

3701-29-06 General provisions and prohibitions.

- (A) The siting, design, installation, alteration, operation, monitoring, maintenance, repair, and abandonment of a STS or GWRS shall comply with this chapter.
- (B) A STS or GWRS, as applicable, shall not be installed, altered, or operated without an approved permit from the board of health.
 - (1) A board of health shall not permit or otherwise authorize the use of a STS or GWRS that would violate the conditions of these rules or is not in compliance with paragraph (C) of rule 3701-29-02 of the Administrative Code.
 - (2) The STS or GWRS owner is responsible for ensuring that a STS or GWRS is maintained in proper working condition.
 - (3) The STS or GWRS owner shall comply with the conditions specified in an installation, alteration, and/or operation permit issued by the board of health, including, but not limited to requirements for securing a service contract and other maintenance requirements.
- (C) All sewage and human excreta generated from within a dwelling or building shall be conveyed to an approved STS or a sanitary sewerage system. All or a portion of the gray water from the dwelling or building may be conveyed to an approved GWRS installed and operated in accordance with rule 3701-29-17 of the Administrative Code.
- (D) A HSTS shall serve only a one family, two-family, or three-family dwelling. A SFOSTS may serve multiple dwellings or structures. In the case where two or more dwellings or structures are served by a SFOSTS, the entire SFOSTS shall be owned and operated by one person.
- (E) A STS or GWRS shall comply with the following performance requirements and prohibitions:
 - (1) Shall be maintained in proper working condition.
 - (2) Shall comply with the conditions specified in an installation and/or operation permit issued by the board of health.
 - (3) No STS or GWRS or part thereof shall create a public health nuisance, as defined in section 3718.011 of the Revised Code, or safety hazard. No STS or GWRS or part thereof shall cause an exceedance of water quality standards for surface water or drinking water.
 - (4) No STS or GWRS permitted for installation, replacement, or update on or after January 1, 2007 shall discharge to any ditch, stream, pond, lake, natural or artificial waterway, drain tile, other surface water conveyance or to the surface of the ground unless authorized by an NPDES discharge permit pursuant to Chapter 6111. of the Revised Code or otherwise specified in this chapter.
 - (5) No sewage or effluent shall be discharged 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, a HSTS serving a two or three family

dwelling or a SFOSTS shall comply with 40 C.F.R. 144 (as published in the July 1, 2005 Code of Federal Regulations) and the UIC registration requirements pursuant to Chapter 3745-34 of the Administrative Code. Existing GWRS that use dry wells in a campground licensed in accordance with Chapter 3729. of the Revised Code are authorized for use until such system fails or creates a public health nuisance as defined in paragraph (C) of rule 3701-29-17 of the Administrative Code.

- (6) No STS or GWRS shall receive water from roof, foundation, clear water sumps, swimming pools, or other sources that do not convey or generate sewage from the structures served by the STS. An appropriately sized STS may receive brine discharge from a water softener unless otherwise prohibited by a manufacturer through the product specific approval by the director of health, a permit issued by the board of health, or as required to repair a failing system.
 - (7) No STS shall 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.
 - (8) The owner of an existing, discharging HSTS shall obtain coverage under the Ohio EPA household general NPDES permit prior to any replacement or update of the system as defined under paragraph (I) of rule 3701-29-01 of the Administrative Code.
- (F) A STS shall use soil absorption as the means for final treatment and/or dispersal, except for HSTS when the soil absorption component cannot meet the requirements of this chapter and the following conditions and limitations are met:
- (1) Soil absorption is required for all STS permitted for use in any new lot or new subdivision created after January 1, 2007.
 - (2) When soil absorption for a system is not feasible in accordance with this chapter for a replacement HSTS for an existing dwelling or a new HSTS for an existing lot, a discharging HSTS shall only be permitted by the board of health in compliance with NPDES requirements.
 - (3) New or existing soil absorption components may be used to receive a portion of the effluent from a discharging HSTS that has received coverage under the Ohio EPA household general NPDES permit provided the quality of the discharged effluent is maintained and the HSTS design does not compromise director of health approvals in compliance with rule 3701-29-13 of the Administrative Code.
- (G) STS shall be sited in compliance with this chapter including the following:
- (1) Soil absorption replacement areas shall meet the following requirements:
 - (a) Except when designing a replacement STS for an existing dwelling on an existing lot, sufficient suitable area shall be available to accommodate a STS including a designated area for complete relocation and replacement of a STS. The minimum horizontal isolation distances as required in paragraph (G)(3) of this rule, and any additional horizontal isolation distance determined by the board of health as necessary to accommodate lateral flow due to shallow limiting conditions identified in the soil evaluation conducted in accordance with rule 3701-29-07 of the Administrative Code shall be met

for the STS and designated replacement area.

