



Bill Rowland

Bill Analysis
Legislative Service Commission

H.B. 110

127th General Assembly
(As Introduced)

**Reps. Distel, Harwood, Dodd, Letson, Fende, Yuko, Wachtmann, Fessler,
B. Williams, Miller**

BILL SUMMARY

- Rescinds the Public Health Council's rules related to sewage treatment systems that went into effect on January 1, 2007, and reinstates the rules that were in effect under former law prior to January 1, 2007.
- Requires the Council to commence, and prosecute to completion, proceedings necessary to adopt a new set of rules in accordance with current law as amended by the bill and submit the final filing of those rules so that the rules will be effective on January 1, 2008.
- Establishes new requirements with respect to Public Health Council rules prescribing standards for the siting, design, installation, operation, monitoring, maintenance, and abandonment of household sewage treatment systems that may be used in Ohio.
- Requires the new requirements to include provisions requiring that prior to approving the installation and operation of household sewage treatment systems with respect to a parcel of land that has been platted for more than 25 lots, or for a fewer number of lots that is specified by the applicable board of health, the board of health must make a written determination that central sewers are not accessible to the parcel.
- Requires the Council to adopt rules prohibiting a property owner from using a household sewage treatment system when central sewers are accessible to the owner's property.
- Specifies that rules adopted by the Council or by a board of health must not require, as a condition for approval of a household sewage treatment system, that there be sufficient space for the relocation or replacement of

the system, provided that the plan for the system includes specifications for repair or replacement of the system.

- Beginning January 1, 2008, requires the Council and the Director of Health to submit a report to the Joint Committee on Agency Rule Review concerning a proposed rule of the Council regarding the regulation of sewage treatment systems that includes a description of the classes of properties affected by the rule, an analysis of the costs and benefits of the proposed rule, an analysis of any alternative methods, standards, or other requirements presented for consideration for achieving the intent of the proposed rule, an analysis of the probable cost of administering the proposed rule, and a determination of the effect that the proposed rule will have on the ability of the public to purchase housing.
- Declares it to be the intent of the General Assembly in amending the Public Health Council's rulemaking authority that rules adopted by the Council related to the siting, design, installation, operation, monitoring, maintenance, and abandonment of household sewage treatment systems must not have a substantial negative impact on the public's ability to finance or purchase housing.
- Specifies that a board of health may adopt rules establishing more stringent standards than the Public Health Council only if demonstrated local conditions necessitate more stringent requirements than those established in rules adopted by the Council and the board of health documents the local conditions in a written record that must be made available to the public.
- Alters procedures governing the adoption of rules by a board of health.
- Establishes specific requirements related to household sewage treatment systems and their components.
- Alters the composition of the Sewage Treatment System Technical Advisory Committee and the persons responsible for making appointments to the Committee.
- Alters the functions of the Committee by requiring the Committee to develop proposed rules that establish standards for use by the Director of Health in approving or disapproving a sewage treatment system or



components of a system rather than develop standards and guidelines for the Director's use, and defines "standard" for that purpose.

- Alters the procedures for the approval or disapproval of sewage treatment systems or components of systems whose use is not authorized in rules.
- Amends and adds to the required duties of the Director of Health under the Household and Small Flow On-Site Sewage Treatment Systems Law.
- Declares an emergency.

TABLE OF CONTENTS

Rescission of sewage treatment system rules	3
Background	3
The bill.....	6
Changes regarding Public Health Council rules.....	7
Intent of General Assembly with respect to rules	9
Rules of boards of health.....	9
Household sewage treatment systems and components	10
Technical Advisory Committee.....	11
Composition.....	11
Functions	12
Procedures	13
Approval of sewage treatment systems for use in Ohio	13
Required duties of Director of Health.....	14
Declaration of emergency.....	15

