

CUYAHOGA COUNTY BOARD OF HEALTH

SUPPLEMENT TO THE
OHIO DEPARTMENT OF HEALTH
SEWAGE TREATMENT SYSTEM RULES
OHIO ADMINISTRATIVE CODE CHAPTER
3701-29

2015

Effective January 1, 2015

Cuyahoga County Board of Health
Supplement to the
Ohio Department of Health Sewage Treatment System Rules
OAC 3701-29

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Section 1 – Regulation of Small Flow On-site Sewage Treatment Systems (SFOSTS)

- (A) In accordance with Section 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 Ohio Revised Code. By resolution, CCBH began regulating SFOSTS on January 20, 2007. CCBH will continue to regulate SFOSTS in accordance with the applicable provisions of Chapter 3701-29 of the Ohio Administrative Code.

Section 2 - Registration of Service Providers

- (A) In reference to Section 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. The board of health has the authority to waive (C)(1) and (C)(5) of the rule and will do so provided that the registrant provides documentation to the Board that indicates they have complied with statewide testing requirements and sewage system specific training, qualification, or certification requirements appropriate for the STS or GWRS installed at their residence.

Section 3 - Registration of Installers

- (A) In reference to Section 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 does hereby determine that it shall waive (C)(1), (C)(4) and (C)(6) of the rule which require payment of a registration fee, proof of liability insurance coverage and proof of a surety bond.

Section 4- Fees and Fee Categories Established by the Board of Health

- (A) In accordance with Section 3701-29-05 (D) of the Ohio Administrative Code, the board of health must establish fees for the purpose of administering and enforcing the statewide sewage rules. Fees must be established for specific sewage program permits and activities (ie. site review, STS installation, STS operation) in accordance with Ohio Revised Code Section 3709.09 and the cost methodology prescribed in rule 3701-36-14 of the Administrative Code. CCBH will evaluate its' current fee structure in early 2015 and will add appropriate fees and/or modify fee categories as necessary to account for all required permits and programmatic activity that result from implementing the requirements of Chapter 3701-29 of the Ohio Administrative Code.
- (B) The Board will adopt fees for gray water recycling systems as required in Chapter 3701-29 of the Ohio Administrative Code.

Section 5 – Soil Evaluation and Soil Evaluators

- (A) In reference to Section 3701-29-07 (A)(4) of the Ohio Administrative Code, the board of health may allow an employee to complete a soil evaluation when it is determined that employee is capable of meeting relevant statutory requirements. The Board does hereby determine that registered sanitarians employed by the Board having jurisdiction where the soil evaluation is to take place shall not conduct such evaluations.

Section 6 – Establishment of Operation Permit Terms and Conditions

- (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.
1. CCBH implemented by resolution its' current Operation and Management Program on May 26, 1993. CCBH will maintain the current operation and management permit terms and conditions and will make all modifications as necessary to meet requirements in Chapter 3701-29 of the Ohio Administrative Code.
 2. Effluent quality standards for existing discharging household sewage systems shall be at or below the public health nuisance standards established in Section 3718.011 of the Ohio Revised Code. Effluent quality standards for discharging household sewage treatment systems installed on or after January 1, 2007 are prescribed in the current Ohio Environmental Protection Agency NPDES General Permit for discharging household sewage treatment systems.
 3. An operation and management permit shall require a service contract for a STS when the STS is 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. The owner of any property utilizing a STS shall obtain an annual household sewage operation and management permit. The permit shall be renewed annually on or before September 1st of each calendar year.

Section 7 – Nutrient Reduction Standards

- (A) In reference to Section 3701-29-14 (C) of the Ohio Administrative Code, the board of health may establish nutrient reduction standards for pretreatment components when there is a significant risk of nutrient contamination to surface or ground water. The Board does hereby defer from establishing the standards referenced in (C)(1) and (2) of that rule.

