

RESOLUTION NO. 030-24

**RESOLUTION AMENDING REGULATIONS FOR SEWAGE TREATMENT
SYSTEMS UNDER TITLE FOUR OF THE ENVIRONMENTAL HEALTH CODE OF
THE SUMMIT COUNTY COMBINED GENERAL HEALTH DISTRICT,
REPEALING RESOLUTIONS INCONSISTENT THEREWITH
AND DECLARING IT AN EMERGENCY.**

WHEREAS, the Board of Health of the Summit County General Health District, acting under authority vested in it by Sections 3707.01 and 3709.21 of the Ohio Revised Code, may adopt regulations necessary for the public health, the prevention and restriction of disease and the prevention, abatement, and suppression of nuisances, and

WHEREAS, provisions in the code require local health districts to determine how they will manage the operation and maintenance of existing and newly installed sewage treatment systems, and

WHEREAS, the provisions also allow limited flexibility to local health districts on enacting local legislation and administrative rules, and

WHEREAS, the Board of Health and the Health Commissioner believe the Health District has a critical responsibility to assure homeowner education, proper maintenance of sewage treatment systems and oversight of the proper function of systems, for the preservation of public health, and

WHEREAS, the Board of Health of the Summit County Combined General Health District hereby enacts sanitary rules that best protect the health, safety and welfare of the residents of Summit County.

NOW, THEREFORE, BE IT RESOLVED by the Board of Health of the Summit County Combined General Health District:

SECTION 1: That the rules and regulations of the Summit County Combined General Health District be amended as follows in the attached document.

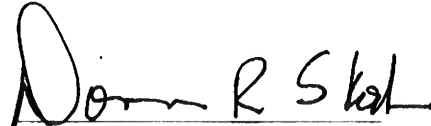
SECTION 2: That, to the extent these Rules and Regulations are in conflict with and change former rules and regulations, the matters set forth above shall control and have precedence, but as to matters not changed and altered, the above rules shall supplement and be in addition to the other rules and regulations of this Board.

SECTION 3: That this Resolution is hereby declared an emergency because it is necessary for the public health, the prevention or restriction of disease, and the prevention, abatement, or suppression of nuisances and that an effective Environmental Health Code is essential to the administration of the functions of the Summit County Board of Health. Therefore it shall take effect and be in force immediately upon execution.

Adopted: November 14, 2024

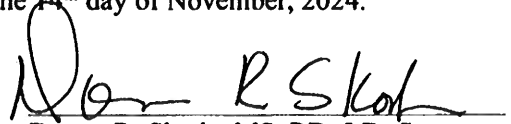
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CERTIFICATION


Secretary


President

I, Donna R. Skoda, MS, RD, LD, Secretary of the Board of Health of the Summit County Combined General Health District, Summit County, Ohio, do hereby certify that the foregoing resolution was duly and regularly adopted by the Board of Health of the Summit County Combined General Health District, Summit County, Ohio on the 14th day of November, 2024.


Donna R. Skoda, MS, RD, LD, Secretary

CHAPTER 400

Sewage Treatment Systems, SCCGHD Supplemental Code to OAC 3701-29

400.01	Introduction
400.02	Fees and fee categories
400.03	Subdivisions and new lots
400.04	Gray water recycling systems
400.05	STS operation and maintenance
Appendix A	Operation Permits Terms and Service Requirements
Appendix B	Sanitary Sewer Accessibility and Connection Regulations

CROSS REFERENCES

Abatement and removal of nuisances by Board of Health - see ORC 3707.01
Acts of pollution prohibited - see ORC 6111.04
Collection and disposal of liquid wastes - see ORC 6115.01et seq.
Lien for unpaid sewage disposal system permit or inspection fee - see ORC 3709.09
Liquid waste disposal in motels - see EHC 800
Orders and regulations of board of general health district – see ORC 3709.21
Powers and duties of Environmental Protection Agency - see ORC 3745.01(A)
Private sewer systems - see ORC 6112
Private sewers - see OAC 4101:2-51-411
Putting contents of privy vaults upon land or in water - see ORC 3767.16 & 3767.22
Required sewer connections where available and accessible - see ORC 6117.51
SCPH Fees – see EHC Chapter 101
Sewage Treatment System Rules – see OAC 3701-29
Summit County Riparian Setback Ordinance – see Chapter 937
Uniform system of fees; public health council rules – see ORC 3709.09

