

LEGAL NOTICE

Whereas, Chapter 3709.21 of the Ohio Revised Code authorizes a local Board of Health to make such orders and regulations as are necessary for its own government, for the public health, the prevention or restriction of disease, and the prevention, abatement, or suppression of nuisances; and

Whereas, Chapter 3709.09 of the Ohio Revised Code authorizes a local Board of Health to establish a uniform system of fees to pay the costs of any services provided by the Board; and,

Whereas, Chapter 3709.09 and 3709.21 require that all orders, rules and regulations made by a local Board of Health be advertised by publication in a newspaper of general circulation within the district once a week for two consecutive weeks, and that such orders, rules and regulations shall take effect and be in force ten (10) days from the date of the first publication,

Resolved, The Geauga County Board of Health hereby adopts the rules set forth in the Home Sewage Treatment System Program codified in Chapter 3701-29 of the Ohio Administrative Code (hereinafter, "the Ohio Department of Health Home Sewage Treatment System Rules"). The purpose of these rules is the preservation and promotion of the public health, the prevention or restriction of disease, and the prevention, abatement, or suppression of nuisances.

A complete copy of the Ohio Department of Health Home Sewage Treatment System Rules is on file with the Geauga County Health District and the Geauga County Law Library and is available to the public for inspection. The Geauga County Health District will also make copies of the Ohio Department of Health Home Sewage Treatment System Rules available to the public at cost.

Resolved, The Geauga County Board of Health hereby makes the following amendments to the Ohio Department of Health Home Sewage Treatment System Rules:

Gauga County Health District Supplement to Section 6 of the Geauga County Health District Requirements for Sanitation

Ohio Department of Health Home Sewage Treatment System Rules require action by the Geauga County Board of Health to implement a number of optional rules under 3718 of the Ohio Revised Code, Chapter 3701-29 of the Ohio Administrative Code and Ohio Revised Code Section 3709-21. Be it ordered by the Board of Health of the Geauga County Health District as follows:

Section 1 Household Sewage Treatment Systems

Section 3701-29-03(G) of the Ohio Home Sewage Treatment System Rules- The Geauga County Board of Health waives registration fees and CEU requirements for service providers servicing their own home sewage treatment systems serving their primary personal residence.

Section 3701-29-03(H) of the Ohio Home Sewage Treatment System Rules- The Geauga County Board of Health waives registration fee, liability insurance , and a surety bond for persons installing home sewage treatment system for his/her primary personal residence.

Section 3701-29-14(C) of the Ohio Home Sewage Treatment System Rules- The Geauga County Board of Health may require additional home sewage treatment system devices to reduce risk of nutrient contamination to vulnerable surface or ground water sources.

Section 3701-29-15(G) of the Ohio Home Sewage Treatment System Rules- The Geauga County Board of Health establishes a vertical separation distance to the seasonal water table of six inches required in-situ soil with infiltrative/distance (minimum-six inches).

Section 3701-29-15 (H) of the Ohio Home Sewage Treatment System Rules- The Geauga County Board of Health establishes a vertical separation distance of greater than zero but less than one inch for pretreated effluent that has a treatment level of less than 1,000 fecal coliform units per 100m.

Section 3701-29-17(B) of the Ohio Home Sewage Treatment System Rules- The Geauga County Board of Health adopts a rule that requires a permit for Type 1 grey water recycling systems.

Section 3701-29-19(E) of the Ohio Home Sewage Treatment System Rules- The Geauga County Board of Health adopts a rule authorizing service providers registered with the Geauga County Health District to collect samples for NPDES annual sampling requirements.

Section 3701-29-20(A) of the Ohio Home Sewage Treatment System Rules- The Geauga County Board of Health adopts rules limiting land application of septage in the Geauga County Health District using newly adopted application rules known as section 3701-29-26.

Section 3701-29-18(C) of the Ohio Home Sewage Treatment System Rules- The Geauga County Board of Health prohibits holding tanks as a permanent means of home sewage treatment.

