

## Frequently Asked Questions

### 1. I was not aware of the septic system rule change before now. When did all the changes take place?

*The new state sewage rules, Ohio Administrative Code (OAC) 3701-29, took effect January 1, 2015. The third and final reading of the rules was October 29, 2014.*

### 2. Why do I need to pay for an operation permit?

*An operation permit is required for all persons who operate a sewage treatment system (STS). If your home has a STS you must have an operation permit. The permit fee covers the Health Department's cost for administering and enforcing the program, and for carrying out its duties under the law.*

*OAC 3701-29-09(I)  
OAC 3701-29-05(B)*

### 3. How much is the operation permit fee, and how often must it be renewed?

*It has been proposed to city council that the operation permit fee of \$75 be adopted. It has been proposed to the mayor that the permit expire every 10 years which is the maximum length allowed by law. The permit fee would not include the cost of the inspection which may be performed by the Health Department or a registered service provider.*

*Several other fees have been proposed to city council for other fee categories. All the fee categories are established per the state rules.*

*OAC 3701-29-05, OAC 3701-29-09(I)(2)  
ORC 3709.09*

### 4. How is the permit fee determined? Why does it cost what it does?

*Fees are established in accordance with section 3709.09 of the Ohio Revised Code (ORC). The ORC requires the use of a uniform cost methodology (which uses the costs of the program) to determine the fees. Examples of these costs of the program are sanitarian wages, insurance and other fringe benefits, travel costs, supplies, equipment, material, and indirect costs (support staff, building utilities, etc.).*

*Since the program has not been implemented yet, the costs must be estimated based on the projected costs of the program.*

*ORC 3718.06, ORC 3709.09*

OAC 3701-36-14, OAC 3701-29-05(A)

**5. Can I sell my home if the system does not pass inspection?**

*Yes. A permit to repair a system is transferable. If a system is identified as failing, a plan will be developed for the repair and/or replacement of the system. An incremental repair/replacement plan can be used to repair/replace the system over a period of time. If the repair/replacement has not been completed when the house is sold, the permit to repair/replace can be transferred.*

*You can sell a house if the system does not pass inspection if a permit to repair and/or replace the system has been issued.*

OAC 3701-29-09(C)(1)

**6. What will the inspection of my system be like?**

**a. Will you call to set up a time to inspect?**

*Yes. If the homeowner chooses to have the Health Department inspect his system, the Health Department will contact the homeowner to arrange an inspection at a time mutually agreeable to both parties.*

**b. Will you come into the house to inspect?**

*This has yet to be decided. It is possible that an inspection of the plumbing connection inside the house will be part of the inspection process if it is deemed necessary.*

*If there is a nuisance condition found, a dye test may be required and the dye test may be performed by placing tracing dye into an inside plumbing fixture.*

ORC 3718.011

OAC 3701-29-09(I)(2)

**c. What if I do not want the Health Department on my property?**

*An Operation and Maintenance (O & M) inspection may be performed by the Health Department or a service provider. A homeowner may become registered as a service provider to inspect his own house sewage treatment system (but only his own system).*

*The Health Department may still conduct compliance inspections for the purpose of oversight of installers, service providers, or septage haulers.*

OAC 3701-29-06(D)(4)

OAC 3701-29-19(D)

**d. How often will you inspect the system?**

*An inspection must be completed before an operation permit is issued. It has been proposed that the operational permits expire every ten (10) years and the inspection would also need to be completed every ten (10) years. The final approval for the length of the operation permit will be made by the mayor.*

*If a public health nuisance is suspected, an investigation may require an inspection of your system in addition to the Operation and Maintenance (O & M) inspection.*

OAC 3701-29-19(A)

OAC 3701-29-09(I)

**7. What will the Health Department look for to determine if a septic system is failing besides the obvious appearance of raw sewage above ground? What will be the rating system used to evaluate a septic system?**

*The sewage treatment system will be considered failing if inadequately treated sewage is found on the ground surface or discharging into surface waters. The Health Department will look for black or gray liquid that has a distinct sewage odor, or contains organic matter. A water sample may be taken and tested to determine if allowable levels are exceeded. A dye test may be performed to confirm the source of the liquid.*

*The allowable levels are exceeded when fecal coliform is detected at a level of more than 5000 colonies per 100 mL as determined in 2 or more samples of the liquid when 5 or fewer samples are collected.*

ORC 3718.011(3), ORC 3718.02

**8. Will I need to tie into the city sewer even if my system appears to be functioning properly?**

*This has yet to be determined by the State. House Bill 490 is now being debated to determine this matter.*

**9. If my system is failing will I need to tie into the city sewer?**

*Whenever a sanitary sewerage system becomes accessible to a dwelling or structure served by a sewage treatment system (STS), the dwelling and/or structure shall be connected to the sanitary sewerage system and the STS abandoned.*

*In determining the accessibility of a sanitary sewerage system the Board of Health will consider the availability of connection, technical feasibility of connection, distance from the house to the sanitary sewer, and consultation with the city sewer entity.*

OAC 3701-29-06(I)

**10. Can I have someone else inspect the system instead of the health department?**

*Yes. An Operation and Maintenance (O & M) inspection may be performed by the Health Department or a service provider. A homeowner may become registered as a service provider to inspect his own house sewage treatment system (but only his own system).*

*The Health Department may still conduct compliance inspections for the purpose of oversight of installers, service providers, or septage haulers.*

OAC 3701-29-06(D)(4)

OAC 3701-29-19(D)

