

3701-29-01 **Definitions.**

As used in rules 3701-29-01 to 3701-29-21 of the Ohio Sanitary Code:

- (A) "Aerobic type treatment system" means any system which utilizes the principle of oxidation in the decomposition of sewage by the introduction of air into the sewage or by surface absorption of air for a sufficient period of time to effect adequate treatment.
- (B) "Alter" means to change by making substantive additions or deletions in location, design, or materials of existing household sewage disposal systems.
- (C) "Bedroom" means any room within a dwelling that might reasonably be used as a sleeping room including but not limited to rooms designated as a den, office, or study.
- (D) "Board of health" means the board of health of a city or general health district, or the authority having the duties of a board of health in any city as authorized by section 3709.05 of the Revised Code.
- (E) "Building drain" means that part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of any building, and conveys such discharge to the building sewer three feet outside the building wall.
- (F) "Building sewer" means that part of the horizontal piping of a drainage system which receives and conveys the discharge from the building drain to the public sanitary sewer, private sanitary sewer, household sewage disposal system, or other points of disposal.
- (G) "Curtain drain" means a subsoil drain that prevents the entrance of ground water into the area of the household sewage disposal system.
- (H) "Dwelling" means any building or place used or intended to be used by human occupants as a single family, two family, or three family residence.
- (I) "Easily accessible" means of such location and design as to permit exposure with the use of only simple tools, such as screwdriver, pliers, open-end wrench, or other simple tools supplied by the manufacturer.
- (J) "Filter" means any device or material which separates matter in suspension from a liquid.
- (K) "Health commissioner" means the health commissioner of a city or general health district or his authorized representative.

- (L) "Household sewage disposal system" means any sewage disposal or treatment system or part thereof for a single family, two family, or three family dwelling which receives sewage.
- (M) "Installer" means any person who installs or is in the business of installing a household sewage disposal system or part thereof.
- (N) "Leaching system" means that part of a household sewage disposal system used to dissipate the effluent from a sewage tank by means of evaporation, transpiration, soil absorption, soil percolation. Or any combination thereof.
- (O) "Leaching pit" means any covered pit with lining designed to permit effluent from a sewage tank to seep into the surrounding soil.
- (P) "Lot" means the land area used or intended to be used as a single family, two family, or three family dwelling site.
- (Q) "Normal ground water table" means the shallowest depth of soil which is saturated with water for an extended or permanent time period.
- (R) "Nuisance" means any condition of sewage that is potentially injurious to the health, safety, comfort, or property of a person, or pollutes waters of the state.
- (S) "Person" means the state, any political subdivision, public or private corporation, partnership, firm, association, individual, or other entity.
- (T) "Point of discharge" means the point at which the effluent from a household sewage disposal system or curtain drain enters a public ditch or discharges to the surface of the ground or to a body of water.
- (U) "Pollution" means the placing of any noxious or deleterious substance in any waters of the state or affecting the properties of any waters of the state in a manner which renders such waters harmful or inimical to the public health, or to animal or aquatic life, or to the use of such waters for domestic water supply, or industrial or agricultural purposes, or for recreation.
- (V) "Privy" means any sanitary, waterless device for the collection and storage of human excreta but does not include chemical commodes or other portable receptacles.
- (W) "Sanitary sewerage system" means any public or community sewerage collection system conveying sewage to a central sewage treatment plant.
- (X) "Seasonally high water table" means the shallowest depth of soil which is saturated with water during a season, a temporary period of time, or as a temporary condition.

- (Y) "Secured cover" means a removable cover or manhole that prohibits unwarranted or unauthorized removal.
- (Z) "Septic tank" means any watertight, covered receptacle designed and constructed to receive the discharge of sewage from a building sewer, and to discharge the effluent from settled sewage.
- (AA) "Sewage" means any liquid waste containing animal or vegetable matter in suspension or solution from water closets, urinals, lavatories, bathtubs, laundry tubs or devices, floor drains, drinking fountains, or other sanitary fixtures, and may include liquids containing chemicals in solution.
- (BB) "Sewage tank" means any watertight tank designed to retain sewage and includes, but is not limited to, septic tanks and aerobic type treatment tanks.
- (CC) "Sewage tank cleaner" means any person who engages in the collection, transportation, and disposal of the contents of sewage tanks, or privies.
- (DD) "Subdivision" means that which is defined by section 711.001 of the Ohio Revised Code.