CONTENT AND OPERATION

Rescission of sewage treatment system rules

Background

Under former law in effect prior to May 6, 2005, household sewage disposal was regulated under rules adopted by the Public Health Council pursuant to its authority to adopt, amend, or rescind sanitary rules of general application throughout the state. Persons who proposed to install or alter household sewage systems or to clean sewage tanks had to be registered by the board of health having jurisdiction where the work would be done. Registration requirements were established by the board of health; certificates of registration expired annually and had to be renewed within 30 days before their expiration. If the

health commissioner of the health district found that a person registered by the district was engaging or had engaged in practices that violated the district's rules, the terms of a permit to install or repair a household sewage system, or applicable state laws, the board of health was required to notify the person, describe the violation, and provide an opportunity for a hearing prior to revocation or suspension of the person's registration. Council rules also required that a permit be obtained from the board of health having jurisdiction before a household sewage system was installed or altered. A permit was valid until the installation or alteration was completed or for one year after issuance, whichever was earlier. The design, construction, installation, location, maintenance, and operation of household sewage disposal systems had to conform to the Council's rules, engineering practices acceptable to the Department of Health, and effluent standards of the Environmental Protection Agency. (Former Ohio Administrative Code Chapter 3701-29.)

A board of health was authorized to adopt standards for household sewage systems that were more stringent than those of the Council when local conditions required more stringent standards. A board of health also was authorized to grant a variance from its rules or those of the Council if the variance was not contrary to the public interest and the applicant for the variance showed that strict application of the rules would cause an unusual and unnecessary hardship because of practical difficulties or other special conditions. (Former Ohio Administrative Code Chapter 3701-29.)

In 2005, the 125th General Assembly enacted Sub. H.B. 231, which replaced the regulatory program discussed above with a new program governing the regulation of household sewage treatment systems. The new program, as codified in Chapter 3718. of the Revised Code, the Household and Small Flow On-Site Sewage Treatment Systems Law, does the following:

--Requires the Public Health Council to adopt rules requiring a board of health to approve or disapprove the use of a sewage treatment system if it is not connected to a sanitary sewerage system;

--Requires the Council to adopt rules establishing standards for the siting, design, installation, operation, monitoring, maintenance, and abandonment of household sewage treatment systems¹ that may be used in Ohio;

¹ Current law defines "household sewage treatment system" to mean any sewage treatment system, or part of such a system, that receives sewage from a single-family, two-family, or three-family dwelling (sec. 3718.01(D), not in the bill). "Sewage treatment system" means a household sewage treatment system, a small flow on-site sewage treatment system, or both, as applicable, and "small flow on-site sewage

--Requires the Council to adopt rules prescribing criteria and procedures under which boards of health must issue installation and operation permits for sewage treatment systems;

--Requires the Council to adopt rules requiring a board of health to inspect a sewage treatment system not later than 18 months after its installation;

--Requires a board of health to register sewage system installers, service providers, and septage haulers that work in the health district under a regulatory scheme that the Council must establish in rules;

--Requires the Council to adopt rules that require a board of health and the manufacturer of a system, when possible, to provide instructions for the operation and maintenance of the system;

--Requires the Council to adopt rules that prescribe standards for the siting, design, installation, operation, monitoring, maintenance, and abandonment of small flow on-site sewage treatment systems that may be used in Ohio;

--Allows a board of health to regulate the siting, design, installation, operation, monitoring, maintenance, and abandonment of small flow on-site sewage treatment systems in accordance with the rules adopted by the Council;

--Authorizes a board of health to adopt rules necessary for public health providing for more stringent standards governing household sewage treatment systems, installers, service providers, or septage haulers than those established in the rules of the Public Health Council;

--Requires a board to first send written notification to the Director of Health and the Director of Environmental Protection if the board chooses to regulate small flow on-site sewage treatment systems;

--Creates the Sewage Treatment System Technical Advisory Committee for the purposes of developing guidelines with the Department of Health for use by the Director of Health in the approval or disapproval of sewage treatment systems for use in Ohio and advising the Director on the approval or disapproval of applications for approval of sewage treatment systems for that use;

treatment system" means a system, other than a household sewage treatment system, that treats not more than 1,000 gallons of sewage per day and that does not require a National Pollutant Discharge Elimination System permit or an injection well drilling or operating permit issued under the Water Pollution Control Law (sec. 3718.01(M) and (N), not in the bill).

