approval of a plat of a subdivision unless the requirements have 172
first been adopted by the board of county commissioners after a 173
public hearing. A copy of the rules shall be certified by the 174
planning commission to the county recorders of the appropriate 175

counties. 176

After a county or regional street or highway plan has been 177
adopted as provided in this section, the approval of plats and 178
subdivisions provided for in this section shall be in lieu of any 179
approvals provided for in other sections of the Revised Code, 180
insofar as the territory within the approving jurisdiction of the 181
county or regional planning commission, as provided in this 182
section, is concerned. Approval of a plat shall not be an 183
acceptance by the public of the dedication of any street, highway, 184
or other way or open space shown upon the plat. 185

No county or regional planning commission shall require a 186
person submitting a plat to alter the plat or any part of it as 187
long as the plat is in accordance with the general rules governing 188
plats and subdivisions of land, adopted by the commission as 189
provided in this section, in effect at the time the plat is 190
submitted. 191

A county or regional planning commission and a city or 192
village planning commission, or platting commissioner or 193
legislative authority of a village, with subdivision regulation 194
jurisdiction over unincorporated territory within the county or 195
region may cooperate and agree by written agreement that the 196
approval of a plat by the city or village planning commission, or 197
platting commissioner or legislative authority of a village, as 198
provided in section 711.09 of the Revised Code, shall be 199
conditioned upon receiving advice from or approval by the county 200
or regional planning commission. 201

(D) As used in this section, "business day" means a day of 202
the week excluding Saturday, Sunday, or a legal holiday as defined 203
in section 1.14 of the Revised Code. 204

Sec. 3718.01. As used in this chapter: 205

(A) "Alter" means to change by making substantive 206
replacements of, additions to, or deletions in the design or 207
materials or to change the location of an existing sewage 208
treatment system. 209

(B) "Bedrock" means hard stratum that underlies 210
unconsolidated surface materials or soil. 211

(C) "Board of health" means the board of health of a city or 212
general health district or the authority having the duties of a 213
board of health in any city as authorized by section 3709.05 of 214
the Revised Code. 215

~~(C)~~(D) "Domestic septage" means the liquid or solid material 216
removed from a sewage treatment system, portable toilet, or type 217
III marine sanitation device as defined in 33 C.F.R. 159.3. 218
"Domestic septage" does not include grease removed from a grease 219
trap. 220

~~(D)~~(E) "Gray water recycling systems" means systems that 221
treat and reuse wastewater discharged from lavatories, bathtubs, 222
showers, clothes washers, and laundry sinks that does not contain 223
food wastes or bodily wastes. 224

(F) "Household sewage treatment system" means any sewage 225
treatment system, or part of such a system, that receives sewage 226
from a single-family, two-family, or three-family dwelling. 227

~~(E)~~(G) "Infiltrative surface" means the point or area of 228
application of treated or partially treated sewage to the soil or 229
sand fill for purposes of treatment, dispersal, or both. 230

(H) "Inspection" means the on-site evaluation or analysis of 231
the ~~functioning~~ design, installation, and operation of a sewage 232
treatment system. 233

~~(F)~~(I) "Installer" means any person who engages in the 234
business of installing or altering or who, as an employee of 235

another, installs or alters any sewage treatment system. 236

~~(G)~~(J) "Limiting condition" means a restrictive soil layer, 237
bedrock, a water table, or ground water that limits or precludes 238
the treatment or dispersal of sewage in the soil of a property 239
where a household sewage treatment system is located. 240

~~(K)~~ "Manufacturer" means any person that manufactures sewage 241
treatment systems or components of systems. 242

~~(H)~~(L) "Person" has the same meaning as in section 1.59 of 243
the Revised Code and also includes any state, any political 244
subdivision of a state, and any department, division, board, 245
commission, agency, or instrumentality of a state or political 246
subdivision. 247

~~(I)~~(M) "Sanitary sewerage system" means pipelines or 248
conduits, pumping stations, force mains, and all other 249
constructions, devices, appurtenances, and facilities that convey 250
sewage to a central sewage treatment plant and that are required 251
to obtain a permit under Chapter 6111. of the Revised Code. 252

~~(J)~~(N) "Septage hauler" means any person who engages in the 253
collection, transportation, disposal, and land application of 254
domestic septage. 255

~~(K)~~(O) "Service provider" means any person who services, but 256
does not install or alter, sewage treatment systems. 257

~~(L)~~(P) "Sewage" means liquid waste containing animal or 258
vegetable matter in suspension or solution that originates from 259
humans and human activities. "Sewage" includes liquids containing 260
household chemicals in solution commonly discharged from a 261
residence or from commercial, institutional, or other similar 262
facilities. 263

~~(M)~~(Q) "Sewage treatment system" means a household sewage 264
treatment system, a small flow on-site sewage treatment system, or 265

both, as applicable. 266

~~(N)~~(R) "Small flow on-site sewage treatment system" means a 267
system, other than a household sewage treatment system, that 268
treats not more than one thousand gallons of sewage per day and 269
that does not require a national pollutant discharge elimination 270
system permit issued under section 6111.03 of the Revised Code or 271
an injection well drilling or operating permit issued under 272
section 6111.043 of the Revised Code. 273

(S) "Soil" means the naturally occurring pedogenically 274
developed and undeveloped regolith overlying bedrock. 275

(T) "Vertical separation distance" means the distance of the 276
infiltrative surface of the distribution system of a soil 277
absorption system, or component thereof, to a limiting condition 278
in the soil. 279

(U) "Water table" means the surface of the saturated zone 280
below which all interconnected voids are filled with water and at 281
which the pressure is atmospheric. 282

Sec. 3718.011. (A) For purposes of this chapter, a sewage 283
treatment system is causing a public health nuisance if any of the 284
following situations occurs and, after notice by a board of health 285
to the applicable property owner, timely repairs are not made to 286
that system to eliminate the situation: 287

(1) The sewage treatment system is not operating properly due 288
to a missing component, incorrect settings, or a mechanical or 289
electrical failure. 290

(2) There is a blockage in a known sewage treatment system 291
component or pipe that causes a backup of sewage or effluent 292
affecting the treatment process or inhibiting proper plumbing 293
drainage. 294

(3) An inspection conducted by, or under the supervision of, 295

the environmental protection agency or a sanitarian registered 296
under Chapter 4736. of the Revised Code documents that there is 297
ponding of liquid or bleeding of liquid onto the surface of the 298
ground or into surface water and the liquid has a distinct sewage 299
odor, a black or gray coloration, or the presence of organic 300
matter and any of the following: 301

