

Franklin County Public Health
COMPLAINT INVESTIGATION FORM

ID #: 20230089

Date Received: 08/05/2023

Referred to: MAY, JAMES

By: MAY, JAMES M.

Type: SWO EVAPO OPERATION
Serv: VICB VIOLATION CHECK BACK NEEDED

Nature: AFTER-MARKET NORWECO-TYPE MOTOR

Location: RESIDENTIAL GALLOWAY	6435 CABIN CROFT DR 43119 PRAIRIE TWP	P.S.: PRA
Owner: KEVIN M LACEY & CLAIRE L LACEY 6435 CABIN CROFT DR GALLOWAY, OH 43119 -161-485-3070	Complainant: FCPH 280 E BROAD COLMBUS, OH 43215	

Date Investigated: 8/8/23 Orders Issued: Y__N__ 2nd Date Orders Issued: __/__/__

3rd Date Orders Issued: __/__/__ Board Orders Issued: __/__/__

Law/Regulation(s) Violated: 3701-29

Date Completed: __/__/__ Final Disposition: _____

Person(s) Contacted: Claire Lacey, Lewis Electric

Rechecks: 8/8/23 9/11/23 __/__/__ __/__/__ __/__/__ __/__/__

Findings and Actions: _____

9/11/23 AFTER-MARKET MOTOR STILL IN USE

James May
Signature of Investigator

2ND NOTICE OF VIOLATION

January 5, 2024

Kevin M. & Claire L. Lacey
6435 Cabin Croft Ln.
Galloway, OH 43119

RE: 6435 Cabin Croft Ln., Galloway, OH 43119
Prairie Township, Franklin County
Tax District # 240 Parcel # 006441

Dear Kevin M. & Claire L. Lacey:

Franklin County Public Health has inspected the property located at the above referenced address. The Franklin County Auditor's Office indicates you are the owners of said property.

Investigations of the septic system were conducted on June 15, 2023, July 5, 2023, and August 8, 2023. Each time, I observed:

The Norweco aerator motor had been replaced with an 'after-market' aerator motor purchased on-line.

Ohio Administrative Code Chapter 3709-29-13 requires that any replacement parts or motor must come from the manufacturer of the original equipment. You cannot use any other parts to fix or replace your aerator motor even if it is advertised as compatible.

To bring your property into compliance, the following action is required:

Repair/replace the Norweco aeration motor; 'After-market' motors sold as 'Norweco replacement' or 'Norweco equivalent' are UNAPPROVED.

You were initially given until September 5, 2023, to comply with a 1st Notice of Violation. However, an extension was granted until January, 2024. A reinspection will be performed on or shortly after January 19, 2024, to verify compliance.

If this violation has not been corrected, this matter may result in further administrative enforcement, or criminal charges, or a civil lawsuit being filed in the Franklin County Environmental Court.

Please feel free to contact this office if you have any questions. Your anticipated cooperation in this matter is highly appreciated.

Sincerely,

James May, REHS
Public Health Nuisance--IDDE

Jm/jm
Prairie Township

1ST NOTICE OF VIOLATION

August 14, 2023

Kevin M. & Claire L. Lacey
6435 Cabin Croft Dr.
Galloway, Ohio 43119

RE: 6435 Cabin Croft Dr., Galloway, Ohio 43119
Prairie Township, Franklin County
Tax District #240 Parcel #006441

Dear Kevin M. & Claire L. Lacey:

Franklin County Public Health has inspected the property located at the above-referenced address. The Franklin County Auditor's Office indicates you are the owners of said property.

Investigations of the septic system were conducted on June 15, 2023, July 5, 2023, and August 8, 2023. Each time, I observed:

The Norweco aerator motor had been replaced with an 'after-market' aerator motor.

Ohio Administrative Code Chapter 3709-29-13 (P) requires that any replacement parts or motor must come from the manufacturer of the original equipment. You cannot use any other parts to fix or replace your aerator motor even if it is advertised as compatible.

To bring the property into compliance the following action is required:

Repair/replace the Norweco aeration motor; 'After-market' motors sold as 'Norweco replacement' or 'Norweco Equivalent' aeration motors are UNAPPROVED.

You will be given until **September 5, 2023**, to comply with this Notice of Violation. A reinspection will be performed on or thereafter to verify compliance. If these violations are not corrected, this matter may result in further administrative enforcement, or criminal charges or a civil lawsuit being filed in the Franklin County Environmental Court.

Please feel free to contact this office if you have any questions. Your anticipated cooperation in this matter will be highly appreciated.

