

Minutes: Russell Township Zoning Commission
Russell Fire-Rescue Station
August 28, 2013

Present: Richard E. Snyder, Chairman
Bruce Murphy
Donna Weiss Carson
Ben Kotowski
Tom Warren
Diana Steffen, Secretary

Chairman Richard Snyder called the meeting to order at 7:37 p.m.

MINUTES OF JULY 24, 2013 – *Mr. Murphy moved to accept the minutes as submitted, Mr. Kotowski seconded and the motion passed unanimously.*

PROPOSED REVISION OF STATE RULES FOR HOME SEWAGE TREATMENT SYSTEMS – In attendance at the invitation of the Zoning Commission was Robert K. Weisdack, R.S., M.A., M.P.H., Geauga County Health Commissioner and Environmental Health Director.

Mr. Snyder explained that the Commission would like to hear from Mr. Weisdack what the effect of the new rules will be on the residents, both practically and cost-wise. Secondly, since the Commission's focus is land use, he said he understands that the new systems are more compact. As a result, if less area is required on a lot for a new system, the Commission will need to consider if that will impact the large lot zoning. Thirdly, he asked Mr. Weisdack what the existing problems are that the new rules are trying to address.

Mr. Weisdack said the current Geauga County septic system rules consist of 22 pages, and he gave the Ohio Department of Health a 51-page report with data on the state of septic systems in the county, which showed that his department has passed between 94% to 98% of systems it inspected at the point-of-sale inspection in the past few years. With 98% last year it shows that homeowners are becoming more aware of the importance of regular pumping to keep systems working. However, his report was ignored, and the proposed new rules consist of 96 pages that are confusing and difficult even for an expert to comprehend. The ODH has a Technical Advisory Committee (TAC) consisting of 31 hand-picked individuals who will be the only people permitted to approve any type of system or any of the components to be used in a new system. These people are also manufacturers and distributors of the new systems. Additionally, all off-lot discharge systems will be under the jurisdiction of the Ohio E.P.A. However, those new systems that are permitted by the TAC and the OEPA must be inspected by the local health departments, and his office has found that 61% of those units failed to meet the EPA standards. This translates to nearly 100 systems that were given approval at the state level, were brand new since 2007, but are not working correctly. He has tried to explain this to the Department of Health.

Mr. Weisdack explained that the key issue in the new rules is the criteria for the permitted depth of the perched water table, which will determine whether a trench, drip or mound system will be installed. Mr. Warren asked if, based on his analysis of the drip systems, they are less effective than the current systems, and Mr. Weisdack agreed and said the price of a new leaching system that is currently utilized is about \$14,000 to \$15,000, whereas a drip system costs \$21,000. He also confirmed that the new on-lot systems the TAC will approve are less effective than the systems his department now requires. The new regulations state that if his department does not enforce these rules the state can take away their authority. The regulations were scheduled to be adopted in 2009 but he and Tim Grendell, a state senator at that time, could see that the rules were inappropriate as far as on-lot systems, and Mr. Grendell managed to persuade the legislature to enact a two-year moratorium in 2007.

Regarding off-lot systems the new rules require that every five years a homeowner must return to the EPA for approval. The owner may not know if his system is working correctly, but if someone tests it and says it does not comply, the EPA will tell the local health department that a surface sand filter must be

installed. A sand filter costs \$2,000 installed, but if an installer puts in an approved NPDES unit he will also charge \$1,000 just to go on the property. The local health department will be prohibited from assisting the homeowner to meet compliance by suggesting modification or adding a part.

Mr. Kotowski asked if Mr. Weisdack was aware of any water-borne illnesses in the county that have been traced back to septic systems, and Mr. Weisdack said no.

The Sewage Rules Committee that is in charge of writing these new rules consists of 50 people who do not have knowledge of septic systems. There were 2,000 comments made against the first draft of the rules, now the second draft is out for comment, and they may be approved by January 2014. Although the perched water table criteria is used as the reason for the new types of systems in the rules, Mr. Weisdack said that all of Geauga County is a semi-saturated zone and the effluent goes out horizontally and not down through the ground. The leaching-based trench systems work well in the county, and there is no need to mandate installing only the new type of systems, and yet this is written in the new rules. The current rules for Geauga County say that mechanical devices should be avoided if possible, whereas the proposed rules require many mechanical devices. Both drip and mound systems must be designed by a professional engineer or system designer. Leach fields will not be permitted any more. It is not only overkill but will cost homeowners a considerable amount of money. He is aware of at least 13 other counties that are opposed to these new rules. With regard to the perched water table, the average in Geauga County is from 24 inches to 4 inches of soil, whereas the new rules mandate 12 inches. Soils will not be classified any more, only the hard pan depth and how it is structured. This is difficult to follow for people who do not have the right background. Mr. Weisdack said there are approximately 35,000 sewage systems in Geauga County of which 15,000 discharge off lot. Under the new rules his department must send any permit information to the state, and if it does not meet the perched water table criteria the state will mandate a new system, even if the existing system is functional. The drip system costs about \$21,000, and could consist of a 135 feet by 20 feet trench above the ground, with mechanical devices. A mound system costs up to \$35,000. It has pipes in a pile of sand, liquid passes through a manifold and then through the soil and out horizontally. If neither system is appropriate on a particular lot then an off-lot discharge system would have to be installed at a cost of \$18,000 to \$19,000.

Ms. Weiss Carson asked if this is a drive towards municipal sewer systems. Mr. Weisdack said it could be, since the income from the new systems could fund dealing with the issue of 5 to 10 billion gallons of raw sewage being dumped into Lake Erie yearly. He said he has met with three local state legislators, gave them copies of the draft with his redline comments, and asked for assistance, but no one has responded to him.

Asked what the Commission should do to assist him, Mr. Weisdack recommended contacting the legislators. His complaints regarding the new rules include the fact that only the manufacturer or distributor of a unit will be allowed to work on it, and that there must be a yearly maintenance contract, the cost of which can be increased at any time. He would like to see the mandate for drip and mound systems to be changed to be at the discretion of the local health departments, which was first suggested.

Ms. Weiss Carson asked how they could write an educated and effective letter to the state legislators about the proposed rules, but Mr. Weisdack said that would be difficult and he would recommend the Commission set up a meeting with the four local legislators and he would talk to them. There was a discussion regarding how to raise people's awareness of the content of the proposed rules. The next draft will be sent to the counties by the middle of September with a 30-day public comment period, and the rules could be effective by March 2014, according to Mr. Weisdack. Ms. Weiss Carson said she felt it was important to let Russell residents know what was going on in Columbus regarding the rules. The Commission discussed scheduling a forum to educate residents.

The Commission members thanked Mr. Weisdack for attending the meeting and explaining the issues involved with the proposed regulations.

Action Item: Mr. Warren to call State Senator Capri Cafaro and possibly former State Senator Tim Grendell; Mr. Snyder to talk to the Ohio Department of Health to ask about the progress of the rules and whether they are on track for a release of the next draft in September.

LAND USE GUIDE PLAN UPDATE – Due to the late hour there was no discussion on this topic.

There being no other business, Mr. Murphy moved to adjourn, Mr. Warren seconded and the meeting adjourned at 10:02 p.m.

Respectfully submitted,

Diana Steffen
Secretary

Date

Richard E. Snyder
Chairman

Date

zc minutes 08-28-13