(a) The presence of sewage effluent identified through a dye 302
test; 303

(b) The presence of fecal coliform at a level that is equal 304
to or greater than five thousand colonies per one hundred 305
milliliters of liquid as determined in two or more samples of the 306
liquid when five or fewer samples are collected or in more than 307
twenty per cent of the samples when more than five samples of the 308
liquid are collected; 309

(c) Water samples that exceed one thousand thirty e. coli 310
counts per one hundred milliliters in two or more samples when 311
five or fewer samples are collected or in more than twenty per 312
cent of the samples when more than five samples are collected. 313

(4) With respect to a discharging system for which an NPDES 314
permit has been issued under Chapter 6111. of the Revised Code and 315
rules adopted under it, the system routinely exceeds the effluent 316
discharge limitations specified in the permit. 317

(B) With respect to divisions (A)(1) and (2) of this section, 318
a property owner may request a test to be conducted by a board of 319
health to verify that the sewage treatment system is causing a 320
public health nuisance. The property owner is responsible for the 321
costs of the test. 322

Sec. 3718.012. A sewage treatment system that was in 323
operation prior to the effective date of this section shall not be 324
required to be replaced with a new sewage treatment system under 325

this chapter or rules adopted under it and shall be deemed 326
approved if the system does not cause a public health nuisance or, 327
if the system is causing a public health nuisance as provided in 328
section 3718.011 of the Revised Code, repairs are made to the 329
system that eliminate the public health nuisance as determined by 330
the applicable board of health. 331

Sec. 3718.02. (A) ~~Not later than one year after the effective~~ 332
~~date of this section, the~~ The public health council, in accordance 333
with Chapter 119. of the Revised Code, shall adopt, and 334
subsequently may amend and rescind, rules of general application 335
throughout the state to administer this chapter. Rules adopted 336
under division (A) of this section shall do at least all of the 337
following: 338

(1) Require that the appropriate board of health approve or 339
disapprove the ~~use~~ installation, operation, and alteration of a 340
sewage treatment system if it is not connected to a sanitary 341
sewerage system; 342

(2) Require ~~that~~ a board of health, or other person as 343
established by rule, to conduct a site evaluation for any proposed 344
installation of a sewage treatment system; 345

(3) Prescribe standards for the siting, design, installation, 346
operation, monitoring, maintenance, and abandonment of ~~household~~ 347
sewage treatment systems that may be used in this state and for 348
the progressive or incremental alteration or repair of an existing 349
sewage treatment system or the progressive or incremental 350
installation of a new system to replace an existing sewage 351
treatment system. The rules shall be adopted so as to establish a 352
preference for the repair of an existing sewage treatment system, 353
when technically and economically feasible, rather than its 354
replacement with a new system. The standards shall include at a 355
minimum all of the following: 356

(a) Soil absorption specifications~~+~~ and vertical separation 357
distances. 358

(i) Soil absorption specifications established in rules shall 359
include standards regarding the sizing of sewage treatment systems 360
in use in the state. 361

(ii) In establishing soil absorption specifications and 362
vertical separation distances, the rules shall identify those soil 363
conditions that present a low or moderate risk of inadequate 364
treatment or dispersal of sewage from sewage treatment systems. 365
For low and moderate risk conditions, the required vertical 366
separation distance shall not exceed eighteen inches except as 367
authorized pursuant to rules adopted under divisions 368
(A)(3)(a)(iii) and (iv) of this section. 369

In addition, the rules shall identify those soil conditions 370
that present a high risk of inadequate treatment or dispersal of 371
sewage. For such high risk conditions, the vertical separation 372
distance shall be set at a depth from twenty-four to thirty-six 373
inches and shall not be lowered unless a reduction of vertical 374
separation is granted in accordance with rules adopted under 375
division (A)(3)(a)(iii) of this section. 376

(iii) The rules shall establish options to be utilized by a 377
board of health when approving the reductions of or compliance 378
with vertical separation distances that are established in rules 379
adopted under division (A)(3)(a)(ii) of this section. The options 380
for a board of health in providing such approval shall include, 381
but not be limited to: the use where deemed appropriate for a 382
particular site of subsurface interceptor drains, perimeter 383
drains, or engineered drainage; pretreatment of sewage; or soil 384
elevation. 385

(iv) The rules shall provide that a board of health may 386
petition the director to increase the vertical separation 387

distances required for sewage treatment systems in the applicable 388
health district or a portion of the district when conditions 389
present a high risk of inadequate treatment or dispersal of 390
sewage. The rules also shall provide that the director may approve 391
such a request upon a demonstration by the board of health that 392
unusual or unique local conditions relating to terrain, bedrock, 393
water table, soil fragments, or soil textures require the 394
establishment of greater vertical separation distances within the 395
jurisdiction of the board of health or a portion thereof. If, 396
under the rules, the director of health approves a greater 397
vertical separation distance, a board of health still may approve 398
a reduction of that vertical separation distance for an individual 399
sewage treatment system pursuant to rules adopted under division 400
(A)(3)(a)(iii) of this section. Further, if, under the rules, the 401
director approves a greater vertical separation distance, a person 402
who is denied permission by a board of health to install or 403
replace a sewage treatment system as a result of the director's 404
approval may request a hearing in accordance with section 3718.11 405
of the Revised Code. 406

(b) ~~Specifications for discharging systems that do not~~ 407
~~conflict with provisions related to~~ the quality of treated sewage 408
effluent from household sewage treatment systems that is applied 409
to soil on the property where a household sewage treatment system 410
is located. The specifications established in the rules for the 411
quality of effluent from discharging systems shall comply with 412
discharge requirements imposed by the national pollutant discharge 413
elimination system permit program established in under section 414
6111.03 of the Revised Code and rules adopted under it. 415

(c) Requirements for the reasonable maintenance of a system 416
according to ~~the manufacturer's instructions, if available;~~ 417

~~(d) Requirements and procedures under which a person may~~ 418
~~demonstrate the required maintenance of a system in lieu of having~~ 419

~~an inspection conducted when an inspection otherwise is required.~~ 420

~~The rules also shall require that a system that has been or 421
is sited or installed prior to or on the effective date of the 422
rules and that is operating on that date shall be deemed approved 423
unless the system is declared to be a public health nuisance by a 424
board of health maintenance requirements approved by the director 425
of health as recommended by the sewage treatment system technical 426
advisory committee or according to accepted standards and 427
practices established in rules, as applicable. The requirements 428
may include standards for service contracts or other arrangements 429
that assure regular maintenance and upkeep of the system. In 430
determining the reasonableness of a maintenance requirement, the 431
director shall consider a manufacturer's maintenance requirements 432
as well as all other maintenance alternatives. 433~~

