

**RESOLUTION OF THE GEAUGA PUBLIC HEALTH BOARD OF HEALTH SETTING  
FORTH THE OPERATION AND MAINTENANCE PROGRAM AND ASSOCIATED  
SERVICE ASSISTANCE FUND**

RESOLUTION NO. 2025-\_\_\_ A RESOLUTION OF THE GEAUGA COUNTY BOARD OF HEALTH ADOPTING AND IMPLEMENTING THE GEAUGA PUBLIC HEALTH OPERATION AND MAINTENANCE PROGRAM FOR HOME SEWAGE TREATMENT SYSTEMS; ESTABLISHING PERMITS, FEES, ENFORCEMENT, AND AN ASSISTANCE PROGRAM FUND; AND AFFIRMING COMPLIANCE WITH STATE LAW AND THE OHIO EPA WATER POLLUTION CONTROL LOAN FUND

WHEREAS, Ohio law requires local boards of health to approve, permit, and oversee the installation, operation, monitoring, maintenance, and abandonment of home sewage treatment systems (HSTS), and to develop a program for the administration of maintenance requirements, inspections, and enforcement, pursuant to Ohio Revised Code (ORC) 3718.02, 3709, and rules adopted by the Director of Health; and

WHEREAS, Ohio Administrative Code (OAC) Chapter 3701-29 requires that no person operate a sewage treatment system without an approved and valid operation permit from the board of health, and establishes owner responsibilities to comply with permit conditions and maintain systems in proper working condition; and

WHEREAS, the Ohio Environmental Protection Agency (Ohio EPA) administers the Water Pollution Control Loan Fund (WPCLF) that provides financial assistance for repair or replacement of failing household sewage treatment systems, which Geauga Public Health (GPH) utilizes and adheres to; and

WHEREAS, GPH has developed and implemented an O&M Program to enroll all HSTS in the county by 2030, ensure regular maintenance of the same, protect public health, and minimize pollution of Ohio waters, and now seeks to formalize program elements, fees, enforcement, and an added financial assistance component for pumping and service to support O&M compliance;

NOW, THEREFORE, BE IT RESOLVED for the purpose of preserving and promoting public health and welfare by the Geauga County Board of Health (the Board) enacts the following regulation:

**Section 1. Adoption; Authority**

1.1 – The Geauga Public Health Operation & Maintenance (O&M) Program is adopted pursuant to ORC 3718.02, 3709.09, and OAC Chapter 3701-29.

1.2 – As used in this Ordinance:

1.2.1 – “HSTS” refers to Home/Household Sewage Treatment Systems as defined in OAC 3701-29-01.

1.2.2 – “Operation Permit” means a permit issued by GPH authorizing operation of HSTS subject to conditions of GPH’s O&M program.

1.2.3 – “Registered Contractor” means an installer, service provider, and/or septage hauler registered with GPH pursuant to OAC 3701-29-03.

1.2.4 – “O&M Service Assistance Fund” means the program established herein in Section 10.

## **Section 2. Program Scope and Timeline**

2.1 – All HSTS in Geauga County not connected to a sanitary sewer are subject to the O&M Program and must maintain a valid Operation Permit.

2.2 – All systems will be enrolled by 2030 through phased, design-based groupings with public outreach.

## **Section 3. Operation Permits; Terms; Transferability**

Permit holders of the various types listed below shall adhere to the following term lengths and requirements:

3.1 – National Pollutant Discharge Elimination Systems (NPDES): 1-year term. Requirements include a current maintenance contract, two (2) service reports per year, payment of an Annual Sampling Inspection Fee, and Operation Permit renewal, as applicable and collected by GPH.

3.2 – Spray Irrigation Systems: 1-year term. Requirements include a current maintenance contract, two (2) service reports per year, payment of an Annual Sampling Inspection Fee, and Operation Permit renewal, as applicable and collected by GPH.

3.3 – Aeration, Drip, and Peat Systems: 1-year term. Requirements include payment of an Annual Operation Permit Fee, and at least one (1) service, pumping or inspection report per term.

3.4 – On-Lot Conventional Septics (e.g., leach fields/mounds): 5-year term. Requirements include at least one (1) pumping, service, or inspection report per permit term.

3.5 – Off-Lot Systems and systems of unknown design (e.g., subsurface sand filter beds): 5-year term. Requirements include at least one (1) pumping, service, or inspection report per term, and system performance evaluation by GPH after 10 years to verify adequate treatment.