EHC Environmental Health Code **ORC** Ohio Revised Code **OAC** Ohio Administrative Code

400.01 Introduction

- A. The Summit County Board of Health administers and enforces those provisions of OAC 3701-29 pertaining to sewage treatment systems. This supplemental code has been adopted to assure compliance with the requirements of sewage treatment system law and regulations.

400.02 Fees and fee categories

- A. Fees and fee categories for the purposes of administering and enforcing the requirements of this code and OAC3701-29 shall be found in Chapter 101, Fees of the EHC.

Also see OAC 3701-29-05

400.03 Subdivisions and new lots

- A. Final approval of major subdivisions served by STS is determined by Board of Health approval, SCCGHD Resolution 10-74, passed February 12, 1974.
- B. The developer of a major subdivision or his/her agent shall request an evaluation by the Ohio Environmental Protection Agency and the Summit County Sanitary Engineer of the proposed allotment for water service and construction or connection to an existing or proposed sanitary sewerage system and sewage treatment facility. The applicable Clean Water Quality Plans (208 Plans) for the Lake Erie and Ohio River watershed basins will also be reviewed for consistency in determining sanitary sewer availability and eligibility to install individual STSs for minor and major subdivisions.
- C. As a condition of Board of Health approval, the following language shall appear on the Final Plat of any Board of Health approved major subdivision:

BOARD OF HEALTH PLAT RESTRICTIONS

THIS SUBDIVISION HAS BEEN DESIGNED TO PROVIDE FOR ON-SITE HOUSEHOLD SEWAGE TREATMENT SYSTEMS (HSTS). HOWEVER, NO GUARANTEE OF SATISFACTORY OPERATION OF EACH HSTS IS MADE OR IMPLIED. ALL PERSONS, INCLUDING CORPORATIONS, WHO NOW OWN OR SHALL HEREAFTER ACQUIRE ANY LAND DESCRIBED IN THIS PLAT, SHALL BE TAKEN AND HELD TO AGREE WITH OWNER OF ABOVE-DESCRIBED LAND AND WITH ITS SUCCESSORS AND ASSIGNS TO CONFORM TO AND OBSERVE THE FOLLOWING RESTRICTIONS AND STIPULATIONS AS TO THE USE THEREOF AND CONSTRUCTION OF IMPROVEMENTS THEREON UNTIL SUCH TIME AS THE SUMMIT COUNTY COMBINED GENERAL HEALTH DISTRICT (HEALTH DISTRICT) DETERMINES THAT SAID RESTRICTIONS AND STIPULATIONS ARE NO LONGER REQUIRED TO WIT:

1. Prior to the transfer of a deed or other instrument of conveyance for a lot within this subdivision, the grantee or grantor shall secure the approval of the Health District for the location and design of an STS and location of the private water system for the lot being transferred. No variance will be granted for any lots on which conditions not meeting the sanitary regulations of the Health District are found.
2. Acceptance by the grantee or his agent of the Health District's STS Plan constitutes an agreement by the grantee and his heirs or assigns to locate and construct the home and to locate and construct the STS and private water system as set forth in the plan and to operate and maintain such STS as set forth by the Health District, until such time as the construction of a public sanitary sewer system which will serve the lots in the subdivision, at which time grantee shall connect to such system.
3. The subdivision plat may illustrate the proposed location of a STS and replacement area, alternative locations for the STS and replacement area may be possible as long as all Health District codes can be met, without requiring a Board of Health variance. All building shall be located to conform to the isolation distances from the designated STS and replacement area.
4. There shall not be constructed nor caused to be constructed any structure, building, device, driveway, parking area, swimming pool, livestock enclosure, geothermal heating/cooling device, or other obstruction on the portion of the lot designated by the Health District to be used for the STS or on any area designated for replacement of said system.
5. Grantee must conform all landscaping and final grading on any lot within this subdivision to the operation of said lot's STS. Grantee must construct and maintain

surface water diversion and/or surface drainage to conform with proper operation of the STS as such construction and maintenance are needed.