(4) Prescribe procedures for notification to boards of health 434
of the approval of a sewage treatment system or components of a 435
system by the director of health under section 3718.04 of the 436
Revised Code; 437

(5) Prescribe criteria and procedures under which boards of 438
health shall issue installation ~~and~~ permits, operation permits, 439
and alteration permits for sewage treatment systems. The rules 440
shall require as a condition of an installation permit that the 441
installer of a system must warrant that the system was installed 442
in accordance with all applicable rules and design requirements. 443
In addition, the rules shall require a board of health, not later 444
than sixty days after the issuance of an installation, operation, 445
or alteration permit, to ~~certify to~~ notify the director ~~on a form 446
provided by the director~~ that the permit was issued. The rules 447
shall require the notification to be in a format prescribed by the 448
director and to include information related to the issuance of the 449
permit. With the assistance of the department of health, a board 450
of health, to the extent practicable, shall computerize the 451

process of the issuance of permits for sewage treatment systems. 452

(6) Require a board of health to inspect a sewage treatment 453
system not later than ~~eighteen~~ twelve months after its 454
installation to ensure that the system is operating properly. The 455
rules shall require a board of health, not later than sixty days 456
after the inspection, to certify to the director on a form 457
provided by the director that the inspection was performed. 458

(7) Require each board of health to develop a program for the 459
administration of maintenance requirements established in rules 460
adopted under division (A)(3)(c) of this section. The rules shall 461
include requirements and procedures under which a person may 462
demonstrate the required maintenance of a system in lieu of having 463
an inspection conducted when an inspection otherwise is required. 464
The rules shall require a board of health to provide written 465
notice to a person that is demonstrating maintenance of a system 466
in lieu of an inspection that if proof of the required maintenance 467
of the system is not provided as required by rules, the system is 468
subject to inspection by the board and the reasonable cost of the 469
inspection must be paid by the person. The rules shall authorize a 470
board of health to inspect any sewage treatment system if there is 471
a good-faith complaint regarding the system, there is probable 472
cause for the inspection, or proof of the required maintenance of 473
the system has not been provided as required by rules. In 474
addition, the rules shall authorize a board of health to inspect a 475
sewage treatment system without prior notice in any instance in 476
which the board has probable cause to believe that the system is 477
endangering or threatening to endanger public health. The rules 478
shall require that the reasonable costs for sewage effluent 479
testing or evaluation be paid by the owner of a sewage treatment 480
system that is being investigated. Further, the rules shall 481
establish a methodology for determining the reasonable costs of an 482
inspection in accordance with section 3709.09 of the Revised Code. 483

The rules shall allow, but shall not require, a board of health to 484
continue an inspection program that was established by the board 485
prior to the effective date of the rules, provided that the 486
program authorizes a person to demonstrate the required 487
maintenance of a system in lieu of an inspection. 488

(8) Require a board of health to register installers, service 489
providers, and septage haulers that perform work within the health 490
district; prescribe criteria and procedures for the registration; 491
and prescribe criteria for a demonstration of competency as a part 492
of the registration+. The rules shall establish uniform statewide 493
bonding requirements or other financial security requirements for 494
installers, service providers, and septage haulers as a condition 495
of registration within any health district. The rules shall 496
establish a methodology by which the required amount of a bond or 497
other security may be calculated for each installer, service 498
provider, and septage hauler. The methodology, at a minimum, shall 499
consider the number of systems installed or serviced and the type 500
of system installed or serviced by an installer, service provider, 501
or septage hauler on an annual basis. The rules shall provide that 502
no board of health shall require an additional or different bond 503
or security requirement as a condition of registration beyond the 504
bonding and security requirements established in the rules adopted 505
under division (A)(8) of this section. 506

The rules shall establish a cost methodology for determining 507
the fee for the registration of an installer, service provider, or 508
septage hauler in any health district. 509

~~(8)~~(9) Prescribe requirements for the collection, 510
transportation, disposal, and land application of domestic septage 511
in this state from a sewage treatment system; 512

~~(9)~~(10) Require boards of health to maintain records that are 513
determined necessary to ascertain compliance with this chapter and 514
the rules adopted under it; 515

~~(10)~~(11) Require a board of health and the manufacturer of a 516
sewage treatment system, ~~when possible,~~ that is authorized for use 517
in this state in rules adopted under this section or that is 518
approved for use in this state under section 3718.04 of the 519
Revised Code to provide instructions for the operation and 520
maintenance of the system. The rules shall ~~authorize the~~ 521
~~instructions to be posted on the department of health's web site~~ 522
~~and the manufacturer's web site~~ provide that a board of health may 523
require a copy of a manufacturer's instructions for the operation 524
and maintenance of a system to be filed with the board prior to 525
the installation and use of the system in the health district in 526
which the board has jurisdiction. In addition, the rules shall 527
require a board of health and a manufacturer to provide a copy of 528
the operation and maintenance instructions, if available, when a 529
board of health or a manufacturer receives a written request for 530
instructions. 531

~~(11)~~(12) Prescribe criteria for the provision of written 532
evidence of compliance with rules pertaining to ~~household~~ sewage 533
treatment for purposes of sections 711.05 and 711.10 of the 534
Revised Code; 535

~~(12)~~(13) Pursuant to divisions (A)(1) and (3) of this 536
section, prescribe standards for the siting, design, installation, 537
operation, monitoring, maintenance, and abandonment of small flow 538
on-site sewage treatment systems that may be used in this state; 539

(14) Prescribe minimum criteria and procedures under which 540
boards of health may establish household sewage treatment district 541
management programs for the purpose of providing a responsive 542
approach toward preventing or solving sewage treatment problems 543
resulting from household sewage treatment systems within the 544
districts established under the program. For purposes of division 545
(A)~~(12)~~(14) of this section, a board of health may enter into a 546
contract with any entity to administer a household sewage 547

treatment district management program.	548
(13) Prescribe standards for the siting, design,	549
installation, operation, monitoring, maintenance, and abandonment	550
of small flow on site sewage treatment systems that may be used in	551
this state.	552
<u>(15) Prescribe standards for the use of subsurface</u>	553
<u>interceptor drains, perimeter drains, and engineered drainage to</u>	554
<u>remove or divert any subsurface water from an area to be used for</u>	555
<u>soil absorption of sewage in the soil of a sewage treatment</u>	556
<u>system;</u>	557
<u>(16) Prescribe standards for the inspection of septage</u>	558
<u>hauling truck tanks by boards of health, including, but not</u>	559
<u>limited to, tank seal safety specifications;</u>	560
<u>(17) Establish standards and testing methods to ensure that</u>	561
<u>all septic tanks, other disposal component tanks, dosing tanks,</u>	562
<u>pump vaults, household sewage treatment disposal system holding</u>	563
<u>tanks and privy vaults, or other applicable sewage disposal system</u>	564
<u>components manufactured after the effective date of this section</u>	565
<u>and used in this state are watertight and structurally sound;</u>	566
<u>(18) Require a board of health to give notice and an</u>	567
<u>opportunity for a hearing, pursuant to section 3718.11 of the</u>	568
<u>Revised Code, to an affected property owner regarding any of the</u>	569
<u>following:</u>	570
<u>(a) The denial of an installation, operation, or alteration</u>	571
<u>permit for a sewage treatment system;</u>	572
<u>(b) The imposition of a condition on the installation of a</u>	573
<u>sewage treatment system;</u>	574
<u>(c) The required replacement of a sewage treatment system;</u>	575
<u>(d) Any other final order or decision of a board of health</u>	576
<u>that is made under this chapter concerning which a property owner</u>	577