Section 2 Penalties

Whoever violates any provision of this resolution or any order of the Board or whoever interferes with the execution of a regulation or order of that nature by the Board or person authorized by the Board shall be fined not more than \$100.00 or imprisoned not more than 90 days, or both. No person shall be imprisoned for the first offense unless the affidavit upon which the prosecutions instituted contains the allegation that the offense in a second or repeated offense.

Section 3 Conflict

In any case where a provision or section of this resolution is found to be in conflict with any zoning, building, fire, safety, health, or other regulation adopted for the promotion of public health, safety, and the general welfare, the most restrictive, or that imposing the higher standard shall govern.

Section 4 Effect of Partial Invalidity

If any section, subsection, paragraph, sentence, clause, or phrase of this resolution shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this resolution, which shall remain in full force in effect, and to this end the provisions or section of this resolution are hereby declared to be severable.

Section 5 Date of Effectiveness

This resolution shall be in full force and effective January 4, 2015.

Section 6 Home Sewage Treatment System Fee Schedule.

A home sewage system treatment fee schedule for the Geauga County Health District has been adopted under a separate resolution.

3701-29-25 For Sale of Property Evaluation

- (A) An evaluation of a residential sewage system must be completed at time of transfer of ownership of any parcel with said system. The evaluation shall be conducted by a member of the Health District and if necessary and corrective action(s) required shall be accomplished within the time period(s) directed.
- (B) Application for the evaluation permit shall be in writing and contain pertinent information as required by the Board of Health. Any fee established for the evaluation by law or by the Board of Health under authority of law shall accompany the application.
- (C) Re-inspection fees are set by the Board of Health.
- (D) The inspection will be conducted to assure compliance with the Home Sewage Treatment System Regulations 3701-29-01 to 3701-29-26.
- (E) The Geauga County Health District shall deny an evaluation if the information on the application is incomplete, inaccurate, or indicates that the provisions of regulations 3701-29-01 to 3701-29-26 of the Home Sewage Treatment System Regulations of the Geauga County General Health District cannot be met.
- (F) When permit information is not on file, the owner at their expense will contract with a registered sewage installer to identify system components and make the system reasonably accessible to the Geauga County Health District as required. A system diagram must be submitted to the health district for systems lacking permit information.
- (G) Off-lot sewage system evaluations will include sewage effluent sampling. All off-lot sewage systems must have an approved sewage effluent sample well installed unless otherwise directed by the health district.
- (H) All sample wells will be installed within 6 feet of the last treatment component, unless otherwise directed by the health district.
- (I) Any system found to be functioning improperly must be brought up to current code.
- (J) System evaluations shall be valid for a minimum of twelve months.

3701-29-24 Inclement Weather Occupancy Permit

When during any time of the year an approved home sewage treatment system cannot reasonably be properly installed due to wet or other inclement weather or soil conditions, a temporary Inclement Weather Occupancy sewage permit may be issued to an applicant under the following terms and conditions. Such terms and conditions as contained herein are for the purpose of avoiding hardship to the prospective occupant while installation of such approved sewage system is delayed until weather conditions have arrived which are more conducive to the installation of a soil leaching trench system which comply with these regulations.

- (A) Prohibition - No person shall occupy a dwelling or maintain or operate a household sewage disposal system without first obtaining an inclement weather occupancy sewage permit from the Geauga County Health District. This prohibition applies to partially installed sewage

systems as well as newly proposed installations.

