

RESOLUTION 2014-3
Supplement to the Ohio Department of Health Sewage Treatment System Rules 3701-29

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 Columbiana County General 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-Written approval for a HSTS presite/design prior to the effective date of this chapter

In cases where the Board of Health has provided written approval for a HSTS design prior to the effective date of this chapter, the Board of Health shall permit the installation of the system at the applicant's request under the following condition:

- (1) There is written documentation that the HSTS presite/design was approved by The Board of Health and the written approval has not expired;
- (2) The HSTS shall not conflict with provisions of the NPDES program established in pursuant to section 6111.03 of the Revised Code;
- (3) Other than the sitting and HSTS specifications previously approved by the Board of Health, the provisions of this chapter shall apply; and
- (4) The installation permit for the HSTS is issued by the Board of Health prior to the First day of January 2017.

The Board of Health shall permit presite/designs 2 years prior to the effective date of these rules.

Section 5-Regulatory Authority over small flows on-site sewage treatment systems (SFOSTS)

The Board of Health of Columbiana County General Health District is granted authority under Ohio Administrative Code 3701-29-02 (H) to expand its local authority through regulation of SFOSTS in accordance with 3718.021 Ohio Revised Code. The Board of Health will continue to regulate SFOSTS under its jurisdiction and that all applicable provisions apply to those SFOSTS and will be fully implemented under its authority.

Section 6-Registration of installers, service providers, land 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 determine that it does waive these sections and shall not require compliance with paragraphs (C)(1) and (C)(5) of the rule.
- (B) In reference to 3701-29-03 (H) of the Ohio Administrative Code, when the registered installer performs duties of an installer on only the registrant's personal residence, the Board of the Health may waive (C)(1), (C)(4), and (C)(6) of the rule. The Board of Health does hereby determine that it does waive these sections and shall not require compliance with paragraph (C)(1), (C)(4) and (C)(6) of the rule.

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 six (6) 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

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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 minimum vertical separation distance of one inch where seasonal water table is present and the sewage effluent is pretreated to less than one thousand fecal coliform CFU per one hundred milliliters and the required minimum in situ soil thickness within the vertical separation distance of one inch.

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 (E) (1) of the Ohio Administrative Code, whereas the Board of Health may permit a registered service provider to collect effluent samples per National Pollutant Discharge Elimination System, the Board of Health does hereby require that the sampling described shall be conducted by a registered service provider in accordance with protocols established by the manufacturer, department and/or Ohio EPA.
- (B) The Board of Health does hereby establish the operations and maintenance program as detailed in appendix A of this rule.

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 prohibiting, restricting or limiting the land application of septage within its jurisdiction as detailed in appendix B of this rule.

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.
 - (3) 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-Penalty

Any person who violates any provision of this regulation shall be in violation of Section 3707.48 of the Ohio Revised Code and subject to the penalties provided by Section 3707.99 of the Ohio Revised Code.

Section 13-Effect of Partial Invalidity


Should any part of these regulations be declared unconstitutional or illegal for any reason, the remainder of these regulations shall not be affected.

Section 14-Effective Date

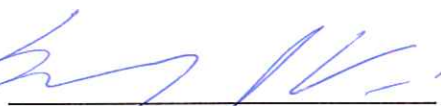
These regulations were adopted and passed by the Board of Health of the Columbiana County General Health District, according to law on December 17, 2014 and are in effect on or after January 1, 2015.


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Shawn Apple, President
Columbiana County Board of Health


Wesley J. Vins
Health Commissioner
Secretary-Executive Officer

I, Wesley J. Vins, Secretary of the Board of Health of the Columbiana County General Health District, hereby certify that the above regulation was published in the Morning Journal on December 20th, 2014 and December 27th, 2014


Clerk, Board of Health
Columbiana County General Health District


Notary Public

DEBORAH L. CHUCK
NOTARY PUBLIC • STATE OF OHIO
Recorded in Columbiana County
My commission expires Apr. 27, 2019

(A) OPERATION PERMITS-STs

(1) ANY STS INSTALLED PRIOR TO JANUARY 1, 2015 THAT IS DETERMINED BY THE BOARD OF HEALTH TO BE MALFUNCTIONING AND/OR CREATING A PUBLIC HEALTH NUISANCE (AS DEFINED IN ORC 3718.011) WHICH REQUIRES A PERMITTED REPAIR OR REPLACEMENT SHALL MAINTAIN A CURRENT AND CONTINUOUS 10-YEAR OPERATION PERMIT UPON THE APPROVED COMPLETION OF THE PERMITTED REPAIR OR REPLACEMENT.