3701-29-02 Sewage disposal requirements.

- (A) The design, construction, installation, location, maintenance, and operation of household sewage disposal systems including, but not limited to, septic tanks, aerobic type treatment systems, filters, leaching tile fields, leaching walls, building sewers, and privies or parts thereof shall comply with these rules and engineering practices acceptable to the Ohio department of health and current Ohio environmental protection agency effluent standards.
- (B) Any dwelling which is not connected to a sanitary sewerage system shall be provided with an approved household sewage disposal system, prior to its being occupied.
- (C) Each household sewage disposal system shall serve one dwelling on an individual lot and shall be properly maintained and operated by the owner. All the sewage from the dwelling shall discharge into the system.
- (D) No household sewage disposal system or part thereof shall create a nuisance.
- (E) No person shall discharge, or permit to be discharged, treated or untreated sewage, the overflow drainage or contents of a sewage tank, or other putrescible, impure, or offensive wastes into an abandoned water supply, well, spring, or cistern or into a natural or artificial well, sink hole, crevice, or other opening extending into limestone, sandstone, shale, or other rock formation, or normal ground water table.
- (F) No person shall discharge, or permit or cause to be discharged, treated or untreated sewage, the drainage or contents of a sewage tank, or other putrescible or offensive wastes onto the surface of the ground, into any street, road, alley, open excavation, or underground drain.
- (G) Off-lot disposal of sewage effluent shall not be permitted except where the installation of an on-lot disposal system is not possible, as specified in rules 3701-29-10(A), 3701-29-10(B), and 3701-29-11(B) of the Administrative Code, and the following conditions are met:
 - (1) When off-lot disposal of sewage effluent requires the crossing of adjacent properties to reach the point of discharge a recorded easement or the use of a legally established, publicly maintained drainage improvement from the dwelling lot line to the point of discharge shall be required.
 - (2) Written permission to discharge sewage effluent from the person or persons in control of the property or properties at the point of discharge shall be required.
 - (3) Sewage effluent quality as measured at the point of discharge in the system shall comply with current effluent standards established by the director of the Ohio environmental protection agency. In the event there are no applicable standards

established by the director of the Ohio environmental protection agency, the following effluent standards shall apply:

- (a) Biochemical oxygen demand (five-day) - The arithmetic mean of two or more effluent samples taken at intervals of not less than twenty-four hours shall not exceed twenty milligrams per liter.
 - (b) Suspended solids - The arithmetic mean of two or more effluent samples taken at intervals of not less than twenty-four hours shall not exceed forty milligrams per liter.
- (4) When test results indicate that the standards set forth in rule 3701-29-02(G)(3) are not being met or nuisances are being created, additional treatment devices may be required by the board of health.
- (5) All reasonable means shall be taken to minimize the amount of effluent discharged off the lot.
- (H) Lots on which household sewage disposal systems for dwellings are to be installed shall be of suitable topography and area to permit compliance with rules 3701-29-01 to 3701-29-21 of the Administrative Code (Ohio Sanitary Code).
- (I) A suitable area shall be available to provide for the complete relocation and replacement of the household sewage disposal system as required by rules 3701-29-01 to 3701-29-21 of the Administrative Code (Ohio Sanitary Code).
- (J) Lots on which private water supplies are to be installed shall be of sufficient area to provide isolation of the water supply system from both the original household sewage disposal system and the area intended for any relocation and replacement on this or adjacent lots as required by rules 3701-29-01 to 3701-29-21 of the Administrative Code (Ohio Sanitary Code).
- (K) A household sewage disposal system shall be a minimum of ten feet from any lot or right-of-way line, ten feet from any occupied building, ten feet from any water service line, and fifty feet from any water supply source on this or any adjacent lot.
- (L) No household sewage disposal system shall be installed, maintained, or operated on property accessible to a sanitary sewerage system.
- (M) Whenever a sanitary sewerage system becomes accessible to the property, a household sewage disposal system shall be abandoned and the house sewer directly connected to the sewerage system.
- (N) Roof water, foundation drain, cistern overflow, surface drainage, and subsurface drainage shall not be discharged into a household sewage disposal system.