6. Except the subdivision described on this plat, there shall be no further subdivision of lands on this plat for the purpose of creating additional building sites without the consent of the Board of Health.
7. The grantee, by ownership of any lot, whether expressly stated or not in the deed or other instrument of conveyance, consents to the construction of a public sanitary sewer system which will serve the lots in this subdivision. In the event of the construction of the aforesaid sewer servicing this subdivision, the grantee shall connect to said system and pay all lawful assessments, fees, or charges incurred in connection therewith. (See also paragraph B.)
8. Once construction of an STS is completed and until the STS has been abandoned due to sewer connection or other reason, the Health District reserves the right to periodically inspect the operation of each STS on each subplot within this subdivision and charge a reasonable fee to the owner of the subplot for the operation inspection.
9. The seller of any subplot within this subdivision has the responsibility of making any potential buyer of any subplot within this subdivision aware of these plat restrictions.

Also see OAC 3701-29-08

400.04 Gray water recycling systems

- A. 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.

Also see OAC 3701-29-17.

400.05 STS operation and maintenance

A. Operation Permits

1. Approximately 33,000 households are served by individual household sewage treatment systems in Summit County. SCCGHD will apply a phased approach to implementing periodic operational permits to each STS in Summit County until all systems are covered. Notice of operational permits will be issued in the following order:
 - a. STS covered under the NPDES permit since January 1, 2007 will require an annual operation permit.
 - b. Non-discharging STS installed since January 1, 2007 will be covered under an operation permit with a renewal frequency of 2 (two) years.
 - c. Known discharging STS which were installed prior to January 1, 2007 and which are not covered under the NPDES permit will require a 2 (two) year operation permit. Systems installed in odd number years will be invoiced and issued in odd number years. Likewise, systems installed in even number years will be invoiced and issued in even number years. Operation permits for discharging systems for which the year of installation is not know will be invoiced and issued based on the year the home was constructed based on Summit County Fiscal Officer data.
 - d. Non-discharging STS installed prior to January 1, 2007 and were approved under variance from the Board of Health or in Board of Health approved major subdivision, will invoiced and issued operation permits every 2 (two) years.
 - e. Systems of unknown design and unknown date of construction will be invoiced and issued operation permits every 2 (two) years.

- f. Non-Discharging STS that are over 30 years of age will be invoiced and issued operation permits every 2 (two) years.
 - g. All other Non-discharging STS installed prior to January 2007 will be invoiced and issued operation permits every 2 (two) years.
2. See Appendix A for service requirements for each STS and GWRS type. As the Ohio Department of Health approves new system technologies and designs, Appendix A will be updated. Appendix A is a supplemental aid to the code to provide a general guidance for maintenance requirements. Individual operation permits will be provided upon issuance and will specify maintenance requirements as well as any special permit terms and conditions. Each individual operation permit must be consulted for full details on terms and conditions.

B. Operation Inspections

- 1. An operation inspection fee shall not be levied more frequently than once within a two year period for systems installed prior to January 1, 2015, except for NPDES approved systems installed after 1/1/2007 which require an annual operation permit. The fee for the inspection will be billed to the property owner following the operation inspection. If sampling of wastewater effluent for determination of quality is necessary, the laboratory analysis fees associated with the testing will also be charged to the property owner.
- 2. The operation inspection fee shall be waived if the property owner demonstrates the required O&M of their system in lieu of having a board of health inspection conducted when an inspection is otherwise required in compliance with OAC 3701-29-19(D).
- 3. Operation inspections and an operation inspection fee will be implemented over a multiyear period. Inspections will be implemented based on the following priorities:
 - a. When an inspection is necessary due to an identified water pollution investigation or nuisance investigation.
 - b. STS which are designed to discharge effluent or are otherwise discharging effluent onto the ground surface, and open or closed ditch, field tile, storm sewer creek, stream or other body of water.
 - c. STS which have been installed since January 1, 2007.
 - d. STS which were granted a Board of Health variance.
 - e. STS in major subdivisions create with the approval of the Board of Health.
 - f. STS which for which permit records indicate are 30 years old or older.
 - g. STS which have no written records indicating the age or type of STS.
 - h. All other STS

Also see OAC 3701-29-09.