(2) ALL STS/GWRS INSTALLED OR ALTERED AFTER JANUARY 1, 2015 SHALL MAINTAIN A CURRENT AND CONTINUOUS 10-YEAR OPERATION PERMIT UPON THE APPROVED COMPLETION OF A PERMITTED REPAIR, REPLACEMENT OR INSTALLTION.

(3) ALL NPDES PERMITTED DISCHARGE STS INSTALLED AFTER JANUARY 1, 2007 SHALL MAINTAIN A CURRENT AND CONTINUOUS 5 YEAR OPERATION PERMIT THE APPROVED COMPLETION OF A PERMITTED REPAIR, REPLACEMENT OR INSTALLATION. THESE SYSTEMS SHALL ALSO MAINTAIN A CONTINUOUS SERVICE CONTRACT WITH A QUALIFIED REGISTERED SERVICE PROVIDER, COMPLY WITH ALL NPDES REQUIREMENTS AND SAMPLE EFFLUENT USING A QUALIFIED REGISTERED SERVICE PROVIDER WITH SAMPLES ANALYSED BY ACCREDITED LABORATORY CONSISTANT WITH NPDES REQUIREMENTS AND OAC 3701-29.

(4) ALL 10-YEAR OPERATION PERMITS SHALL AUTOMATICALLY RENEW UPON PROOF OF SYSTEM MAINTENANCE, COMPLIANCE WITH 3701-29 AND PAYMENT OF APPLICABLE FEE.

(B) OPEATION PERMIT- PENALTIES

WHOEVER FAILS TO OBTAIN AN OPERATION PERMIT AND/OR SERVICE CONTRACT WITH A REGISTERED SERVICE PROVIDER AS REQUIRED, SHALL BE SUBJECT TO A PENALTY FEE ESTABLISHED IN 3709.09 AND SUBJECT TO ENFORCEMENT ACTION IN ACCORDANCE WITH 3709.091 OHIO REVISED CODE AND 3718.08 OHIO REVISED CODE.

(C) STS SERVICE PROVIDER REPORTING

EACH STS OR COMPONENT THEREOF, REQUIRED TO MAINTAIN A SERVICE CONTRACT WITH A REGISTERED SERVICE PROVDER,SHALL BE SERVICED IN ACCORDANCE WITH THE OHIO DEPARTMENT OF HEALTH'S APPROVAL UNDER O.A.C. 3701-29. THE REGISTERED SERVICE PROVIDER SHALL REPORT THE SYSTEMS THAT HAVE BEEN ROUTINELY SERVICED WITH THE HEALTH DISTRICT, ON A REPORT FORM APPROVED BY THE STATE DEPARTMENT OF HEALTH. A FEE ESTABLISHED BY THE BOARD PER STS SERVICED WITH AN OPERATION PERMIT SHALL ACCOMPANY THE QUARTERLY REPORT SUBMISSION. THE REPORT AND FEE SHALL BE DUE NO LATER THAN THIRTY (30) DAYS AFTER A GIVEN QUARTER. QUARTER ENDING DATES FOR THE PURPOSE OF THESE REGULATIONS ARE MARCH 31ST, JUNE 30TH, SEPTEMBER 30TH, AND DECEMBER 31ST.

(D) SEPTAGE HAULER DISPOSAL/REPORTING

SEPTAGE HAULERS SHALL SUBMIT A LIST OF THE PROPERTIES THEY HAVE SERVICED WITHIN THE HEALTH DISTRICT ANNUALLY UNLESS REQUESTED BY THE BOARD OF HEALTH TO COMPLETE A SEPTIC EVALUATION, ON A FORM APPROVED BY DEPARTMENT OF HEALTH. THE LIST SHALL CONTAIN: THE SYSTEM OWNER, LOCATION ADDRESS, QUANTITY OF SEPTAGE OR SEWAGE REMOVED FROM THE SYSTEM, CONDITION OF TANK, PRESENCE OR ABSENCE OF BAFFLES OR TEES, CONDITION OF RISERS, EVIDENCE OF HIGH WATER, WATER INTRUSION, OR TANK DETERIORATION, ANY REPAIRS, REPLACEMENTS OR IMPROVEMENTS MADE TO TANK, TANK OF SEPTAGE OR SEWAGE REMOVAL, AND WASTEWATER TREATMENT PLANT OR OTHER RECEIVING FACILTIY WHERE THE SEPTAGE OR SEWAGE WAS DISPOSED, OR THE LOCATION OF LAND APPLICATION.