- (B) Permit Application- Application shall be made on forms prescribed by the Health Commissioner and shall be accompanied by a fee established by the Board of Health and by the following additional items and documents on forms prescribed by the Health Commissioner:
- (1) Applicant's Affidavit- agreeing to comply with the terms and conditions of this regulation and with the orders of the Health Commissioner and Board of Health and agreeing to placement of monies in escrow as required in this regulation.
 - (2) Homeowner's Affidavit- agreeing to comply with the applicable terms and conditions of this regulation and with the orders of the Health Commissioner and Board of Health and to make contact with septic tank pumpers or other approved agents in order to ensure pumping of holding tanks or other appropriate maintenance on a reasonable and adequate schedule, to do all things reasonable and necessary to prevent the temporary sewage device from producing a nuisance, and recognizing penalties for failure to comply plus the duty to notify any tenants of the dwelling.
 - (3) Pumper's/Maintenance Contractor's Contract and Affidavit- This shall consist of a signed pumping or maintenance contract with the applicant or with the dwelling occupant and an affidavit agreeing to perform the contract in a manner complying with these regulations and with the orders of the Health Commissioner and Board of Health, including the disposal of all pumpings at a facility approved by the Health Commissioner.
 - (4) Copy of Final Installer's Contract (Bid) for installation of the final, approved sewage system signed by a registered sewage system installer under these regulations and clearly setting forth the total contract price for the complete system.
 - (5) The regular sewage system installation permit for the final system must have been issued as required by regulation 3701-29-09, unless the same has already been submitted and is on file with the Geauga County Health District.
 - (6) The application fee as set by the Board of Health hereunder.
 - (7) The duly executed joint escrow document as specified in Paragraph (D) of this regulation.
- (C) Fee- The fee shall be set forth by the Geauga County Board of Health and shall be in addition to sewage treatment installation permit. This fee does not include the lot evaluation fee or any other costs associated with the sewage system installation permit. This fee is non-refundable.
- (D) Escrow Deposit- Prior to the granting of any inclement weather occupancy permit hereunder, the Health Commissioner shall certify to the applicant an amount of monies to be placed in escrow by the applicant, which amount shall be ONE (1) times the reasonable contract as determined by the Health Commissioner based upon the final installer's contract (Bid), a submitted copy of which is required by Paragraph (B) (4) of this regulation. In no case, however, shall the escrow deposit be less than \$20,000.00. The escrow document shall be on forms prescribed by the Health Commissioner and shall hold the Geauga County General Health District, the Board of Health and all its officers and employees harmless from any damages or

costs arising from the failure of the applicant, occupant, pumpers, maintenance agents or installers to comply with this regulation or with any of regulations 3701-29-01 to 3701-29-26 of the Home Sewage Treatment System Regulations of the Geauga County General Health District or other provisions of the Ohio Sanitary Code. Upon failure to comply with such regulations, including failure to properly install the final sewage system prior to expiration of the inclement weather occupancy permit granted hereunder, the escrow document shall provide that the monies in escrow shall be payable to the credit of the Board of Health Fund of the Geauga County General Health District. Said monies shall be employed by the Health District to cause final sewage system installation and other constructions or corrections to effect compliance with the previously mentioned regulations. The unused portion of Said monies shall be returned to the applicant within 30 days of the Health District's final approval of the completed sewage system.

(E) Default of Escrow Monies-

- (1) Where required pumping of holding tanks is not properly executed in the judgment of the Health Commissioner, he/she may, after reasonable notification of the permit holder directly make arrangements for proper pumping of said tanks and enter the cost thereof as a claim upon the escrow account established in Paragraph (D) of this regulation and shall in such case make a written claim upon the permit holder to replenish the escrow account in the amount of funds thus utilized for pumping. Failure of the permit holder to so replenish the escrow account within 30 days after being requested in writing by the Health Commissioner to do so, shall disqualify the permit holder from obtaining any further inclement weather occupancy permits and may be found by the Board of Health as cause to revoke the inclement weather occupancy permit and order vacation of the dwelling.
- (2) In the case of failure of the permit holder to comply with regulations 3701-29-01 to 3701-29-26 including failure to install the complete sewage disposal system as required prior to expiration of the inclement weather occupancy sewage permit, the escrow monies on deposit shall default to the Geauga County Health District, after ten (10) days written notice to the permit holder. The Health District, a party to the original installation contract, shall direct completion of said contract, or if not a party to the original contract, shall then seek three (3) qualified written quotes (bids) to install the complete sewage system. The Board of Health shall award a new contract to the registered installer submitting the lowest best quote (bid) at its discretion. Before completing the original contract or awarding a new contract, the Board of Health shall give the permit holder ten (10) days written notice by certified mail of their intent to do so.