**11. How can you inspect my system if you do not know where it is?**

*The septic tank must be located and risers must be placed on the tank. When the septic tank is located and risers installed, the septic tank then can be inspected. The tank can be found by probing in the yard and using clues such as the place where the sewer exits the house foundation and indentations in the yard.*

*If there is a diverter (or distribution) box, risers must be placed on the box and then it can be inspected.*

*The sand filter, absorption field (a.k.a. leaching tile field), or other secondary treatment components of the sewage treatment system will be inspected by evaluating the yard, outlets, and possible outlet points. The condition of the yard will be inspected for signs of surfacing sewage. The effluent from a discharging system such as a sand filter will be evaluated by sight and smell at the sampling port or discharge point. Nearby pipe outlets and other possible outlet points will be evaluated to determine possible system failure.*

**12. I believe my 30-, 40-, 50-year-old septic system is working just fine (because sewage does not backup into my basement). Doesn't this mean it is working properly?**

*A sewage treatment system does not need to be replaced and is deemed approved if the system does not cause a public health nuisance.*

*A system is causing a public health nuisance if (1) it is not operating properly due to a missing component, incorrect settings, or a mechanical or electrical failure, (2) there is a sewage backup into the house or blockage that is preventing adequate treatment, or (3) there is inadequately treated sewage surfacing on the ground, or bleeding or discharging in a ditch, pipe, stream or other surface waters.*

*A system may not be working properly even if it is not backing up into the house.*

ORC 3718.011, 3718.012

OAC 3701-29-06(E)

**13. Will property owners be given options when and if their septic system fails in the future? What are the options?**

*Yes. The Health Department will work with a system owner to develop a plan for incremental repair and/or replacement of a sewage treatment system (STS) when the STS is creating a nuisance condition and/or is failing. A phased approach can be used to either repair, alter, or replace the STS over a period of time.*

*Repair/replacement options include reduction in water use, installing a diverter device in the diverter box, installing baffles in the septic tank, pumping the septic tank, installing additional absorption*

*field, install additional or replacement sand filter (if it complies with the rule), replacement of the entire system, and connecting to the city sanitary sewerage system. If the system is replaced and it is a discharging system, a NPDES permit must be obtained and ongoing sampling will be required.*

OAC 3701-29-09(C), OAC 3701-29-19(E)  
ORC 3718.02(A)(3)

**14. Will property owners be given a heads-up notice of an upcoming inspection by the Health Department?**

*An Operation and Maintenance (O & M) inspection may be performed by the Health Department or a service provider. A homeowner may become registered as a service provider to inspect his own house sewage treatment system (but only his own system).*

*If the homeowner chooses to have the Health Department inspect his system, the Health Department will contact the homeowner to arrange an inspection at a time mutually agreeable to both parties.*

*If a service provider is chosen, the homeowner can work with this company to schedule an inspection.*

OAC 3701-29-06(D)(4)  
OAC 3701-29-19(D)

**15. When will the inspections start? How often does a septic system need to be inspected?**

*A plan will be developed for the implementation of the Operation and Maintenance (O & M) inspections and issuance of operation permits. A stakeholder group will be formed to provide input to develop a timeline and process for phasing in the program. Depending on stakeholders' input, inspections could begin as early as January 1, 2016.*

*An inspection must be completed before an operation permit is issued. It has been proposed that the operational permits expire every ten (10) years and the inspection would also need to be completed every ten (10) years. The final approval for the length of the operational permit will be made by the mayor.*

OAC 3701-29-19(A)  
OAC 3701-29-09(I)

**16. If there is no record of a septic system at the Health Department, how does a property owner get a permit to operate a septic system?**

*An existing sewage treatment system (STS) is deemed approved if the system does not cause a public health nuisance. When an inspection is performed it will be determined if a nuisance exists. If a nuisance is not found, an operation permit may be issued. Information from the inspection will reveal the size and location of the septic tank and possibly other information. This information will be kept on record with the Health Department.*

ORC 3718.012  
OAC 3701-29-09(I)(2)

**17. Does the City Health Department have the authority to "make" a property owner connect to the city-operated sewage system?**

*Yes. The Board of Health is responsible for the enforcement of the state household sewage laws and rules. Whenever a sanitary sewerage system becomes accessible to a dwelling or structure served by a sewage treatment system (STS), the dwelling and/or structure shall be connected to the sanitary sewerage system and the STS abandoned.*

*In determining the accessibility of a sanitary sewerage system the board of health will consider the availability of connection, technical feasibility of connection, distance from the house to the sanitary sewer, and consultation with the city sewer entity.*

*OAC 3701-29-06(I), OAC 3701-29-02(K)  
ORC 3718.09*

**18. Must a property owner connect to the city water system as well as the city sewage system?**

*If the water connection point is accessible to a dwelling, it must be connected. The sewer and water connect points may not be the same, so connection to one may not require connection of the other.*

**19. Can property owners just outside of the corporation limits tie into the city sewage system?**

*A property owner may connect to the city sewer, but only if the property is annexed into the city first.*

**20. Does the Health Department regulate septage haulers? Does the City register septage haulers like it does contractors?**

*Septage haulers (a.k.a. septic tank pumpers) must be registered by the Shelby City Health Department if they pump septic tanks within the City of Shelby. To become registered the Hauler must be bonded, insured, comply with testing requirements, comply with CEU requirements, have their truck inspected, and submit pumping records.*

*Service providers and Installers have similar registration requirements.*

*OAC 3701-29-03*