Section 8 – Vertical Separation Distance and In Situ Soil Requirements

- (A) In reference to Section 3701-29-15 (G) of the Ohio Administrative Code, the board of health may establish a vertical separation distance to seasonal water no less than six inches and no greater than eighteen inches, with a required minimum thickness of unsaturated in situ soil within the infiltrative distance to seasonal water of not less than six inches. The Board does hereby establish a vertical separation distance to seasonal water of eighteen (18) inches, with a required minimum thickness of unsaturated in situ soil of eight (8) inches.

Section 9 – Vertical Separation Distance to Seasonal Water for Pre-treated Effluent

- (A) In reference to Section 3701-29-15 (H) of the Ohio Administrative Code, the board of health may establish a minimum vertical separation distance to seasonal water between zero and six inches for pre-treated effluent (<1000 CFU/100 ml). The Board does hereby determine that it shall not establish or recognize these requirements, and therefore prohibits a Sewage Treatment System or Gray Water Recycling System to be permitted in these conditions.

Section 10 – Gray Water Recycling Systems

- (A) In reference to Section 3701-29-17 (B) of the Ohio Administrative Code, the board of health may issue a permit for the design and installation of a type 1 gray water recycling system. Type 2, 3 and 4 gray water recycling systems are required to be permitted in compliance with Section 3701-29-09 of the Ohio Administrative Code. The Board does hereby determine that a permit shall be required for the design and installation of type 1 gray water recycling systems.

Section 11 - STS Operation and Maintenance Management, and Owner Education

- (A) In reference to Section 3701-29-19 (A) of the Ohio Administrative Code, the board of health shall establish a plan for development and implementation of an operation and maintenance management program. CCBH has an established Operation and Management Program which incorporates all STS types. CCBH will continue to conduct activities associated with the current Operation and Management program, incorporate gray water recycling systems and expand our monitoring of scheduled maintenance, based on system type, and STS owner education.

Section 12 – Collection of Annual NPDES Samples

- (A) In reference to Section 3701-29-19 (E) of the Ohio Administrative Code, the board of health may establish an allowance or prohibition for registered service providers to collect samples to meet annual NPDES sampling requirements. CCBH currently incorporates the collection of these samples under its' Operation and Management

Program. The costs associated with this sampling are incorporated within the required annual Operation and Management Permits issued to owners of sewage treatment systems covered by a NPDES General Permit. To ensure that parameters within the Memorandum of Understanding maintained between CCBH and the Ohio Environmental Protection Agency are met, CCBH will continue to serve as the sole entity to collect these samples on behalf of STS owners with NPDES General Permit coverage and will prohibit NPDES related sample collection by other entities, including registered service providers.

Section 13 – Establishment of a Household Sewage Treatment District

- (A) In reference to Section 3701-29-19 (F) of the Ohio Administrative Code, the board of health may establish a household sewage treatment district in accordance with the minimum criteria and procedures set forth in this rule section, and division (A)(14) of Section 3718.02 of the Ohio Revised Code. CCBH's current Operation and Management Program includes, and will continue to include, all sewage treatment systems located within its' general health district. Therefore, the creation of a specific household sewage treatment district is not deemed necessary. The Board does hereby determine that a household sewage treatment district shall not be established at this time.

Section 14 – Land Application of Septage

- (A) In reference to Section 3701-29-20 (A) of the Ohio Administrative Code, the board of health may adopt rules prohibiting , restricting or limiting the land application of septage within its jurisdiction. To minimize the potential for negative environmental health impacts that may result from the migration of pollutants from these sites, the Board does hereby prohibit the land application of septage within its jurisdiction.

Section 15 – Sewage Treatment System Abandonment

- (A) In reference to Section 3701-29-21 (E) & (F) of the Ohio Administrative Code, the board of health may require a permit for abandonment of a sewage treatment system, establish a permit fee and require an abandonment inspection. By resolution, CCBH began requiring abandonment permits and established an abandonment permit fee on February 4, 2002. CCBH currently requires abandonment permits, conducts abandonment inspections and charges an abandonment permit fee for all STS. The Board does hereby determine that an abandonment permit, abandonment inspection and permit fee shall be required.