is claiming to be aggrieved or adversely affected. 578

The rules also shall establish procedures for giving such 579
notice and for conducting the hearing required in rules adopted 580
under division (A)(18) of this section. 581

(19) Prescribe standards for the regulation of gray water 582
recycling systems; 583

(20) Prohibit a sewage treatment system from causing a public 584
health nuisance; 585

(21) Define economic impact for purposes of division (B) of 586
this section and section 3718.022 of the Revised Code. 587

The council may adopt other rules under division (A) of this 588
section that it determines are necessary to implement this chapter 589
and to protect the public health and welfare. 590

At least sixty days prior to adopting a rule under division 591
(A) of this section, the council shall provide boards of health 592
and any other interested parties an opportunity to comment on the 593
rule. 594

(B)(1) In accordance with section 3709.20 or 3709.21 of the 595
Revised Code, as applicable, and subject to review by and approval 596
of the director under division (C) of section 3718.05 of the 597
Revised Code, a board of health may adopt rules necessary for the 598
public health providing for more stringent standards ~~governing~~ 599
~~household sewage treatment systems, installers, service providers,~~ 600
~~or septage haulers~~ than those established in rules of the public 601
health council adopted under division (A) of this section. A In 602
proposing or adopting the rules, a board of health shall consider 603
and document the economic impact of the rules on property owners 604
within the applicable health district. 605

(2) A board that intends to adopt such rules shall notify the 606
department of health of the proposed rules and submit a copy of 607

the proposed rules and the documentation of the economic impact of 608
the rules at least ninety days prior to the proposed date of 609
adoption. The director shall approve or disapprove any such 610
proposed rule within ninety days after receiving ~~notice of it~~ 611
~~under this division a copy of the proposed rule from the board of~~ 612
~~health.~~ If the director fails to approve or disapprove a proposed 613
rule within ninety days after receiving notice of it, the proposed 614
rule shall be deemed approved. 615

(3) In reviewing a proposed rule, the director shall approve 616
the rule if all of the following apply: 617

(a) The proposed rule is not in conflict with this chapter or 618
rules adopted under it. 619

(b) The proposed rule is authorized by division (B) of this 620
section. 621

(c) The proposed rule is no less stringent than rules adopted 622
by the public health council. 623

(d) Unless otherwise authorized by this chapter or rules 624
adopted under it, the proposed rule does not require design 625
changes to a sewage treatment system, or component thereof, that 626
differ from a design authorized in rules adopted under division 627
(A) of this section, including rules adopted under division (A)(1) 628
or (A)(3)(a)(iii) or (iv) of this section, or approved by the 629
director under section 3718.04 of the Revised Code. 630

(e) The proposed rule does not require operation or 631
maintenance procedures for a sewage treatment system that conflict 632
with operation or maintenance procedures authorized in rules 633
adopted under division (A) of this section, including rules 634
adopted under division (A)(1) or (A)(3)(a)(iii) or (iv) of this 635
section, or approved by the director under section 3718.04 of the 636
Revised Code. 637

(4) If a board of health fails to submit a proposed rule to 638

the director or fails to demonstrate that the board has considered 639
the economic impact of the proposed rule, the rule shall have no 640
force or effect and is not enforceable. 641

Sec. 3718.023. (A) In accordance with rules adopted under 642
division (A) of section 3718.02 of the Revised Code, a board of 643
health shall approve or deny the installation, operation, or 644
alteration of sewage treatment systems the use of which has been 645
authorized in those rules or that have been approved for use in 646
this state by the director of health under section 3718.04 of the 647
Revised Code. The board shall approve an installation, operation, 648
or alteration only in the health district in which the board has 649
jurisdiction. A board shall approve the installation, operation, 650
or alteration of a sewage treatment system through the issuance of 651
a permit in accordance with rules adopted under section 3718.02 of 652
the Revised Code. A board shall not approve the installation, 653
operation, or alteration of a sewage treatment system if the 654
installation, operation, or alteration is not appropriate for the 655
site at which the use of the system is or is proposed to be 656
located. In determining whether to approve or disapprove the 657
installation, operation, or alteration of a sewage treatment 658
system, including the progressive or incremental installation or 659
alteration of a system, a board shall consider the economic impact 660
on the property owner, the state of available technology, and the 661
nature and economics of various alternatives. A board shall 662
provide written documentation of such economic impact if requested 663
by the property owner. In addition, the board shall ensure that a 664
system, when installed and maintained properly, will not create a 665
public health nuisance and shall require a system to comply with 666
the requirements established in division (B) of this section and 667
other applicable requirements of this chapter. 668

The board shall permit a property owner to select a sewage 669
treatment system for use by the property owner from those systems 670

that have been approved for use in the state, from the least 671
expensive system to the most expensive system, and a property 672
owner may select any such system regardless of its cost, provided 673
that the system selected will comply with all applicable 674
requirements and standards established under this chapter and 675
rules adopted under it. 676

(B) A board of health shall ensure that the design and 677
installation of a soil absorption system prevents public health 678
nuisances. In addition, a board of health shall ensure that a 679
sewage treatment system that is installed after the effective date 680
of this section shall not discharge into a ditch, stream, pond, 681
lake, natural or artificial waterway, drain tile, or other surface 682
water or onto the surface of the ground unless authorized by a 683
national pollutant discharge elimination system permit issued 684
under Chapter 6111. of the Revised Code and rules adopted under 685
it. In addition, a board shall ensure that a sewage treatment 686
system shall not discharge into an abandoned well, a drainage 687
well, a dry well, a cesspool, a sinkhole, or another connection to 688
ground water. If a household sewage treatment system serving a 689
two- or three-family dwelling or a small flow on-site sewage 690
treatment system is classified as a class V injection well, a 691
board of health shall ensure that the system complies with rules 692
adopted under section 6111.043 of the Revised Code and with 693
Chapter 3745-34 of the Administrative Code. 694

