Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: Sub. H.B. 32 of the 129th G.A. **Date**: May 12, 2011

Status: As Reported by House Health & Aging **Sponsor**: Rep. Amstutz

Local Impact Statement Procedure Required: No

Contents: To exempt certain plans and measurements relating to household or small flow on-site sewage treatment systems from the Professional Engineers and Surveyors Law

State Fiscal Highlights

- The State Board of Ohio Engineers and Surveyors has stated that it is possible that it may initially receive additional complaints as a result of the bill. If this occurs, then administrative costs could increase. Any increase would depend on the number of complaints received.

Local Fiscal Highlights

- Generally, any costs associated with having an engineer or surveyor design plans, etc. relating to household sewage treatment systems are primarily paid for, or passed along to, the homeowner. However, if a local board of health is incurring some of these costs, the board may realize savings as a result of the bill.

Detailed Fiscal Analysis

The bill 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 the following: (1) preparation of plans or drawings for a sewage treatment system or components of a system, (2) 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) measurement and documentation of the lengths and widths of the area of a sewage treatment system or components of a system, and (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. Thus, under the bill, an individual preparing these documents would be exempt from licensure requirements or disciplinary actions applicable to engineers and surveyors under the Professional Engineers and Surveyors Law.

The bill provides for the enforcement of existing rules governing household sewage disposal systems that were in effect prior to the enactment of the Household and Small Flow On-site Sewage Treatment Systems Law. The law provides for the adoption of new rules governing sewage treatment systems; however, these rules have not yet been adopted. Since the enforcement authority in that law is directed towards rules that have not been adopted, it is not certain if local boards of health and the Department of Health may utilize that enforcement authority with regard to the existing rules. Thus, the bill specifically allows that enforcement authority to be utilized with regard to the rules that are currently in existence until such time as the new rules are adopted.

Fiscal impact

A sewage treatment system includes one, two, and three family dwellings, as well as small flow on-site sewage treatment systems that treat no more than 1,000 gallons of sewage per day. The Department of Health provides technical assistance and training to local boards of health, which conduct permitting, inspection, and enforcement activities related to sewage treatment systems. Homeowners are charged fees for applications and permits relating to installation or replacement of sewage treatment systems. Sanitarians employed by some local boards of health are able to do some of the design for siting, layout, etc. associated with systems as part of the permit process. Generally, any costs associated with having an engineer or surveyor design plans, etc. relating to household sewage treatment systems are primarily paid for, or passed along to, the homeowner. However, according to the Association of Ohio Health Commissioners, it is possible that some local boards subcontract with a surveyor as part of the permit process. It is also possible that in these instances, some costs are being incurred by the local board. As a result of the bill, it is possible that local boards

would see a reduction in costs in these instances since these activities will be able to be done by individuals who are not licensed surveyors or engineers under the bill.

The State Board of Ohio Engineers and Surveyors has stated that it is possible that it may initially receive additional complaints as a result of the bill. If this occurs, then administrative costs could increase. Any increase would depend on the number of complaints received. Board expenses are paid for through line item 892609, Operating Expenses (Fund 4K90).

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