

STATE OF OHIO

Connection Ban Standards

Chapter 3745-11 of the ADMINISTRATIVE CODE

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Ohio Environmental Protection Agency
Division of Surface Water
Permits & Compliance Section

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3745-11-01 **Definitions.**

As used in this chapter:

- (A) "Director" means the director of the Ohio environmental protection agency.
- (B) "Household sewage treatment system" means any sewage treatment system, or part of such a system, for a single-family, two-family, or three-family dwelling that receives sewage.
- (C) "Person" means the state, any political subdivision, public or private corporation, partnership, firm, association, individual or other entity.
- (D) "Pollutant" means any sewage, industrial waste, or other wastes, as defined by section 6111.01 of the Revised Code.
- (E) "Sewerage system" means pipe lines or conduits, pumping stations, and force mains, and all other constructions, devices, appurtenances, and facilities used for collecting or conducting water-borne pollutants to a point of disposal or treatment.
- (F) "Small flow on-site sewage treatment system" means a system, other than a household sewage treatment system, that treats not more than one thousand gallons of sewage per day and that does not require a national pollutant discharge elimination system permit under section 6111.03 of the Revised Code or an injection well drilling or operating permit issued under section 6111.043 of the Revised Code.
- (G) "Treatment works" means any plant, disposal field, lagoon, dam, pumping station, building sewer connected directly to treatment works, incinerator, or other works used for the purpose of treating, stabilizing, blending, composting, or holding sewage, sludge, sludge materials, industrial waste, or other wastes, except as otherwise defined.
- (H) "Waters of the state" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, which are situated wholly or partly within, or border upon this state, or are within its jurisdiction, except those private waters which do not combine or effect a junction with natural surface or underground waters.

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3745-11-02 **Standard and special connection bans.**

- (A) Permits required by section 6111.04 of the Revised Code may contain conditions imposing connection bans, and orders of the director issued pursuant to paragraph (H) of section 6111.03 of the Revised Code may impose connection bans.
- (B) The director shall specify in the order or permit condition imposing the connection ban the geographical area to which the ban applies.
- (C) A connection ban shall be imposed upon both:
 - (1) The person or persons responsible for the construction and operation of the treatment works and sewerage system in the geographical area specified; and
 - (2) The person or persons responsible for the issuance of permits to construct or install new connections or treatment works.
- (D) Both a standard ban and a special ban may be in effect simultaneously in the same geographical area.
- (E) A standard connection ban prohibits the person upon which it is imposed from causing or allowing the extension of or additional connections to the sewerage system. The director may impose a standard connection ban whenever additional connections to or extensions of a sewerage system would result in:
 - (1) An increase in the quantity of pollutants in the discharges from a treatment works or sewerage system, to any waters of the state; and
 - (2) The delivery of wastewater in excess of the capacity of the treatment works or sewerage system beyond its original design capabilities to treat the wastestream; or
 - (3) Violations, or the contribution to a pattern of ongoing violations, of the limits or terms and conditions of a national pollutant discharge elimination system permit, an order issued by the director or a court of law, or any other applicable control document; or
 - (4) The exceedence of water quality standards adopted pursuant to section 6111.041 of the Revised Code. For the purposes of this rule, the installation of a new sewer line routed directly to the treatment works shall be considered an extension of the sewerage system.
- (F) A special connection ban prohibits the person upon which it is imposed from causing or allowing construction or installation of household sewage treatment systems, or small flow on-site sewage treatment systems, or both, as appropriate. The director may only impose a special connection ban when it can be shown that pollutants from new household sewage treatment systems or small flow on-site sewage treatment systems, or both, in the geographical area to which the ban is applicable will be discharged into waters of the state.

- (G) Applications for treatment works or sewerage systems, or both as defined by section 6111.01 of the Revised Code, and connections of new nonresidential sources of wastewater to existing treatment works or sewerage systems, or both will not be approved under section 6111.44, 6111.45, or 6111.46 of the Revised Code or Chapter 3745-42 of the Administrative Code, in the geographical area specified while a standard or special connection ban is proposed or in effect. This paragraph shall not apply to such facilities as are necessary to comply with orders or permit conditions issued by the director or a court of law.
- (H) Nothing in this rule shall prohibit connection to a sewerage system or construction and operation of a treatment works if:
- (1) The foundation of the facility proposed to be connected to the sewerage system or treatment works had been laid prior to issuance of the order imposing the connection ban, or prior to issuance of the permit, a condition of which imposes the connection ban; and
 - (2) Such connection or treatment works or the plans therefor have received the necessary permits and approvals from the director and the local board of health or other licensing authority.
- (I) The director shall specify in the order or permit condition imposing the ban one of the following as the event upon which the director will modify the permit to remove the condition imposing the ban, or revoke the order imposing the ban:
- (1) Letting of construction contracts; or
 - (2) Approval of detail plans; or
 - (3) Approval of construction grant funding by the United States environmental protection agency, or approval of state revolving loan funding by the director; or
 - (4) Such other date or act upon which the director is reasonably assured that additional connection to or extensions of a sewerage system will not increase the polluting properties of an effluent when discharged to the waters of the state or further threaten public health and welfare or the environment.
- (J) Failure to comply with a ban will subject violators to prosecution by the Ohio attorney general pursuant to section 6111.07 of the Revised Code.

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3745-11-03 **Connection ban variances.**

- (A) Any person desiring a variance from a ban imposed under this chapter must apply in writing to the director. Applications for variances shall be in a form and contain such information as the director may require. The application shall include at least:
- (1) A signed statement from the appropriate public official that, but for the ban, the facility for which a variance is sought would be a permitted structure under all applicable local laws and regulations;
 - (2) A request from the person upon whom the connection ban has been imposed that it be permitted to allow the connection or other necessary action; and
 - (3) Additional information the director may consider in deciding whether to grant or deny a variance request as outlined by paragraph (C) of this rule.
- (B) An incomplete application will not be considered. Any applicant who submits an incomplete application will be notified within thirty days of receipt of the application of the nature of the insufficiency and of the director's refusal to consider the application until the insufficiency is rectified.
- (C) The director may grant a variance from a connection ban whenever, in the director's judgment, compelling public need, extreme individual hardship, or other extraordinary circumstances require that the variance be granted. In deciding whether to grant a variance the director may take into consideration the following factors:
- (1) The proposed facility will replace a facility in the area of the ban that has been condemned;
 - (2) The proposed facility will be used primarily as the dwelling place of a person whose physical or mental health requires that person to live within the area of the ban;
 - (3) The variance will allow the construction of a school or hospital, or fire or police department facilities;
 - (4) The proposed facility will replace one or more existing facilities with a resulting decrease in the quantity of pollutants discharged into waters of the state; and
 - (5) Other special facts indicate that the public interest will be served by the immediate availability of the proposed facility.
- (D) The director shall grant or deny the variance by letter within sixty days of the date on which a complete application for a variance is received. Upon granting or denying a variance, the director shall promptly notify the appropriate local official of the director's action.

(E) Variance applications shall be acted upon and challenged in accordance with provisions of Chapters 3745. and 119. of the Revised Code and Chapters 3745-47 and 3745-49 of the Administrative Code.

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