- (O) Plastics in any form, wet-strength paper towels, cloth of any kind, rubber products, throw-away baby diapers, cigarette stubs, sand, grit, coffee grounds, excess cooking oils or greases, solvents, paints, caustic or oily liquids or materials, kerosene, gasoline, motor oil, floor waxes or any other wastes known to adversely affect the household sewage disposal system shall not be deposited or flushed in plumbing fixtures nor shall they otherwise be introduced into a building sewer or household sewage disposal system.

3701-29-03 **Subdivisions.**

- (A) Any person proposing to create a subdivision shall submit to the board of health, for approval, plans clearly showing that the provisions of rules 3701-29-01 to 3701-29-21 of the Ohio Sanitary Code can be adequately met, before any of the lots in the subdivision are sold or offered for sale, whether or not such sale entails a transfer of title or deed.
- (B) No person shall install household sewage disposal systems in new subdivisions, unless it is considered to be impracticable or inadvisable by the board of health and the Ohio environmental protection agency to install a central sewage system.
- (C) If household sewage disposal systems are proposed, the plans shall show:
 - (1) The total land area to be used;
 - (2) Location and size of all lots;
 - (3) The properties and characteristics of the soils in the subdivision;
 - (4) Depth to normal ground water table and rock strata;
 - (5) Location of all bodies of water, streams, ditches, sewers, drain tile, existing and proposed potable water supply sources and lines on this or adjacent lots within one hundred feet of the proposed subdivision, or any other information which may affect the installation or operation of household sewage disposal systems or the enforcement of rules 3701-29-01 to 3701-29-21 of the Ohio Sanitary Code;
 - (6) Existing and finished grade of all lots.
- (D) If the proposed subdivision is to be served by either a sanitary sewerage system or a water supply system or both, plans shall be submitted to the Ohio environmental protection agency as required by section 6111.44 of the Revised Code.

3701-29-04 **Installation permit and operation permit.**

- (A) No person shall install or alter a household sewage disposal system without an installation permit issued to him by the board of health. The owner or his designated agent shall obtain such installation permit from the board of health for the installation of a household sewage disposal system prior to the start of construction of a dwelling.
- (B) No person shall maintain or operate a household sewage disposal system installed after the effective date of this rule without an operation permit obtained from the board of health.
- (C) Application for permit shall be in writing and contain pertinent information as required by the board of health. Any fee established for a permit by law or authority of law shall accompany the application.
- (D) The board of health shall issue a permit when the pertinent information indicates that the provisions of rules 3701-29-01 to 3701-29-21 of the Ohio Sanitary Code can be met. The board of health may specify terms consistent with rules 3701-29-01 to 3701-29-21 on the permit governing the installation, alteration, and operation of the household sewage disposal system.
- (E) The board of health shall deny a permit if the information on the application is incomplete, inaccurate, or indicates that the provisions of rules 3701-29-01 to 3701-29-21 of the Ohio Sanitary Code cannot be met.
- (F) An installation permit shall remain in force until completion of the household sewage disposal system or for one year from the date of issuance, whichever occurs first. The permit may be revoked or suspended by the board of health. An operation permit shall remain in force until it expires, is revoked, or suspended by the board of health.
- (G) The installation and operation of the household sewage disposal system or any part thereof shall conform with the requirements of rules 3701-29-01 to 3701-29-21 of the Ohio Sanitary Code and the terms of the permit as required by the board of health in division (D) of this rule.

3701-29-05 **Registration of installers of household sewage disposal systems or parts thereof.**

- (A) No person shall perform the services of an installer unless he holds a valid registration issued to him by the board of health.
- (B) Application for registration shall be in writing and contain pertinent information as required by the board of health. Any fee established for a registration by law or authority of law shall accompany the application.
- (C) Each registration issued hereunder shall expire annually.
- (D) A renewal application for registration shall be submitted to the board of health at least thirty days prior to the expiration date.
- (E) Every registrant shall maintain and submit to the board of health such data and records as may be required for determining compliance with rules 3701-29-01 to 3701-29-21 of the Ohio Sanitary Code.
- (F) The owner shall not be required to have a registration for performing work on the household sewage disposal system for the dwelling which he occupies.
- (G) Whenever the health commissioner finds that an installer is or has engaged in practices which are in violation of any provision of rules 3701-29-01 to 3701-29-20 of the Ohio Sanitary Code or the terms of any permit as required by the board of health in rule 3701-29-04(D) under which installation is performed, the board of health shall give notice in writing to the registrant describing the alleged violation and state that an opportunity for a hearing will be provided by the board of health to show cause why his registration should not be suspended or revoked.