(F) Permit Validity Period-

- (1) An inclement weather occupancy sewage permit hereunder shall be valid for one hundred and twenty (120) days from the date of issuance, or for such longer period as may be specified in the individual case by the Board of Health but in no case longer than six (6) months from the date of issuance.
- (2) Inclement weather occupancy sewage permit regulation shall be in effect year round.

(G) Pumping and Disposal

- (1) All pumpings of holding tanks or other system components under the inclement

weather permit program shall be transported and deposited in a sewage treatment plant facility approved by the Health Commissioner.

- (2) No pumpings under the inclement weather permit program shall be used for land application or any other purpose except as specifically authorized in this regulation.
- (3) All persons performing pumping pursuant to this regulation shall be recognized as a Household Sewage Tank Cleaner with the Geauga County Health District.

(H) Partially Completed Systems

- (1) Applications for inclement weather occupancy sewage permits may be made by persons with partially completed sewage systems seeking temporary occupancy. In such cases, the required degree of pumping, if any, and other maintenance will be established by the Health Commissioner or Board of Health as a condition of permit issuance. Uncovered leach trenches shall not be activated for the purpose of occupancy under this regulation. All other provisions of this regulation shall apply.
- (2) The application fee in the case of partially completed systems shall be as provided in Paragraph (C) of this regulation.
- (3) The escrow deposit amount shall be one & one half times the reasonable cost of completing the partially completed system based on the registered installer's contract (bid) price.

(I) Refusal Of Issuance/Revocation Of Permit- The Health Commissioner may refuse to issue an inclement weather occupancy sewage permit based upon any of the following reasons:

- (1) The lot or the design of the final sewage system cannot be approved for reasons of non-compliance with Regulations 3701-29-01 to 3701-29-26 or other sections of the Ohio Sanitary Code;
- (2) Adequate pumping and disposal facilities are not available in the area;
- (3) Incomplete or inaccurate application information;
- (4) Applicant's failure to document existence of a joint escrow deposit;
- (5) Applicant's failure to provide signed affidavits, contracts and legal consent forms as required
- (6) Applicant's failure to provide a signed pumping or maintenance contract including, where applicable, the name of a sewage disposal facility approved by the Health Commissioner.
- (7) Evidence of the applicant's or occupant's unwillingness or inability to work cooperatively with the Health District.
- (8) The applicant's failure to secure approvals on:
 - (a) Plumbing system;

(b) Private water system;

(c) Safe water sample.

(J) Minimum Components

(1) Unstarted systems (as distinguished from partially completed systems) shall have the following minimum components to qualify the applicant for an inclement weather occupancy sewage permit

(a) Two (2) 1,000 gallon or larger holding tanks connected in series. Said tanks shall be watertight, covered receptacles meeting the standards for septic tanks approved by the health district or constructed of synthetic materials and designed to standards approved by the Ohio Department of Health for septic.

(b) Holding tanks hereunder shall be securely anchored in place in a manner reasonably calculated to prevent flotation

(c) The outlet pipe of the last tank in the series shall have a tail pipe extending out two (2) feet from the tank and upward at a 90 degree angle to a point two (2) feet above grade. The tail pipe shall be properly vented and marked for prevention of pedestrian injury as required by the Health Commissioner.

(d) The last tank in the series shall have a high-level liquid alarm device installed within the tank with an audible alarm signal device installed inside the dwelling. This alarm shall be set to allow a safety margin of one (1) additional day's accumulation of sewage prior to overflow.

(K) Inspection- Interim sewage arrangements pursuant to this regulation shall be inspected by the Health Commissioner as often as reasonably necessary to ensure compliance with this regulation and with Regulations 3701-29-01 to 3701-29-26 and other applicable provisions of the Ohio Sanitary Code.

