

RESOLUTION B-2016

**AMENDING BOARD OF HEALTH POLICIES AND STANDARDS PURSUANT TO
OHIO ADMINISTRATIVE CODE SECTION 3701-29: SEWAGE TREATMENT
SYSTEM RULES**

The Board of Health of the Hamilton County General Health District met in regular session on February 8, 2016 with the following members present:

Tracey A. Puthoff, President	<u>present</u>
Mark A. Rippe, Vice President	<u>present</u>
Thomas Chatham	<u>Absent</u>
Kenneth G. Amend, M.D.	<u>present</u>
Jim Brett	<u>present</u>

Mr. Brett moved for adoption of the following resolution:

**Amending Board of Health policies and standards pursuant to
Ohio Administrative Code section 3701-29: Sewage Treatment System Rules.**

WHEREAS, the Board of Health of the Hamilton County General Health District has the authority to adopt policies and standards pursuant to the Ohio Administrative Code section 3701-29: Sewage Treatment System Rules; and

WHEREAS, the Board of Health, has found it necessary to adopt policies and standards in accordance with Ohio Administrative Code section 3701-29: Sewage Treatment System Rules, in order to protect the public health and to prevent or restrict the spread of diseases and nuisances; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Health of the Hamilton County General Health District amends the policies and standards as stated in Attachment A and in accordance with Ohio Administrative Code 3701-29; and

BE IT FURTHER RESOLVED, that Hamilton County General Health District's amended policies and standards stated in Attachment A are in effect and enforceable as specified in the Ohio Administrative Code section 3701-29 and the Ohio Revised Code sections 3718.09, 3718.10, and 3718.99, effective March 1, 2016; and

BE IT FURTHER RESOLVED, that any previous regulation, including Board of Health Regulation 529, rules or policies adopted by the Board of Health of the Hamilton County General Health District that in any way conflicts with this resolution in part or in whole is rescinded and repealed in part or in whole to the extent of any conflict; and

BE IT FURTHER RESOLVED, that the Board of Health of the Hamilton County General Health District hereby finds by a vote of at least three-fourths of its members that this resolution be read only once and the requirement that it be read on three different days be dispensed with as provided by law; and

BE IT FURTHER RESOLVED, that this Board of Health of the Hamilton County General Health District find and determine that all formal actions relative to the passage of this resolution were taken in an open meeting of this Board and that all deliberations of this Board and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with the applicable legal requirement, including Sections 121.22 of the Ohio Revised Code.

Dr. Amend seconded the resolution, upon roll call, the vote was as follows:

Tracey A. Puthoff, President	<u>Aye</u>
Mark A. Rippe, Vice President	<u>Aye</u>
Thomas Chatham	<u>Absent</u>
Kenneth G. Amend, M.D.	<u>Aye</u>
Jim Brett	<u>Aye</u>

Board of Health of the Hamilton County General Health District

Tracey A. Puthoff 2/8/16
Tracey A. Puthoff, President Date

Attest: Timothy I. Ingram 2/8/2016
Timothy I. Ingram Date
Health Commissioner

This resolution was approved as to form by the office of the Hamilton County Prosecuting Attorney, Joseph T. Deters, Prosecutor.

By: _____ Date _____
Nee Fong Chin
Chief Assistant Prosecuting Attorney

Hamilton County Public Health

Attachment A to Resolution B-2016:

**Board of Health Amended Policies and Standards pursuant to
Ohio Administrative Code Section 3701-29
Effective March 1, 2016**

3701-29-01 (I) "Bedroom" means a room that is designed or used as a sleeping room or any room that that could reasonably be used as or finished as a sleeping room as determined by the board of health. The board of health may consider the room's architectural features when making the determination.

The Hamilton County Board of Health, as authorized by Ohio Administrative Code 3701-29-01(I), ~~determines that~~ authorizes staff to consider a bedroom/sleeping room ~~shall~~ to include, but not be limited to, rooms with all of the following features:

- *At least 70 square feet,*
- *Contains a closet or area that could easily be finished as a closet,*
- *Has multiple means of ingress/egress, sole ingress cannot be through another bedroom, and;*
- *Has a door or opening that can easily be finished with a door.*

For every two bedroom-like-rooms that have 3 of the 4 items listed above, one will be considered a bedroom. Upon the request of an applicant, the Health Commissioner shall have final determination on the number of bedrooms contained within a dwelling without the need for a variance.

3701-29-03 (G) When the registered service provider performs the duties of a service provider on only the registrant's personal residence, the service provider shall be exempt from paragraphs (C)(4), and (C)(6) of this rule and the board of health may waive (C)(1) and (C)(5) of this rule, or require continuing education applicable to the product as specified by the manufacturer. A registered service provider that performs the duties of a service provider on only the registrant's personal residence shall be subject to paragraph (J) of this rule.

The Hamilton County Board of Health, as authorized by Ohio Administrative Code 3701-29-03(G), shall require that any person who registers to be the service provider for their personal residence comply with paragraph (C)(1) and (C)(5) of OAC 3701-29-03. shall require that any person who registers to be the service provider for their personal residence comply yearly with their system manufacturer's continuing education (CE) requirements and every third year of registration show a total of 6 CE required by (C)(5) of OAC 3701-29-03. Additionally, the Hamilton County Board of Health shall waive the requirement that any person who registers to be the service provider for their personal residence comply with paragraph (C)(1) OAC 3701-29-03.

3701-29-08 (6) When a proposed subdivision includes the creation of at least twenty-five lots, or for any fewer numbers of lots as required by the board of health, the request shall include written consultation from Ohio EPA concerning the subdivision's accessibility to existing sanitary sewerage systems as described in paragraph (I) of rule 3701-29-06 of the Administrative Code, and risks to surface and ground water resources.

~~*The Hamilton County Board of Health, as authorized by Ohio Administrative Code 3701-29-08(B)(6), shall require an Ohio EPA review on any subdivision resulting in greater than 5 lots.*~~