



MERCER COUNTY

HEALTH DISTRICT

Frequently Asked Questions Lot splits / Septic System Requirements

1. I want to split off acreage from a farm parcel (or other large parcel) for a building lot. What do I have to do?

First of all, you need to contact a registered soil scientist to perform some soil testing in the area in which you desire to split off. The test involves digging at least one test pit per septic system area in which the soil scientist will determine the depth of your suitable soil. If acceptable soil cannot be found in the area in which you desire to build, you may relocate to another area on the parcel and try to re-test. There can be much variance in soil conditions within one 40-80 acre parcel, and you may encounter better soil in another area. Once the soil scientist finds acceptable soil, he will map out an area in which you can install a primary septic system plus a replacement system for parcels less than 5 acres in size. After you receive the soil scientist's report, you can contact a surveyor, who will set your property lines to encompass the designated septic area, and of course, enough space to meet Mercer County's Subdivision Rules which require a minimum of 2 acres and 200 feet of road frontage for minor subdivisions and at least 5 acres and 330 feet of road frontage for large lot subdivisions. Note: Mercer County Subdivision Rules require the surveyor to show on the survey plat drawing the septic set aside area before any building lot can be approved.

2. I have a farm parcel that has an existing house on it. I want to split off the house from the farm ground. What do I need to do?

As long as the house currently has a working septic system, that system can continue to be utilized for as long as it continues to work properly. However, the above described process (soil testing) in item #1 above, still needs to be followed to allow for set aside space for a replacement septic system if the proposed lot split will be less than 5 acres in size. If the proposed parcel will be above 5 acres in size, there does not need to be a soil evaluation done, and only the existing septic system location would need to be depicted on the survey plat. If existing conditions preclude the location of a soil based system for replacement due to arrangement of buildings, or previous disturbance of the soil, you may still continue with the lot split. You would just have to replace the system (when the eventual time comes) with an EPA-approved discharging system which has a smaller footprint, and does not rely on soil for treatment. These types of systems are only allowed (by Ohio law) in cases where a pre-existing house needs to replace a septic system. So, to continue with the lot split, you may place on the survey / deed a statement saying, "Based on the attached soil test results, an on-site soil based septic system will not be feasible under the current regulations. An Ohio EPA permitted discharging septic system will be necessary when the current septic system is replaced. The replacement area that has been tested shall remain undisturbed as future changes in the regulations or technological advancements may allow for a soil based system to be used."

3. I currently have a house on a 1 acre parcel. I want to sell my house / 1 acre parcel. Do I have to add extra acreage to meet the current 2 acre requirement?

NO! You may sell your property as is, since pre-existing lots are grandfathered. Please keep in mind, however, the working condition of your current septic system. If you are aware of problems, you must disclose such information prior to sale. Banks and mortgage companies may require that repairs or replacements be made prior to sale if problems are severe enough. Even so, if a replacement septic system is needed, you would qualify for the EPA permitted system described in #2 above, if you do not have the space for a larger, soil based system.

4. Why did the county go to a larger minimum acreage requirement anyway?

The county went to the 2 acre requirement to help accommodate the new septic regulations that require a larger footprint (area) to install the system (plus replacement area). A feature of the newer style septic systems is that since the leaching area needs to be on level ground, the system needs to be installed “on the contour”. That means to follow an existing grade along the side of a slope – not running lengthwise down the slope from top to bottom. Therefore, 2 acres would be more likely to provide an area to accomplish this. However, we cannot rule out the possibility that in some cases, depending on topography and the proposed house location, even 2 acres may not be large enough.

5. I purchased a building lot that was previously approved (prior to the change to the 2 acre rule). Will I still be able to build there?

Yes. Since the lot was approved prior to the rule change, you are able to go ahead with the house construction. We would advise you to contact us prior to starting construction, however, since you will still need to obtain a septic permit. The new septic rules require the soil test prior to issuance of a permit. It may be that you cannot accommodate a soil-based system on your lot due to poor soils. If that is the case, you are allowed under EPA rule to install a discharging system due to the fact that your lot was created and approved prior to the regulation changes.

6. I have a house with an existing septic system that utilizes a filter bed. If my filter bed fails, can't I just replace it?

No. The EPA regulation outlined in Ohio Revised Code Chapter 6111 outlaws discharges of pollutants from a point source, unless such source is permitted through EPA. The discharging filter beds that were commonly installed in Mercer County cannot meet EPA's discharge water quality standards. Therefore, any new installations of filter beds, regardless of whether they are replacements or not, are not allowed. However, we have been advised by Ohio Department of Health that, if an existing filter bed has not completely failed, minor repair work may be done to restore the system to working order. If the septic tank portion of the system fails, the tank can be replaced with an alteration permit through our office.

If you have questions that have not been addressed in this document, please feel free to contact the Environmental Division of the Mercer County Health Department, at 419-586-3251, extension 1272 or 1274.