Sincerely,



James May, RS
Public Health Nuisance-IDDE Program

* 9/11/23 aftermarket motor still used -

JM/jm
C: Prairie Township Trustees



Franklin County Public Health
 280 East Broad Street
 Columbus, Ohio 43215-4562
 (614) 525-3160
 www.myfcph.org

Evapotranspiration Treatment System Observational Report

Water Quality Program

Record # <i>5197</i>	Political Subdivision <i>Prairie</i>	<input type="checkbox"/> 1 st Observation <input checked="" type="checkbox"/> 2 nd Observation <input type="checkbox"/> Additional Observation
Property Address <i>6435 Cabin Creek Dr Galloway, OH 43119</i>		Location of System on the Property <input type="checkbox"/> Front <input checked="" type="checkbox"/> Side <input type="checkbox"/> Rear
Property Owner <i>Claire L. Lacey</i>		Owner's Phone # <i>(614) 853-0760</i>
Owner's Address <i>as above</i>		City/State/Zip

Observations

System Manufacturer <input type="checkbox"/> Jet <input checked="" type="checkbox"/> Norweco <input type="checkbox"/> Multi-Flo <input type="checkbox"/> Other		
Aerator Motor <input type="checkbox"/> Missing Motor/Component <input type="checkbox"/> Mechanical Failure <input type="checkbox"/> Electrical Failure <input type="checkbox"/> Visible Damage		
Aeration Chamber (Tank) <input type="checkbox"/> Sewage Odor <input type="checkbox"/> Floating Solids <input type="checkbox"/> High Liquid Level <input type="checkbox"/> Inadequate Aeration		
Dosing Pump <input checked="" type="checkbox"/> Functional <input type="checkbox"/> Non Functional		Damaged Seals or Pipes <input type="checkbox"/> Dosing Chamber <input type="checkbox"/> Pressurized Pipe
Trench Inspection Box <input checked="" type="checkbox"/> Present <input type="checkbox"/> Not Present		Trench Vents <input checked="" type="checkbox"/> Present <input type="checkbox"/> Not Present
Vegetation Present <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Trees Present <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Required # of Trees Present (16 per 100 feet) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Curtain Drain Present <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Curtain Drain Water Quality <input type="checkbox"/> No Water Present <input type="checkbox"/> Clear <input type="checkbox"/> Gray Color <input type="checkbox"/> Black Color	
Effluent or Sewage Observed on the Ground <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Residence Occupied <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
Additional Observations: <input checked="" type="checkbox"/> Owner mistakenly purchased 'after-market' MARATHON motor instead of Norweco motor - please see attached list of Norweco distributors		

Action

will re-check in 30 days - 8/5/23

<input type="checkbox"/> No corrective action necessary at the time of this observation. Thank you.		
<input checked="" type="checkbox"/> The observations circled above will be referred to a Registered Sanitarian for further investigation, inspection or administrative enforcement pursuant to Ohio Administrative Code 3701-29 and/or Ohio Revised Code 3718.		
Franklin County Public Health Staff <i>JAMES MAY</i>	Phone # <i>(614) 525-4928</i>	Date <i>7/5/23</i>

*8/8/23 AFTER market motor still in use
 will send NOU*

Kevin M Lacey
Claire L Lacey

240-006441



FRANKLIN COUNTY PUBLIC HEALTH
280 E BROAD ST
COLUMBUS, OH 43215
1-614-525-3160
www.myfcp.org

Evapo-Transpiration
Treatment System
Observational Report

419-668-4471

marathon

Record # 5197	Political Subdivision PRAIRIE TWP	<input type="checkbox"/> 1st Observation <input type="checkbox"/> 2nd Observation <input type="checkbox"/> Additional Observation
Property Address 6435 CABIN CROFT DR GALLOWAY, OH 43119		Location of System on the Property <input type="checkbox"/> Front <input checked="" type="checkbox"/> Side <input type="checkbox"/> Rear
Property Owner LACEY, CLAIRE L.	Owner's Phone # 1-614-853-0760	
Owner's Address 6435 CABIN CROFT	City/State/Zip GALLOWAY, OH 43119	