Appendix A: Operation Permits Terms and Service Requirements

System Type	Service Contract Maintenance Requirements	Frequency of Service	Permit Term
AERATOR (discharging aerobic treatment system installed prior to January 1, 2007)	<ol style="list-style-type: none"> 1. Check sludge levels in trash trap/tank and pump when needed 2. Check fail safe systems where applicable 3. Check aerator, pump and high water alarm 4. Check UV light or chlorine disinfection to see if functional; refill or replace chlorine or UV bulb as needed 5. Check and clean filters 6. Check the inspection port 7. Check discharge pipe for obstructions and damage 8. Evaluate final effluent quality to determine if a nuisance is present 	Once every year	2 years
DRIP DISTRIBUTION	<ol style="list-style-type: none"> 1. Comply with drip assurance approval and maintenance guide lines 2. Maintain a service contract for the life of the system 	2 times per year	2 years
PRETREATMENT TO TRENCHES (leaching or evapotranspiration))	<ol style="list-style-type: none"> 1. Check diversion and distribution boxes 2. Check for ponding and/or surfacing sewage effluent over trenches 3. Check that interceptor and curtain drains are clear of debris and effluent 4. Check distribution boxes for structural integrity and surface water infiltration 5. Must meet all manufacturer's requirements of the pretreatment components 	Once every 2 years	2 years
FILTER BED (discharging filter bed system installed prior to January 1, 2007)	<ol style="list-style-type: none"> 1. Check sludge levels in trash trap/tank and pump when needed 2. Check distribution box 3. Check the inspection port 4. Check discharge pipe for obstructions and damage 5. Evaluate final effluent quality to determine if a nuisance is present 	Once every 2 years	2 years
GREY WATER RECYCLING SYSTEM	<ol style="list-style-type: none"> 1. Requirements will be determined individually and based on system design and capacity. 	Determined individually	2 years
LOW PRESSURE (low pressure distribution system as defined in 3701-29.15.1 (B))	<ol style="list-style-type: none"> 1. Check for ponding in the distribution area 2. Check for surface water infiltration or clear water flows from the dwelling or structures into the system components and around or onto the soil absorption area 3. Check the vegetative cover for erosion or settling and any evidence of settling or seepage in the area of the soil absorption component 4. Monitor for proper operation of mechanical devices 5. Monitor the dose volume and operating pressure head of the distribution system and compare to baseline measurements for flushing of distribution laterals 6. Review and document the presence of event counters, elapsed time meters, flow meters and alarm conditions 	2 times per year	2 years
NPDES (discharging aerobic treatment system)	<ol style="list-style-type: none"> 1. Check sludge levels in trash trap/tank and pump when needed 2. Check fail safe systems where applicable 3. Check aerator, pump and high water alarm 4. Check UV light or chlorine disinfection to see if functional, refill or replace chlorine or UV bulb as needed 5. Check and clean filters 	2 times per year	1 year

