



February 27, 2024

Writer's Direct Dial  
(614) 324-0450  
E-mail  
dhatzifotinos@willislawohio.com

Joe Mazzola, MPA  
Health Commissioner  
Franklin County Board of Health  
280 East Broad Street  
Columbus, Ohio 43215

Re: Notice of Appeal

Dear Mr. Mazzola,

Please be advised that our office represents the interests of Kevin M. Lacey and Claire L. Lacy with respect to the premises located at 6435 Cabin Croft Drive, Galloway, Ohio 43119, parcel number 006441. I am writing to appeal the order dated February 13, 2024 but not received until February 21, 2024 pursuant to Ohio Revised Code § 3707.02.

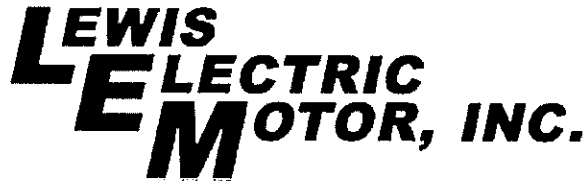
My client replaced the Norweco Aerator in his septic system with a like for like Aerator which is functional in the septic system at that time. An invoice evidencing the replacement is attached to this appeal. As a result, the violation which was issued by the Health Commissioner is inaccurate and should be dismissed. My client is fully compliant with the requirements of OAC § 3701-29.

We would like to appear for an Appeal Hearing before the Franklin County Board of Health.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dimitri Hatzifotinos", is written over a printed name. The signature is stylized with loops and flourishes.

Dimitri Hatzifotinos



## Invoice 4012 for order 6202

Order Date: June 16, 2023

### Billing Address

Kevin Lacey  
6435 Cabin Croft Drive  
Galloway, OH 43119

### Shipping Address

Kevin Lacey  
6435 Cabin Croft Drive  
Galloway, OH 43119

### Shipping Method

Free Shipping

SKU	Product	Quantity	Price
LEM1800-14	Norweco/Singulaire Septic Aerator Replacement (LEM1800-14)	1	\$399.00
<b>Subtotal:</b>			\$399.00
<b>Shipping:</b>			Free Shipping
<b>Payment method:</b>			Credit or debit cards (via PayPal)
<b>Total:</b>			\$399.00

## Customer Details

- **Email:** kevin@wagco1.com
- **Phone:** 6144965799

Tracking Number:

**70073020000054781419**

[Copy Add to Informed Delivery](#)

### Latest Update

Your package is moving within the USPS network and is on track to be delivered to its final destination. It is currently in transit to the next facility.

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[USPS Tracking Plus®](#)

### Moving Through Network

In Transit to Next Facility

March 21, 2024

Unclaimed/Being Returned to Sender

GALLOWAY, OH 43119

March 4, 2024, 3:44 pm

Available for Pickup

GALLOWAY

5820 SULLIVANT AVE

GALLOWAY OH 43119-9903

M-F 0830-1700; SAT 0900-1400

February 26, 2024, 11:40 am

Notice Left (No Authorized Recipient Available)

GALLOWAY, OH 43119

February 24, 2024, 4:13 pm

Available for Pickup

GALLOWAY

5820 SULLIVANT AVE

GALLOWAY OH 43119-9903

M-F 0830-1700; SAT 0900-1400

February 17, 2024, 11:39 am

Notice Left (No Authorized Recipient Available)

GALLOWAY, OH 43119

February 16, 2024, 2:51 pm

Arrived at USPS Regional Facility

COLUMBUS OH DISTRIBUTION CENTER

February 14, 2024, 7:11 pm



# OHIO DEPARTMENT OF HEALTH

246 North High Street  
Columbus, Ohio 43215

614/466-3543  
www.odh.ohio.gov

John R. Kasich/Governor

Richard Hodges/Director of Health

November 29, 2016

Mr. Eugene Matho  
11436 Edgewood Rd  
Harrison, OH 45030

Mr. Eugene Matho:

I have received your letter seeking clarification on the use of after-market replacement motors for your aeration system. This is a common question that has been posed to the Ohio Department of Health on multiple occasions. The Department of Health has consistently indicated that original equipment manufacturer (OEM) replacement parts must be used in the repair or replacement of worn-out devices in an approved sewage treatment system.

