



## Testimony Regarding

Ohio Senate Bill 110, 128<sup>th</sup> General Assembly

Presented to: The Ohio Senate Committee on  
the Environment and Natural Resources  
Senator Tim Shaffer, Chairman

On behalf of: Ohio Environmental Council  
Presented by: Ellen Mee, Director of Environmental Health Policy

Chairman Shaffer, Vice Chairman Stewart, Ranking Member Morano, and Committee Members: My name is Ellen Mee. I am the Director of Environmental Health Policy at the Ohio Environmental Council, and was privileged to serve on behalf of the OEC as a member of the Household Sewage and Small Flow On-Site Sewage Treatment System Study Commission. We appreciate the opportunity to provide testimony supporting Ohio Senate Bill 110, which revises the Household Sewage and Small Flow On-Site Sewage Treatment law.

According to the Ohio Department of Health, there are over a million household sewage treatment systems in Ohio.<sup>1</sup> Many of these are failing, due to either the age of the system, poor siting and design, or the failure of homeowners to maintain their systems or operate them correctly.<sup>2</sup> Inadequately operating or failing sewage systems can allow pathogens and excess nutrients to enter our ground and surface waters, threatening not only our natural environment but also the health of Ohio's people.

As a member of the study commission, we are aware of the difficulty in crafting a legal and regulatory scheme protective of the health of Ohioans and the state's waters and bountiful natural resources, while preserving opportunities for affordable home ownership and economic development. While there are a few provisions we might like to see strengthened, SB 110 reflects a practical, risk-based approach that addresses the concerns, and largely reflects the consensus, of the diverse stakeholders participating on the study commission.

Specifically, we support provisions in Senate Bill 110 that:

1. Create statewide standards for household sewage treatment systems, while allowing Boards of Health some flexibility to set more stringent standards where necessitated by

---

<sup>1</sup> Ohio Department of Health, Bureau of Environmental Health: *Sewage Treatment Systems: Ohio's Decentralized Wastewater Infrastructure*.

<sup>2</sup> Ohio Department of Health, *Survey of Household Sewage Treatment Systems Operation and Failure Rates in Ohio*. June 1, 2008.

unique local conditions – subject to approval by the Director of the State Department of Health and appeal of any permit denial on that basis.

2. Define a “public health nuisance” to allow a determination based on evidence of observable mechanical failure or system malfunction, ponding, seepage or other site conditions, discharges of wastewater into surface water resulting in noncompliance with applicable water quality standards, routinely exceeding effluent discharge standards, and contamination of ground water resulting in exceeding primary drinking water standards. We believe that this practical, comprehensive approach could reduce both the costs in assessing a public health nuisance and delay in correcting treatment failures that pose a risk to public health and the environment.
3. Require discharging systems to comply with terms of the National Pollutant Discharge Elimination System Permit.
4. Require that a board of health inspect a sewage treatment system within 12 months (reduced from 18 months) of installation.
5. Authorize standards for inspecting septage hauling truck tanks.
6. Require the Director of the Ohio Department of Health to develop educational programs to assist owners of sewage treatment systems in the proper operation and management of those systems.
7. Authorize the Public Health Council to establish fees to support enforcement of Ohio law regulating sewage treatment systems and to fund the installation and evaluation of new sewage treatment system technology pilot projects.

We also would like to take this opportunity to express our support for a revolving loan or grant program to assist homeowners with failing sewage treatment systems, as might be established under Ohio Senate Bill 100. We understand that the Ohio Environmental Protection Agency intends to set aside \$5 million in funds from the American Recovery and Reinvestment Act (ARRA) in a Septic Systems Project Reserve fund from which the Agency could make money available to boards of health to assist homeowners. We would encourage the Committee to review those plans with Director Korleski.

We believe that, overall, Senate Bill 110 moves Ohio forward toward a cleaner, healthier environment. It is responsive to the needs of homeowners, home builders, treatment system manufacturers and installers and other related industries, while providing an effective and flexible regulatory framework to protect public health and our wonderful aquatic ecology and resources. We look forward to working with Senator Niehaus and the Committee as you deliberate on this very important legislation.

Respectfully submitted,

Ellen Mee  
Director of Environmental Health Policy