--Requires a manufacturer of a sewage treatment system or a system component that differs in design or function from systems or components the use of which is authorized in rules adopted by the Public Health Council or a board of health to apply for approval of the system or component for use in Ohio;

--Provides for the establishment and collection of fees to be charged by local boards of health;

--Establishes judicial and administrative enforcement mechanisms; and

--Exempts sewerage or treatment works for the on-lot disposal of sewage from a small flow on-site sewage treatment system specifically from plan approval and general supervision requirements and generally from the administrative and permitting requirements established under the Water Pollution Control Law as well as from fees levied for those purposes if a board of health has notified the Director of Health and the Director of Environmental Protection that the board has chosen to regulate the system and the board remains in compliance with the rules adopted by the Public Health Council concerning such systems.

After the enactment of Sub. H.B. 231, the Public Health Council undertook the process of adopting the rules necessary to implement its requirements. That process took several years with the rules ultimately taking effect on January 1, 2007. During the rule adoption process, the rules adopted under former law continued in effect, and the Department of Health and local boards of health continued to regulate sewage treatment systems under those rules.

The bill

The bill requires the Public Health Council, notwithstanding any provision of law to the contrary, to rescind the rules adopted under Sub. H.B. 231 related to sewage treatment systems that took effect on January 1, 2007. At the same time as those rules are rescinded, the Council must adopt rules that are identical to the rules adopted under former law and that were in effect prior to January 1, 2007. (Section 3(A)(1).) The rescission and adoption of rules are not subject to the procedures required for the adoption of rules under the Administrative Procedure Act. However, the Public Health Council must file the rules in accordance with that Act. Upon that filing, the rules take immediate effect. (Section 3(A)(2).)

Subsequent to the rescission and adoption of rules required by the bill, the Public Health Council must commence, and prosecute to completion, proceedings necessary to adopt a new set of rules in accordance with current law as amended by the bill (see below) and must submit the final filing of those rules so that the rules will be effective on January 1, 2008. The rules may not take effect prior to that date. (Section 3(B).)

Changes regarding Public Health Council rules

As discussed above, current law enacted by Sub. H.B. 231 requires the Public Health Council to adopt rules in accordance with the Administrative Procedure Act to administer the Household and Small Flow On-Site Sewage Treatment Systems Law. The bill retains the rulemaking authority of the Public Health Council with respect to that Law. However, the bill alters some of the requirements with respect to the rules and establishes several additional rulemaking requirements.

Under current law, the rules required to be adopted by the Council must include, in part, provisions prescribing standards for the siting, design, installation, operation, monitoring, maintenance, and abandonment of household sewage treatment systems that may be used in Ohio. The standards are required to include at a minimum: (1) soil absorption specifications, (2) specifications for discharging systems that do not conflict with provisions related to the National Pollutant Discharge Elimination System Permit Program established under the Water Pollution Control Law, (3) requirements for the maintenance of a system according to the manufacturer's instructions, if available, and (4) requirements and procedures under which a person may demonstrate the required maintenance of a system in lieu of having an inspection conducted when an inspection otherwise is required. The bill requires the standards to be consistent with, and no more stringent than, the provisions of the statute governing the adoption of the rules and the bill's requirements governing certain systems and components (see "**Household sewage treatment systems and components**," below).