3.6 – Previously-issued operation permits remain valid until expiration. Upon renewal they will align with the most-fitting permit type described in this section.

3.7 – Permits run with the system and automatically transfer to new owners upon property sale. Sellers shall disclose permit terms and conditions. New owners shall notify GPH to update records.

## **Section 4. Fees; Payment; Late Penalties; Tax Assessment**

Payments may be made using cash, check, or card.

The schedule of fees under the Program shall be as follows:

- 4.1 – Annual Sample Fee: NPDES Discharging Systems and Spray Irrigation Systems are set periodically by the Board of Health in a separate Resolution;
- 4.2 – Annual Operation Permit Fee: Set by the Board of Health and periodically amended by separate Resolution.
- 4.3 – Five-Year Operation Permit Fee: On-Lot and Off-Lot Conventional Systems are set by the Board of Health and periodically amended by separate Resolution for a 5-year term.
- 4.4 – The Board may adjust any fee related and payment timelines to the O&M Program upon adoption of a subsequent resolution.

The following notice requirements and late fees apply to the O&M Program:

- 4.5 – GPH will mail notice at least 30 days before an applicable due date occurs. GPH may send a reminder postcard approximately two weeks before the deadline.
- 4.5 – GPH will send a final notice via certified mail if any fee remains unpaid by the due date, and such notice shall include a 25% late penalty.
- 4.6 – If still unpaid after 30 days of GPH sending the final notice, the fee and late penalty will be certified and assessed to the property taxes pursuant to ORC 319.28 and 319.281; the County Fiscal Office may add an administrative assessment fee.

### **Section 5. Enrollment; Public Outreach**

- 5.1 – New enrollees will receive a postcard invitation to public meetings approximately two weeks before billing begins. GPH will host at least two evening public meetings for each new group.

### **Section 6. Maintenance; Registered Providers; Homeowner Option**

- 6.1 – Owners must comply with permit conditions and ensure their HSTS is maintained in proper working condition pursuant to OAC 3701-29-06.
- 6.2 – Only Registered Contractors may perform service or pumping. Any exceptions to this requirement is based on the type of system, age, its maintenance requirement and owner certifications. Approval will only be granted on a case-by-case basis by the Administrator.
- 6.3 – Service & pumping reporting:
  - 6.3.1 – Registered service providers/pumpers must submit proof of service or pumping to GPH within 60 days of performing work, consistent with OAC 3701-29-20(B)(4).
  - 6.3.2 – Owners should retain copies of service and pumping records.

### **Section 7. Sampling Program (NPDES and Spray Irrigation)**

7.1 – GPH shall conduct annual sampling on NPDES and Spray Irrigation systems. Sample collection will occur within the months following GPH’s mailing of the sample bill.

7.2 – The sampling process will be set forth in GPH’s operating procedures available upon request.

### **Section 8. Compliance Determination; Non-Compliance Inspections; Enforcement**

8.1 – GPH may determine compliance with the O&M Program based on receipt of required service, pumping, and/or inspection records during the permit term.

8.2 – If an owner fails to demonstrate required maintenance, GPH may conduct a Non-Compliance inspection and charge the reasonable cost to the owner, consistent with ORC 3718.02(A)(7) and OAC 3701-29-23(B)(3).

8.3 – Inspection authority:

8.3.1 – GPH may perform inspections upon good-faith complaint, probable cause (including, but not limited to, odors, surfacing sewage, untreated or poorly treated effluent), or failure to provide proof of required maintenance, and without prior notice when there is probable cause to believe a system is endangering or threatening public health, pursuant to ORC 3718.02(A)(7).

8.3.2 - GPH may at any reasonable time and with reasonable notice inspect any Sewage Treatment System, part thereof, or proposed Sewage Treatment System site (as defined by law), to conduct sampling, collect data, or perform other activities necessary to assure compliance. OAC 37-29-23 and ORC 3718.02

8.3.3 – Owners shall pay the reasonable costs of inspection and any sewage effluent testing during investigations, with cost methodology established pursuant to ORC 3709.09 and set by the Board.

8.3.4 – Systems creating a public health nuisance are subject to orders for correction, repair, or replacement as authorized by law.

8.3.5 – Non-compliance is subject to penalties under ORC 3718.99 (up to \$1,000 per day).