3701-29-06 **Registration of sewage tank cleaners.**

- (A) No person shall perform the services of a sewage tank cleaner unless he holds a valid registration issued to him by the board of health.
- (B) Application for registration shall be in writing and contain pertinent information as required by the board of health. Any fee established for registration by law or authority of law shall accompany the application.
- (C) The board of health shall issue a permit when the pertinent information indicates that the provisions of rules 3701-29-01 to 3701-29-21 of the Ohio Sanitary Code can be met. The board of health may specify terms consistent with rules 3701-29-01 to 3701-29-21 on the permit governing the collection, transportation, and disposal of the contents of sewage tanks or privies.
- (D) Each registration issued hereunder shall expire annually.
- (E) A renewal application for registration shall be submitted to the board of health at least thirty days prior to the expiration date.
- (F) Every registrant shall maintain and submit to the board of health such data and records as may be required for determining compliance with rules 3701-29-01 to 3701-29-21 of the Ohio Sanitary Code.
- (G) Whenever the health commissioner finds that a sewage tank cleaner is or has engaged in practices which are in violation of any provision of rules 3701-29-01 to 3701-29-21 of the Ohio Sanitary Code, the terms of the registration permit as required by the board of health in rule 3701-29-06(C), or applicable laws of the state, the board of health shall give notice in writing to the registrant describing the alleged violation and state that an opportunity for a hearing will be provided by the board of health to show cause why his registration should not be suspended or revoked.

3701-29-07 **Septic tanks.**

- (A) The minimum capacity of septic tanks shall be:
 - (1) Single family dwelling;
 - (a) One to two bedroom - 1000 gallons;
 - (b) Three bedroom - 1500 gallons in one or two tanks or compartments;
 - (c) Four to five bedroom - 2000 gallons in two tanks or compartments;
 - (d) Six or more bedroom - 2500 gallons in two tanks or compartments.
 - (2) Two or three family dwelling - the sum of the volumes for each single family residential unit within the dwelling as defined by rule 3701-29-07(A)(1).
- (B) In systems using two tanks, the septic tanks shall be connected in series and all sewage shall initially enter the first tank.
- (C) The invert level of the inlet shall be not less than two inches above the liquid level of the tank.
- (D) A vented inlet baffle shall be provided to divert the incoming sewage downward. The baffle shall penetrate at least six inches below the liquid level, but the penetration shall not be greater than that allowed for the outlet device.
- (E) The outlet shall be fitted with a vented tee, vented ell, or baffle which shall extend not less than six inches above and not less than eighteen inches below the liquid level of the tank.
- (F) The septic tank shall have a liquid drawing depth of not less than four feet.
- (G) The distance from the flow line to the cover shall be at least twelve inches.
- (H) The septic tank shall be installed with a minimum of one secured cover extended to grade to provide access to each compartment of the tank for inspection and cleaning. The cover shall have a minimum inside diameter of ten inches.

3701-29-08 **Aerobic type treatment system.**

- (A) Aerobic type treatment systems shall comply with standard number forty as adopted by the national sanitation foundation board of trustees or standards accepted as equivalent by the Ohio department of health relating to materials, design, construction, performance, operation, maintenance, and safety of the system in effect at the time of acceptance of a system by the Ohio department of health, and the requirements of rules 3701-29-01 to 3701-29-21 of the Ohio Sanitary Code.
- (B) In addition to division (A) of this rule, aerobic type treatment systems shall comply with the following requirements:
 - (1) Where a final effluent sample cannot easily be obtained from within the system, a sampling well immediately following the system shall be provided. The sampling well, with a minimum inside diameter of eight inches, shall be accessible from the surface of the ground, and shall be provided with a secured cover.
 - (2) The system shall be sized on the basis of one hundred-twenty gallons per day per bedroom.
 - (3) The system shall not be installed where the estimated daily flow exceeds the rated capacity at which the system was tested and approved.
- (C) An aerobic type treatment system may be permitted under the conditions provided in rule 3701-29-02(G) for off-lot discharge, or in conjunction with a leaching tile field, or other means approved by the Ohio department of health to prevent water pollution or a nuisance.
- (D) Prior to off-lot discharge the effluent from an aerobic type treatment system shall discharge through a filter conforming to the requirements of rules 3701-29-09 or 3701-29-14 of the Ohio Sanitary Code, or other device approved by the Ohio department of health to provide additional treatment so that the requirements of rule 3701-29-02(G)(3) will not be exceeded.

