



POLICY 2020.07.16

Mercer County Health District – Dwelling Structure Replacement Policy

Subject Category:	Environmental Health Services	Related Procedures:	
Effective Date:		Related Policies:	
Reviewed:		Approved By:	
Review Frequency:	Every 3 years		
Revised:			
Supersedes:	April 16, 2014	Distribution:	E-mail and S: Drive

OBJECTIVE

The objective is to have a process for determining when to apply Household Sewage Treatment Regulation OAC 3701-29-02 (C) which states in part, “...Nothing in this section prohibits the required upgrade of an existing STS (sewage treatment system) when additional flows are being added or when substantial changes to the structure occur. Additionally, nothing in this section exempts a STS from compliance with the requirements specified in paragraph (E) of rule 3701-29-06 of the Administrative Code.”

PURPOSE

The purpose is to establish a policy for Mercer County Health District (MCHD) to follow when it is necessary to evaluate the need for a replacement STS for a dwelling structure that is being replaced by a new dwelling structure on the same parcel.

DEFINITIONS (for the purposes of this policy)

“Primary Treatment (aka septic tank)” means a water-tight, covered receptacle for treatment of sewage that receives the discharge of sewage from a building, separates settleable and floating solids from the liquid, digests organic matter by anaerobic bacterial action, stores digested solids through a period of detention, allows clarified liquids to discharge for additional treatment and final dispersal, and attenuates flows.

“Remodeling” means a project of structural changes to an existing dwelling structure in which that structure retains at least one original wall from the original structure and foundation which exists above the topographic original grade of the yard or ground level of the property.

“Replacement” means a project of structural changes to an existing dwelling structure in which no remaining construction components or walls which had existed above the topographic original ground level of the property or foundation remain.

“STS” means Sewage Treatment System.

“Secondary Treatment” means the component of the septic system which receives the separated wastewater flowing out of the septic tank, typically a leaching system or a subsurface sand filter, which disperses the wastewater into the upper layer of soil for further treatment and eventual disposal; or into a layered sand component and discharged off site (in the case of a sand filter).

“Substantial” means of considerable importance, size, or worth.

“Wall” means a dividing construction component which establishes the perimeter outline of the dwelling structure, or interior rooms of the above grade portion of the dwelling structure.

PROCEDURE

MCHD is alerted to a planned, substantial structural change to a dwelling structure by notification from a township zoning inspector; through access to the Mercer County Auditor’s Office data sheets regarding building projects; through other MCHD business related to the property; or through outreach from the property owner to MCHD for guidance.

If the structural change involves a **remodeling**:

An assessment of the existing STS *may* be performed as a result of our notification, which will include, but not be limited to: a physical inspection of the existing system to ensure components are structurally sound, and that the system is not creating a nuisance. If the system is sound, and not creating a nuisance, the existing system may continue to be utilized, even if there is not a permit / record of installation on file at the Health District. An operating permit will be put into place as part of state requirements for the proper oversight of maintenance of existing septic systems. If the system is found to be creating a nuisance, an alteration or replacement will be required.

If the structural change involves a **replacement**:

An assessment of the existing STS will be performed as a result of our notification, which will include, but not be limited to:

- A. Review of MCHD property records for the existence of a permit / record of installation for the existing STS.
- B. If a permit / record of installation is in existence, a physical inspection of the existing system will be conducted to ensure components of the system are working properly and not creating a nuisance. Written notice to the property owner will be completed advising that the assessment is required, and that system components must be made accessible for inspection.
- C. If a permit / record of installation is in existence, and the existing system has been deemed to be working properly and not creating a nuisance, the existing system may continue to be utilized for the appropriate number of bedrooms. If the system is found to have functional problems or damaged components, repair or alteration of the system will be recommended. If the system is creating a nuisance, an alteration or replacement will be required, depending on the diagnosed correction.
- D. If a permit / record of installation is NOT in existence, the property owner will be required to install a septic system that meets the current Code requirements, to go along with the new home replacement. Along with the replacement requirement all necessary permits will be required to move forward with the project.

ENFORCEMENT

Failure by a property owner to comply with the requirements of this policy will result in initiation of enforcement action by the Mercer County Board of Health, up to and including prosecution.

REFERENCES

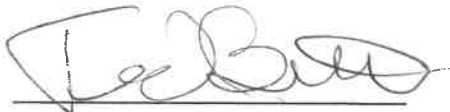
Ohio Administrative Code. Retrieved July 20, 2020

<http://codes.ohio.gov/oac/3701-29>

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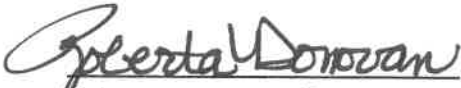
The motion to adopt Policy 2020.07.16 was made by Roberta Donovan and seconded by Janet Gels on this 12th day of August, 2020. On roll call, board members voted as follows:



Ted Bertke

8/12/20

Date



Roberta Donovan

8/12/2020

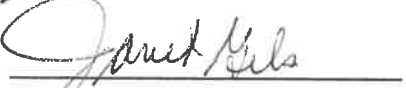
Date



Julie Fleck

8-12-20

Date



Janet Gels

Date



Diane Lefeld

8/12/20/20

Date



Alyssa Tobe, M.D.

8-12-2020

Date

ABSENT

Lisa Niekamp-Urwin

Date