(L) Compliance-

(1) All household sewage systems shall comply with regulations 3701-29-01 to 3701-29-26 of the Geauga County Health District. No elements of any interim sewage arrangements made pursuant to inclement weather occupancy sewage permits hereunder shall in any way predispose or obligate the Board of Health to grant such elements as a variance to be included in the final approved sewage system. Any and all variances to any sewage system shall be requested separately pursuant to regulation 3701-29-18 (C) as in & general case.

(2) Where a variance for a final, approved sewage system has been granted by the Board of Health under regulation 3701-29-18 (C), the resultant design modifications may be considered by the Health Commissioner in determining the applicable minimum components of the interim sewage system arrangements pursuant to inclement weather occupancy as set forth in Paragraph (J) of this regulation.

(M) Revocation of Permit - The Board of Health may revoke any inclement Weather Occupancy Sewage Permit hereunder for reasons including but not limited to the

following:

- (1) Failure of the permit holder, occupant, pumping or maintenance contractor or installer to comply with this regulation, regulations 3701-29-01 to 3701-29-26, or with any contract, affidavit, covenant, or agreement entered into pursuant to such regulations.
 - (2) The interim sewage arrangements are causing a nuisance.
 - (3) This regulation is found in whole to be invalid by a Court of competent jurisdiction.
- (N) Vacation of Premises - In the case of revocation of an Inclement Weather Occupancy Sewage Permit hereunder, the Board may order the subject dwelling and premises vacated upon fifteen (15) days written notice to the permit holder and occupant.
- (O) Emergency - This regulation, of necessity, is adopted as an emergency measure to protect the public health and shall go into immediate effect. The reason for such necessity lays in the fact that an inclement weather condition may occur at any time during the year and we have experienced record-setting rainfall this year, and the regulation must take effect immediately in order to secure the public benefits being sought.

3701-29-26 GEAUGA COUNTY HEALTH DISTRICT RULES FOR LAND APPLICATION OF SEPTAGE

These rules are developed under the Ohio Department of Health Sewage Rules Section 3701-29-20 and known as section 3701-29-26.

All land application and transportation of septage must comply with rule 40 C.F.R. 503 as outlined under the Federal USEPA.

Section I. Method of Application

Septage (the contents of septic tanks or home aeration units serving a one, two or three-family dwelling) may be applied through the following methods:

- A. Injection- Injection (under pressure) into the soil.
- B. Land Spreading- The spreading of a thin layer of septage onto the surface of the ground from a vehicle equipped with a mechanism to disperse the septage over a large area.
- C. Trench and Bury- The placing of septage in excavated trenches which are then backfilled with earth cover within 24 hours.

Section II. Permits

- A. A permit must be obtained for each site. The permit will be in effect from January 1 through December 31 each year and must be renewed annually. The fee will be set forth by the Geauga County Board of Health.

Section III. Site Plan Submission

Prior to Geauga County Health District approval of a land application site, the following must be submitted to the Geauga County Health District:

- A. A scaled drawing showing the following:
 - a. All property lines with owner's names within 500' of the site.
 - b. All house and water supply locations within 500' of the site.
 - c. Access roads to the site.
- B. A scaled drawing (1 inch = 50 ft.) of the soil associations found at the site or the results of the test hole borings. Soil evaluations must be completed on every acre.
- C. A scaled drawing (1 inch = 50 ft.) showing 2 foot contour intervals (USGS maps) within 500' of the site and with the marked locations of the septage application areas, and/or any lagoons.

