

Resolution 2014-3

Opposing O.A.C. 3701-29 Sewage Treatment System Rules

Whereas, the State of Ohio will be receiving fees created by the new Sewage Treatment System Rules, the total Ohio tax revenue is projected to be \$17.6 billion (1), while at the same time the available funding for local government has been exhausted due to Ohio funding cuts,

Whereas, the State of Ohio has used disputed evidence of a subjective nature as its primary justification of the new Sewage Treatment System Rules (2),

Whereas, the Ohio General Assembly rescinded the Ohio Administrative Code (OAC) Chapter 3701-29 Household Sewage Treatment Rules in 2007 based on the burdensome nature and lack of consideration for economic feasibility,

Whereas, the definition in the Ohio Revised Code 3718-011 of a public health nuisance was modified in 2010 to a more stringent definition and would be the standard for all residencies that have existing household sewage treatment systems,

Whereas, there have not been any reported widespread epidemics or outbreaks of groundwater sources locally involving pathogens, such as Hepatitis A, Shigella, or E Coli 0157 typically associated with sewage effluent (3),

Whereas, there are minimal concentrations of nitrates, indicative of malfunctioning household sewage systems, in Ohio's aquifers (4),

Whereas, all existing household sewage treatment systems will be required to have an operational maintenance contract, which requires all sewage systems to be evaluated,

Whereas, the local health department would be authorized to conduct inspections of household sewage treatment systems without prior homeowner notification,

Whereas, excessive fines and legal action will be administered to home owners for failure to comply with the new Sewage Treatment System Rules (5),

Whereas, the proposed Sewage Treatment System Rules will ultimately burden home owners with greater costs and increase anxiety over an undocumented public health issue,

Whereas, the average cost of a replacement household sewage treatment system could average between \$20,000 and \$30,000, which creates an economic hardship for homeowners and may not be feasible for the average homeowner in Geauga County,

Whereas, a significant portion of Geauga County home owners are on fixed incomes and would face additional economic hardships if they are required to install new household sewage treatment systems,

Whereas, there was not a vote by the citizens of Ohio nor the Ohio General Assembly, and an advanced notice was not provided by the Ohio Department of Health nor the Geauga County Health District to provide input, and, with the implementation of the new Sewage Treatment System Rules, the citizens of this township will lose their say in local matters,

Whereas, the citizens of this township already have Geauga County sewage rules in effect that have been continually updated and include a point-of-sale inspection program to insure proper operation of household sewage treatment systems,

Now, Therefore, may it be resolved that, Russell Township, through its Trustees, expresses its desire to oppose Ohio Administrative Code Chapter 3701-29 Sewage Treatment System Rules as presented, to be imposed on the citizens of this township.

Motioned by MR MUELLER

MR GARRAM seconded the motion and the roll being called resulted as follows,

Trustee Gary H. Sch Vote aye

Trustee Justin Klacke Vote aye

Trustee John Mueller Vote aye

I certify that the above was adopted by the Trustees of Russell Township, Geauga County, at its February 5, 2014 meeting.

[Signature] Fiscal Officer

References

1. <http://usatoday30.usatoday.com/rnonev/econornv/storv/2012-06-12/Tax-revenue-up/55546822/1>
2. <http://www.odh.ohio.gov/~media/ODH/ASSETS/Files/eh/STS/2012HSTSSvstemsandFaatures.ashx> p. 9-10
3. <http://www.odh.ohio.gov/~media/ODH/ASSETS/Files/eh/STS/PUB-SCR1.ashx> p. 15
4. <http://www.odh.ohio.gov/~media/ODH/ASSETS/Files/eh/STS/PUB-SCR1.ashx> p. 40
5. **O.A.C. 3701-29-23**