



**Lorain County  
Public Health**

For The Health of Us All

**LORAIN COUNTY PUBLIC HEALTH  
LOCAL SEWAGE TREATMENT SYSTEM RULES**

*SUPPLEMENT TO THE OHIO DEPARTMENT OF HEALTH SEWAGE TREATMENT SYSTEM RULES  
OHIO ADMINISTRATIVE CODE CHAPTER 3701-29*

*Effective: August 1, 2021*

Lorain County Public Health  
Local Sewage Treatment System Rules

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## **Section 1- Definitions**

- (A) “Board of Health” means the Board of Health of the Lorain County General Health District (LCGHD)
- (B) “Accessibility”, for the purposes of these regulations and consistent with Ohio Revised Code Section 6117.51, shall mean the following: a property shall be deemed accessible to a sanitary sewerage system if the foundation wall of the residence on the property is two hundred (200) feet or less from the nearest boundary of the right of way within which the sewer is located. The Health Department, hereinafter referred to as Lorain County Public Health (LCPH), may deem a property to be inaccessible if the flow from the residence to the sanitary sewerage system cannot be accomplished by gravity and the property owner must bear the cost of lift stations, pumps, and other such devices, or bear the cost to bore under the road in order to accomplish the connection to the sewers. Nothing shall preclude the Board of Health, however, from requiring a property owner to connect into a sanitary sewerage system deemed to be inaccessible to the property if the sewage treatment system (STS) servicing the residence is determined to be creating a public health nuisance (as defined in ORC 3718.011).

LCPH may allow a homeowner to delay connection into the sanitary sewer for up to 7 years from the date of the STS installation provided that the STS servicing the residence meets all of the following conditions:

1. The STS has been installed, operated, and maintained in accordance with Section 3701-29 of the Ohio Administrative Code and LCPH Local Sewage Treatment System Rules.
2. The property owner shall not be under orders by LCPH to repair, replace, or abandon the STS for reasons other than a sanitary sewer connection.
3. The STS shall not be creating a public health nuisance (as defined in ORC 3718.011).
4. The delay of the sanitary sewer connection has been requested to and approved by LCPH.

- (C) Definitions shall reflect those set forth and identified in Section 3701-29-01 of the Ohio Administrative Code.

## **Section 2- General Authority**

The Board of Health is granted authority under Section 3709.21 of the Ohio Revised Code to make such orders and regulations as are necessary for the public health, the prevention or restriction of disease, and the prevention, abatement, or suppression of nuisances.

## **Section 3- Penalties**

The Lorain County Public Health Local Sewage Treatment System Rules, hereinafter referred to as “rules”, shall be enforced in accordance with Chapters 3709 and 3718 of the Ohio Revised Code. A violation of these rules is punishable in accordance with Sections 3718.10 and/or 3709.99 of the Ohio Revised Code, or as otherwise permitted by law or rule.

#### **Section 4- Regulation of Small Flow On-site Sewage Treatment Systems (SFOSTS)**

In accordance with 3701-29-02 (H) of the Ohio Administrative Code, a Board of Health may regulate the siting, design, installation, operation, monitoring, maintenance and/or abandonment of SFOSTS in accordance with section 3718.021 of the Revised Code. The Board of Health has determined that it has the capacity to regulate SFOSTS and submitted notification for the transfer of jurisdiction to the Director of Health and the Director of the Ohio EPA. The date of transfer of jurisdiction was March 16, 2015.

#### **Section 5- Waiver of Registration of Installers, Service Providers, and Septage Haulers for Work Performed on Personal Residence**

**(A)** In reference to 3701-29-03(G) of the Ohio Administrative Code, when the registered service provider performs the duties of a service provider on only the registrant's personal residence, the service provider shall be exempt from paragraphs (C)(4), and (C)(6) of the rule. Whereas the Board of Health has the authority to waive (C)(1) and (C)(5) of the rule, **the Board of Health does hereby determine that it shall NOT require compliance with section (C)(1) which requires payment of the registration fee, but shall require compliance with section (C)(5) by completing continuing education applicable to the product as specified by the manufacturer.**

**(B)** In reference to 3701-29-03(H) of the Ohio Administrative Code, when the registered installer performs the duties of an installer on only the registrant's personal residence, the Board of Health may waive (C)(1), (C)(4), and (C)(6) of the rule. **The Board of Health does hereby determine that it shall NOT require compliance with paragraphs (C)(1) which requires the payment of the registration fee, and shall waive (C)(4) as to proof of liability insurance coverage, and shall waive (C)(6) as to proof of a surety bond of the rule.**

#### **Section 6- Fees and Fee Categories Established by the Board of Health**

In accordance with 3701-29-05(D) of the Ohio Administrative Code, the Board of Health has established fees for the categories listed in this chapter and promulgated under Board of Health Resolution 2015-36. Fees shall be established in accordance with cost methodologies prescribed in 3701-36-14 and are subject to change.

