

KNOX COUNTY BOARD OF HEALTH REGULATION 801

Revised 7/25/07

Section 801.1 Definitions.

As used in rules 801.1 to 801.21 of Regulation 801:

- (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. The term "Household Sewage Treatment System," as used in this Board of Health Regulation 801, shall have the same meaning as "Household Sewage Disposal System."
- (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. A public health nuisance shall be deemed to exist when an inspection conducted by a board of health documents odor, color, or other visual manifestations or raw or poorly treated sewage and either of the following applies:
- (a) Water samples exceed five thousand fecal coliform counts per one hundred milliliters (either MPN or MF) in two or more samples when five or fewer samples are collected or in more than twenty per cent of the samples when more than five samples are taken.
 - (b) Water samples exceed five hundred seventy-six E. Coli counts per one hundred milliliters in two or more samples when five or fewer samples are collected or in more than twenty per cent of the samples when more than five samples are taken.
- (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.

Section 801.2 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 only be permitted in compliance with Ohio EPA NPDES requirements where the installation of an on-lot disposal system is not possible, as specified in section 120.02 (C)(2) of Amended Substitute Bill Number 119, 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 801.2(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 801.1 to 801.21.
- (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 801.1 to 801.21.
- (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 801.1 to 801.21.
- (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.
- (P) In accordance with Section 120.02 (B) of Amended Substitute House Bill Number 119, for any portion of this Board of Health Regulation 801 that is more stringent than Ohio Administrative Code Chapter 3701-29, the board of health shall consider the economic impact of those standards on property owners, the state of available technology, and the nature and economics of the available alternatives. In accordance with Section 120.02 (C)(1) of Amended Substitute House Bill Number 119, the board of health shall approve or deny the use of household sewage treatment systems and small flow on-site sewage treatment systems. In approving or denying a household sewage treatment system or a small flow on-site sewage treatment system for use in the health district, the board shall consider the economic impact of the system on property owners, the state of available technology, and the nature and economics of the available alternatives, ensure that a system will not create a public health nuisance, and require a system to comply with the requirements established in divisions (C)(2) and (3) of this section. In accordance with Section 120.02 (C)(2) of Amended Substitute House Bill Number 119, the board of health shall ensure that the design and installation of a soil absorption system prevents public health nuisances. To the extent determined necessary by the board of health, a sewage treatment system that is installed after the effective date of this section shall not discharge to a ditch, stream, pond, lake, natural or artificial waterway, drain tile, other surface water, or the surface of the ground unless authorized by a national pollutant discharge elimination system (NPDES) permit issued under Chapter 6111 of the Revised Code and rules adopted under it. In addition, a sewage treatment system shall not discharge to an abandoned well, a drainage well, a dry well or cesspool, a sinkhole, or another connection to ground water. As a condition to the issuance of a permit to operate a system, the board of health shall require a service contract for any sewage treatment system that is subject to an NPDES permit to the extent required by the Environmental Protection Agency. If classified as a class V injection well, a household sewage treatment system serving a two- or three-family dwelling or a small flow on-site sewage treatment system shall comply with 40 C.F.R. 144, as published in the July 1, 2005, Code of Federal Regulations and with the registration requirements established in rule 3745-34-13 of the Administrative Code. In accordance with Section 120.02 (C)(4) of Amended Substitute House Bill Number 119, for purposes of division (C) of this section, “economic impact” means all of the following with respect to the approval or denial of a household sewage treatment system or small flow on-site sewage treatment system, as applicable:
- (a) The cost of a proposed system;
 - (b) The cost of an alternative system that will not create a public health nuisance;

- (c) A comparison of the costs of repairing a system as opposed to replacing the system with a new system;
- (d) The value of the dwelling or facility, as applicable, that the system services as indicated in the most recent tax duplicate.

Section 801.3 **Subdivisions and Site Evaluations.**

- (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 801.1 to 801.21 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 801.1 to 801.21;
 - (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.
- (E) Every person owning a lot is required to ensure that the lot is evaluated by the health commissioner prior to any soil disturbance to determine the location for a primary and replacement household sewage disposal system. This site evaluation shall be conducted with the person who plans to build a structure on the lot, the builder and/or the registered installer, and shall consider the proposed site for the home, as well as the plumbing layout, driveway location, well site, outbuildings, pasture use, swimming pools and any other structure or activity that may impact the placement or proper function of a household sewage disposal system.

Section 801.4 **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 801.1 to 801.21 can be met. The board of health may specify terms consistent with rules 801.1 to 801.21 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 801.1 to 801.21 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 801.1 to 801.21 and the terms of the permit as required by the board of health in division (D) of this rule.

