

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**S. B. No. 31**

**Senator Eklund**

**Cosponsors: Senators Terhar, Hottinger, Huffman, Hoagland**

---

**A BILL**

To enact section 3718.026 of the Revised Code to 1  
authorize a board of county commissioners or 2  
municipal legislative authority to elect to 3  
withdraw the county or municipal corporation 4  
from the application of any rule adopted by the 5  
Department of Health after January 1, 2014, that 6  
governs the design of household sewage treatment 7  
systems. 8

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 3718.026 of the Revised Code be 9  
enacted to read as follows: 10

**Sec. 3718.026.** (A) A board of county commissioners or the 11  
legislative authority of a municipal corporation, by a majority 12  
vote of the full membership of the board or legislative 13  
authority, may elect to withdraw the county or municipal 14  
corporation from the application of any rule governing the 15  
design of a household sewage treatment system adopted by the 16  
department of health after January 1, 2014, if both of the 17  
following apply: 18

(1) The board or legislative authority demonstrates to the 19  
department that for each year in a period of three consecutive 20  
years after December 31, 2010, at least ninety per cent of a 21  
statistically significant sample of the household sewage 22  
treatment systems operating within the county or municipal 23  
corporation complied with the requirements established in the 24  
rules adopted by the department governing the design of 25  
household sewage treatment systems that existed on January 1, 26  
2014. 27

(2) The board of health of the applicable health district 28  
has established and maintains a program to inspect and test a 29  
household sewage treatment system operating within the county or 30  
municipal corporation prior to, at the time of, or within a 31  
reasonable time after the transfer of ownership of property 32  
served by the household sewage treatment system. 33

(B) If a board of county commissioners or the legislative 34  
authority of a municipal corporation votes to elect to withdraw 35  
the county or municipal corporation from the application of 36  
rules under division (A) of this section, the board of health of 37  
the applicable health district shall administer within the 38  
county or municipal corporation the rules adopted by the 39  
department governing the design of a household sewage treatment 40  
system that existed on January 1, 2014. 41

(C) A board of county commissioners or the legislative 42  
authority of a municipal corporation that votes to elect to 43  
withdraw the county or municipal corporation from the 44  
application of rules under division (A) of this section shall 45  
prepare a report of the results of the inspections and tests 46  
conducted under division (A) (2) of this section and shall submit 47  
the report to the department by the first day of March of each 48

<u>year beginning in the year following the vote to elect to</u>	49
<u>withdraw.</u>	50
<u>(D) An election to withdraw under division (A) of this</u>	51
<u>section is null and void if either of the following applies:</u>	52
<u>(1) The board of health of the applicable health district</u>	53
<u>fails to comply with this section.</u>	54
<u>(2) A report prepared under division (C) of this section</u>	55
<u>indicates a failure rate of household sewage treatment systems</u>	56
<u>in excess of ten per cent.</u>	57