#### **Section 7 – Soil Evaluation and Soil Evaluators**

In reference to 3701-29-07(A) (4), the **Board of Health does hereby determine that registered sanitarians and registered environmental health specialists employed by the Board of Health having jurisdiction where the soil evaluation is to take place may conduct such evaluations.**

#### **Section 8- Establishment of Operation Permit Terms and Conditions**

In reference to 3701-29-09(I)(2) the Board of Health has established the necessary permit terms and conditions including: maintenance requirements, service contract requirements and length of permit periods.

## Section 9- Effluent Quality Standards

In reference to 3701-29-14(C) of the Ohio Administrative Code, whereas the Board of Health may establish nutrient reduction standards for pretreatment components when there is a significant risk of nutrient contamination to surface or ground water, **the Board of Health does hereby establish the standards referenced in 3701-29-14(C)(1) of this rule and reserves the right to adopt other nutrient standards as allowed in 3701-29-14(C)(2) of this rule.**

## Section 10- General Soil Absorption Standards

- (A) In reference to 3701-29-15(G) of the Ohio Administrative Code, whereas the Board of Health may establish a vertical separation distance no less than six inches and no greater than eighteen inches, with a required minimum thickness of in-situ soil within the infiltrative distance of no less than six inches when effluent is discharged to the soil absorption component, **the Board of Health does hereby establish a vertical separation distance of eighteen (18) inches to the seasonal water table, with a required minimum thickness of unsaturated in-situ soil of six (6) inches.**
- (B) In reference to 3701-29-15(H) of the Ohio Administrative Code, whereas the Board of Health may establish the required minimum vertical separation distance of greater than zero inches and less than six inches, and the required minimum in-situ soil thickness within the vertical separation distance of greater than zero inches and less than six inches where the seasonal water table is present and the sewage effluent is pretreated to less than one thousand fecal coliform CFU per one hundred milliliters, **the Board of Health does hereby establish a minimum vertical separation distance of greater than zero to less than six (>0 - <6") inches and a required minimum in-situ soil thickness with the vertical separation distance of greater than zero to less than six (>0 - <6") inches where the seasonal water table is present and sewage effluent is pretreated to less than one thousand fecal coliform CFU per one hundred milliliters. The infiltrative surface shall not be placed below the depth of the seasonal water table.**

Sewage Treatment Systems to be installed on lots in greater than zero to less than six (>0 - <6") inches where the seasonal water table is present shall meet criteria established by the Board of Health for STS design in accordance with OAC 3701-29 prior to approval. The following criteria must be met:

### Option One:

1. Pretreat to less than one thousand (1000) fecal coliform CFU per one hundred milliliters
2. Install a perimeter drain in compliance with paragraphs (C) and (D) of rule 3701-29-16. LCPH may deem a perimeter drain to not be required based on the STS design specifications, such as special device technologies.
3. Replacement area must be on-site and meet all of the criteria as set forth in 3701-29-06 of the OAC
4. Design to minimize the risk of exposure to sewage effluent, contamination of groundwater and surface water as contained in Chapters 3701-29 of the OAC
5. LCPH shall conduct an annual inspection for the first five (5) years after installation
6. An annual Operation and Maintenance Permit must be obtained and a yearly maintenance contract must be obtained from an approved service provider.

-OR-

Option Two:

Design, install, and maintain an engineered drainage system in compliance with 3701-29-16 of the OAC and design the sewage treatment system according to Ohio Department of Health standards as set forth in Chapter 3701-29 of the OAC and Lorain County Public Health Local Sewage Treatment System Rules.

The criteria provided in Option One and Option Two is subject to revision based upon advances in technology and sewage treatment system failure.

**Section 11- Gray water recycling systems**

In reference to 3701-29-17 (B) of the Ohio Administrative Code, whereas the Board of Health may issue a permit for the design and installation of a Type 1 Gray Water Recycling System, **the Board of Health does hereby determine that a permit shall be required for the design and installation of these systems.**

1. No person shall design or install a Type 1 gray water recycling system without an approved and valid Type 1 Gray Water Recycling System permit issued by the Board of Health.
2. All terms, conditions, and procedures for site review and permitting specified in Section 3701-29-09 of the Ohio Administrative Code shall be recognized and enforced.