In addition, the bill specifies that the rules also must require that prior to approving the installation and operation of household sewage treatment systems with respect to a parcel of land that has been platted for more than 25 lots, or for a fewer number of lots that is specified by the applicable board of health, the board of health must make a written determination that central sewers are not accessible to the parcel. Prior to making the determination, the board must request the Director of Environmental Protection to provide a written recommendation regarding the determination. Central sewers are determined to be accessible under the bill with respect to property if the sewer is located within 200 feet of any boundary of that property. The rules must specify that if the Director does not provide a written recommendation to a board of health not later than 30 days after a request for the recommendation has been made, the board of health need not determine if central sewers are accessible and may proceed to approve household sewage treatment systems for that parcel of land. (Sec. 3718.02(A)(3) and (14).)

The bill also requires the Public Health Council to adopt rules prohibiting a property owner from using a household sewage treatment system when central sewers are accessible to the owner's property. As stated above, a central sewer is

considered accessible to property when the sewer is located within 200 feet of any boundary of that property. However, the bill states that nothing in the bill is to be construed to establish a requirement for annexation as a condition for obtaining access to a central sewer system. (Sec. 3718.03(A)(14).)

The bill also specifies that rules adopted by the Public Health Council or by a board of health (see below) must not require, as a condition for approval of a household sewage treatment system, that there be sufficient space for the relocation or replacement of the system, provided that the plan for the system includes specifications for repair or replacement of the system. The bill requires the Council to revise or adopt all rules that are required to be revised or adopted by the bill not later than January 1, 2008. (Sec. 3718.02(A).)

Under the bill, beginning January 1, 2008, not later than 30 days prior to the submission of a proposed rule to the Joint Committee on Agency Rule Review, the Public Health Council and the Director of Health jointly must prepare a written report and provide a copy of the report to the Committee. The report must contain all of the following:

(1) A description of the classes of properties or facilities that will be affected by the proposed rule, and an estimate of the costs to be incurred by each of those classes;

(2) A quantification of the potential benefit that the adoption and implementation of the rule will have on the health, safety, and welfare of the public;

(3) An analysis comparing the costs and benefits of the proposed rule to the costs and benefits of not adopting the rule;

(4) An analysis of any alternative methods, standards, or other requirements that were presented for consideration for the purpose of achieving the intent of the proposed rule;

(5) The probable costs to be incurred by the Department of Health and boards of health in administering and enforcing the proposed rule;

(6) A determination of the financial impact that the proposed rule may have on the public's ability to purchase housing, and an estimate of the increased cost of new housing that will result from the proposed rule; and

(7) A description of the data on which the information that is provided under items (1) through (6) above was based, and an explanation of how the data were compiled. (Sec. 3718.02(C).)

The bill specifies that if, as a result of the application or enforcement of a rule adopted by the Public Health Council or a board of health (see **'Rules of boards of health,'** below), the cost of a household sewage treatment system for a new dwelling would exceed the cost of a conventional septic tank and gravel leach field on-site system and exceed 50% of the total cost of the new dwelling or 50% of the fair market value of the new dwelling, whichever is higher, there is a rebuttable presumption that the owner of the dwelling is entitled to a variance from the rule (sec. 3718.02(D)).

Intent of General Assembly with respect to rules

The bill declares it to be the intent of the General Assembly in amending the Public Health Council's rulemaking authority that rules adopted by the Council related to the siting, design, installation, operation, monitoring, maintenance, and abandonment of household sewage treatment systems must not have a substantial negative impact on the public's ability to finance or purchase housing. The bill also declares it to be the intent of the General Assembly that during the rule development and adoption processes for those rules, the Public Health Council must equally consider the financial impact that the rules may have on the citizens of Ohio and the businesses located in it and the environmental concerns that the rules are intended to address. Further, it is the stated intent of the General Assembly that the rules must advance the availability of new or progressive sewage treatment system technology for Ohio citizens. (Section 4.)

Rules of boards of health

As stated above, current law authorizes a board of health to adopt rules necessary for public health providing for more stringent standards governing household sewage treatment systems, installers, service providers, or septage haulers than those established in the rules of the Public Health Council. A board must notify the Director of Health of the rules at least 90 days prior to the proposed date of adoption. The Director then must approve or disapprove the proposed rules within 90 days after receiving notification of them. If the Director fails to approve or disapprove a proposed rule within 90 days after receiving notice of it, the proposed rule is deemed approved. (Sec. 3718.02(B)(1).)