Section 3718.04 of the Ohio Revised Code (ORC) outlines the process by which sewage treatment systems or components are reviewed and approved in the state of Ohio. Manufacturers are required to submit application for review by the Sewage Treatment Systems Technical Advisory Committee (TAC). The TAC reviews product information and testing data before making a recommendation to the Director of Health to either approve or disapprove the product for use in the state of Ohio.

Any time an aeration unit or other product is approved by the Department of Health, the approval covers the entire unit or product as it was tested prior to its approval. Any home-style repairs or deviations from the approved product would nullify the aeration component's approval.

For example, if an approved aeration component was installed, and at a later date the motor was replaced with a motor from a different manufacturer, this would invalidate the aeration unit's approval from the Ohio Department of Health. This would also be the case if an approved component's motor is replaced with a motor from a different manufacturer's approved component (i.e. a Jet motor cannot be used in a Norweco aeration unit).

Local health districts have previously been informed of this ODH position. The local health districts have the responsibility to enforce chapter 3701-29 of the Ohio Administrative Code, and it is within their authority to require that replacement motors that do not comply with ODH approvals be removed.

If you have any questions, please feel free to contact the Residential Sewage Program staff at 614-644-7551.

Sincerely,



Rachel Townsend, RS  
Residential Water & Sewage Program Manager  
Bureau of Environmental Health and Radiation Protection

RT/at

Cc: Chris Griffith, Hamilton County Public Health



# OHIO DEPARTMENT OF HEALTH

550 North High Street  
Columbus, Ohio 43260

(614) 462-3143  
www.odh.ohio.gov

Ted Strickland, Governor

Alvin D. Jackson, M.D., Director of Health

March 13, 2009

Chris Griffith  
Director, Division of Water Quality  
Hamilton County Public Health  
250 William Howard Taft Rd., 2nd fl  
Cincinnati, OH 45219

Mr. Griffith:

This letter is in response to your March 13, 2009 phone conversation with program staff concerning the use of aeration motors that differ from the tested, manufacture aeration motors in Ohio Department of Health approved aeration treatment units.

The Ohio Administrative Code (OAC) Household Sewage Disposal Rule 3701-29-02 (A) states:

"The design, construction, installation, location, maintenance, and operation of household sewage disposal systems including, but not limited too, septic tanks, aerobic type treatment systems, filters, leaching tile fields, leaching walls, building sewers, and privies or parts thereof shall comply with these rules and engineering practices acceptable to the Ohio department of health and current Ohio environmental protection agency effluent standards."

Household Sewage Disposal Rule 3701-29-08 (A) states:

"Aerobic type treatment systems shall comply with standard number forty as adopted by the national sanitation foundation board of trustees or standards accepted as equivalent by the Ohio department of health relating to materials, design, construction, performance, operation, maintenance, and safety of the system in effect at the time of acceptance of a system by the Ohio department of health, and the requirements of rules 3701-29-01 to 3701-29-21 of the Ohio Sanitary Code."

Based on our interpretation of the statewide interim sewage rules, any time an aeration unit or any other pretreatment component is approved by the Ohio Department of Health, prior to January 2007, or has been reviewed by the Sewage Treatment System Technical Advisory Committee and this department

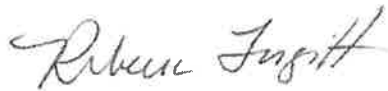
as authorized under Chapter 3718.04 of the Ohio Revised Code after January 2007, the approval for use would include the entire unit or product as it was tested prior to its submission for approval.