Section IV. Site Isolation Specifications

- A. Isolation Distances
 - a. 300 ft. from any occupied dwelling or public road.
 - b. 25 ft. from uphill lot lines.
 - c. 100 ft. from all other lot lines.
 - d. 300 ft. from downhill water supply sources, lakes, ponds, streams or swales.
 - e. 100 ft. from all other water supply sources, lakes, ponds, streams or swales.
- B. Flood Plains- Land application is not permitted in areas designated as 100-year flood plain.
- C. Slope- Septage may only be spread on 0-12% slopes covered with rooted vegetation, Septage that is injected or buried can also only be applied on 0-12% slopes, however, vegetation need not be present.
- D. Soils- Septage may be applied to severe, slight and moderate soils.
- E. Septage may not be land spread on the surface of those soils with less than four (4) feet of natural earth cover over bedrock or apparent water table. Septage may not be injected or buried in those soils with less than five (5) feet of natural earth cover over bedrock or apparent water table.
- F. Septage loading rates must be calculated and monitored.
- G. Septage may not be applied to land pastured by dairy animals or to agricultural produce that will be consumed by people or domestic livestock.

Section V. Lagoons

Lagoons may be used to store septage, particularly during inclement weather.

Lagoons must be designed by a professional engineer to assure that the groundwater is protected from any contamination.

In addition, lagoon design construction must be approved by OEPA.

Lagoons must be located so as to meet the same isolation distances as specified in Section III (A); however, lagoons must also be located at least 1000 feet from any occupied dwelling.

Section VI. Operation Requirements

- A. All trucks must be clearly marked with name and phone number.
- B. Signs must be posted at the site indicating who uses the location for land application.
- C. There shall be no spreading of septage after 10:00 p.m.
- D. Gates must be installed at the entry to the site to limit accessibility.
- E. All sites shall have a spreading device which can be attached to all trucks that will assure that the septage will be evenly distributed.
- F. All septage must be stored, handled and applied in a manner that will not allow a nuisance condition to develop, (e.g., surface run-off, surface water or groundwater pollution, excessive odors or machinery noise).
- G. Septage may not be applied to fields already saturated with septage or on snow or ice covered fields.
- H. Any corporation, company, governmental agency, or individual proposing to apply septage by the aforementioned procedures must be registered to do so by the Geauga County Health District.
- I. If an imminent public health nuisance is found, the application site may be closed immediately and a Board of Health Administrative Hearing will be held within a timely manner.
- J. All pumping receipts must be submitted to the Geauga County Health District within 30 days of service.
- K. All sites must have at least 3 sample wells 50 feet down-hill of application area, if testing is necessary.

All other rules found in section 3701-29-20 apply as well.

Fee Schedule

Be it further Resolved, pursuant to Ohio Administrative Code Section 3701-29-05, the following fee structure has been established and adopted by the Geauga County Board of Health for the Home Sewage Treatment Program:

Application for Site Review for HSTS or GWRS	\$50.00
Permit to Install a New or Replacement HSTS or GWRS *Fee does not include State Fee	\$650.00
Permit to Alter an HSTS or GWRS	\$325.00
Permit to Renew a New, Replacement or Alteration Permit	\$200.00
Penalty fee	25% of the permit fee
Permit to Operate an HSTS or GWRS (10 year permit)	\$250.00
Permit to Renew an Operation Permit (10 year permit)	\$150.00
Inclement Weather Permit	\$200.00
Registration of Installer	\$250.00

Registration of Service Provider	\$250.00
Registration of Septage Hauler Trucks (per truck)	\$250.00
Application for Variance	\$350.00
Site Review (Lot Evaluation)	\$150.00
Sewage Effluent Samples Fee	\$75.00 + lab fees
Subdivision Review (per review)	1-10 lots, \$100.00
	11-20 lots \$200.00
Base Inspection Fee, Red Tags & Re-inspections	\$75.00
O/M Off-lot Inspection	\$75.00
NPDES Sampling Fee (includes site visit and BOD, SS, Ammonia, FC sample)	\$75.00 + lab fees
Land Application	1-5 Acres \$100.00
	each additional acre, \$50.00
For Sale of Property Evaluation On-lot	\$450.00
For Sale of Property Evaluation Off-lot	\$470.00
Appeals Board Request Fee	\$350.00

Reading of the rules and effective dates:

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