Section 801.5 **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 801.1 to 801.21. The installer shall submit to the health commissioner on a form prescribed by the board of health, a drawing that is reasonably drawn to scale and which shows the layout of the household sewage disposal system as installed and as can be located from readily identifiable landmarks.
- (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 801.1 to 801.21 or the terms of any permit as required by the board of health in rule 801.4(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.
- (H) Installers shall obtain and maintain a surety bond for all work performed on a household sewage disposal system in the amount of twenty-five thousand dollars. Registration bonds shall be executed in the name of the applicant , as principal, on a bond agreement form provided by the board of health. Any person who alleges to be an aggrieved party shall give written notification to the health commissioner. The health commissioner shall investigate the allegation and report the results to the aggrieved party, the installer and the surety company.
- (I) Installers shall sufficiently stake or otherwise identify the perimeter area for the installation of a household sewage disposal system, as indicated on the site evaluation report provided by the health commissioner. The property owner and the installer are jointly responsible for ensuring the area for the installation of a

household sewage disposal system is identified and protected so as to not be impacted by vehicles, construction materials or by any other means.

801.6 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 801.1 to 801.21 can be met. The board of health may specify terms consistent with rules 801.1 to 801.21 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 801.1 to 801.21.
- (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 801.1 to 801.21, the terms of the registration permit as required by the board of health in rule 801.6(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.

801.7 Septic tanks and pump tanks.

- (A) In accordance with Section 120.02 (C)(3) of Amended Substitute House Bill Number 119, all septic tanks, other disposal component tanks, dosing tanks, pump vaults, household sewage disposal system holding tanks and privy vaults, or other applicable sewage disposal system components manufactured after the effective date of this section and used in this state shall be watertight and structurally sound. 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 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 801.7(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.

- (I) When a lift station or dosing tank is installed, a high water alarm shall be required to notify the system user that a pump failure may have occurred. Pump tanks shall be sized for at least one day of flow in reserve capacity to allow for repair without creating a nuisance. It is the responsibility of the installer to properly size pumps to ensure that dosing amounts are appropriate for the system being used. Pumps shall be easily accessible and have a quick disconnect fitting for servicing and be installed to prevent freezing.

801.8 **Aerobic type and fixed media pretreatment systems.**

- (A) Aerobic type and fixed media pretreatment systems shall comply with standard number forty as adopted by the national sanitation foundation board of trustees and standards accepted 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 801.1 to 801.21.
- (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 or fixed media pretreatment system may be permitted in conjunction with a leaching tile field, or other means approved by the Ohio department of health to prevent water pollution or a nuisance, including for soil depth credits as approved by the Ohio department of health to meet the requirements of rule 801.10(A).

801.10 **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, or two feet from any other limiting condition such as a seasonally high (perched) or normal water table.

- (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. The health commissioner may also require that the owner obtain the services of a household sewage disposal system design professional to submit a design proposal for review by the health commissioner.

801.11 **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. Leaching lines shall be laid out in a serial or parallel configuration to equalize flow and/or maximize the capacity of each leaching line to prevent surfacing of effluent and creating a public health nuisance. Manifold lines shall be installed so as to prevent short-circuiting of sewage effluent and prematurely causing a failure of the household sewage disposal system and creating a public health nuisance.

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 801.1 to 801.21. Leaching tile fields shall comprise a total of at least 900 feet in length, unless the health commissioner approves less lineal feet as determined by such factors including, but not limited to, soils with slight limitations and structures with minimal wastewater discharge.
- (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 and a maximum width of twenty-four 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, perforated, at least 2000# crush and shall have a relatively level grade. A leaching line shall be installed along the contour and shall not exceed a fall of one inch in one hundred 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.

(K) Leaching tile fields shall not be installed under conditions that may cause smearing or compaction of the soil. A septic tank may be used temporarily as a holding tank until soil conditions are acceptable for installation of a leaching tile field.

801.12 **Curtain drain.**

- (A) A curtain drain may only be provided upslope of a leaching tile field to intercept 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.

801.15 **Privy.**

- (A) A privy shall be provided with watertight vaults or other watertight receptacles of not less than five hundred gallons capacity 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) The construction and design of the vault and superstructure shall prevent access by insects, fowl, or animals.
- (C) A privy shall be cleaned before the contents reach the top level of the vault.

801.16 **Building sewer.**

- (A) A building sewer shall have a minimum diameter of four inches.
- (B) A building sewer shall be watertight and constructed of Schedule 40 or SDR 35 plastic pipe, 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.

801.17 **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 801.1 to 801.21. 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.
- (C) In accordance with Section 120.02 (E) of Amended Substitute House Bill Number 119, not later than one year after the installation of a household sewage treatment system, the board of health shall inspect the system to ensure that it is not a public health nuisance.

801.18 **Abandoned household sewage disposal system.**

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

801.19 **Hearing.**

The board of health shall grant a hearing to any person affected or aggrieved by rules 801.1 to 801.21.

801.20 **Variance.**

- (A) The board of health may grant a variance from the requirements of rules 801.1 to 801.21 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 801.20(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 801.1 to 801.21, 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 in accordance with rule 801.2 (P) when local conditions indicate such standards are necessary.

801.21 **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 801.1 to 801.21 apply to SFOSTS that are under the jurisdiction of the 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 this Regulation 801 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.