The bill specifies that a board of health may adopt rules establishing more stringent standards only if demonstrated local conditions necessitate more stringent requirements than those established in rules adopted by the Council and the board of health documents the local conditions in a written record that must be made available to the public. In addition, the bill requires the Director to provide public notice and an opportunity to comment regarding the rules. The bill then specifies that if the Director fails to approve or disapprove a proposed rule within

90 days after receiving notice of it, the proposed rule is deemed disapproved rather than approved as in current law. (Sec. 3718.02(B)(1).)

The bill authorizes a board of health to adopt rules that establish a variance from standards established in rules adopted by the Public Health Council. A variance may be established for an individual household sewage treatment system, for certain classifications of systems, or for all or a portion of the area that is subject to the jurisdiction of the board. A rule establishing any such variance must be submitted to the Director of Health for approval as outlined above. (Sec. 3718.02(B)(2).) Finally, the bill specifies that if a sewage treatment system or a component of a system has been approved for use by the Director of Health (see "*Approval of sewage treatment systems for use in Ohio*," below), a board of health cannot establish different design, operation, or maintenance requirements for the system or component except in accordance with rules adopted under the bill's provisions (sec. 3718.02(B)(3)).

Household sewage treatment systems and components

Under the bill, soil absorption components must maintain a vertical separation distance of at least 18 inches to a limiting condition that is a water table or a perched seasonal high water table (sec. 3718.022(B)). "Limiting condition" means a water table, a perched seasonal high water table, or bedrock or fractured bedrock,² including sedimentary strata and metamorphic and igneous rocks that are significantly fractured or weathered (sec. 3718.022(A)(3)). Soil absorption components must maintain a vertical separation distance of at least 36 inches to a limiting condition that is bedrock or fractured bedrock, including sedimentary strata and metamorphic and igneous rocks that are significantly fractured or weathered. The Director of Health may allow lesser vertical separation distances for pretreatment for pathogen reduction prior to wastewater dispersal to the soil and alternate distribution methods that control the timing of application or promote even distribution of wastewater across the infiltrative area. A property owner or other person seeking to install a household sewage treatment system must be allowed to use drainage systems, gradient drains, or other methods to lower the water table or to divert water to achieve the required vertical separation distance. (Sec. 3718.022(B).)

The bill states that low pressure piping systems, chamber systems, drip distribution or micro-dosing systems, mound systems, expanded polystyrene aggregate systems, multi-pipe systems, gravel trenches, and soil absorption systems and technologies that do not employ gravel are determined to be

² Under the bill, "bedrock" means solid rock that is present beneath any soil, sediment, or other surface cover or exposed at the surface (sec. 3718.022(A)(1)).

acceptable and adequate for use in on-site soil absorption systems installed within the state. Approved soil absorption technologies, including, but not limited to, chamber systems and expanded polystyrene aggregate systems, must have the design loading rate³ for septic tank effluent increased by as much as a factor of two from that specified for gravel trenches, provided that the manufacturer recommends such loading rates and corresponding soil absorption or leach field trench area reductions. The resultant area reduction may be applied to trench width, trench length, or a combination of trench width and length. Total trench length must be at least 75% of the length of a one-foot-deep pipe and gravel leaching trench. The standard gravel trench must have a minimum total depth of 12 inches of clean gravel or stone fill, extending at least two inches above and below the pipe.

