

DELAWARE PUBLIC HEALTH DISTRICT

***SUPPLEMENT TO OHIO DEPARTMENT OF
HEALTH SEWAGE TREATMENT SYSTEM
RULES 3701-29***

2015

Adopted per Emergency Resolution 2014-08

Effective January 1, 2015

Delaware Public Health District

Supplement to the Ohio Department of Health Sewage Treatment System
Rules 3701-29

Table of Contents

	Page
Section 1 – Definitions.....	2
Section 2 – General Authority.....	2
Section 3 – Penalties.....	2
Section 4 –Regulation of Small Flow on-site Sewage Treatment System.....	2
Section 5 – Registration of installers, service providers, and septage haulers.....	2
Section 6 - STS Operation requirements.....	2
Section 7- General soil absorption standard... ..	3
Section 8 – Gray water recycling systems.....	3
Section 9 – STS operation and management, and owner education	4
Section 10- Septage and sewage management	4
Section 11 - STS abandonment.....	4
Section 12 – Severability.....	5

Section 1 - Definitions

Definitions reflect those set forth and identified in 3701-29-01 of the Ohio Administrative Code.

Section 2 - General Authority

The Board of Health of the Delaware Public Health District is granted authority under section 3709.21 of the Ohio Revised Code to make such orders and regulations as are necessary for the public health, the prevention or restriction of disease, and the prevention, abatement, or suppression of nuisances.

Section 3 - Penalties

This regulation shall be enforced in accordance with Chapter 3709 of the Ohio Revised Code. A violation of this regulation is punishable in accordance with section 3709.99 of the Ohio Revised Code.

Section 4-Regulation of Small Flow on-site Sewage Treatment System

- (A) In reference to 3701-29-02(H) of the Ohio Administrative Code, a board of health may regulate the siting, design, installation, operation, monitoring, maintenance and/or abandonment of SFOSTS in accordance with section 3718.021 of the Revised Code. The board of health has determined that all applicable provisions of the rules related to SFOSTS can be implemented under its authority and the board of health has sent a letter to the director of Ohio EPA at least 60 days prior to it assuming authority for SFOSTS in 2007. The board of health hereby continues to assume authority for SFOSTS under its jurisdiction.

Section 5 - Registration of installers, service providers, and septage haulers

- (A) In reference to 3701-29-03 (G) of the Ohio Administrative Code, when the registered service provider performs the duties of a service provider on only the registrant's personal residence, the service provider shall be exempt from paragraphs (C)(4), and (C)(6) of the rule. Whereas the board of health has the authority to waive (C)(1) and (C)(5) of the rule, the board of health does hereby waive 3701-29-03(C)(1) and (C)(5) only when a registered service provider performs the duties of a service provider on only his own personal residence .
- (B) In reference to 3701-29-03 (H) of the Ohio Administrative Code, when the registered installer performs the duties of an installer on only the registrant's personal residence, the board of health may waive (C)(1), (C)(4), and (C)(6) of the rule. The board of health hereby waives 3701-29-03(C)(1), (C)(4) and (C)(6) only when a registered installer performs the duties of an installer on only his own personal residence;

Section 6-STS Operation requirements

- (A) In reference to 3701-29-09(I)(2) of the Ohio Administrative Code, the board of health shall specify any terms and conditions of the operation permit consistent with this chapter governing the operation, maintenance, and abandonment including:
- (1) Maintenance, Operation and Monitoring-All STS shall be maintained, operated and monitored per manufacturer and/or DGHD instructions and so as to not cause a public health nuisance.

- (2) Discharging systems shall meet effluent quality standards set for in 3701-29-14(A).
- (3) An operation permit shall require a service contract for any STS subject to a NPDES permit or when required as a condition of a STS component or system approval granted by the director of health.
- (4) Operation permits shall be in effect upon board of health approval of the installation, replacement, or alteration of a STS. All mechanical STS, NPDES and all discharging STS operation permits shall expire annually on January 31st following the first 12 months of operation. All gravity STS (no mechanical parts) operation permits shall expire on January 31st every 5 years following the first 12 months of operation.
- (5) Operation permits shall be renewed upon expiration. All operation permits shall automatically renew provided a written inspection/service report has been submitted to the DGHD in the previous operational period and all applicable fees have been paid. The BOH may suspend or revoke the operation permit for failure to comply with this rule supplement or any other rule(s) in Chapter 3701-29. Failure to comply with the written inspection/service report submission by the expiration date will result in staff of DGHD performing a maintenance inspection and applicable fees will be assessed.