(C) For purposes of the approval or denial of the 695
installation, operation, or alteration of a sewage treatment 696
system under this section, "economic impact" means all of the 697
following, as applicable: 698

(1) The cost to the property owner for the installation of 699
the proposed sewage treatment system, including the cost of 700
progressive or incremental installation of the system; 701

(2) The cost of an alternative system, including the cost of 702

progressive or incremental installation of the system, that, when 703
installed and maintained properly, will not create a public health 704
nuisance compared to the proposed sewage treatment system; 705

(3) The costs of repairing the sewage treatment system, 706
including the cost of progressive or incremental repairs, as 707
opposed to replacing the system with a new system. 708

(D) An application for an installation permit that is 709
accepted by a board of health prior to January 1, 2012, shall be 710
valid for three years from the date of the submission of the 711
complete application and the accompanying application fee. 712

(E) An installation permit issued by a board of health prior 713
to January 1, 2012, shall be valid until January 1, 2013, unless 714
extended by a board of health for not more than an additional six 715
months. 716

Sec. 3718.024. The director of health in cooperation with a 717
board of health shall assess the familiarity of the board's staff 718
with best management practices in the use of sewage treatment 719
systems, as necessary, and conduct appropriate training to educate 720
the board's staff in those best management practices and in the 721
use of any new sewage treatment system technology that is 722
recommended for use by the sewage treatment system technical 723
advisory committee created in section 3718.03 of the Revised Code. 724

Sec. 3718.025. The environmental protection agency shall not 725
require a board of health to enter into a memorandum of 726
understanding or any other agreement with the agency regarding the 727
issuance of national pollutant discharge elimination system 728
permits for off-lot household sewage treatment systems. Rather, a 729
representative of a board of health may meet with a person who 730
intends to install such a system to determine the feasibility of 731
the system and refer the person to the agency to secure a national 732

pollutant discharge elimination system permit for the system if 733
needed. The environmental protection agency shall make revisions 734
to any applicable general national pollutant discharge elimination 735
system permits, issued pursuant to the federal Water Pollution 736
Control Act as defined in section 6111.01 of the Revised Code, so 737
that such a memorandum of understanding is not required. A board 738
of health voluntarily may enter into a memorandum of understanding 739
with the environmental protection agency to implement a general 740
national pollutant discharge elimination system permit. The agency 741
shall work with boards of health to facilitate securing national 742
pollutant discharge elimination system permits on behalf of 743
property owners in counties without a memorandum of understanding. 744

Sec. 3718.03. (A) There is hereby created the sewage 745
treatment system technical advisory committee consisting of the 746
director of health or the director's designee and ~~ten~~ thirteen 747
members who are knowledgeable about sewage treatment systems and 748
technologies. The director or the director's designee shall serve 749
as committee secretary and may vote on actions taken by the 750
committee. Of the ~~ten~~ thirteen members, ~~four~~ five shall be 751
appointed by the governor, ~~three~~ four shall be appointed by the 752
president of the senate, and ~~three~~ four shall be appointed by the 753
speaker of the house of representatives. 754

(1) Of the members appointed by the governor, one shall 755
represent academia and shall be active in teaching or research in 756
the area of on-site wastewater treatment, one shall be a 757
representative of the public who is not employed by the state or 758
any of its political subdivisions and who does not have a 759
pecuniary interest in ~~household~~ sewage treatment systems, one 760
shall be ~~an~~ a registered professional engineer ~~from~~ employed by 761
the environmental protection agency, ~~and~~ one shall be selected 762
from among soil scientists in the division of soil and water 763
resources in the department of natural resources, and one shall be 764

a representative of a statewide organization representing 765
townships. 766

(2) Of the members appointed by the president of the senate, 767
one shall be a health commissioner who is a member of and 768
recommended by the association of Ohio health commissioners, one 769
shall represent the interests of manufacturers of ~~household~~ sewage 770
treatment systems, ~~and~~ one shall represent installers and service 771
providers, and one shall be a person with demonstrated experience 772
in the design of sewage treatment systems. 773

(3) Of the members appointed by the speaker of the house of 774
representatives, one shall be a health commissioner who is a 775
member of and recommended by the association of Ohio health 776
commissioners, one shall represent the interests of manufacturers 777
of ~~household~~ sewage treatment systems, ~~and~~ one shall be a 778
sanitarian who is registered under Chapter 4736. of the Revised 779
Code and who is a member of the Ohio environmental health 780
association, and one shall be a registered professional engineer 781
with experience in sewage treatment systems. 782

(B) Terms of members appointed to the committee shall be for 783
three years, with each term ending on the same day of the same 784
month as did the term that it succeeds. Each member shall serve 785
from the date of appointment until the end of the term for which 786
the member was appointed. 787

Members may be reappointed. Vacancies shall be filled in the 788
same manner as provided for original appointments. Any member 789
appointed to fill a vacancy occurring prior to the expiration date 790
of the term for which the member was appointed shall hold office 791
for the remainder of that term. A member shall continue to serve 792
after the expiration date of the member's term until the member's 793
successor is appointed or until a period of sixty days has 794
elapsed, whichever occurs first. The applicable appointing 795
authority may remove a member from the committee for failure to 796

attend two consecutive meetings without showing good cause for the 797
absences. 798

(C) The technical advisory committee annually shall select 799
from among its members a chairperson and a vice-chairperson ~~and a~~ 800
The secretary ~~to~~ shall keep a record of its proceedings. A 801
majority vote of the members of the full committee is necessary to 802
take action on any matter. The committee may adopt bylaws 803
governing its operation, including bylaws that establish the 804
frequency of meetings. 805

(D) Serving as a member of the sewage treatment system 806
technical advisory committee does not constitute holding a public 807
office or position of employment under the laws of this state and 808
does not constitute grounds for removal of public officers or 809
employees from their offices or positions of employment. Members 810
of the committee shall serve without compensation for attending 811
committee meetings. 812

(E) A member of the committee shall not have a conflict of 813
interest with the position. For the purposes of this division, 814
"conflict of interest" means the taking of any action that 815
violates any provision of Chapter 102. or 2921. of the Revised 816
Code. 817

(F) The sewage treatment system technical advisory committee 818
shall do all of the following: 819

(1) Develop with the department of health standards ~~and~~ 820
guidelines, and protocols for approving or disapproving a sewage 821
treatment system or components of a system under section 3718.04 822
of the Revised Code~~+. Any guideline requiring the submission of~~ 823
scientific information or testing data shall specify, in writing, 824
the protocol and format to be used in submitting the information 825
or data. 826

