



## Ohio Administrative Code

### Rule 3701-29-04 Survey to determine compliance.

Effective: January 1, 2015

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(A) The director of health shall survey each STS and gray water recycling program of the city and general health districts at least once every three years to determine whether there is substantial compliance with the requirements of Chapter 3718. of the Revised Code pertaining to health districts and the provisions of Chapter 3701-29 of the Administrative Code. The board of health shall provide all requested information to complete the survey.

(B) The director shall obtain and consider comments from the association of Ohio health commissioners in developing a survey methodology. The survey methodology shall be provided to each board of health and shall include:

(1) A review of any locally adopted regulations for consistency with this chapter, the administrative aspects of the STS and gray water recycling program including application, site and plan review, permitting and inspections, operational oversight, staff resources and knowledge of the technical aspects of the program, cost analysis and fee adoption, registration of installers, service providers and septage haulers, related reports, sampling, investigations, and enforcement activities;

(2) A field review of STS and gray water recycling inspections for siting or installation and during operation to evaluate overall compliance with STS and gray water recycling siting, design, installation, operation, monitoring, maintenance, and abandonment as set forth in this chapter; and

(3) Field training and education for board of health program staff.

(C) The director shall survey the STS and gray water recycling program in accordance with the survey methodology and shall determine whether the board of health is in substantial compliance and qualified to administer and enforce this chapter. After the survey is complete, the director shall propose to classify the health district as either approved, provisional, or disapproved, and shall provide a survey report with recommendations or guidelines to correct program deficiencies and shall provide a survey report to the health district or board. If the director proposes to classify the



health district or authority as provisional, the director shall provide:

- (1) A set time frame for correcting the deficiencies;
- (2) Procedures for program disapproval that the department will pursue if the health district or authority fails to correct the major deficiencies revealed by the survey; and
- (3) An opportunity to request an informal hearing with a representative of the director to discuss the deficiencies in compliance with paragraph (D) of this rule.

(D) If the health district or authority wishes to request an informal hearing concerning the director's proposed determination, the district or authority shall submit a written request to the director no later than fifteen days after the date of mailing the proposed determination. The informal hearing shall be conducted before the director or the director's authorized representative no later than thirty days after the director of health received the request for hearing. At the hearing, a representative of the health district or authority may present information orally and in writing. The director shall issue a written decision no later than thirty days after the conclusion of the informal hearing.

(E) The department shall reevaluate a health district or authority's provisional STS and gray water recycling program in the established time frame to determine if the program is in compliance. If in compliance, the director shall classify the health district or authority as approved. If the deficiencies have not been corrected, the director shall propose to disapprove the health district or authority, or shall propose to revoke the approval, whichever is appropriate.

(F) The director may reinstate a health district or authority as approved to administer and enforce the STS and gray water recycling program if the health district or authority can demonstrate to the satisfaction of the director an ability to adequately administer and enforce the provisions of this chapter.

(G) Upon determining that a health district or authority is so qualified, the director shall approve the district or authority and place such district or authority on an approved list. The director may resurvey any approved district or authority when, in his opinion, such resurvey is necessary and remove from such approved list any district or authority found not to be adequately carrying out the



provisions of this chapter.

(H) If after a survey as provided for in this rule, the director determines that a health district or authority is not qualified to carry out the provisions of this chapter, he shall certify that fact to the board of health and disapprove the health district or authority to administer and enforce the STS and gray water recycling program. If a health district or authority is not eligible to be placed on the approved list, the director may designate another qualified health district or authority as the department in such health district or shall administer and enforce this chapter in such health district.

(I) If a health district is removed from the approved list, the board of health shall pay to the director or to the board of health designated by the director to serve as the department in such health districts, all fees previously paid to the board under this chapter in the previous twelve months that have not been expended or encumbered. All fees paid to the director or to the designated board of health shall be used as specified in rule 3701-29-05 of the Administrative Code.