

3701-29-23 Verification of compliance and enforcement.

- (A) The board of health may at any reasonable time inspect any STS, part thereof, or proposed STS site, to conduct sampling, collect data, or perform other activities necessary to assure compliance with this chapter.
- (B) The board of health may conduct an inspection when:
 - (1) There is a good faith complaint regarding the system using forms and procedures developed by the board of health;
 - (2) There is probable cause for an inspection, including but not limited to, the presence of odors, untreated or poorly treated effluent, or sewage discharging to the surface of the ground, streams or water ways, discharge to ground water, drainage or dry wells, cesspools, sinkholes or other unauthorized structures or systems;
 - (3) Proof of required maintenance has not been provided by the owner of the STS as required in paragraph (D) of 3701-29-19 of the Administrative Code. The board of health shall provide written notice to the owner of a STS of the option to provide proof of maintenance in lieu of inspection by the board, and the reasonable cost of the inspection which may be assessed to the STS owner; or
 - (4) A board of health may inspect a STS without prior notice in any instance in which the board has probable cause to believe the system is endangering or threatening to endanger public health. A board of health may assess a fee established under rule 3701-29-05 of the Administrative Code for the costs of effluent testing or evaluation to the owner of the STS that is being investigated.
- (C) No person shall violate Chapter 3718. of the Revised Code, this chapter, orders issued pursuant to these chapters by the board of health, or the conditions of a registration or permit issued in accordance with this chapter. Upon determining noncompliance, the board of health shall notify the owner or other responsible party of the determination of noncompliance. The board of health notification shall specify any necessary corrective action and the time line for compliance, as applicable. Emergency orders and enforcement action shall be conducted in accordance with sections 3718.09, 3718.10, and 3718.99 of the Revised Code.
- (D) The board of health shall give notice and an opportunity for a hearing, pursuant to section 3718.11 of the Revised Code, to any person described in division (A)(18) of section 3718.02 of the Revised Code. Reasonable attempts to notify the public of the opportunity for a hearing shall include posting of the following language: "An opportunity for a hearing will be provided upon written request to any landowner affected regarding the denial of an installation, operation, or alteration permit for a sewage treatment system; the imposition of a condition on the installation of a sewage treatment system; the required replacement of a sewage treatment system; or any other final order or decision of a board of health that is made under Chapter 3718. of the Revised Code concerning that which a property owner is claiming to be aggrieved or adversely affected."
 - (1) When a board of health receives a written request for a hearing the board shall provide a written notice to the affected owner not less than fourteen days prior

to the hearing.

- (2) The board of health, at its discretion, may grant a written request from the owner to reschedule the hearing date.
- (3) The owner shall be provided the opportunity to submit information, evidence, or witness testimony or arguments at the hearing. The property owner shall be allowed to designate a representative to present his position at the hearing.
- (4) The hearing shall be open to the public and the board of health, at its discretion, may hear concerns from constituents present at the hearing.
- (5) Failure of the owner to appear at the hearing shall not prevent the board of health from taking action on the request.
- (6) The board of health shall take action on any matter brought before them through this process and provide a written decision concerning the request within ten days. Written minutes or a tape recording may be used to record the hearing and serve as the required written decision.

Replaces: 3701-29-17, 3701-29-19

Effective: 01/01/2015

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

CERTIFIED ELECTRONICALLY

Certification

09/29/2014

Date

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