Technical Advisory Committee

Composition

Current law creates the Sewage Treatment System Technical Advisory Committee for the purpose of developing standards and guidelines with the Department of Health for use by the Director of Health in approving or disapproving sewage treatment systems or components (see "Approval of sewage treatment systems for use in Ohio," below) and advising the Director on the approval or disapproval of applications for approval. The Committee is required to consist of the Director of Health or the Director's designee and ten members who are knowledgeable about sewage treatment systems and technologies to be appointed by the Director. Of the ten members appointed by the Director, one must represent academia, two must represent the interests of manufacturers of household sewage treatment systems, one must represent installers and service providers, two must be health commissioners who are members of and recommended by the Association of Ohio Health Commissioners, one must be a sanitarian who is registered under the Sanitarians Law and is a member of the Ohio Environmental Health Association, one must be an engineer from the Environmental Protection Agency, one must be selected from among soil scientists from the Division of Soil and Water Conservation in the Department of Natural Resources, and one must be a representative of the public who is not employed by the state or any of its political subdivisions and who does not have a pecuniary interest in sewage treatment systems. (Sec. 3718.03(A).)

The bill alters the composition of the Committee and the authority to make appointments to the Committee. Under the bill, the Committee is required to

³ Under the bill, "design loading rate" means the quantity of effluent applied to the soil absorption area, expressed as gallons per square foot per day (sec. 3718.022(A)(2)).

consist of the Director or the Director's designee and 12 members who are knowledgeable about sewage treatment systems and technologies. Of the 12 members, four must be appointed by the Director, four must be appointed by the President of the Senate, and four must be appointed by the Speaker of the House of Representatives. (Sec. 3718.03(A).)

Of the members appointed by the Director, one must represent academia and must specialize in soil sciences, one must be a representative of the public who is not employed by the state or any of its political subdivisions and who does not have a pecuniary interest in household sewage treatment systems, one must be a representative of the Environmental Protection Agency, and one must be experienced in the development of residential properties not served by central sewers. Of the members appointed by the President of the Senate, one must be a registered professional engineer who has experience in the design and installation of household sewage treatment systems, one must be a health commissioner who is a member of and recommended by the Association of Ohio Health Commissioners, one must represent the interests of manufacturers of household sewage treatment systems, and one must be experienced in manufactured housing and a member of and recommended by the Ohio Manufactured Homes Association. Of the members appointed by the Speaker of the House of Representatives, one must be a health commissioner who is a member of and recommended by the Association of Ohio Health Commissioners, one must represent installers and service providers and be a member of and recommended by the Ohio Onsite Wastewater Association, one must represent the interests of manufacturers of household sewage treatment systems, and one must be a sanitarian who is registered under the Sanitarians Law and is a member of the Ohio Environmental Health Association. (Sec. 3718.03(A)(1) to (3).)

The bill retains the current requirement that members serve for three-year terms (sec. 3718.03(A)). The bill then includes language establishing procedures for the new appointments to the Committee. The procedures establish a transitional period during which new members to the Committee are appointed and the new composition of the Committee takes effect. The transitional period is required under the bill to occur during calendar years 2008, 2009, and 2010. (Section 5.)

Functions

Current law establishes the functions of the Technical Advisory Committee. One function is to develop with the Department of Health standards and guidelines for use by the Director of Health in approving or disapproving a sewage treatment system or components of a system for use in Ohio. The bill instead requires the Committee to develop with the Department proposed rules that establish standards for use by the Director in approving or disapproving a sewage treatment system or

components of a system. The bill defines "standard" to mean a clear statement, either numeric or narrative, of a measurable, achievable condition or output of a process that is applied at a specific point or place, that establishes a clear criterion for approval or disapproval of a household sewage treatment system, and that allows alternative solutions for meeting the condition or output.

The bill also requires that in developing the proposed rules, the Committee must consider scientific peer-reviewed papers and other professional research concerning sewage treatment systems or components of a system and also must consider third-party evaluations of such systems or components that utilize accepted protocols and certification procedures. The proposed rules must be submitted to the Public Health Council, which must adopt rules that are consistent with them as required by the bill. (Sec. 3718.03(F)(1).) The bill includes language requiring the Public Health Council to adopt such rules (sec. 3718.02(A)(15)).