(2) Develop with the department an application form to be 827

submitted to the director by an applicant for approval or 828
disapproval of a sewage treatment system or components of a system 829
and specify the information that must be included with an 830
application form; 831

(3) ~~Advise~~ Make recommendations to the director on regarding 832
the approval or disapproval of an application sent to the director 833
under section 3718.04 of the Revised Code requesting approval of a 834
sewage treatment system or components of a system; 835

(4) Pursue and recruit in an active manner the research, 836
development, introduction, and timely approval of innovative and 837
cost-effective ~~household~~ sewage treatment systems and components 838
of a system for use in this state, which shall include conducting 839
pilot projects to assess the effectiveness of a system or 840
components of a system; 841

~~(5) By January 1, 2008, provide the household sewage and 842
small flow on site sewage treatment system study commission 843
created by Am. Sub. H.B. 119 of the 127th general assembly with a 844
list of available alternative systems and the estimated cost of 845
each system. 846~~

(G) The chairperson of the committee shall prepare and submit 847
an annual report concerning the activities of the committee to the 848
general assembly not later than ninety days after the end of the 849
calendar year. The report shall discuss the number of applications 850
submitted under section 3718.04 of the Revised Code for the 851
approval of a new sewage treatment system or a component of a 852
system, the number of such systems and components that were 853
approved, any information that the committee considers beneficial 854
to the general assembly, and any other information that the 855
chairperson determines is beneficial to the general assembly. If 856
other members of the committee determine that certain information 857
should be included in the report, they shall submit the 858
information to the chairperson not later than thirty days after 859

the end of the calendar year. 860

(H) The department shall provide meeting space for the 861
committee. The committee shall be assisted in its duties by the 862
staff of the department. 863

(I) Sections 101.82 to 101.87 of the Revised Code do not 864
apply to the sewage treatment system technical advisory committee. 865

Sec. 3718.04. (A) A manufacturer seeking approval for the 866
installation and use of a sewage treatment system or a component 867
of a system in this state that differs in design or function from 868
systems or components of systems the use of which is authorized in 869
rules adopted under section 3718.02 of the Revised Code shall 870
request an application form from the department of health. The 871
applicant shall complete the form and include with it all of the 872
information that is required by the department and the sewage 873
treatment system technical advisory committee. The applicant shall 874
submit a completed application and all required information to the 875
director of health. 876

(B) Upon receipt of an application, the director shall 877
examine the application and all accompanying information to 878
determine if the application is complete. If the director 879
determines that the application is not complete, the director 880
shall notify the applicant not later than ~~fourteen~~ sixty days 881
after ~~determining~~ submission of the application that the 882
application is not complete, provide a description of the 883
information that is missing from the application, and return the 884
application and all accompanying information to the applicant. The 885
applicant may resubmit the application to the director if the 886
application includes the information that was identified by the 887
director. Not later than ~~fourteen~~ thirty days after receipt of a 888
complete application, the director shall notify the committee of 889
the complete application and send a copy of the complete 890

application and all accompanying information to the committee 891
together with a request that the committee ~~advise~~ recommend that 892
the director ~~on the approval~~ approve or ~~disapproval of~~ disapprove 893
the system. 894

Not later than ninety days after receipt of a complete 895
application, the committee shall recommend approval or disapproval 896
of the application and submit its recommendation in writing to the 897
director. The director shall approve or disapprove the application 898
not later than sixty days after the committee submits its 899
recommendation to the director or, if the committee fails to 900
recommend approval or disapproval within the required time, not 901
later than one hundred twenty days after the submission of a 902
complete application. If the director fails to approve or 903
disapprove an application within the required time, the 904
application shall be deemed approved. 905

(C) In approving or disapproving an application, the director 906
shall use the standards ~~and~~, guidelines, and protocols that the 907
committee developed with the department for that purpose. The 908
director shall not approve an application that fails to comply 909
with those standards ~~and~~, guidelines, and protocols. If the 910
committee ~~advises~~ recommends approval or disapproval of an 911
application, the director ~~concerning the application, the director~~ 912
shall consider the ~~advice~~ committee's recommendation before 913
approving or disapproving the application. ~~However, if~~ If the 914
committee fails to provide advice or if the committee fails to 915
~~provide advice within a reasonable period of time before the~~ 916
~~director is required to approve or disapprove the application~~ 917
recommend approval or disapproval of the application within the 918
required time, the director may approve or disapprove the 919
application without considering the advice of the committee. ~~Not~~ 920
~~later than ninety days after receipt of a complete application,~~ 921
~~the director shall approve or disapprove the application in~~ 922

~~writing. If the director fails to approve or disapprove the~~ 923
~~application within that ninety day period, the application shall~~ 924
~~be deemed approved~~ The director shall establish and include any 925
appropriate terms and conditions with the approval of a sewage 926
treatment system or component of a system for use in this state. 927
For purposes of establishing soil absorption specifications for a 928
sewage treatment system, the terms and conditions shall include 929
standards regarding the sizing of the system. 930

(D) If the director approves an application under this 931
section, the director shall notify the applicant in writing. The 932
director also shall notify boards of health in accordance with the 933
procedures established in rules adopted under section 3718.02 of 934
the Revised Code that the sewage treatment system or component of 935
a system that is the subject of the application is approved for 936
statewide use. If the director disapproves an application under 937
this section, the director shall notify the applicant in writing 938
and provide a brief explanation for the disapproval. 939

(E) Decisions of the director approving or disapproving 940
applications under this section may be appealed in accordance with 941
Chapter 119. of the Revised Code. 942

(F) No approval shall be required under this section with 943
respect to a sewage treatment system or component of a system that 944
has been approved by the director prior to the effective date of 945
this amendment unless the manufacturer of the system or component 946
changes the design or seeks modifications to any terms and 947
conditions of the prior approval. 948

(G) The director may revoke the approval of a sewage 949
treatment system or component of a system if the director finds, 950
based on substantial evidence, that the system or component fails 951
to comply with applicable standards for the system or component. 952
The revocation of an approval under this division may be appealed 953
in accordance with Chapter 119. of the Revised Code. 954

Sec. 3718.041. An installer or manufacturer of a sewage treatment system or component of a system the use of which has been authorized in rules adopted under section 3718.02 of the Revised Code may request from the director of health a written statement acknowledging that the system or component of a system is approved for use in this state and that the approval is equivalent in all respects to the approval of a system or component of a system under section 3718.04 of the Revised Code. The director may approve or deny such a request as the director determines appropriate.