3701-29-09 **Surface sand filter following an aerobic type treatment system.**

When a surface sand filter is used as a component of an aerobic type treatment system it shall comply with the following requirements:

- (A) The surface sand filter shall have a minimum filter area of thirty square feet.
- (B) The effective size of the filter sand shall be six-tenths to one millimeter with a uniformity coefficient not to exceed three.
- (C) The minimum depth of the filter sand shall be eighteen inches.
- (D) A minimum of twelve inches of freeboard above the upper sand surface shall be provided.
- (E) The effluent shall be distributed over the entire sand filter area.
- (F) Dosing devices, if required, shall be provided with a pump having a minimum capacity of 3.75 gallons per minute.
- (G) The sump for the dosing device shall have a minimum working volume of seventy-five gallons.
- (H) The sand filter shall be covered with durable grating constructed of materials resistant to corrosion and decay, or surrounded by a fence to prohibit unwarranted or unauthorized entry.
- (I) A sampling well with a minimum inside diameter of eight inches shall be installed on the surface sand filter discharge line within six feet of the filter bed, accessible from the surface of the ground, and provided with a secured cover.

3701-29-10 **Installation requirements for soil absorption and percolation.**

- (A) Leaching systems utilizing soil absorption or percolation shall not be permitted where the depth to rock strata is less than four feet below the bottom of the proposed system.

- (B) Leaching systems utilizing soil absorption or percolation shall not be installed where the texture, structure, or permeability of the soil is not suitable to provide internal drainage. The health commissioner may require the owner at the owner's expense to provide a written site evaluation by a qualified person before a final decision is made in issuing a permit. The criteria of the national cooperative soil survey shall be used as a guideline by the health commissioner to determine the suitability of the soils in lieu of a more detailed guideline relating to code requirements and soil characteristics.

3701-29-11 **Leaching tile field.**

- (A) Total field requirement shall be divided into two equal sections and provided with a diversion device equipped to provide alternate flow to each section of the field.

The diversion device and inspection ports shall be brought to grade and shall be provided with secured covers.

- (B) Leaching field absorption area requirements for household sewage disposal systems shall be adequate to prevent water pollution or a nuisance, except those sites eliminated by rules 3701-29-01 to 3701-29-21 of the Ohio Sanitary Code.
- (C) The minimum distance between any leaching lines shall be six feet.
- (D) The minimum distance between any leaching line and any drain line located on the lot shall be eight feet.
- (E) A leaching trench shall have a minimum of twelve inches of clean gravel or stone fill, extending at least two inches above and six inches below the leaching line; such fill shall be three-fourths inch to one and one-half inches in size.
- (F) A leaching trench shall have a minimum width of eight inches. The depth shall be a minimum of eighteen inches but not more than thirty inches.
- (G) A leaching line shall have a maximum length of one hundred-fifty feet.
- (H) A leaching line shall have a minimum diameter of four inches and shall have a relatively level grade. The grade shall not exceed a fall of three inches in fifty feet.
- (I) The top of the gravel stone fill shall be covered with a pervious material such as untreated paper or a two inch layer of hay, straw, or similar material before being covered with earth.
- (J) The land surface shall be graded so as to exclude surface drainage from the household sewage disposal site.

3701-29-12 **Curtain drain.**

- (A) A curtain drain shall be provided in soil subject to a seasonally high ground water table. The curtain drain shall be installed not less than six inches below the leaching trench bottom, and shall be at least eight feet from the center line of any leaching line.
- (B) A curtain drain shall have an inspection well accessible from the surface of the ground and shall be provided with a secured cover. The well shall have a minimum inside diameter of eight inches and shall be on the discharge line adjacent to the leaching system unless an open out-fall is present on the property.
- (C) When off lot disposal of curtain drain discharge requires crossing adjacent properties to reach the point of discharge a recorded easement or the use of a legally established, publicly maintained drainage improvement from the dwelling lot line to the point of discharge shall be required.

