



Ohio Legislative Service Commission

Final Analysis

Eric Vendel

Sub. H.B. 32

129th General Assembly
(As Passed by the General Assembly)

Reps. Amstutz, Burke, Carey, Slaby, Derickson, Patmon, Henne, Hackett, Wachtmann, Barnes, Gerberry, Letson, Mallory, Newbold, Weddington, Winburn, Batchelder

Sens. Coley, Hite, Lehner, Patton, Seitz

Effective date: May 22, 2012

ACT SUMMARY

- Exempts certain plans and measurements relating to household or small flow on-site sewage treatment systems from the Professional Engineers and Surveyors Law.
- States that the act does not eliminate the requirement established under that Law that only a professional surveyor may establish land boundaries.
- Authorizes boards of health to enforce rules governing household sewage disposal systems in effect on the act's effective date by utilizing enforcement authority in the Household and Small Flow On-Site Sewage Treatment Systems Law that generally would not apply to those rules.

CONTENT AND OPERATION

Exemptions from the Professional Engineers and Surveyors Law

The act exempts from the Professional Engineers and Surveyors Law several activities that are performed for purposes of household sewage treatment systems, small flow on-site sewage treatment systems, or both. The exemptions apply to all of the following:

* This version updates the effective date of the act.

(1) The preparation of plans or drawings for a sewage treatment system or components of a system;

(2) The measurement of area contours of a portion of land for the installation or modification of a sewage treatment system or components of a system;

(3) The measurement and documentation of the lengths and widths of the area of a sewage treatment system or components of a system;

(4) Any other measurement that is necessary to comply with the Household and Small Flow On-site Sewage Treatment Systems Law and rules adopted under it.¹

The Household and Small Flow On-site Sewage Treatment Systems Law provides for the regulation of the following:

(1) A household sewage treatment system – a sewage treatment system, or part of such a system, that receives sewage from a single-family, two-family, or three-family dwelling;

(2) A small flow on-site sewage treatment system – 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.²

Thus, the act exempts any person preparing plans or drawings, or making measurements, for either a household or small flow on-site sewage treatment system from the licensure requirements or disciplinary actions applicable to engineers and surveyors under the Professional Engineers and Surveyors Law. However, the act states that it does not eliminate the requirement established under that Law that only a professional surveyor may establish land boundaries.³

Enforcement of rules governing septic systems

The act provides for the enforcement of rules governing household sewage disposal systems (septic systems) that were in effect prior to the enactment of the Household and Small Flow On-Site Sewage Treatment Systems Law (R.C. Chapter 3718.) and that continue in effect on the act's effective date. That Law provides for the adoption of new rules governing sewage treatment systems (septic systems). However,

¹ R.C. 4733.011(B).

² R.C. Chapter 3718. (not in the act).

³ R.C. 4733.011(C).

those rules have not yet been adopted. Since the enforcement authority in that Law is directed towards the enforcement of rules adopted under that Law, it is not certain if local boards of health and the Department of Health may utilize that enforcement authority with regard to the ongoing rules. Thus, the act specifically allows that enforcement authority to be utilized with regard to the rules that are in existence on the act's effective date until the new rules are adopted under the Household and Small Flow On-Site Sewage Treatment Systems Law.⁴

HISTORY

ACTION	DATE
Introduced	01-19-11
Reported, H. Health & Aging	05-17-11
Passed House (93-2)	06-14-11
Reported, S. Agriculture, Environment & Natural Resources	01-26-12
Passed Senate (26-3)	02-01-12
House concurred in Senate amendments (97-0)	02-08-12

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⁴ Section 2.