Therefore, if an approved aeration unit or pretreatment component was installed, and at a later date a motor or other part was replaced by a motor or part from a different manufacturer, this would invalidate the aeration unit approval from Ohio Department of Health and jeopardize its National Sanitation Foundation Standard Forty certification. The loss of the NSF certification would be due to the system being altered from its approved status.

The local health department would be within its right to require that all parts be replaced with like repair parts as required by the original manufacturer. Any alteration or home-style repair would nullify the aeration unit's approval. This would also be the case if the approved unit's motor was to be replaced with a motor from another manufacturers approved unit.

If you have any questions feel free to contact this office at any time at 614-466-1390.

Sincerely,



Rebecca Fugitt, RS, MS  
Program Manager, Residential Water and Sewage Program  
Ohio Department of Health

Cc: File

**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

<b>Location:</b> RESIDENTIAL GALLOWAY	6435 CABIN CROFT DR 43119 PRAIRIE TWP	P.S.: PRA
<b>Owner:</b> KEVIN M LACEY & CLAIRE L LACEY 6435 CABIN CROFT DR GALLOWAY, OH 43119 -161-485-3070	<b>Complainant:</b> 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

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James May  
Signature of Investigator

## 2<sup>ND</sup> 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 1<sup>st</sup> 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



## 1<sup>ST</sup> 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 # 5197	Political Subdivision Paine	<input type="checkbox"/> 1st Observation <input checked="" type="checkbox"/> 2nd Observation <input type="checkbox"/> Additional Observation
Property Address 6935 Cabin Creek 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 Claire L. Lacey	Owner's Phone # (614) 853-0760	
Owner's Address as above	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' NARWECO MOTOR instead of Norweco Motor - please see attached list of Norweco distributors		

### Action

will re-check in 30 days - 8/15/23

<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 JAMES MAY	Phone # (614) 525-4925	Date 7/15/23

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.myfcph.org

Evapo-Transpiration  
Treatment System  
Observational Report

412-668-4471

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 <del>*</del> AFTER-MARKET motor is NOT running & is NOT approved. <u>MUST be NORWECO</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
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**Lacey, Claire L**

**From:** Tammy Sticht <tammy@lewiselectricmotor.com>  
**Sent:** Thursday, July 13, 2023 4:03 PM  
**To:** Lacey, Claire L  
**Subject:** [EXTERNAL] Septic Aerator from Lewis Electric Motor Inc  
**Attachments:** Septictankaerator2023-07-13\_144900.pdf

**Claire,**  
*I have attached a brochure that we have about what an aerator does. You can show this to the County Health inspector. I would also direct them to our website [www.lewiselectricmotor.com](http://www.lewiselectricmotor.com) so they can see for themselves. Our aerator is not NSF approved. To become NSF approved, you have to install septic tanks. We do not install septic tanks. We are an electric motor shop that has been in business for over 55 years. It is up to the County Health Department if they will allow what we call a generic Marathon motor. It is an OEM motor that is made specifically for Lewis Electric Motor Inc. If the inspector has any questions about our aerator, they can call and talk to our electrical engineer, Alan Lewis @ 636-938-5464.*

*If they still refuse to let you use this aerator, please call and talk to Diann Lewis. I'm apologize that I couldn't get to the phone fast enough. Everyone was at lunch. I was the only one answering the phones.*

**Lewis Electric Motor, Inc.**  
**Tammy Sticht**  
**Office Manager**  
**P: 636-938-5464 F: 636-938-9128**  
**[Tammy@lewiselectricmotor.com](mailto:Tammy@lewiselectricmotor.com)**  
**[www.lewiselectricmotor.com](http://www.lewiselectricmotor.com)**