3701-29-13 **Leaching pit.**

- (A) A leaching pit shall be installed only in areas where gravel deposits underlie the ground surface and the seasonally high water table is not less than ten feet below the bottom of the leaching pit. Test borings to determine the suitability of the soil shall be constructed to a depth of at least ten feet below the bottom of a proposed leaching pit prior to issuance of an installation permit.
- (B) A leaching pit shall be a minimum of one hundred feet from any water supply source, ten feet from any lot or right-of-way line, and twenty feet from any occupied building.
- (C) A leaching pit shall be provided with a secured cover extended to ground level.

3701-29-14 **Subsurface sand filter.**

- (A) A subsurface sand filter shall be permitted only under the conditions provided in rule 3701-29-02(G) of the Ohio Sanitary Code.
- (B) A subsurface sand filter shall have a minimum filter area of two hundred-forty square feet per bedroom unless the filter is dosed. When dosed the filter shall have a minimum filter area of three hundred square feet or one hundred twenty square feet per bedroom, whichever is greater. The total filter area shall be divided into two beds, each with a separate distribution system. Provision shall be made for alternating from one bed to the other by gravity or pumping.
- (C) A dosing tank shall have a minimum working volume of seventy-five gallons, shall extend to grade, and shall be provided with secured covers.
- (D) When a subsurface sand filter is dosed, the distribution system shall be vented to the surface of the ground at the lower end of each bed by one or more vented caps having a minimum inside diameter of four inches.
- (E) All distribution lines shall have a minimum diameter of four inches and shall have a relatively level grade. The grade shall not exceed a fall of three inches in fifty feet.
- (F) The distribution lines shall be installed within a minimum of twelve inches of clean gravel or stone three-fourths inch to one and one-half inches in size which covers the entire bed. The lines shall be laid on three foot centers, and eighteen inches from the sidewalls of the filter.
- (G) The filtering material shall be a minimum of eighteen inches in depth and the sand shall be an effective size of four-tenths to one millimeter with a uniformity coefficient not to exceed three.
- (H) The lower or collecting line shall have a minimum diameter of four inches and shall be laid the full length of the bed. The grade shall have a minimum fall of six inches in fifty feet.
- (I) The collecting line shall be installed within a minimum of twelve inches of clean gravel or stone three-fourths to one and one-half inches in size which underlies the entire bed.
- (J) The top of the filter shall be covered with a pervious material such as untreated paper or a two inch layer of hay, straw, or similar material before being covered with earth.
- (K) The earth cover shall not exceed eighteen inches.

- (L) A sampling well with a minimum inside diameter of eight inches shall be installed on the subsurface sand filter discharge line within six feet of the filter bed, accessible from the surface of the ground, and provided with a secured cover.

3701-29-15 **Privy.**

- (A) A privy shall be provided with watertight vaults or other watertight receptacles of not less than five hundred gallons capacity except as specified in division (B) of this rule and shall be a minimum of fifty feet from any water supply source, and twenty feet from any occupied building or lot or right-of-way line.
- (B) A vault may be constructed with an open or porous bottom if it is located not less than one hundred feet from any water supply source, and so located that the liquids leaching from the vault will not discharge at the ground surface, or into limestone, sandstone, shale, or other rock formation. The vault shall not be permitted where the depth to the seasonally high water is less than four feet below the bottom of the proposed vault.
- (C) The construction and design of the vault and superstructure shall prevent access by insects, fowl, or animals.
- (D) A privy shall be cleaned before the contents reach the top level of the vault.

3701-29-16 **Building sewer.**

- (A) A building sewer shall have a minimum diameter of four inches.
- (B) A building sewer shall be watertight and constructed of durable material, capable of withstanding a ten foot head of water test or equivalent.
- (C) Traps shall not be installed in a building sewer.
- (D) A building sewer shall be laid in good alignment and embedment at a uniform grade in accordance with engineering practices acceptable to the Ohio Department of Health.
- (E) A building sewer shall be a minimum of ten feet from any household water supply source and water service line.