**Section 12- STS Operation and Management and Owner Education**

(A) In reference to 3701-29-19(A) of the Ohio Administrative Code, whereas the Board of Health shall develop a program for the administration of Operation & Management (O & M) for STS and GWRS and system owner education in compliance with division (A)(7) of Section 3718.02 of the Revised Code, **the Board of Health does hereby establish the following provisions:**

An O & M Management Plan with a phased approach has been developed for STS and GWRS and is on file at LCPH. The O&M Management Plan is subject to revision to meet the needs and requirements of OAC.

(B) In reference to 3701-29-19(B) of the Ohio Administrative Code, whereas the Boards of Health that have established a program prior to the effective date of this chapter for the monitoring or assessment of systems, are authorized to continue their program provided that the program allows a person to demonstrate the required maintenance of a system in lieu of a Board of Health inspection.

**Section 13- NPDES Sampling**

In reference to 3701-29-19 (E) (1) of the Ohio Administrative Code, whereas the Board of Health may permit a registered service provider to collect effluent samples for National Pollutant Discharge Elimination System (NPDES) household sewage treatment, **the Board of Health does hereby require that the sampling described shall be collected by the Board of Health, or by a registered service provider in accordance with protocols established by the department or Ohio EPA.**

## **Section 14- Establishment of a Household Sewage Treatment District**

In reference to 3701-29-19(F) of the Ohio Administrative Code, whereas the Board of Health may establish a household sewage treatment district in accordance with division (A) (14) of Section 3718.02 of the Revised Code and the minimum criteria and procedures in (F1), (2), (3) and (4) of the rule, **the Board of Health does hereby determine that a household sewage treatment district may be established.**

## **Section 15- Septage and Sewage Management**

In reference to 3701-29-20(A) of the Ohio Administrative Code, whereas the Board of Health may adopt rules prohibiting, restricting or limiting the land application of septage within its jurisdiction, **the Board of Health does hereby approve the land application of septage within its jurisdiction. All standards established by the United States Environmental Protection Agency (EPA) regulations as set forth in 40 C. F. R. 503, effective February 19, 1993, and July 20, 1993, hereinafter referred to as Rule 503 shall be followed and shall be applied, construed and utilized in conjunction with the Ohio Administrative Code and the LCGHD standards.**

## **Section 16- STS Abandonment**

In reference to 3701-29-21(E) of the Ohio Administrative Code, whereas the Board of Health may require a permit for abandonment of a Sewage Treatment System and establish a permit fee in accordance with paragraph (D)(12) of rule 3701-29-05 of the Administrative Code, **the Board of Health does hereby determine that an abandonment permit and fees shall be required.**

1. No person shall abandon a sewage treatment system without an approved and valid abandonment permit issued by the Board of Health.
2. All terms, conditions, and procedures for abandonment specified in Section 3701-29-21 of the Ohio Administrative Code shall be enforced.
3. An approved abandonment permit issued by the Board of Health shall be valid for one year from the date of issuance or until the abandonment is completed and approved by the Board of Health within the one-year period. This permit may be extended for an additional 6 months upon request.
4. When a permit is issued for the installation of a replacement sewage treatment system, the abandonment permit fee for the same location (address) shall be waived.

## **Section 17-Inclement Weather Conditions**

In the event that the installation of all of the components of a STS cannot be completed prior to the occupancy of a dwelling due to inclement seasonal weather conditions, the property owner and the registered STS installer can enter into an agreement with LCPH to delay the installation of components including, but not limited to a mound or tile field, in order to prevent damage to the soil conditions which may compromise the functionality of STS.

*The LCPH Inclement Weather Agreement and procedure is on file at the LCPH Office.*

## **Section 18 – Property Improvement Application**

LCPH, in coordination with local zoning officials and building departments, conducts reviews of property improvements such as home additions, swimming pool installations, shed/outbuilding construction, and other added or modified property features for the purpose of ensuring that the STS is adequate for the proposed changes and will remain protected during construction and/or excavation. Local zoning officials and/or building departments may require an approval letter from LCPH prior to the issuance of zoning and/or building permits.

*The LCPH Property Improvement Application is on file at LCPH.*