Observations

System Manufacturer <input type="checkbox"/> Jet <input checked="" type="checkbox"/> Norweco <input type="checkbox"/> Multi-Flo <input type="checkbox"/> Nayadic <input type="checkbox"/> Other		
Aerator Motor <input type="checkbox"/> Missing Motor/Component <input type="checkbox"/> Mechanical Failure <input type="checkbox"/> Electrical Failure <input type="checkbox"/> Visible Damage		
Aeration Chamber (Tank) <input type="checkbox"/> Sewage Odor <input type="checkbox"/> Floating Solids <input type="checkbox"/> High Liquid Level <input type="checkbox"/> Inadequate Aeration		
Dosing Pump <input checked="" type="checkbox"/> Functional <input type="checkbox"/> Non Functional	Damaged Seals or Pipes <input type="checkbox"/> Dosing Chamber <input type="checkbox"/> Pressurized Pipe	
Trench Inspection Box <input checked="" type="checkbox"/> Present <input type="checkbox"/> Not Present	Trench Vents <input checked="" type="checkbox"/> Present <input type="checkbox"/> Not Present	
Vegetation Present <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Trees Present <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Required # of Trees Present (16 per 100 feet) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Curtain Drain Present <input type="checkbox"/> Yes <input type="checkbox"/> No	Curtain Drain Water Quality <input type="checkbox"/> No Water Present <input type="checkbox"/> Clear <input type="checkbox"/> Gray Color <input type="checkbox"/> Black Color	
Effluent or Sewage Observed on the Ground <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Residence Occupied <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown	
Additional Observations * AFTER-MARKET motor is NOT running & is NOT approved. Must be <u>NGRWECO</u>		

Action 7/5 purchased marathon motor - after market

<input type="checkbox"/> No corrective action necessary at the time of this observation. Thank you.		
<input checked="" type="checkbox"/> Franklin County Public Health staff will return in <u>14</u> days to observe the system operation. Please refer to the items checked in the Observation section of this form. Please call the number listed below when repairs are completed.		
<input type="checkbox"/> The observations noted above will be referred to a Registered Sanitarian for further administrative enforcement pursuant to Ohio Administrative Code 3701-29 and/or Ohio Revised Code 3718.		
Franklin County Public Health Staff JAMES MAY	Phone # (614) 525-4928	Date 6/15/23

May, James M.

From: May, James M.
Sent: Friday, August 18, 2023 10:49 AM
To: Tammy@lewiselectricmotor.com
Cc: 6144965799@vzwpix.com; Ralph, Nathan A.; audrey.blakeman@odh.ohio.gov
Subject: Ohio Administrative Code pertaining to 'After-Market' motors
Attachments: Ohio Sewage Treatment System Rules.pdf; Technical Review Committee.pdf

Attached is Ohio Administrative Code pertaining to OEM requirement for STS pretreatment components. Please see 1st attachment.

The Marathon aerator motor manufactured by Lewis Electric Motors has not been approved by the Ohio Technical Review committee. For this reason, homeowners are not permitted to replace OEM aerator motors with Marathon aerator motors because this type of 'aftermarket' motor has not been approved the State of Ohio's Technical Review committee. The 2nd attachment provides a listing of the Technical Review Committee members.

Unless the Marathon aerator motor is approved by the State of Ohio's Technical Review Committee, homeowners must REPLACE these units with OEM equipment. This has resulted in considerable consternation among effected property owners.

Regards,

James May
Franklin County Public Health

**OHIO ADMINISTRATIVE CODE
CHAPTER 3701-29**



SEWAGE TREATMENT SYSTEM RULES

**OHIO DEPARTMENT OF HEALTH
Bureau of Environmental Health
JANUARY 1, 2015**

- (1) ANSI/NSF Standard 40 certification of compliance with current ANSI/NSF Standard 40 by an ANSI/CSA accredited third party certifier;
- (2) BNQ Standard NQ 3680-910CE; or
- (3) N Standard EN 12566-3

(L) **In accordance with division (A) of section 3718.04 of the Revised Code, a manufacturer seeking approval for the installation and use of a sewage treatment system or a component of a system in this state that differs in design or function from systems or components of systems the use of which is authorized in rules adopted under section 3718.02 of the Revised Code shall submit an application to the director and the sewage treatment systems technical advisory committee for review and recommendation for approval or disapproval by the director of health.**

(M) **Manufacturers of sewage treatment system** treatment trains approved for use in the state of Ohio shall be required to provide documentation as proof of certification for those individuals or companies qualified to oversee installation, install, or service their products. Qualified individuals or companies shall retain said documentation and provide it to the department or board of health upon request.

(N) **Manufacturers of pretreatment components** shall be required to maintain a list of system installations and locations either directly or through a local distributor. The list shall be accessible to the board of health or the department of health upon request.