3701-29-17 **Inspections.**

- (A) The health commissioner may at any reasonable time during the course of construction or any time thereafter inspect any household sewage disposal system or part thereof, sample the effluent, or take any other steps which he deems necessary to insure proper compliance with rules 3701-29-01 to 3701-29-21 of the Ohio Sanitary Code. The health commissioner may utilize inspection reports or other data submitted or obtained from reliable sources to determine compliance.

- (B) No household sewage disposal system or part thereof shall be covered or put into operation until the system has been inspected and approved by the health commissioner.

3701-29-18 **Abandoned household sewage disposal system.**

An abandoned household sewage tank shall be emptied and filled to the ground surface with suitable material.

3701-29-19 **Hearing.**

The board of health shall grant a hearing to any person affected or aggrieved by rules 3701-29-01 to 3701-29-21 of the Ohio Sanitary Code.

3701-29-20 **Variance.**

- (A) The board of health may grant a variance from the requirements of rules 3701-29-01 to 3701-29-21 of the Ohio Sanitary Code as will not be contrary to the public interest, where a person shows that because of practical difficulties or other special conditions their strict application will cause unusual and unnecessary hardship. However, no variance shall be granted that will defeat the spirit and general intent of said rules, or be otherwise contrary to the public interest.
- (B) Experimental systems may be installed under the provision of 3701-29-20(A) provided the director of health concurs in writing with the design and evaluation plan.
- (C) Household sewage disposal system components or household sewage disposal systems differing in design or principle of operation from those set forth in rules 3701-29-01 to 3701-29-21, may qualify for approval as a special device or system; provided, comprehensive tests and investigations show any such component or system produces results equivalent to those obtained by sewage disposal components or systems complying with such regulations. Such approval shall be obtained in writing from the director of health.
- (D) Rules 3701-29-01 to 3701-29-21 of the Ohio Sanitary Code are minimum standards. A board of health may adopt more stringent standards when local conditions indicate such standards are necessary.

3701-29-21 **Small flow on-site sewage treatment system.**

(A) "Small flow on-site sewage treatment system (SFOSTS)" means a system, other than a household sewage disposal system, that treats not more than one thousand gallons of sewage per day and that does not require a national pollutant discharge elimination system permit issued under section 6111.03 of the Revised Code or an injection well drilling or operating permit issued under section 6111.043 of the Revised Code. A structure or structures served by a SFOSTS shall include but is not limited to:

- (1) Vacation rental cabins with multiple cabins served by an SFOSTS.
- (2) A dwelling and an ancillary building both served by an SFOSTS where the ancillary building may be open to the public and is used by more than the residents of the dwelling.
- (3) Two dwellings, including arrangements such as a dwelling and a detached garage with living space.
- (4) A dwelling with a home business that may be open to the public, generates sewage in excess of the daily design flow or waste strength for an HSTS, and has no wastewater going to the SFOSTS other than sewage as defined in this rule.

(B) Rules 3701-29-01 to 3701-29-21 of the Administrative Code apply to SFOSTS that are under the jurisdiction of a board of health in compliance with this paragraph.

- (1) The board of health has determined that all applicable provisions of the rules related to SFOSTS can be fully implemented under its authority.
- (2) The board of health has committed to maintaining the necessary resources to support implementation of all applicable rules.
- (3) The board of health has sent a letter of notification to the director of health and the director of environmental protection at least sixty days prior to the date when the board of health will assume authority for SFOSTS. The letter of notification shall include the intended date for transfer of jurisdiction and shall indicate compliance with paragraphs (B)(1) and (B)(2) of this rule.

It is recognized that certain design standards for SFOSTS authorized in Chapter 3701-29 of the Administrative Code differ from those standards for on-site systems regulated under Chapter 3745-42 of the Administrative Code due to operation permit requirements for SFOSTS in paragraph (E) of this rule. As such, differences in design standards between these two chapters of the Administrative Code should not be construed as a conflict of law.