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APPENDIX B Columbiana County Septage Management

The Columbiana County Septage Management program will comply with the minimum requirements set forth in Title 40 Code of Federal Regulations Part 503, standards for the use or disposal of sewage sludge. The program will also comply with the Ohio Administrative Code Chapter 3701-29-20 septage and sewage management.

- (A) Septage and sewage management by the board of health shall include:
1. Notification to septage haulers registered by the Board of Health of wastewater treatment plants that are authorized to accept septage or other available receiving locations for STS septage and sewage, if known.
 2. The evaluation and permitting of septage application sites and any prohibitions on the land application of domestic septage. Compliance with this rule and 40 C.F.R. 503 is required when land application is permitted by the Board of Health.
 3. Provision of information of STS owners on recommended time lines for removal of septage from STS components including more frequent removal when a garbage disposal is in use.
 4. Requirements for reporting of septage and/or sewage removal or pumping from septic tanks, pretreatment components, dosing tanks, holding tanks for dwellings, campers, recreational vehicles, marinas or other temporary uses, or portable toilets as applicable when required as a condition of an operation permit or as necessary to demonstrate compliance with this chapter.
- (B) Prior to registration for the 2015 season, all land application sites, and any new sites thereafter, shall submit:
1. A completed permit application and associated fee.
 2. Site documentation to support compliance with Local, State and Federal rules.
 3. Written permission from the property owner to land apply septage and information on the presence of any field tile, ditches, storm sewer systems, streams, or other drainage conveyances within the proposed land application site.
 4. Information from an order two soil survey indicating that the site has a slope of no greater than eight percent, has at least three feet of soil above- ground water, bedrock, rock and other fragments, and is free of conditions that could allow land application of septage to cause contamination of ground water or run off to surface waters.
 5. Results of a nitrogen, phosphorus, pH and heavy metals test conducted from the soil at the proposed land application site.
 6. Information about the crop or vegetation to be grown on the site, including expected crop yield.
 7. Full description of the application method of septage for the site.
 8. Proof that written notification has been made to the township in which the site is located.
- (C) Prior to registration for the 2016 season, and annually thereafter all existing land application sites shall submit:
1. A completed permit application and associated fee.
 2. Certification that no changes to the site have been made and that the site remains in compliance with Local, State and Federal rules.
 3. Written permission from the property owner to land apply septage.
 4. Results of a nitrogen test conducted from the soil at the land application site.
 5. Results of a phosphorus test conducted from the soil at the land application site (required every 2 years).
 6. Information about the crop or vegetation to be grown on the site, including expected crop yield.
 7. Full description of the application method of septage for the site.

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- (D) Each site will be inspected annually to assure compliance with all Local, State and Federal rules. If a violation is found during the inspection, both the land applier and property owner will be notified. If the violation persists after the appropriate notifications and time has been given for corrections, further action may be taken by the department to resolve the issue. As a last resort, the Board may revoke the approved land application site permit prior to its expiration if there is a change in site conditions, or there is evidence of noncompliance.
- (E) All public complaints regarding land application sites must be made in writing, but the complainant may remain anonymous. Upon receipt of a complaint, the department will investigate the site within 2 business days. If a violation is found, it will be treated as described in Chapter 10 of the Environmental Policy & Procedures for the Columbiana County Health Department.
- (F)
1. Septage shall not be applied to the soil when the soil is at seventy five percent or greater of its water holding capacity.
 2. Septage shall not be applied during large rain events when runoff might occur.
 3. Methods of application are restricted to plow and furrow or subsurface injection when applying septage onto frozen ground.
 4. Septage shall not be surface applied on any land where the slope exceeds five percent, unless at least eighty percent of the surface is covered by vegetation.
 5. When septage is incorporated into the soil by plow and furrow or subsurface injection, incorporation must occur to the contour when the slope of the land exceeds five percent. Incorporation into the soil shall be practiced so that no septage can be detected on the surface of the ground.

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