



# OHIO LEGISLATIVE SERVICE COMMISSION

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## Bill Analysis

Amanda George

### **S.B. 31**

132nd General Assembly  
(As Introduced)

**Sens.** Eklund, Terhar, Hottinger, Huffman, Hoagland

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### **BILL SUMMARY**

- Authorizes a board of county commissioners or the legislative authority of a municipal corporation to withdraw from the application of any rule governing the design of a household sewage treatment system adopted by the Department of Health after January 1, 2014, if specified requirements are met.
- Requires the applicable board of health, if a board of county commissioners or municipal legislative authority votes to withdraw from the application of such a rule, to administer the rules adopted by the Department governing the design of such a system that existed on January 1, 2014.
- Requires a board of county commissioners or municipal legislative authority that votes to withdraw from the application of rules to do both of the following:
  - Prepare a report of the results of inspections and tests required to be conducted by a board of health by the bill; and
  - Submit the report to the Department by March 1 each year beginning in the year following the vote to withdraw.
- Specifies that an election to withdraw from the application of a rule is null and void under specified circumstances, including a failure rate of household sewage treatment systems in excess of 10%.

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## CONTENT AND OPERATION

### Household sewage treatment system rules

#### Withdrawal from recent design rules

The bill authorizes a board of county commissioners or the legislative authority of a municipal corporation, by a majority vote of its full membership, to elect to withdraw the county or municipal corporation from the application of any rule governing the design of a household sewage treatment system adopted by the Department of Health after January 1, 2014 (hereafter recent design rules) if both of the following apply:

(1) The board or legislative authority demonstrates to the Department that for each year in a period of three consecutive years after December 31, 2010, at least 90% of a statistically significant sample of the household sewage treatment systems operating within the county or municipal corporation complied with the requirements established in the rules adopted by the Department governing the design of household sewage treatment systems that existed on January 1, 2014 (hereafter prior design rules); and

(2) The board of health of the applicable health district has established and maintains a program to inspect and test a household sewage treatment system operating within the county or municipal corporation prior to, at the time of, or within a reasonable time after the transfer of ownership of property served by the system.<sup>1</sup>

#### Application of prior design rules

If a board of county commissioners or municipal legislative authority votes to withdraw the county or municipal corporation from the application of recent design rules, the board of health of the applicable health district must administer the prior design rules within the county or municipal corporation.<sup>2</sup> The bill also requires a board of county commissioners or municipal legislative authority that votes to withdraw the county or municipal corporation from the application of recent design rules to prepare a report of the results of the inspections and tests conducted as required by the bill. The report must be submitted to the Department by March 1 each year beginning in the year following the vote to withdraw.<sup>3</sup>

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<sup>1</sup> R.C. 3718.026(A).

<sup>2</sup> R.C. 3718.026(B).

<sup>3</sup> R.C. 3718.026(C).



## Circumstances rendering prior design rules null and void

The bill specifies that an election to withdraw from the application of any recent design rule is null and void if either of the following applies:

(1) The board of health of the applicable health district fails to comply with the bill's requirements; or

(2) A prepared report indicates a failure rate of household sewage treatment systems in excess of 10%.<sup>4</sup>

It appears that if either circumstance (1) or (2) applies, the county or municipal corporation must operate under the recent design rules.

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## HISTORY

ACTION	DATE
Introduced	02-06-17

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<sup>4</sup> R.C. 3718.026(D).