(C) SFOSTS shall comply with the following performance requirements and prohibitions:

- (1) An SFOSTS shall not discharge to an abandoned well, drainage well, a dry well or cesspool, a sink hole or other connection to ground water. If classified as a class V injection well, an SFOSTS shall comply with 40 C.F.R. 144 (as published in the July 1, 2005 Code of Federal Regulations) and the registration requirements pursuant to rule 3745-34-13 of the Administrative Code.
- (2) An SFOSTS shall not be permitted for the holding, treatment, or dispersal of industrial waste or storm water for industrial activities. For the purpose of this rule, the normal use of housekeeping products does not constitute industrial waste. Any waste prohibited for introduction into an SFOSTS by the Ohio environmental protection agency regulations shall be source separated and regulated by Ohio environmental protection agency.
- (3) An SFOSTS shall not be sited within the sanitary isolation radius of a public water system as determined in accordance with rule 3745-09-04 of the Administrative Code. An SFOSTS shall have additional design and/or management controls when sited within the inner management zone of a drinking water source protection area determined to be highly susceptible to contamination by the Ohio environmental protection agency source water assessment and protection program for a community or non-transient non-community public water system as defined in rule 3745-81-01 of the Administrative Code.
- (4) A board of health that has assumed authority for SFOSTS in accordance with paragraph (B) of this rule shall not permit a privy or holding tank for an SFOSTS. Except as permitted for a household sewage disposal system by a board of health, holding tanks are subject to the requirements of the Ohio environmental protection agency under rule 3745-42-11 of the Administrative Code.

(D) The flow and waste strength characteristics of an SFOSTS shall be addressed in accordance with the following provisions:

- (1) The owner or owner's agent shall provide information on the sources of sewage from the structure or structures to be served by an SFOSTS for the board of health determination of compliance with this rule. The board of health may require submission of building and plumbing plans including plumbing fixture details and other information as needed.
- (2) The daily design flow estimate for an SFOSTS shall comply with the following general provisions:

- (a) The daily design flow for an SFOSTS shall be determined in accordance with table A-1 of rule 3745-42-05 of the Administrative Code. For an SFOSTS with periodic large daily flows that are stored to avoid exceeding the one thousand gallon per day treatment limit, the peak daily design flow shall be greater than the average of the daily flows and no actual daily flow shall exceed three thousand five hundred gallons.
 - (b) An increase in the daily design flow estimate for an SFOSTS shall be required by the board of health when there is an indication that the flows established in accordance with paragraph (D)(2)(a) of this rule will be exceeded. Any required increase in daily design flow shall be documented on the installation permit and operation permit.
 - (c) A reduction in daily design flow for an SFOSTS may be approved by the board of health when the information submitted indicates conditions that justify reduced flow such as limited fixtures, waterless toilets, or other circumstances that may warrant a reduction in daily design flow. Any approved reduction in daily design flow shall be documented on the installation permit and operation permit.
- (3) The waste strength estimate for an SFOSTS shall be determined for design purposes in accordance with the following general provisions:
- (a) When the waste strength for an SFOSTS is expected to exceed or has exceeded typical residential waste strength, the design plan shall include loading calculations using values in accordance with table A-1 of rule 3745-42-05 of the Administrative Code. Any variation from the loading table values shall be justified in the design plan including waste strength characterization information. Board of health approval for any reduction or increase in loading estimates shall be documented on the installation permit and operation permit.
 - (b) Additional pretreatment shall be provided to assure that the SFOSTS soil absorption component receives a waste strength within the range of typical residential sewage. The method of pretreatment to reduce waste strength shall be justified in the design plan, reviewed by the board of health for compliance with this rule, and, if approved, shall be documented on the installation permit and operation permit.
 - (c) When an external grease interceptor is a component of the proposed pretreatment to reduce waste strength, the external grease interceptor shall be located, designed, and installed in a manner that will allow access for inspection and maintenance, including the following:
 - (i) a source segregated inlet line, when feasible;

- (ii) sized to account for flow volume and temperature; and
 - (iii) watertight access risers extended to grade with secure covers.
- (E) An operation permit shall include provisions to assure the proper operation and maintenance of an SFOSTS when the board of health has expanded its local authority through the regulation of SFOSTS in accordance with this rule.
- (F) When a board of health has taken responsibility for SFOSTS in accordance with this rule, the board of health shall notify the Ohio environmental protection agency within sixty days when an SFOSTS that was previously permitted to be installed by the Ohio environmental protection agency has been abandoned in accordance with this chapter.