



Eric Vendel

Bill Analysis
Legislative Service Commission

S.B. 198

123rd General Assembly

(As Reported by S. Energy, Natural Resources & Environment)

Sen. White

BILL 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 bill's effective date.

CONTENT AND OPERATION

Current law

Current law designates 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 is under the control and management of the Environmental Protection Agency (EPA). Failure to comply with applicable orders of the Director of Environmental Protection results in a fine of not less than \$10 nor more than \$100. (Secs. 1541.21, repealed by bill, and 1541.99.)

The Director may 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 accumulate within the district. The rules must protect the public health and achieve and maintain applicable water quality and discharge standards. Current law prohibits the violation of any of the Director's rules. (Sec. 1541.21, repealed by bill.)

The Director may seek injunctive action or other appropriate relief, may abate nuisances, and may remove or correct all unsanitary conditions detrimental to the health and well-being of the community included in the district. When

necessary, the Director may 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 (Sec. 1541.21, repealed by bill.)

Current law prohibits 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 accumulates. In addition, garbage, offal, or filth of any kind cannot be thrown or discharged, in any manner, into any state canal reservoir lake or immediate tributary of it. The prohibitions apply to all houseboats and buildings erected over the waters of any state canal reservoir lake. (Sec. 1541.21, repealed by bill.)

For purposes of administering special sanitary districts, the board of health of a city or general health district may 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 is located within a special sanitary district is proposed by a board of health, and if the Director of Environmental Protection certifies that the reason for the project is to reduce or eliminate an existing health problem or a hazard of water pollution, the board of county commissioners of the county, by resolution, may 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 bill

The bill abolishes special sanitary districts and eliminates all statutory provisions and references concerning special sanitary districts (secs. 1541.21, repealed by bill, 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 bill's effective date (Section 3). Finally, the bill eliminates the specific prohibitions against discharging into state canal reservoir lakes (sec. 1541.21, repealed by bill). However, such activities are still illegal under other statutes regarding water pollution.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	10-28-99	p. 1126
Reported, S. Energy, Natural Resources & Environment	03-23-00	p. 1521

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