

**3701-29-09 Site review and permits for STS installation and operation.**

- (A) Prior to accepting an application for a permit to install a new or replacement STS or alter an existing STS, the board of health shall require a site review.
- (1) A site review shall include:
- (a) The completed application and associated fee(s);
  - (b) A soil evaluation completed in accordance with rule 3701-29-07 of the Administrative Code. The board of health may waive the requirement for a soil evaluation based on small lot size, for an alteration, or for an incremental repair plan;
  - (c) A STS design completed in accordance with rule 3701-29-10 of the Administrative Code; and
  - (d) When the applicant is requesting approval of a system subject to paragraph (C) of this rule, an incremental replacement plan shall be submitted with the site review request.
- (2) The board of health shall review the application information and conduct an on-site evaluation to determine whether the proposed STS design is in compliance with this chapter. When the board of health determines that a proposed STS is subject to the NPDES or UIC requirements of rule 3701-29-06 of the Administrative Code, the board of health shall determine compliance with NPDES or UIC requirements prior to issuing a permit in accordance with paragraph (B) of this rule.
- (3) The board of health shall disapprove a site review application if:
- (a) The application information, soil evaluation, STS design, or site review by the board of health indicates that the provisions of this chapter cannot be met;
  - (b) The STS design, soil evaluation, or application information is incomplete, inaccurate or not in compliance with this chapter;
  - (c) The site conditions observed during the site review are such that the provisions of this chapter cannot be met; or
  - (d) The incremental replacement plan is not acceptable to the board of health, if applicable.
- (4) The board of health shall approve a site review application when the submitted information and site visit by the board of health demonstrate that the provisions of this chapter can be met. A site review approved after the effective date of these rules shall be valid for five years from the date of approval provided there are no changes to the site conditions or the STS design, including the sewage source.
- (B) No person shall install a new or replacement STS or alter an existing STS without an installation or alteration permit issued by the board of health.

- (1) A permit shall include:
    - (a) The completed application and associated fee;
    - (b) An approved site review completed in accordance with paragraph (A) of this rule; and
    - (c) Proof of registration with the Ohio EPA Class V injection well program, if applicable.
  - (2) The owner of the STS and/or an authorized agent shall be responsible for all coordination between the local health district, designer, soil evaluator, installer, and Ohio EPA, if applicable.
  - (3) When considering an application for a permit to install a new or replacement STS or alter an existing STS, the board of health shall review the site review, proposed design, and the site conditions at the location where the system is to be installed.
  - (4) The board of health may deny the approval of an installation or alteration permit if there are changes that affect the siting and design of the STS or the site review application information and may require re-application including a fee to reapply.
  - (5) The board of health shall approve the application for the installation of a new or replacement STS or the alteration of an existing STS when the site conditions are consistent with a site review approved by the board of health. The board of health may specify permit terms and conditions governing the siting, design, installation, alteration, operation, monitoring, maintenance, or abandonment of the STS, unless such terms and conditions conflict with Chapter 3718. of the Revised Code or this chapter.
  - (6) An approved installation permit or alteration permit issued by the board of health shall be valid for one year from the date of issuance. The board of health may extend the permit period for an additional six months for permits issued pursuant to this rule. Permits issued by the board of health are transferable upon the sale of the property for which the permit is issued.
  - (7) An approved installation or alteration permit may be revoked by the board of health prior to its expiration if a change in site conditions, the quality of the installation or alteration work, or if other conditions arise that are not in compliance with this chapter.
- (C) The board of health may work with a system owner to develop a plan for incremental repair and/or replacement of a STS when the STS is creating a nuisance condition and/or failing. An incremental repair and/or replacement plan shall be used to establish a phased approach to either repair, alter or replace a STS over a period of time as specified in the plan and as approved by the board of health. When a STS is creating a public health nuisance, an incremental repair and replacement plan shall require sufficient repairs and/or alterations to the STS to minimize or correct the nuisance conditions or system failure in a timely manner. The following shall also apply to incremental repair and replacement of a STS:
- (1) An alteration permit, as applicable, shall be required for each phase of work to be completed on a STS as required in this rule and any prior permit issued for

work on the STS has already expired. Permits issued by the board of health as part of an incremental replacement plan are transferable upon the sale of the property for which the permit is issued;

- (2) The board of health may include conditions in an incremental replacement plan, including but not limited to:
  - (a) The period of time over which the incremental repair and/or replacement will occur, and the established timeframes for addition or replacement of components or other agreed upon steps in the plan;
  - (b) Requirement of a soil evaluation that meets the requirements of rule 3701-29-07 of the Administrative Code;
  - (c) An evaluation of water usage to determine options for reducing the hydraulic load to the STS including, but not limited to the installation of reduced water use fixtures, or voluntary reductions in water usage during phases of the plan;
  - (d) An evaluation of waste strength, if applicable, to determine the need for additional pretreatment prior to dispersal to the soil;
  - (e) Phased installation of STS components or devices that include, but are not limited to providing pretreatment of effluent, improving dispersal of effluent to the soil absorption component, adding capacity to the soil absorption component, replacing the soil absorption component or otherwise reducing public health nuisance conditions or system failure; and
  - (f) Annual or periodic inspections. The board of health may require payment of inspection fees for additional inspections required as a condition of a permit that includes an incremental replacement plan.
  