Section 7 – General soil absorption standards

- (A) In reference to 3701-29-15 (G) of the Ohio Administrative Code, whereas the board of health may establish a vertical separation distance no less than six inches and no greater than eighteen inches, with a required minimum thickness of in situ soil within the infiltrative distance of no less than six inches, the board of health does hereby establish a vertical separation distance of eighteen (18) inches, with a required minimum thickness of in situ soil of six (6) inches.
- (B) In reference to 3701-29-15 (H) of the Ohio Administrative Code, whereas the board of health may establish the required minimum vertical separation distance of greater than zero inches and less than six inches, and the required minimum in situ soil thickness within the vertical separation distance of greater than zero inches and less than six inches where the seasonal water table is present and the sewage effluent is pretreated to less than one thousand fecal coliform CFU per one hundred milliliters, the board of health does hereby establish a vertical separation distance to the seasonal water table of six inches for pretreated effluent (<1000 cfu/100ml).

Section 8 – Gray water recycling systems

- (A) In reference to 3701-29-17 (B) of the Ohio Administrative Code, whereas the board of health may issue a permit for the design and installation of a type 1 gray water recycling system, the board of health does hereby determine that a permit shall be required for the design and installation of these systems.
 - (1) No person shall design or install a type 1 gray water recycling system without an approved and valid type 1 gray water recycling system permit issued by the board of health.

- (2) All terms, conditions, and procedures for site review and permitting specified in section 3701-29-09 of the Ohio Administrative Code shall be recognized and enforced.

Section 9 - STS operation and management, and owner education

- (A) In reference to 3701-29-19 (A) of the Ohio Administrative Code, the board of health shall develop a program for the administration of an O&M management for STS and GWRS and owner education in compliance with division (A)(7) of section 3718.02 of the Revised Code and this chapter.
 - (1) The O&M program shall include STS owner education for all STS installed or altered after the effective date of this chapter.
 - (2) The board of health shall work with interested stakeholders to develop a timeline and process in the O&M management for all prior installed STS and should consider risk factors such as; system age, complexity, and public health risks when establishing the criteria and process for phasing in prior installed STS. The timeline for the development and start up of an O&M program shall begin January 1, 2015 with an expected completion date of December 31, 2015.
 - (3) All STS that have been issued coverage under the general NPDES permit after January 1, 2007 shall be included in the O&M program
- (B) In reference to 3701-29-19 (E)(1) of the Ohio Administrative Code, whereas the board of health may permit a registered service provider to collect effluent samples for a National Pollutant Discharge Elimination System, the board of health does hereby allow a registered service provider to collect effluent samples for the purpose of monitoring as required by the General Household NPDES permit.

Section 10 - Septage and sewage management

- (A) In reference to 3701-29-20 (A) of the Ohio Administrative Code, whereas the board of health may adopt rules prohibiting , restricting or limiting the land application of septage within its jurisdiction, the board of health does hereby adopt Rules under 3701-29-20 known as Septage and Sewage management.

Section 11 - STS abandonment

- (A) In reference to 3701-29-21(E) of the Ohio Administrative Code, whereas the board of health may require a permit for abandonment of a Sewage Treatment System and establish a permit fee in accordance with paragraph (D)(12) of rule 3701-29-05 of the Administrative Code, the board of health does hereby determine that an abandonment permit and fee shall be required.
 - (1) No person shall abandon a sewage treatment system without an approved and valid abandonment permit issued by the board of health.
 - (2) All terms, conditions, and procedures for abandonment specified in section 3701-29-21 of the Ohio Administrative Code shall be enforced.
 - (4) An approved abandonment permit issued by the board of health shall be valid for one year from the date of issuance or until the abandonment is completed and approved by the board of health within the one year period.

Section 12 - Severability

Should any section, paragraph, sentence, clause or phrase of these Sewage regulations of the Delaware Public Health District Board of Health be declared unconstitutional or invalid for any reason, the remainder of said regulation shall not be affected thereby.