(O) **Manufacturers of sewage treatment systems and treatment trains approved for use in the state of Ohio shall be required to provide training, certification, recertification and related documentation as applicable to service providers, installers and system owners on the proper installation, operation and maintenance of the component or system. Manufacturers shall ensure that there is more than one service provider reasonably accessible to owners of installed systems, and that parts and special tools are readily available.**

(P) **STS pretreatment components shall be operated, maintained, and monitored as necessary to ensure compliance with any applicable effluent quality standards established in this rule or the final effluent limitations set forth in a NPDES permit issued by the Ohio EPA. Devices critical to the performance of pretreatment components shall be maintained as manufacturer's original equipment matching the system configuration approved by the director.**

(Q) Pretreatment components and systems installed to meet the effluent quality standards set forth in a general household NPDES permit issued by the Ohio EPA shall meet the following requirements:

- (1) The pretreatment component and/or full treatment train shall include a failsafe mechanism that provides an audible and visual alarm in the event of a component malfunction and one of the following mechanisms to ensure proper response:
 - (a) An integrated pump lock-out that prevents the discharge or forward flow of effluent that does not meet the effluent quality standards set forth in a NPDES permit. Pump tanks with integrated pump lock-out features designed to prevent discharge of effluent are exempt from the requirements of paragraph (J)(2) of rule 3701-29-12 of the Administrative Code; or
 - (b) A remote telemetry device to automatically notify the service provider and if required, the board of health, in the event of a system alarm event or system malfunction; and
- (2) **Installation of a sampling port** that meets the requirements of paragraph (F) of this rule at the end of the treatment train. The point of discharge shall have sufficient freeboard to prevent the backup of surface water into the system.

**Ohio Department of Health
Sewage Treatment Systems Technical Advisory Committee
March 2023**

Member	Address	Position	Term Expiring end of Calendar Year	Appointed By
Vacant		Soil Scientist	2024	Governor
Chas Kaiser	CDK Structures 4600 Mitchell Lane Ostrander, Ohio 43061 cdkstructures@aol.com	Installer/Service Provider	2025	Senate
Don Carabin	Norweco, Inc. 220 Republic Street Norwalk, Ohio dcarabin@norweco.com	Manufacturer	2025	Senate
David Chronister	Onsite Design Solutions East Liverpool Ohio Onsitedesignsolutions@outlook.com	Designer	2025	Senate
Eric Cherry, REHS	Huron County Public Health 28 Executive Dr. Norwalk, OH 44857 echerry@huroncohealth.com	Health District REHS	2025	House
Mark Adams	Stark County Health Department 7235 Whipple Ave NW Suite B North Canton Ohio, 44720 AdamsM@starkhealth.org	Health Commissioner	2025	Senate
Joe Warino PE, PS	6151 Leffingwell Rd Canfield, Ohio 44406 mcsejoew@aol.com (330)397-1430	Professional Engineer	2025	House

Member	Address	Position	Term Expiring end of Calendar Year	Appointed By
Julianne Nesbit	Clermont County Health Department 2275 Bauer Rd Suite 300 Batavia, Ohio 45103 inesbit@clermontcountyohio.gov	Health Commissioner	2023	House
Vacant	Ohio EPA Office of Financial Assistance Division of Environmental and Financial Assistance P.O. Box 1049 Columbus, OH 43216 – 1049	Ohio EPA Engineer	2025	Governor
Travis Genshock, PE	Hydro-Action Mfg. P.O. Box 640 Plymouth, IN 46563 travis.g@akindustries.com	Manufacturer	2025	House
Vacant		Public	2022	Governor
Vacant		Academic	2025	Governor
Gary Salmon	Trustee Oxford Township, Butler County ukcat1grs@aol.com	Townships	2025	Governor
Audrey Blakeman	Residential Water and Sewage Program Bureau of Environmental Health and Radiation Protection Ohio Department of Health 246 N. High St. Columbus, Ohio 43215	ODH Director Representative - Secretary		

May, James M.

From: May, James M.
Sent: Friday, August 18, 2023 10:49 AM
To: Tammy@lewiselectricmotor.com
Cc: *Claire Kelly* → 6144965799@vzwpix.com; Ralph, Nathan A.; audrey.blakeman@odh.ohio.gov
Subject: Ohio Administrative Code pertaining to 'After-Market' motors
Attachments: Ohio Sewage Treatment System Rules.pdf; Technical Review Committee.pdf

Attached is Ohio Administrative Code pertaining to OEM requirement for STS pretreatment components. Please see 1st attachment.

The Marathon aerator motor manufactured by Lewis Electric Motors has not been approved by the Ohio Technical Review committee. For this reason, homeowners are not permitted to replace OEM aerator motors with Marathon aerator motors because this type of 'aftermarket' motor has not been approved the State of Ohio's Technical Review committee. The 2nd attachment provides a listing of the Technical Review Committee members.

Unless the Marathon aerator motor is approved by the State of Ohio's Technical Review Committee, homeowners must REPLACE these units with OEM equipment. This has resulted in considerable consternation among effected property owners.

Regards,

James May
Franklin County Public Health