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

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

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

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

(D) Survey boards of health as required by section 3718.07 of the Revised Code;

(E) Develop with the sewage treatment system technical

advisory committee standards ~~and~~, guidelines, and protocols for 985
use by the director in approving or disapproving a sewage 986
treatment system under section 3718.04 of the Revised Code and an 987
application form for use by applicants for that approval, 988
including identification of the information that must be included 989
with the form; 990

(F) Provide instructions on the operation and maintenance of 991
a sewage treatment system. The director shall provide the 992
operation and maintenance instructions on the department of 993
health's web site. In addition, the director shall provide a copy 994
of the operation and maintenance instructions when the director 995
receives a written request for the instructions. 996

(G) Develop educational programs, in conjunction with boards 997
of health, to educate owners of sewage treatment systems regarding 998
the proper operation and maintenance of those systems. 999

Sec. 3718.06. (A)(1) A board of health shall establish fees 1000
in accordance with section 3709.09 of the Revised Code for the 1001
purpose of carrying out its duties under this chapter and rules 1002
adopted under it, including ~~a fee~~ fees for ~~an~~ installation ~~permit~~ 1003
permits, operation permits, and alteration permits issued by the 1004
board. All fees so established and collected by the board shall be 1005
deposited in a special fund of the district to be used exclusively 1006
by the board in carrying out those duties. 1007

(2) In accordance with Chapter 119. of the Revised Code, the 1008
public health council may establish by rule a fee to be collected 1009
from applicants for installation permits and alteration permits 1010
issued under rules adopted under this chapter. The director of 1011
health shall use not more than seventy-five per cent of the 1012
proceeds from that fee for administering and enforcing this 1013
chapter and the rules adopted under it by the council. The 1014
director shall use not less than twenty-five per cent of the 1015

proceeds from that fee to establish a program in cooperation with 1016
boards of health to fund installation and evaluation of sewage 1017
treatment system new technology pilot projects through grants or 1018
other agreements. In the selection of pilot projects, the director 1019
shall consult with the sewage treatment system technical advisory 1020
committee. A board of health shall collect and transmit the fee- 1021
to the director pursuant to section 3709.092 of the Revised Code. 1022
~~The director shall use the money so credited solely for the~~ 1023
~~administration and enforcement of this chapter and the rules~~ 1024
~~adopted under it by the public health council.~~ 1025

(B) The director may submit recommendations to the public 1026
health council regarding the amount of the fee collected under 1027
division (A)(2) of this section for installation and alteration 1028
permits. When making the recommendations, the director shall 1029
submit a report stating the current and projected expenses of 1030
administering and enforcing this chapter and the rules adopted 1031
under it ~~by the council~~ and of the sewage treatment system new 1032
technology pilot projects program established under this section 1033
and the total of all money that has been deposited to the credit 1034
of the general operations fund under division (A)(2) of this 1035
section. The director may include in the report any 1036
recommendations for modifying the requirements established under 1037
this chapter and the rules adopted under it by the council. 1038

Sec. 3718.09. (A) A board of health may issue, modify, 1039
suspend, or revoke enforcement orders to a registration or permit 1040
holder or other person directing the holder or person to abate a 1041
violation of this chapter, any rule adopted or order issued under 1042
it, or a condition of a registration or permit issued under it 1043
within a specified, reasonable time. If an order issued under this 1044
division is neglected or disregarded, the applicable board of 1045
health may proceed in accordance with section 3707.02 of the 1046
Revised Code. 1047

(B) The health commissioner or the commissioner's designated representative, without prior notice or hearing and in accordance with the rules of the public health council, may issue an emergency order requiring any action necessary to meet a public health emergency or to prevent or abate an imminent and substantial threat to surface water or ground water regarding domestic septage management or regarding a sewage treatment system that is being operated in a manner that does not comply with this chapter or rules adopted under it. A person to whom such an emergency order is issued immediately shall comply with the order. A person so ordered may apply to the issuer of the order for a hearing, which shall be held as soon as possible, but not later than twenty days after the issuer's receipt of the application for a hearing.

Sec. 3718.11. (A) A property owner may request a hearing with the board of health for any reason described in division (A)(18) of section 3718.02 of the Revised Code. A property owner may appeal the results of the hearing to either of the following:

(1) The court of common pleas of the county in which the property owner's land is located;

(2) A sewage treatment system appeals board that is established in accordance with this section.

(B) A property owner that wishes to appeal to a sewage treatment system appeals board shall file the appeal with the board of health within whose jurisdiction the property owner's land is located. Upon receipt of a filing, the board of health shall send the filing of the appeal to the chairperson of the sewage treatment system appeals board for the county in which the board of health has jurisdiction.

(C)(1) Not later than ninety days after the effective date of this section, a sewage treatment system appeals board shall be

appointed for each county as follows: 1079

(a) One member shall be appointed by the health commissioner 1080
of the general health district having jurisdiction in the county. 1081

(b) One member shall be appointed by the judge of the probate 1082
court of the county having the longest continuous service as a 1083
judge of the probate court. 1084

(c) One member shall be appointed by the director of health. 1085

(2) Terms of appointment to a sewage treatment system appeals 1086
board shall be for two years. Members may be reappointed. 1087
Vacancies shall be filled in the same manner as provided for 1088
original appointments. Any member appointed to fill a vacancy 1089
occurring prior to the expiration of the term for which the member 1090
was appointed shall hold office for the remainder of that term. 1091

(3) The person appointed by the judge of the probate court 1092
shall serve as chairperson of the board. A majority vote of the 1093
members of the board is necessary to take action on any matter. 1094
The chairperson of the board shall designate the time and location 1095
for a hearing before the board. Members of the board shall serve 1096
without compensation. 1097

(4) A board of health shall send an appeal that has been 1098
filed with the board of health under division (B) of this section 1099
to the sewage treatment system appeals board immediately after the 1100
appeal has been filed. Not later than forty-five days after a 1101
hearing before a sewage treatment system appeals board, the board 1102
shall issue a written decision concerning an appeal before the 1103
board. 1104

(5) The judge of the probate court who made an appointment to 1105
the board under this section shall establish due process 1106
procedures to be used by the applicable sewage treatment system 1107
appeals board appointed under this section for the purpose of 1108
hearing appeals regarding orders and decisions of a board of 1109

health. All appeals before the applicable sewage treatment system 1110
appeals board shall be conducted in accordance with those 1111
procedures. The procedures may include filing fees applicable to 1112
appeals conducted by the sewage treatment system appeals board. 1113

(D) An appeal before a sewage treatment system appeals board 1114
is final, and no further appeal may be taken. 1115

Section 2. That existing sections 711.05, 711.10, 3718.01, 1116
3718.02, 3718.03, 3718.04, 3718.05, 3718.06, and 3718.09 of the 1117
Revised Code are hereby repealed. 1118

