



Jill Rowland

*Final Analysis*  
*Legislative Service Commission*

**S.B. 198**  
123rd General Assembly  
(As Passed by the General Assembly)

**Sens. White, Carnes, Nein, Drake**

**Reps. Vesper, Aslanides, Widener, Tiberi, Hood, Terwilleger**

**Effective date: \***

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**ACT SUMMARY**

- Abolishes special sanitary districts and eliminates all statutory provisions and references concerning special sanitary districts.
- Requires the Director of Environmental Protection to transfer to the appropriate boards of health certain information that was acquired in accordance with rules adopted under the special sanitary districts statute prior to the act's effective date.

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**CONTENT AND OPERATION**

**Former law**

Former law designated the territory included within any state park, canal reservoir lake, or nature preserve, and surrounding lands extending back one mile from them, a special sanitary district. For sanitary purposes, such a district was under the control and management of the Environmental Protection Agency (EPA). Failure to comply with applicable orders of the Director of Environmental Protection resulted in a fine of not less than \$10 nor more than \$100. (Secs. 1541.21, repealed by act, and 1541.99.)

The Director was authorized to make and enforce rules relating to the location, construction, and repair of stockyards, hog pens, stables, privies, cesspools, sinks, plumbing, drains, septic tanks, and all other places where offensive substances or liquids may have accumulated within the district. The

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\* *The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared.*

rules were required to protect the public health and achieve and maintain applicable water quality and discharge standards. Former law prohibited the violation of any of the Director's rules. (Sec. 1541.21, repealed by act.)

The Director was authorized to seek injunctive action or other appropriate relief, to abate nuisances, and to remove or correct all unsanitary conditions detrimental to the health and well-being of the community included in the district. When necessary, the Director was authorized to certify the costs and expenses of those actions to the county auditor to be assessed as a lien against the property of the offending party and collected as other taxes. (Sec. 1541.21, repealed by act.)

Former law prohibited the draining or discharging into any state canal reservoir lake of a sewer, drain, or other connection with closets, cesspools, sinks, privies, septic tanks, or other places where offensive or unsanitary matter accumulated. In addition, garbage, offal, or filth of any kind could not be thrown or discharged, in any manner, into any state canal reservoir lake or immediate tributary of it. The prohibitions applied to all houseboats and buildings erected over the waters of any state canal reservoir lake. (Sec. 1541.21, repealed by act.)

For purposes of administering special sanitary districts, the board of health of a city or general health district was authorized to enter into a contract with EPA to conduct inspections and enforcement for the disposal or treatment of sewage from single-family, two-family, or three-family dwellings located in special sanitary districts (secs. 3709.085 and 3745.01). Further, if a new public sewer construction project that was located within a special sanitary district was proposed by a board of health, and if the Director of Environmental Protection certified that the reason for the project was to reduce or eliminate an existing health problem or a hazard of water pollution, the board of county commissioners of the county, by resolution, could order the owner, the owner's agent, or the occupant of any premises located in a sewer district in the county to connect the premises to the sewer (sec. 6117.51).

### **The act**

The act abolishes special sanitary districts and eliminates all statutory provisions and references concerning special sanitary districts (secs. 1541.21, repealed by act, and 1541.99, 3709.085, 3745.01, 6111.04, and 6117.51). In addition, it requires the Director of Environmental Protection to transfer to the appropriate boards of health all information relating to permits, plans, and approvals that was acquired by the Director in accordance with rules adopted under the special sanitary districts statute as that statute existed prior to the act's effective date (Section 3). Finally, the act eliminates the specific prohibitions against discharging into state canal reservoir lakes (sec. 1541.21, repealed by act).

However, such activities are still illegal under other statutes regarding water pollution.

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	10-28-99	p. 1126
Reported, S. Energy, Natural Resources & Environment	03-23-00	p. 1521
Passed Senate (33-0)	03-28-00	p. 1530
Reported, H. Agriculture & Natural Resources	05-17-00	pp. 1997-1998
Passed House (95-0)	05-24-00	p. 2077

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