8.3.6 – GPH shall provide notice and opportunity for hearing consistent with ORC 3718.11 and ORC 3709.091 where applicable.

### **Section 9. Records; Lists; Communication**

9.1 – GPH shall maintain required records to ascertain compliance with the O&M Program.

9.2 – GPH shall maintain and publish current lists of Registered Contractors and provide public access to HSTS records upon request.

### **Section 10. O&M Service Assistance Fund (Pumping/Service Assistance)**

10.1 – Program established. GPH hereby establishes the Home Sewage Treatment System O&M Service Assistance Fund (the Fund) to provide financial assistance for pumping and/or service necessary for O&M Program compliance.

10.2 – Purpose. To assist eligible low-income owner-occupants with the cost of one-time pumping or routine service (e.g., annual aeration system service, cleaning, and routine maintenance) to achieve or maintain O&M permit compliance. The Fund does not apply to the replacement of failing systems; such work should be pursued through WPCLF or other capital assistance programs.

10.3 – Funding sources. The Fund may be capitalized by O&M late-penalty revenue collected by GPH, donations, grants, and other lawful sources, subject to availability and appropriations. Use of revenues shall comply with applicable law.

10.4 – Eligibility criteria (all must be met unless waived by the Administrator in conjunction with consultation with the Director of Environmental Health and then only for good cause):

10.4.1 – Owner-occupied primary residence located in Geauga County with an HSTS; only home owned by the applicant(s).

10.4.2 – Current on property taxes.

10.4.3 – Current with and/or has obtained the required O&M Permit.

10.4.4 – Total household income at or below 200% of the U.S. Department of Health and Human Services Poverty Guidelines in effect at the time of application. Income documentation required for all household members age 18+ (e.g., prior-year return, W-2s, pay stubs, SSI, unemployment).

10.4.5 – First-time applicant to the Fund.

10.5 – Application and processing.

10.5.1 – Applicants shall submit the GPH O&M Fund application form and required documentation. GPH shall process applications on a first-come, first-served basis.

10.5.2 – GPH shall verify eligibility, select and contract with a Registered Contractor, and pay the Registered Contractor directly upon completion of work and submission of a service/pumping report to GPH.

10.5.3 – Awards are subject to fund availability and GPH approval on a case by case basis.

10.6 Administration.

10.6.1 – GPH Administrator and Director of Environmental Health are authorized to administer the Fund, approve/deny applications, execute standard service agreements with Registered Contractors, and adopt procedures, forms, and program guidelines consistent with this Section.

10.6.2 – The Board may amend eligibility criteria, funding sources, and per-household caps by subsequent resolution or ordinance.

**Section 11. Coordination with Ohio EPA WPCLF**

11.1 – GPH shall continue to participate in and administer WPCLF-funded assistance for repair or replacement of failing HSTS, consistent with Ohio law and the WPCLF Assistance Agreement, and shall maintain all required records and certifications.

11.2 – The Health Director of the Ohio EPA, including the agents/assigns thereof, are authorized to execute WPCLF documents and related contracts, and to ensure that the O&M Service Assistance Fund complements and does not supplant WPCLF capital assistance.

**Section 12. Publication; Economic Impact; More Stringent Local Rules**

12.1 – The Board has considered the economic impact of this Program on property owners as required by ORC 3718.02(B). This Program is no less stringent than state rules and does not conflict with Chapter 3718 or rules adopted pursuant thereto.

12.2 – GPH shall publish new rules, fees, and notices consistent with ORC 3709.09(E). Where required by ORC 3718.02(B), proposed local rules will be submitted to the Director of Health for review and approval.

**Section 13. Severability; Repeal; Effective Date**

15.1 – If any provision of this Ordinance is held invalid, the remainder shall not be affected.

15.2 – Conflicting prior resolutions, ordinances or policies are repealed only to the extent of conflict.

15.3 – This Resolution is effective upon the completion of three readings and final adoption.

Reading 1: \_\_\_\_\_ Reading 2: \_\_\_\_\_ Reading 3: \_\_\_\_\_

PASSED AND ADOPTED this \_\_\_ day of \_\_\_\_\_, 2025, by the Geauga County Board of Health.

\_\_\_\_\_  
Adam Litke, Administrator

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Ashley Jones, President

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Mark Hendrickson, Pres Pro Tem

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Melissa DeBoth, Member

\_\_\_\_\_  
Lynn Roman, Member

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Christine Sutter, Member