

Historically, the Ohio Environmental Protection Agency (Ohio EPA) has regulated sewage treatment systems for every facility other than one-, two- or three-family dwellings.

In 2005, Ohio Revised Code (ORC) Chapters 3718 and 6111 were revised to allow a local board of health (LBH) to assume authority over Small Flow On-site Sewage Treatment Systems (SFOSTS).

This fact sheet is intended to answer questions about how a transition of authority would occur.

What is a SFOSTS?

The Ohio Administrative Code (OAC) Chapter 3701-29 defines a SFOSTS as a system, other than a household sewage treatment system (HSTS), that treats not more than 1,000 gallons of sewage per day. The system also must not require a national pollutant discharge elimination system permit issued under ORC section 6111.03 or an injection well drilling or operating permit issued under ORC section 6111.043.

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 other than sewage going to the SFOSTS.

The ORC and OAC restrict SFOSTS to those that treat sewage. Manufacturing facilities, dentist offices, beauty salons, veterinary offices, funeral homes, etc. may be able to install a SFOSTS approved by the LBH if their wastewater is segregated.

These types of facilities must obtain a permit from Ohio EPA for any mixed wastewater or for the non-sewage portion of their wastewater (such as medical waste, industrial waste, or chemical-laden wastewater) if they segregate it.

What if a local board of health wants to assume authority over SFOSTS?

Beginning January 1, 2007 a LBH may assume authority over SFOSTS in accordance with OAC Chapter 3701-29.

To assume authority, a LBH must have the necessary capacity and resources to administer the program. The LBH must submit a letter of notification to the directors of the Ohio Department of Health (ODH) and Ohio EPA.

The letter of notification must include a transfer of jurisdiction date, which must be at least 60 days from the letter of notification date.

SFOSTS that are installed, replaced or altered will be permitted by the LBH beginning on the transfer of jurisdiction date in the letter of notification.

Ohio EPA and ODH will maintain a list of jurisdictions where SFOSTS oversight is the responsibility of the LBH.

In jurisdictions where the LBH assumes authority, any previously installed SFOSTS approved by Ohio EPA remain under Ohio EPA authority for compliance and enforcement until the system is replaced or altered in a manner that requires an installation or alteration permit under OAC 3701-29.

In jurisdictions where the LBH does not choose to assume authority, Ohio EPA will retain authority for permitting and compliance.

Discharging small flow systems do not meet the definition of SFOSTS and will remain under Ohio EPA authority.

Any system that proposes to expand beyond 1,000 gallons per day treatment capacity will remain or return to Ohio EPA authority.

What happens after the LBH submits a notification to assume authority?

SFOSTS permitted under the authority of a LBH are subject to OAC Chapter 3701-29.

Since SFOSTS authority only transfers to the LBH on a “moving forward” basis, there is no need to share or transfer a large amount of records.

Unless the LBH has a House Bill 110 contract with Ohio EPA as discussed in the following section, systems installed prior to the transfer of jurisdiction date will remain under Ohio EPA authority for compliance and enforcement until the SFOSTS is altered or replaced.

If alteration or replacement is proposed for a SFOSTS that is eligible for LBH oversight and was previously permitted under Ohio EPA authority, then the LBH will send a written request for copies of the facility records to the Ohio EPA district office having jurisdiction.

In establishing or reviewing an appropriate project design, both the LBH and the Ohio EPA will use the design flow table found in the OAC Chapter 3745-42-05.

If the daily peak flow is up to 3,500 gallons per day, and equalization is proposed so that the soil dispersal system receives less than 1,000 gallons per day on average, the LBH will regulate it if they have assumed authority.

Daily peak flows higher than 3,500 gallons, or daily average flows greater than 1,000 gallons to the soil dispersal system will be regulated by Ohio EPA.

What if the LBH has a HB110 contract?

Even if the LBH has a HB 110 contract, the letters of notification to ODH and Ohio EPA regarding authority for SFOSTS are still required.

If the LBH already has a contract under HB 110 to provide operational oversight of SFOSTS, they should already have records of many of the facilities.

If the LBH needs additional records, they should submit a written request to the Ohio EPA district office for copies.

What happens if a SFOSTS expands?

If the SFOSTS expands beyond 1,000 gallons per day, Ohio EPA will resume authority over permitting and compliance.

If the LBH assumed authority prior to the proposed expansion, the Ohio EPA district office will send a written request for copies of any of the facility's records to LBH.

Depending on the time/date of the last installation or alteration of the system, the LBH may or may not have any records of the facility.

What if a SFOSTS is abandoned/closed?

In accordance with OAC 3701-29, when a LBH has assumed authority for SFOSTS, the LBH shall notify Ohio EPA within 60 days when a SFOSTS that was previously permitted by Ohio EPA has been abandoned in accordance with OAC 3701-29.

Can authority revert to Ohio EPA?

Yes. If an investigation conducted by ODH shows that the LBH is not in compliance with OAC 3701-29 or if a LBH chooses to discontinue SFOSTS permitting, the authority for SFOSTS regulation would return to Ohio EPA.

The LBH would then be required to provide copies of all SFOSTS records to the appropriate Ohio EPA district office.

To preserve continuity of SFOSTS regulation when authority is transferred, it is very important that the LBH have the capacity and resources needed to maintain SFOSTS authority prior to assuming responsibility.

Where can I get more information?

For more information about the SFOSTS authority or program, please visit the ODH Web site at www.odh.ohio.gov/odhPrograms/eh/sewage/sewage1.aspx. You may also contact ODH or Ohio EPA directly through the following addresses.

ODH
Bureau of Environmental Health
246 North High Street
Columbus, Ohio 43215
(614) 466-1390

Ohio EPA
Division of Surface Water
50 West Town Street, Suite 700
Columbus, Ohio 43215
(614) 644-2001

Ohio EPA has five district offices. To request records, please contact the Division of Surface Water staff in the appropriate office.

Central District Office
50 West Town Street, Suite 700
Columbus, Ohio 43215
(614) 728-3778
FAX: (614) 728-3898

Northeast District Office
2110 E. Aurora Road
Twinsburg, Ohio 44087
(330) 963-1200
FAX: (330) 487-0769

Northwest District Office
347 N. Dunbridge Street
Bowling Green, Ohio 43402
(419) 352-8461
FAX: (419) 352-8468

Southeast District Office
2195 Front Street
Logan, Ohio 43138
(740) 385-8501
FAX: (740) 385-6490

Southwest District Office
401 E. Fifth St.
Dayton, Ohio 45402-2911
(937) 285-6357
FAX: (937) 285-6249

Issued November 2006
Revised July 2007