- (D) The installation of a new or replacement STS or the alteration of an existing STS shall only be conducted by a registered installer under an installation or alteration permit issued by the board of health.
  - (1) The installation shall comply with the approved site review, any conditions of the installation permit, any conditions of a product approval, the design, and this chapter.
  - (2) Prior to beginning construction of the STS the installer and owner or authorized agent shall review all information on the site review, STS design, and soil evaluation and consult with the appropriate entities concerning questions regarding STS location and construction. If changes to the permitted system design are necessary, the owner or authorized agent and installer shall consult with the board of health and designer before proceeding with the system installation. A new design may be required in such cases.
  - (3) If any disturbance or damage has occurred to the soil absorption area, installation shall not proceed and the installer and owner or authorized agent shall contact the board of health. The board of health shall either approve or deny any proposed modifications to the approved design based on the disturbance or damage that has occurred.
  
- (E) The board of health shall inspect the installation of the system in a timely manner to

reduce the potential damage that can occur from leaving the system open without final cover. Additional inspections during the progress of the installation may be required as a condition of the installation permit, a product approval, or this chapter. The board of health may require advance notification from the installer to accommodate inspections. The construction drawing, any applicable system start-up information, or other required or necessary documentation shall be available at the time of inspection. Evidence of the system approval shall be provided to the installer and owner.

- (F) A drawing(s) of the completed system installation shall be provided by the registered installer for a completed STS installation or alteration. The drawing(s) shall be legible and signed by the installer indicating that the STS was installed in accordance with these rules and shall include a record on eight and a half inch by eleven inch or larger pages with copies provided to the owner and the board of health for inclusion in the permit file. Use of the STS design with construction notes and measurements may be acceptable. The drawing(s) shall also include the following items, as applicable:
- (1) Any changes to the approved STS design including, but not limited to, distances from installed STS components to any items having applicable horizontal isolation distances. A change in location of a STS from that designated on the STS design shall not be made without prior approval by the board of health and shall not violate horizontal isolation distances required by this chapter.
  - (2) A designated vertical reference point or benchmark with its location marked at the site.
  - (3) Plan view drawing for installed STS components per the STS design, including identification of specific products that were installed as part of the STS.
  - (4) Any additional information for components and materials may be required by the board of health including but not limited to manufacturer or supplier provision of component installation or O&M instructions and verification of compliance with any start-up procedures or aggregate specifications.
- (G) The board of health shall approve the installation of the system if all conditions of the permit, product approval, STS design and this chapter are met. The board of health may provide a partial approval of the installation when additional work and an additional inspection are necessary to ensure compliance with the permit, product approval, STS design, and/or this chapter. The board of health may require payment of the inspection fee(s) for additional inspection(s) for installations that are partially approved until the installation is approved or the installation permit expires. The board of health may allow for an inspection after the permit has expired, and may change the status of the permit to approved or disapproved upon completion of the inspection.
- (H) The board of health shall inspect the completed system again not later than twelve months after the approval of the installation to observe the system's operation.
- (1) The board of health shall make an assessment to determine if the system is operating properly and not causing a public health nuisance or safety hazard.
  - (2) The board of health shall certify to the director not later than sixty days after the inspection, that the inspection was performed.

- (I) No person shall operate a STS or a type 2, 3 or 4 GWRS without an approved and valid operation permit from the board of health. The owner and/or a responsible management entity when applicable, shall comply with the terms and condition of the permit.
  - (1) Any person requesting renewal of an operation permit shall submit:
    - (a) The application fee;
    - (b) Any applicable application form if required by the board of health; and
    - (c) Proof of compliance with any permit conditions.
  - (2) The board of health shall specify any terms and conditions of the operation permit consistent with this chapter governing the operation, monitoring, maintenance, and abandonment of the STS including:
    - (a) Maintenance, operation, and monitoring requirements, including frequency of maintenance;
    - (b) Required effluent quality standards, as applicable; and
    - (c) Requirements for a service contract. An operation permit shall require a service contract for a STS under the following conditions and as otherwise required by the board of health:
      - (i) Any HSTS subject to a NPDES permit; or
      - (ii) When required as a condition of a STS component or system approval granted by the director of health.
  - (3) An operation permit shall be in effect upon board of health approval of an installation, a replacement, or an alteration of a STS.
  - (4) An operation permit shall expire at the frequency determined by the board of health, not to exceed ten years.
  - (5) An operation permit may be renewed, suspended, or revoked by the board of health subject to the requirements of this chapter and the terms and conditions of the permit.
- (J) The board of health, not later than sixty days after the issuance of an installation, operation, or alteration permit, shall notify the director that the permit was issued utilizing an electronic system developed by the director. In the absence of an electronic system to collect this information, submission of the fee transmittal forms required in rule 3701-29-05 of the Administrative Code shall satisfy this requirement for notification.
- (K) The board of health shall retain all received records on the installation, alteration, or abandonment of a STS until the STS is permanently abandoned. Operation, maintenance and sampling records generated by the jurisdiction shall be maintained for a minimum of seven years. Records may be maintained in paper or electronic form.

Replaces: 3701-29-04, 3701-29-10, 3701-29-21

Effective: 01/01/2015

Five Year Review (FYR Dates): 01/01/2020

CERTIFIED ELECTRONICALLY

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Certification

09/29/2014

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Date

Promulgated Under: 119.03  
Statutory Authority: 3718.02  
Rule Amplifies: 3718.02  
Prior Effective Dates: 7/1/1974, 7/1/77, 7/2/07, 7/30/07