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## 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 1<sup>st</sup> 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 2<sup>nd</sup> 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) BQ 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 <a href="mailto:cdkstructures@aol.com">cdkstructures@aol.com</a>	Installer/Service Provider	2025	Senate
Don Carabin	Norweco, Inc. 220 Republic Street Norwalk, Ohio <a href="mailto:dcarabin@norweco.com">dcarabin@norweco.com</a>	Manufacturer	2025	Senate
David Chronister	Onsite Design Solutions East Liverpool Ohio <a href="mailto:Onsitedesignsolutions@outlook.com">Onsitedesignsolutions@outlook.com</a>	Designer	2025	Senate
Eric Cherry, REHS	Huron County Public Health 28 Executive Dr. Norwalk, OH 44857 <a href="mailto:echerry@huroncohealth.com">echerry@huroncohealth.com</a>	Health District REHS	2025	House
Mark Adams	Stark County Health Department 7235 Whipple Ave NW Suite B North Canton Ohio, 44720 <a href="mailto:AdamsM@starkhealth.org">AdamsM@starkhealth.org</a>	Health Commissioner	2025	Senate
Joe Warino PE, PS	6151 Leffingwell Rd Canfield, Ohio 44406 <a href="mailto:mcseioew@aol.com">mcseioew@aol.com</a> (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 <a href="mailto:inesbit@clermontcountyohio.gov">inesbit@clermontcountyohio.gov</a>	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 <a href="mailto:travis.g@akindustries.com">travis.g@akindustries.com</a>	Manufacturer	2025	House
Vacant		Public	2022	Governor
Vacant		Academic	2025	Governor
Gary Salmon	Trustee Oxford Township, Butler County <a href="mailto:ukcat1grs8@aol.com">ukcat1grs8@aol.com</a>	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 Lacey* → 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 1<sup>st</sup> 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 2<sup>nd</sup> 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

# RECORD OF PROCEEDINGS

Franklin County Public Health  
Journalized on:

Minutes of

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

FEB 13 2023

Held \_\_\_\_\_

20 \_\_\_\_\_

RESOLUTION 24-015

February 13, 2024

RESOLUTION TO AUTHORIZE THE HEALTH COMMISSIONER TO ISSUE THE BOARD OF HEALTH ORDERS (3-sewage, 1-nuisance)

**WHEREAS**, a Board of Health of a general health district may make such orders and regulations as are necessary for its own government, for the public health, the prevention or restriction of disease, and the prevention, abatement, or suppression of nuisances and lead hazards;

**WHEREAS**, a Board of Health of a general health district may issue orders to compel the owners, agents, assignees, occupants, or tenants of any lot, property, building, or structure to abate and remove any nuisance or lead hazards therein, and prosecute such persons for neglect or refusal to obey such orders;

**WHEREAS**, Franklin County Public Health staff investigate and verify public health complaints to determine if owners and/or responsible parties are in violation of Board of Health regulations;

**WHEREAS**, staff have concluded their investigation and determined that owners and/or responsible parties of the properties listed below continue to be in violation of Health Department regulations, and recommend that: the Board of Health issue orders to abate the violations; issue a citation pursuant to Revised Code Section 3707.01 and 3707.02; or refer the matter to the Franklin County Prosecutor or Municipal Law Director for injunctive action and/or the filing of a criminal citation pursuant to Revised Code Sections 3707.021 or 3709.211;

**WHEREAS**, pursuant to Revised Code Section 3718.09, the Board of Health may issue an enforcement order to any person to abate a violation of Revised Code Chapter 3718 or any rule adopted thereunder. If an order issued under this division is neglected or disregarded, the applicable Board of Health may proceed in accordance with Section 3707.02 of the Revised Code; and

**WHEREAS**, this resolution supports Environmental Health Division Strategic Goal #1 to connect environmental health work to social determinants of health, and Goal #3 of equitable policies and practices.

