

**Defiance County General Health District**

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www.defiancecohealth.org**Revised Code 3718.011 Conditions under which sewage treatment system causes a public health nuisance.**

- (A) For purposes of this chapter, a sewage treatment system is causing a public health nuisance if any of the following situations occurs and, after notice by a board of health to the applicable property owner, timely repairs are not made to that system to eliminate the situation:
- (1) The sewage treatment system is not operating properly due to a missing component, incorrect settings, or a mechanical or electrical failure.
 - (2) There is a blockage in a known sewage treatment system component or pipe that causes a backup of sewage or effluent affecting the treatment process or inhibiting proper plumbing drainage.
 - (3) An inspection conducted by, or under the supervision of, the environmental protection agency or a sanitarian registered under Chapter 4736. of the Revised Code documents that there is ponding of liquid or bleeding of liquid onto the surface of the ground or into surface water and the liquid has a distinct sewage odor, a black or gray coloration, or the presence of organic matter and any of the following:
 - (a) The presence of sewage effluent identified through a dye test;
 - (b) The presence of fecal coliform at a level that is equal to or greater than five thousand (5,000) colonies per one hundred milliliters of liquid as determined in two or more samples of the liquid when five or fewer samples are collected or in more than twenty per cent of the samples when more than five samples of the liquid are collected;
 - (c) Water samples that exceed one thousand thirty (1,030) E. coli counts per one hundred milliliters in two or more samples when five or fewer samples are collected or in more than twenty per cent of the samples when more than five samples are collected.
 - (4) With respect to a discharging system for which an NPDES permit has been issued under Chapter 6111. of the Revised Code and rules adopted under it, the system routinely exceeds the effluent discharge limitations specified in the permit.
- (B) With respect to divisions (A)(1) and (2) of this section, a property owner may request a test to be conducted by a board of health to verify that the sewage treatment system is causing a public health nuisance. The property owner is responsible for the costs of the test.

Added by 128th General Assembly File No.51, SB 110, §1, eff. 9/17/2010.