Procedures

In addition to changing the composition and altering the functions of the Committee, the bill alters various procedures applicable to the Committee. Under current law, the Director of Health may remove a member from the Committee for failure to attend two consecutive meetings without showing good cause for absences. The bill grants such removal authority to the applicable appointing authority, either the Director, President of the Senate, or Speaker of the House of Representatives. (Sec. 3718.03(B).) In addition, current law requires the Director to serve as the Committee's chairperson. The bill requires the Committee to annually select from its members a chairperson. (Sec. 3718.03(C).)

Approval of sewage treatment systems for use in Ohio

Under current law, a manufacturer seeking approval for the use of a sewage treatment system or a component of a system in Ohio that differs in design or function from systems or components of systems the use of which is authorized in rules adopted by the Public Health Council must apply to the Director of Health for that approval. Current law requires the Director to use the standards and guidelines that the Technical Advisory Committee developed (see above) when approving or disapproving an application. The bill instead requires the Director to use the standards established in rules adopted by the Public Health Council that the Committee developed with the Department of Health as discussed above.

In addition, current law specifies that if the Committee advises the Director concerning an application, the Director must consider the advice of the Committee before approving or disapproving the application. However, if the Committee fails to provide advice or if the Committee fails to provide advice within a

reasonable period of time before the Director is required to approve or disapprove the application, the Director may approve or disapprove the application without considering the advice of the Committee. The bill instead requires the Committee to advise the Director concerning an application within 60 days of the Director's receipt of a complete application. The Director must consider the advice before approving or disapproving the application. The bill then repeals the language regarding the Committee's failure to provide advice within a reasonable period of time. Finally, the bill includes a requirement that if the Director disapproves an application after receiving a recommendation for approval from the Committee, the Director must set forth, in writing, the Director's reasons for rejecting the recommendation of the Committee. (Sec. 3718.04(C).)

Current law states that if the Director disapproves an application, the Director must notify the applicant in writing and provide a brief explanation for the disapproval. The bill instead requires the Director to provide a full and complete explanation for the disapproval. (Sec. 3718.04(D).)

Required duties of Director of Health

Current law establishes the duties of the Director of Health with respect to the Household and Small Flow On-Site Sewage Treatment Systems Law. One of the Director's duties is to develop with the Sewage Treatment System Technical Advisory Committee standards and guidelines for use by the Director in approving or disapproving a sewage treatment system as discussed above and an application form for use by applicants for that approval, including identification of the information that must be included with the form. The bill instead requires the Director to develop rules with the Committee to establish standards for use by the Director in approving or disapproving a sewage treatment system as discussed above. It retains the requirement that the Director develop with the Committee an application form for use by applicants for that approval. (Sec. 3718.05(E).)

The bill also adds to the duties of the Director by requiring the Director to coordinate and integrate the administration and enforcement of the Household and Small Flow On-Site Sewage Treatment Systems Law and the Water Pollution Control Law, and applicable rules, with the Director of Environmental Protection in order to avoid inconsistent or duplicative regulatory review, reduce the complexity of approval processes, and coordinate enforcement efforts with regard to the installation and operation of home sewage disposal systems. Not later than one year after the effective date of the bill, the Director of Health and the Director of Environmental Protection must submit a report to the Joint Committee on Agency Rule Review that discusses measures that have been taken to integrate and coordinate the administration and enforcement of the Household and Small Flow On-Site Sewage Treatment Systems Law and the Water Pollution Control Law and applicable rules. The report must identify to what extent those measures have

resulted in a savings of administrative costs to property owners in the state. (Sec. 3718.05(G).)

Declaration of emergency

Stating that the rescission of the rules adopted by the Public Health Council under the Household and Small Flow On-Site Sewage Treatment Systems Law is necessary to provide additional time for Ohio citizens to prepare for compliance with the rules and that without such a delay the citizens will be subject to an undue economic burden, the bill declares an emergency (Section 6).

HISTORY

ACTION	DATE
Introduced	03-20-07

h0110-i-127.doc/kl