System Type	Service Contract Maintenance Requirements	Frequency of Service	Permit Term
	<ol style="list-style-type: none"> 6. Evaluate final effluent quality to determine if a nuisance is present 7. Comply with all manufacturer requirements for NPDES systems 8. Comply with all EPA permit requirements including once a year sampling of effluent 9. Maintain a service contract for the life of the system 		
<p>NPDES PARTIAL LEACHING <50% (25-50% of area is full soil absorption)</p>	<ol style="list-style-type: none"> 1. Check sludge levels in trash trap/tank and pump when needed 2. Check fail safe systems where applicable 3. Check aerator, pump and high water alarm 4. Check UV light or chlorine disinfection to see if functional, refill or replace chlorine or UV bulb as needed 5. Check and clean filters 6. Check for ponding and/or surfacing effluent over trenches 7. Evaluate final effluent quality to determine if a nuisance is present 8. Comply with all manufacturer requirements for NPDES systems 9. Comply with all EPA permit requirements including sampling of effluent 10. Maintain a service contract for the life of the system 	2 times per year	1 year
<p>NPDES PARTIAL LEACHING >50% (51-99% of area is full soil absorption)</p>	<ol style="list-style-type: none"> 1. Check sludge levels in trash trap/tank and pump when needed 2. Check fail safe systems where applicable 3. Check aerator, pump and high water alarm 4. Check UV light or chlorine disinfection to see if functional, refill or replace chlorine or UV bulb as needed 5. Check and clean filters 6. Check for ponding and/or surfacing effluent over trenches 7. Evaluate final effluent quality to determine if a nuisance is present 8. Comply with all manufacturer requirements for NPDES systems 9. Comply with all EPA permit requirements including sampling of effluent 10. Maintain a service contract for the life of the system 	2 times per year	1 year
<p>PAD DISPERSAL</p>	<ol style="list-style-type: none"> 1. Check sludge levels in trash trap/tank and pump when needed 2. Check the mounded pad vegetative cover for erosion or settling and any evidence of seepage on the sides or toes of the mounded pad 3. Flush the distribution laterals 4. Check for ponding in the distribution area 5. Monitor the dose volume of the modules 6. Check for surface water infiltration into the system components or around the mounded pad soil absorption area 7. Check condition of filter media and replace as needed 8. Must meet all manufacturer's requirements of the pretreatment components 9. Maintain a service contract for the life of the system 	2 times per year	2 years
<p>SAND FILTER (installed after January 1, 2015 and as defined in 3701-29-13)</p>	<ol style="list-style-type: none"> 1. Check vegetative cover for erosion or settling and any evidence of seepage on buried TDSF 2. Flush distribution laterals 3. Check for ponding in the distribution area 4. Monitor the dose volume and operation pressure head of the distribution system 5. Check for any surface water infiltration or clear water flows from the dwelling or structures into the system components or around the TDSF 	2 times per year	2 years

System Type	Service Contract Maintenance Requirements	Frequency of Service	Permit Term
SEPTIC TO LEACHING (septic tank to leaching component)	<ol style="list-style-type: none"> 1. Check sludge level in tank and pump when needed 2. Check splitter box and/or distribution boxes for functionality and cracks 3. Check for ponding and/or surfacing sewage in leaching component area and verify that no sewage overflow pipes have been installed 4. Check for surface water infiltration and/or clear water flows into the system components or onto or around the soil absorption area from the dwelling or structures 5. Check that the interceptor and/or curtain drains are clear of debris and effluent, when applicable 	Once every 2 years	2 years
SPRAY IRRIGATION	<ol style="list-style-type: none"> 1. Check sludge levels in trash trap/tank and pump when needed 2. Check fail safe systems where applicable 3. Check aerator, pump and high water alarm 4. Check UV light or chlorine disinfection to see if functional; refill or replace chlorine or UV bulb as needed 5. Check and clean filters 6. Comply with all manufacturer requirements for system 7. Turn on irrigation system to check spray head function and spray pattern; repair, adjust, or replace spray heads as needed. 8. Check for ponding and runoff 9. Place several rain gauges in the irrigation area to check the depth of application (The system should apply no more than 0.2 inches per day to prevent ponding or runoff.) 10. Check for landscaping changes that interfere with system operation 11. Maintain a service contract for the life of the system 	2 times per year	2 years
UNKNOWN	<ol style="list-style-type: none"> 1. Have STS type determined by a STS contractor registered with SCPH 2. Have STS identification report completed and submitted to SCPH 	1 time	2 years

Appendix B: Sanitary Sewer Accessibility and Connection Regulations

These regulations are established by the Summit County Combined General Health District (SCCGHD) in order to respond to various types of circumstances, conditions, events, activities and issues that arise from the issuance and enforcement of an order to connect a property that is utilizing a sewage treatment system (STS) to a sanitary sewer.