Now, therefore, upon motion of Board Member Ms. Morgan, second by Board Member Dr. Rudge;

# RECORD OF PROCEEDINGS

Minutes of

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held \_\_\_\_\_ 20 \_\_\_\_\_

Resolution 24-015  
February 13, 2024  
Page 2

BE IT RESOLVED BY THE FRANKLIN COUNTY BOARD OF HEALTH, BOARD MEMBERS:

1. That the Franklin County Board of Health adopts the staff recommendations regarding the condition of the properties described below, adopts the notices of violation issued to the owner or responsible party, if any, and ORDERS the abatement of the violations and/or conditions at the property, authorizing the Health Commissioner, as secretary to the Board of Health, to issue the ORDER(S), attached hereto and incorporated by reference, for the abatement of the nuisance conditions and/or violations at the below listed properties:
  - 6578 Cabin Croft Lane; Galloway, Ohio 43119; Prairie Township; Tax District 240, Parcel #006442; Joseph A. Rivers (property owner)
  - 6435 Cabin Croft Drive; Galloway, Ohio 43119; Prairie Township; Tax District 240, Parcel #006441; Kevin M. Lacey and Claire L. Lacey (property owners)
  - 2555 McComb Road; Grove City, Ohio 43123; Jackson Township; Tax District 160, Parcel #000627; Mariana Orozco and Francisco Becerra (property owners)
  - 5311 Riverside Drive; Columbus, Ohio 43214; Sharon Township; Tax District 254, Parcel #151839; John T. Winborne (property owner)
  
2. That the Franklin County Board of Health adopts the staff recommendations regarding the condition of the properties described below, adopts the notices of violation issued to the owner or responsible party, if any, and authorizes the Health Commissioners, as secretary to the Board of Health, to issue ORDER(S), attached hereto and incorporated by reference, for the abatement of the violations and/or nuisance conditions at the property, and refer the below listed properties, owners or responsible persons, to the Franklin County Prosecuting Attorney or applicable Municipal Law Director for injunctive relief or prosecution:
  - 6578 Cabin Croft Lane; Galloway, Ohio 43119; Prairie Township; Tax District 240, Parcel #006442; Joseph A. Rivers (property owner)
  - 6435 Cabin Croft Drive; Galloway, Ohio 43119; Prairie Township; Tax District 240, Parcel #006441; Kevin M. Lacey and Claire L. Lacey (property owners)
  - 2555 McComb Road; Grove City, Ohio 43123; Jackson Township; Tax District 160, Parcel #000627; Mariana Orozco and Francisco Becerra (property owners)
  - 5311 Riverside Drive; Columbus, Ohio 43214; Sharon Township; Tax District 254, Parcel #151839; John T. Winborne (property owner)
  
3. This resolution shall be in full force and effect from and immediately upon its adoption.

# RECORD OF PROCEEDINGS

Minutes of

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held \_\_\_\_\_ 20 \_\_\_\_\_

Resolution 24-015  
February 13, 2024  
Page 3

Voting Aye Thereon:

*Thomas J. Riedel*  
*John A. Clift*  
*Chris King*  
*Sally Wynn*  
*Roy Barnett*

Board Members  
Franklin County Board of Health

Voting Nay Thereon:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Board Members  
Franklin County Board of Health



March 22, 2024

Kevin M. Lacey and Claire L. Lacey  
6435 Cabin Croft Drive  
Galloway, Ohio 43119

RE: Notice of Hearing Real Property Located at 6435 Cabin Croft Drive; Galloway,  
Ohio 43119 - Tax District #240, Parcel #006441 – Prairie Township

Dear Kevin M. Lacey and Claire L. Lacey:

An Appeal Hearing will be held on **Tuesday, April 9, 2024, at Memorial Hall; 280 East Broad Street; Columbus, Ohio, 1<sup>st</sup> Floor in the Alpha Conference Room and will begin promptly at 8:00 a.m.** The Appeal is pursuant to Ohio Revised Code Chapter 3707.02.

You may be represented by your attorney to present your position, evidence, arguments or contentions as well as examine witnesses appearing for or against you. Additionally, you may request a copy of the information to be presented to the Board by contacting Nathan Ralph at Franklin County Public Health, phone number (614) 525-3909 prior to the hearing.

Sincerely,

*Sarah Jensen*

Sarah Jensen, MPH, REHS, CP-FS  
Assistant Health Commissioner  
Director of Environmental Health

c: Willis Law Firm