

As Introduced

**130th General Assembly
Regular Session
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H. B. No. 522

Representatives O'Brien, Duffey

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A B I L L

To amend sections 6112.01 and 6112.03 and to enact 1
section 6112.06 of the Revised Code to require 2
notification to a property owner whose property is 3
served by a household sewage treatment system of 4
the construction of a private sewerage system to 5
which the property will be required to connect, 6
and to authorize such a property owner to elect 7
not to connect to the sewerage system under 8
specified conditions. 9

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

Section 1. That sections 6112.01 and 6112.03 be amended and 10
section 6112.06 of the Revised Code be enacted to read as follows: 11

Sec. 6112.01. As used in ~~sections 6112.01 to 6112.05,~~ 12
~~inclusive, of the Revised Code~~ this chapter: 13

(A) "Sewage" means any substance that contains any of the 14
waste products or excrementitious or other discharge from the 15
bodies of human beings or animals, which pollutes the waters of 16
the state. 17

(B) "Industrial waste" means any liquid, gaseous, or solid 18
waste substance resulting from any process of industry, 19
manufacture, trade, or business, or from the development, 20

processing, or recovery of any natural resource, together with 21
such sewage as is present, which pollutes the waters of the state. 22

(C) "Other wastes" means garbage, refuse, decayed wood, 23
sawdust shavings, bark, and other wood debris, lime (except 24
hydrated or dehydrated lime), sand, ashes, offal, night soil, oil, 25
tar, coal dust, or silt, and other substances ~~which~~ that are not 26
~~included within the definitions of sewage and or~~ industrial waste 27
~~set forth in this section,~~ which pollute the waters of the state. 28

(D) "Sewerage system" means ~~pipe lines~~ pipelines or conduits, 29
pumping stations, and force mains, and all other constructions, 30
devices, appurtenances, and facilities used for collecting or 31
conducting water-borne sewage, industrial waste, or other wastes 32
to a point of disposal or treatment. 33

(E) "Treatment works" means any plant, disposal field, 34
lagoon, dam, pumping station, incinerator, or other works used for 35
the purpose of treating, stabilizing, or holding sewage, 36
industrial waste, or other wastes. 37

(F) "Disposal system" means a system for disposing of sewage, 38
industrial waste, or other wastes, and includes sewerage systems 39
and treatment works. 40

(G) "Waters of the state" mean all streams, lakes, ponds, 41
marshes, watercourses, waterways, wells, springs, irrigation 42
systems, drainage systems, and all other bodies or accumulations 43
of water, surface and underground, natural or artificial, ~~which~~ 44
that are situated wholly or partly within, or border upon, this 45
state, or are within its jurisdiction, except those private waters 46
~~which~~ that do not combine or effect a junction with natural 47
surface or underground waters. 48

~~(H) "Person" means a person, firm, partnership, association,~~ 49
~~or corporation, other than a county, township, municipal~~ 50
~~corporation, or other political subdivision.~~ 51

Sec. 6112.03. Applications for approval of plans for the 52
construction and installation of facilities under this chapter 53
shall be made in the manner and form prescribed by the director of 54
environmental protection and shall be accompanied by plans, 55
specifications, and other data that the director may require 56
relative to the facilities for which approval of plans is 57
requested. Thereafter, the director shall review and act upon the 58
application in accordance with law and the rules adopted ~~pursuant~~ 59
~~thereto~~ under section 6111.03 of the Revised Code. 60

Sec. 6112.06. (A) As used in this section: 61

(1) "Health district" means a city or general health district 62
as created by or under authority of Chapter 3709. of the Revised 63
Code. 64

(2) "Household sewage treatment system" has the same meaning 65
as in section 3718.01 of the Revised Code and includes a household 66
sewage disposal system as defined in rule 3701-29-01 of the 67
Administrative Code. 68

(B)(1) A person that submits plans to install a sewerage 69
system under section 6112.03 of the Revised Code simultaneously 70
shall notify the owner of each parcel of property that is served 71
by a household sewage treatment system and the board of health of 72
the health district in which the affected parcel of property is 73
located of the installation of the sewerage system if the owner or 74
operator of the sewerage system has determined that the parcel of 75
property is reasonably accessible to the sewerage system and may 76
be required to connect to it. The notice shall be in writing and 77
shall be sent by certified mail. 78

(2) For purposes of this section, a parcel of property is 79
reasonably accessible if all of the following apply: 80

(a) The office of the sanitary engineer of the applicable 81

jurisdiction and the environmental protection agency have 82
certified that the new sewerage system and its receiving treatment 83
works have the capacity to accept the additional waste from the 84
parcel of property. 85

(b) The foundation wall of the structure from which sewage or 86
other waste originates is four hundred feet or less from the 87
nearest boundary of the right-of-way within which the new sewerage 88
system is located. 89

(c) There are no physical barriers between the parcel of 90
property and the new sewerage system that would prevent the parcel 91
of property from connecting to the new sewerage system. 92

(C) A person who receives a notice under division (B) of this 93
section shall not be required to connect to the sewerage system 94
specified in the notice if both of the following apply: 95

(1) The person notifies the owner or operator of the sewerage 96
system and the board of health of the health district in which the 97
affected parcel of property is located that the person elects not 98
to connect to the specified sewerage system. The notice shall be 99
in writing and shall be sent by certified mail not later than 100
sixty days after the person has received a notice under division 101
(B) of this section. Not later than sixty days after the board of 102
health receives the notice, the board shall evaluate the household 103
sewage treatment system serving the affected parcel of property to 104
determine if the system operates and is maintained in accordance 105
with Chapter 3718. of the Revised Code and with rules adopted 106
under that chapter by the director of health and by the board, if 107
any. The owner of the affected parcel of property is responsible 108
for the costs of the evaluation. 109

(2) The applicable board of health determines under division 110
(C)(1) of this section that the household sewage treatment system 111
operates and is maintained in accordance with Chapter 3718. of the 112

Revised Code and with rules adopted under that chapter by the 113
director and by the board, if any. The board shall so notify the 114
person and the owner or operator of the sewerage system. However, 115
if the board determines that a nuisance exists under section 116
3718.011 of the Revised Code, the board shall so notify the 117
person. The person may repair the system within sixty days to 118
eliminate the nuisance. However, the board may assist the person 119
in developing a plan for the incremental repair or replacement of 120
the system. The incremental repair or replacement plan shall 121
establish a phased approach to repair, alter, or replace the 122
system over a period of time specified in the plan and approved by 123
the board. The incremental repair or replacement plan shall 124
require sufficient alterations to the system to minimize or 125
correct the nuisance in a timely manner in order for the person 126
not to be required to connect to the sewerage system. 127

(D)(1) Division (C) of this section does not apply to a 128
household sewage treatment system that is a discharging system. 129
The notification required by division (B) of this section shall be 130
issued to an applicable property owner regardless of whether the 131
property owner's system is a discharging system. 132

(2) For purposes of this section, a discharging system is one 133
of the following: 134

(a) A system for which an NPDES permit has been issued under 135
Chapter 6111. of the Revised Code and rules adopted under it; 136

(b) A system for which an NPDES permit would be required, but 137
that has not been issued such a permit. 138

Section 2. That existing sections 6112.01 and 6112.03 of the 139
Revised Code are hereby repealed. 140