Section 3. Notwithstanding any provision of law to the 1119
contrary, Chapter 3701-29 of the Ohio Administrative Code adopted 1120
pursuant to Section 120.02 of Am. Sub. H.B. 119 of the 127th 1121
General Assembly, as amended by Am. Sub. H.B. 1 and Sub. H.B. 363 1122
of the 128th General Assembly, shall remain in effect as it exists 1123
on the effective date of this act until it is superseded by the 1124
rules that are required to be adopted under section 3718.02 of the 1125
Revised Code as amended by this act. The rules that are required 1126
to be adopted under that section as amended by this act shall not 1127
take effect prior to January 1, 2012. 1128

Section 4. Not later than thirty days after the effective 1129
date of this section, the Governor, President of the Senate, and 1130
Speaker of the House of Representatives shall appoint the new 1131
members to the Sewage Treatment System Technical Advisory 1132
Committee that are required to be appointed under section 3718.03 1133
of the Revised Code as amended by this act. 1134

The Governor shall appoint the person representing a 1135
statewide organization representing townships for an initial term 1136
of one year. Thereafter, the person appointed to that position 1137
shall be appointed to a three-year term as required by section 1138
3718.03 of the Revised Code. 1139

The President of the Senate shall appoint the person who is 1140
required to have demonstrated experience in the design of 1141
household sewage treatment systems for an initial term of two 1142
years. Thereafter, the person appointed to that position shall be 1143
appointed to a three-year term as required by section 3718.03 of 1144
the Revised Code. 1145

The Speaker of the House of Representatives shall appoint the 1146
person that is required to be a registered professional engineer 1147
with experience in sewage treatment systems for an initial term of 1148
three years. Thereafter, the person appointed to that position 1149
shall be appointed to a three-year term as required by section 1150
3718.03 of the Revised Code. 1151

Section 5. That Section 3 of Am. H.B. 416 of the 127th 1152
General Assembly be amended to read as follows: 1153

Sec. 3. (A) Not later than three months after the effective 1154
date of this section, the Director of Natural Resources shall 1155
convene an advisory board consisting of the following persons with 1156
an interest in the Great Lakes-St. Lawrence River Basin Water 1157
Resources Compact: 1158

(1) The Director of Natural Resources or the Director's 1159
designee, who shall serve as chairperson of the advisory board; 1160

(2) The Director of Environmental Protection or the 1161
Director's designee; 1162

(3) The Director of Development or the Director's designee; 1163

(4) The following members appointed by the Governor: 1164

(a) One water quality expert from the faculty or staff of an 1165
Ohio college or university; 1166

(b) One representative of a statewide environmental advocacy 1167
organization; 1168

(c) One representative of a local environmental advocacy organization in the Lake Erie Basin;	1169 1170
(d) One representative of a sustainable economic development organization in the Lake Erie Basin;	1171 1172
(e) One representative of the travel and tourism industry;	1173
(f) One representative of the electric utility industry;	1174
(g) One representative of a county government in the Lake Erie Basin.	1175 1176
(5) The following members appointed by the President of the Senate:	1177 1178
(a) Two members of the Senate who shall not be members of the same political party;	1179 1180
(b) One representative of the bottled water industry;	1181
(c) One representative of a statewide land conservation advocacy organization;	1182 1183
(d) One representative of agricultural interests in the Lake Erie Basin;	1184 1185
(e) One representative of the aggregates industry;	1186
(f) One representative of the pulp and paper industry;	1187
(g) One representative of a large manufacturer with a facility located within the Lake Erie Basin;	1188 1189
(h) One member of the public.	1190
(6) The following members appointed by the Speaker of the House of Representatives:	1191 1192
(a) Two members of the House of Representatives who shall not be members of the same political party;	1193 1194
(b) One representative of a municipal government in the Lake Erie Basin;	1195 1196

(c) One expert in hydrogeology from the faculty or staff of an Ohio college or university;	1197 1198
(d) One representative of a locally based organization in the Lake Erie Basin that assists in the development and implementation of a plan for the protection and management of surface and ground water resources in a watershed;	1199 1200 1201 1202
(e) One representative of a fish and wildlife advocacy organization;	1203 1204
(f) One representative of residential developers;	1205
(g) One representative of the chemical industry;	1206
(h) One representative of the petroleum industry with a facility located within the Lake Erie Basin.	1207 1208
All appointments shall be made to the advisory board not later than thirty days after the effective date of this section. The advisory board shall meet on a regular basis. Vacancies on the advisory board shall be filled in the manner provided for original appointments. Members of the advisory board shall receive no compensation for serving on the board. The Department of Natural Resources shall provide technical support to the advisory board.	1209 1210 1211 1212 1213 1214 1215
(B) The advisory board shall be convened for the purpose of developing recommendations for legislation that is necessary to implement and effectuate the requirements and purposes of the Great Lakes-St. Lawrence River Basin Water Resources Compact. The recommendations shall address, but not be limited to, the following:	1216 1217 1218 1219 1220 1221
(1) The evaluation and recommendation of the threshold levels to be included in the implementing legislation for regulating new or increased water withdrawals in the state, considering at least all of the following:	1222 1223 1224 1225
(a) The number of withdrawals that will be regulated;	1226

(b) The relative impact of those withdrawals;	1227
(c) The practicality of regulating those withdrawals;	1228
(d) The alternatives that are available in the establishment of a permitting program in order to meet the water management objectives of this state.	1229 1230 1231
(2) The establishment of requirements regarding the review of lists of existing water users in the portion of the Great Lakes-St. Lawrence River Basin that is in this state;	1232 1233 1234
(3) The establishment of a process for use by persons that wish to appeal their inclusion in the list of existing water users;	1235 1236 1237
(4) The establishment of conservation objectives with respect to the Great Lakes-St. Lawrence River Basin Water Resources Compact and the development of the state's water conservation and efficiency programs;	1238 1239 1240 1241
(5) The method for determining the capacity of existing facilities as required in Section 4.12.2 of the Great Lakes-St. Lawrence River Basin Water Resources Compact.	1242 1243 1244
(C) The advisory board shall present its final recommendations to the Governor and the General Assembly not later than eighteen months after the effective date of this section <u>December 15, 2010</u> . It is the intent of the General Assembly that the recommendations of the advisory board will represent a consensus of the board's members regarding the issues presented to and discussed by the board. However, if a consensus cannot be reached on any or all of the issues before the board, one or more minority opinions may accompany the recommendations of the board.	1245 1246 1247 1248 1249 1250 1251 1252 1253
(D) Upon submission of its recommendations under division (C) of this section, the advisory board shall cease to exist.	1254 1255
Section 6. That existing Section 3 of Am. H.B. 416 of the	1256

127th General Assembly is hereby repealed.

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