- (b) If a reduction is used during the design of a STS, the owner shall ensure that any area for system expansion of the original STS is protected. If possible, replacement areas should be designed utilizing the full daily design flow, not a reduced system.
 - (c) The replacement area shall be identified during design. The replacement area shall be set aside and protected during the construction process and from additional development and/or damage by the owner.
 - (d) An owner may request a reevaluation of the size or location of the replacement area from the local health department if new technologies become available that provide a smaller soil absorption area if the owner proposes another use of the designated replacement area.
 - (e) Boards of health shall not waive the requirement for sufficient area to accommodate for complete relocation and replacement of a STS when reviewing the creation of new lots and subdivisions in accordance with rule 3701-29-08 of the Administrative Code.
- (2) Sites on which private water systems are to be installed shall be of sufficient area to provide horizontal isolation of the private water system from both the proposed STS and the area intended for any STS relocation or replacement on this or adjacent sites as required in paragraph (G)(3) of this rule.
- (3) A STS shall maintain the following minimum horizontal isolation distances:
- (a) All components of a STS shall be at least ten feet from any utility service line, roadway or road surface, driveway or other hardscape, property line or right-of-way boundary, properly sealed well, any building or other structure, areas with recorded easements, intermittent streams, swales, geothermal horizontal closed loop systems, irrigation lines and GWRS.
 - (b) A STS soil absorption component shall be at least fifty feet from any surface water impoundment, lake, river, wetland, perennial stream, and road cut-banks or stream cut-banks.
 - (c) All components of a STS shall be at least fifty feet from any water supply source and vertical open and closed loop geothermal heating and/or cooling system.
 - (d) Sewers and wastewater drains outside of the foundation of a building shall be located a minimum of ten feet from a water supply source or water distribution line when attainable except within five feet of the foundation where both lines enter a building and in circumstances when the water line and sewer line must cross. When a sewer line crosses a water service line, the following applies:
 - (i) Provide a minimum vertical distance of twelve inches between the outside of the water service line and outside of the sewer. This shall be the case where the water line is either above or below the sewer with preference to the water line located above the sewer.
 - (ii) At crossings, one full length of water pipe shall be located so both joints

will be a minimum of ten feet from the sewer line and a twenty-foot section larger diameter pipe sleeve shall be installed on either the water service line or the sewer line and the pipe sleeve sealed at both ends. A water service line and sewer line shall not share the same trench except where they must cross.

- (e) Watertight non-treatment devices or components for replacement systems may be installed within the required horizontal isolation distance provided they will not directly affect surface or subsurface water sources or other structures.
 - (f) Any more stringent horizontal isolation distance included as a condition of an approval by the director of health or defined in these rules for specific STS or treatment components.
- (4) Except when the repair or replacement of the STS cannot be sited on the same parcel, a sewage treatment system shall be sited on the same parcel as the structures or dwelling served by the STS. The following conditions shall apply to any STS repair or replacement not sited on the same parcel:
- (a) A permanent, recorded, legal easement shall be required for any portion of a STS, including the discharge line(s) from the system or associated drains, not sited on the same parcel as the structures or dwelling served by the STS. When an easement is required under this paragraph, a STS installation permit shall not be issued by the board of health until a certified copy of the legally recorded easement is provided.
 - (b) When a portion of a STS is sited on a parcel other than the parcel containing the structure(s) or dwelling(s) served by the STS and both parcels have a common owner, the parcels shall either be merged or otherwise reconfigured, or recorded on the property deed.
 - (c) An easement or merger of parcels shall no longer be required when the STS is abandoned in accordance with rule 3701-29-21 of the Administrative Code and the required dwelling(s) or structure(s) are connected to a public sewer.
- (H) STS shall not be sited under the following conditions:
- (1) A new STS shall not be sited in an area identified as a flood way, and only below grade soil absorption components of a new STS may be sited within any part of the one hundred-year flood plain except where prohibited by federal, state, or local regulations or ordinances.
 - (2) A STS shall not be sited within a jurisdictional wetland subject to a U.S. army corps of engineers 404 permit and/or Ohio EPA 401 certification or within an isolated wetlands subject to sections 6111.02 to 6111.028 of the Revised Code.
 - (3) A STS shall not be sited within the sanitary isolation radius of a public water system well as determined in accordance with rule 3745-09-04 of the Administrative Code. A SFOSTS shall have additional design and/or O&M requirements when sited within the inner management zone of a drinking water source protection area determined to be highly susceptible to contamination by the Ohio EPA 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 STS shall not be sited in soil and site conditions that prohibit compliance with this chapter.
- (I) A STS shall not be sited, permitted, or installed where a sanitary sewerage system is accessible, unless otherwise excepted by law. Whenever a sanitary sewerage system becomes accessible to a dwelling or structure served by a STS, the dwelling and/or structures shall be connected to the sanitary sewerage system and the STS abandoned in accordance with rule 3701-29-21 of the Administrative Code.
- (1) In determining the accessibility of a sanitary sewerage system a board of health may consider the availability of connection, local or state ordinances or rules prohibiting or requiring connection, the technical feasibility of connection, the ability of the sanitary sewerage system and associated treatment facility to accept additional flows, and the distance from the foundation wall of the structure from which sewage originates to the nearest boundary of the right-of-way within which the sewer is located.
- (2) The board of health shall consult with appropriate sewer entity personnel as necessary to determine sanitary sewerage accessibility.
- (J) The conditions and schedule for connection to a sanitary sewer which may be established by the board of health shall not conflict with findings and orders by the Ohio EPA or orders from the county commissioners or other local authority.

Replaces: 3701-29-02, 3701-29-04, 3701-29-10, 3701-29-12,
3701-29-16, 3701-29-21

Effective: 01/01/2015

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

CERTIFIED ELECTRONICALLY

Certification

09/29/2014

Date

Promulgated Under: 119.03
 Statutory Authority: 3718.02
 Rule Amplifies: 3718.02, 3718.023
 Prior Effective Dates: 7/1/1974, 7/1/77, 7/2/07, 7/30/07