In order for SCCGHD and its staff to exercise its authority to enforce the sewage regulations, it is necessary for this Board to determine and declare the methods SCCGHD will use when determining sanitary sewer accessibility. Furthermore, adoption of this policy will provide clarity across all municipalities located within Summit County.

Section 1. AUTHORITY FOR REGULATIONS

SCCGHD is a general health district pursuant to Ohio Revised Code (ORC) Section 3709.01. The following sections of Ohio Administrative Code authorize a Board of Health to address sewage treatment system abandonments and sanitary sewer connections within its jurisdiction:

Ohio Administrative Code

OAC 3701-29-02(D) - Chapter 3701-29 of the Administrative Code shall apply to all STS or GWRS installed, altered, or operated after January 1, 2015. All STS repairs shall be completed in compliance with Chapter 3701-29.

OAC 3701-29-23(A) - The board of health may at any reasonable time inspect any STS, part thereof, or proposed STS site, to conduct sampling, collect data or perform other activities necessary to assure compliance with Chapter 3701-29.

OAC 3701-29-06(I) - A STS shall not be sited, permitted, or installed where a sanitary sewerage system is accessible, unless otherwise excepted by law. Whenever a sanitary sewerage system becomes accessible to a dwelling or structure served by a STS, the dwelling and/or structures shall be connected to the sanitary sewerage system and the STS abandoned in accordance with rule 3701-29-21 of the Administrative Code.

(1) In determining the accessibility of a sanitary sewerage system a board of health may consider the availability of connection, local or state ordinances or rules prohibiting or requiring connection, the technical feasibility of connection, the ability of the sanitary sewerage system and associated treatment facility to accept additional flows, and the distance from the foundation wall of the structure from which sewage originates to the nearest boundary of the right-of-way within which the sewer is located.

(2) The board of health shall consult with appropriate sewer entity personnel as necessary to determine sanitary sewerage accessibility.

(J) The conditions and schedule for connection to a sanitary sewer which may be established by the board of health shall not conflict with findings and orders by the Ohio EPA or orders from the county commissioners or other local authority.

Section 2. SANITARY SEWER CONNECTIONS

Definitions

(1) "Board" means the Board of Health of the SCCGHD, as authorized by Sections 3709.02, 3709.11, and 3709.05 of the Ohio Revised Code.

- (2) “Health Commissioner” means the Health Commissioner of the SCCGHD, or their authorized representative, as outlined in Sections 3709.11 and 3709.14 of the Ohio Revised Code.
- (3) “Sanitary sewerage system” means pipelines or conduits, pumping stations, force mains, and all other constructions, devices, appurtenances, and facilities that convey sewage to a central sewage treatment plant and that are required to obtain a permit under Chapter 6111 of the Revised Code.
- (4) “Sewage” means liquid waste containing animal or vegetable matter in suspension or solution that originates from humans and human activities. Sewage includes liquids containing household chemicals in solutions commonly discharged from a residence or from commercial, institutional, or other similar facilities.
- (5) “Sewage Treatment system” or “STS” means a household sewage treatment system, a small flow on-site sewage treatment system, or both, as applicable.

Declaration of Sanitary Sewer Connection

The Board of Health remains the final authority to declare sanitary sewer accessibility and may take many factors into account when determining accessibility, including input from the appropriate sewer entity personnel unless local or statewide rules dictate otherwise.

It is the finding of this Board that every residence that is deemed to be accessible to a new sanitary sewer installation project, must connect to the sewer, regardless of whether the existing STS is operating as designed within a timeframe consistent with the existing enforcement procedures. The STS shall be abandoned at the time of sanitary sewer connection in accordance with OAC 3701-29-21.

It is the finding of this Board that every residence that has a failing STS and is deemed to be accessible to sanitary sewer, must connect to the sewer unless the connection is denied by the sanitary sewer authority. If the residence connects to the sanitary sewer, the STS shall be abandoned at the time of sanitary sewer connection in accordance with OAC 3701-29-21.

(Resolution 030-24, approved November 14, 2024)

(Resolution 015-24, approved May 9, 2024)