PUBLIC WORKS COMMISSION

- Establishes a District Administration Costs Program for natural resource assistance councils representing public works districts.

Sewer Development Advancement Fund; connection to sewerage systems

- Requires the Ohio Public Works Commission to make advances to certain public entities to meet that portion of the costs of extending water and sewer lines to be financed by assessments and certain other funding sources for which collections are deferred or exempt.

- Creates the revolving Sewer Development Advancement Fund, and requires the Director of the Commission to use money in the Fund to make those advances.

- Requires the Director to establish policies and procedures for the administration of the Fund, and provides for interest to be charged under specified conditions.

- Assigns to the Commission all functions of and requirements and procedures that applied under former law to the Water and Sewer Commission, which was eliminated in 2012.

- Generally authorizes the owner of property that is served by a household sewage treatment system and that is accessible to a proposed private sewerage system, county sewer, or regional sewerage system to elect to postpone connection to the sewerage system or sewer for a 15-year period under specified conditions.

- Establishes procedures governing the notification of property owners who may be required to connect to a sewerage system or sewer and governing the election by a property owner to postpone connection.

- Requires a property owner who elects to postpone connection to ensure that the household sewage treatment system is maintained and operated in accordance with the law governing such a system for 15 years from the date on which the property owner receives notice that the sewerage system or sewer is substantially complete.

- Requires such a property owner whose household sewage treatment system is not operating in accordance with law during the 15 years and cannot be brought into compliance to connect to the sewerage system or sewer.

- Requires a property owner, regardless of whether the owner has elected to postpone connection to a sewerage system or sewer, to pay the costs of the installation of the connection tap in one of three specified manners.

- Prohibits a public entity with the authority to levy special assessments or other specified types of rentals, charges, or fees on real property from collecting such an assessment, rental, charge, or fee for purposes of sewer service on real property during the 15-year postponement period.

District Administration Costs Program

(Section 365.10)

The bill authorizes the Director of the Public Works Commission to create a District Administration Costs Program for public works districts that are represented by natural resource assistance councils. The Program is to be used by the councils to pay the direct costs of council administration. Participating councils may be eligible for as much as $15,000 per fiscal year from the allocation to the corresponding public works district from the Clean Ohio Conservation Fund (a fund consisting of proceeds from the sale of general obligation bonds of the state issued to pay the costs of conservation projects). Under the Program, the Director must define allowable and nonallowable administration costs. The bill provides that nonallowable costs include indirect costs, elected official salaries and benefits, and project-specific costs.

Under continuing law, there are 19 public works districts, each with a district public works integrating committee.[194] Each district committee is required to appoint a natural resource assistance council.[195] Councils have the job of reviewing and either approving or disapproving applications for grants (of the district's allocation of Clean Ohio Conservation Fund money) for open space acquisition and related projects and to protect and enhance riparian corridors and watersheds.[196]

Sewer Development Advancement Fund; connection to sewerage systems

(R.C. 164.13, 317.08, 929.03, 6103.052, 6112.01, 6112.03, 6112.06, 6117.062, 6117.51, 6117.52, 6117.521, 6117.522, 6119.60, 6119.601, and 6119.602; Section 761.10)

Sewer Development Advancement Fund

The bill requires the Ohio Public Works Commission to make advances to counties, municipal corporations, regional sewer and water districts, and other public

[194] R.C. 164.03 and 164.04, not in the bill.

[195] R.C. 164.21, not in the bill.

[196] R.C. 164.22, not in the bill.

entities to meet that portion of the costs of extending water and sewer lines to be financed by assessments and certain other funding sources for which collections are deferred or exempt pursuant to continuing law or the bill as discussed below. The bill then creates the revolving Sewer Development Advancement Fund to be administered by the Director of the Commission. The Fund consists of the following money:

(1) Money appropriated by the General Assembly;

(2) Money repaid to the Fund for such advances; and

(3) Interest paid by those public entities for delay in repayment of advances from the Fund.

The bill requires money in the Fund to be used by the Director of the Commission to make advances to those public entities. Accordingly, it requires the Director of the Commission to establish policies and procedures for the administration of the Fund, including criteria to be used in determining the disposition of requests for advances from the Fund, and provides for interest to be charged under specified conditions.

Finally, the bill assigns to the Commission all functions of and requirements and procedures that applied under former law to the Water and Sewer Commission, which was eliminated in 2012.

Connection to sewerage systems

The bill generally authorizes the owner of property that is served by a household sewage treatment system and that is accessible to a proposed private sewerage system, county sewer, or regional sewerage system (hereafter, sewerage system or sewer) to elect to postpone connection to the sewerage system or sewer for a 15-year period if both of the following apply:

(1) The property owner, after receiving notice that a sewerage system or sewer will be constructed and the property owner may be required to connect, so notifies both the owner or operator of the private sewerage system, the board of county commissioners, or the board of trustees of a regional water and sewer district, and the applicable board of health; and

(2) The board of health determines that the household sewage treatment system is not causing a nuisance as specified in the Household and Small Flow On-site Sewage Treatment Systems Law. If upon inspection the board determines that the system is causing such a nuisance, and repairs either have not eliminated the nuisance or are not made, the property owner must connect to the sewerage system or sewer.

The bill establishes procedures governing the notification of property owners who may be required to connect to a sewerage system or sewer and governing the election by a property owner to postpone connection for a 15-year period.

Under the bill, a property owner who has elected to postpone connection must ensure that the household sewage treatment system serving the property is maintained and operated in accordance with the above Law for 15 years from the date on which the property owner receives notice from the applicable entity that the sewerage system or sewer is substantially complete. Not later than 15 years after the property owner receives that notice, the property owner must connect to the sewerage system or sewer. If during the 15 years the household sewage treatment system is not operating in accordance with that Law and cannot be brought into compliance within 60 days after the property owner is so notified by the board of health, the property owner must connect to the sewerage system or sewer.

If an affected parcel of property is transferred during the 15-year period, the transferor must notify the transferee of the requirement to connect to the sewerage system or sewer and the date by which the connection must occur. The notice must be a written affidavit and be recorded with the county recorder.

The bill's authorization and procedures for electing to postpone connection to a sewerage system or sewer do not apply to a discharging system and within specified areas. The bill specifies what constitutes a discharging system.

A property owner, regardless of whether the owner has elected to postpone connection to a sewerage system or sewer under the bill, must pay the costs of the installation of the connection tap in accordance with one of the following:

(1) Pay the total amount at the time of the installation of the connection tap;

(2) Make incremental payments in accordance with a payment plan agreed to by the entity constructing the sewerage system or sewer; or

(3) Pay the total amount at any time the parcel of property is required to connect to the sewerage system or sewer under the bill.

Finally, the bill prohibits a public entity with the authority to levy special assessments or other specified types of rentals, charges, or fees on real property from collecting such an assessment, rental, charge, or fee for purposes of sewer service on real property concerning which the owner of the property elects to postpone connection to a sewerage system or sewer until the property owner is required to connect under the bill.