

Technical Review Panel  
Environmental Public Health Division  
Indiana Department of Health  
Meeting Notes from March 26, 2024  
10:00am – 12:00pm, Yoho Conference Room, IDOH and via Teams

Panel Members Present:

Kelly MacKinnon, IDOH, OLA	Amanda Lahners, LHD, EHS	Claude Goguen, IOWPA
John Hack, OSS contractor	Jason Ravenscroft, academia	Matt Steineker, ISBCTC
Dick Blazer, IBA	Mark McClain, IRSS (Teams)	

Others Present:

Mike Mettler, Alice Quinn, Erin Elam, Rachel Swartwood, IDOH  
Via Teams: Allison McCarty, Putnam County Health Department  
Michele (Guest), John (Guest), HCHD  
Health Butz, Jay County Health Department  
Jessica Rutschilling, Adams County Health Department  
Jeff Couch, Grant County Health Department  
Ginger Harrington, Krista Click, Hendricks County Health Department  
Carlie Hopper, IBA  
Elisha Forwalt, Paul Tyrer, Ripley County Health Department  
Amy Ballman, Hamilton County Health Department  
Denise Wright, IDOH  
Kathy Slawson, Switzerland County Health Department  
Megan Freveletti, Conservation Law Center

MacKinnon called the meeting to order at 10:01am.

**Minutes**

Minutes of the 2/23/2024 meeting were reviewed. Goguen made a motion to approve the minutes. Ravenscroft seconded the motion.

Ayes: Goguen, McClain, Blazer, Steineker, Ravenscroft, Hack.

Nays:

Motion passed. Lahners was not present for this vote.

**House Enrolled Act 1352 Guidance Overview**

MacKinnon and Elam presented the panel with guidance that was provided to local health departments for HEA 1352. Section 3 is the most confusing and is explained in the document.

**Grant County Ordinance Review**

The Grant County Health Department OSS Ordinance was reviewed, and the following sections discussed.

1. Preamble – McClain questioned why Indiana Code was not referenced in the section that incorporated IDOH rules by reference. MacKinnon stated that it is not required for ordinances to incorporate statutes, and it is not a deficiency to not refer to them in the ordinance.
2. Section B. 1. The “best judgment” part of this definition needs to be changed or clarified that it is used as defined in Rule 410 IAC 6-8.3.
3. Section C. 2. Hack, and others, had concern over the requirement for connection to sewer if the sewer was within 300’ of the property line or was less than 150% of the cost of installing an OSS. The concern was if a sewer was within 300’ of the property line but was significantly more expensive than installing an OSS. The panel decided to further discuss this and vote on a recommended change at the next meeting.
4. Section D. 2. c. 2. McClain stated that IOWPA should be spelled out at Indiana Onsite Wastewater Professional Association prior to first using the acronym.
5. Section D. 3. And 5.e. Hack stated that there appeared to be a conflict here in the ordinance. 3. States that registration is valid from Jan. 1 to Dec. 31 but 5.e. states that registration is valid for 3 years. Jeff Couch, GCHD, explained that the 3 years was for certification rather than registration.
6. Section D. 6. Ravenscroft asked if the installer had to be present at all times during the installation. “At all times” was previously removed from this requirement.
7. Section E. 2. C. Hack asked how “at regular intervals” was to be interpreted. It was explained that this meant that the septage needed to be pumped and hauled when the holding tank was reasonably full.
8. Section E. 13. a. Concern over the requirement for connection to sewer if the sewer was within 300’ of the property line or was less than 150% of the cost of installing an OSS was again discussed. The concern was if a sewer was within 300’ of the property line but was significantly more expensive than installing an OSS. The panel decided to further discuss this and vote on a recommended change at the next meeting. Ravenscroft asked if the owner could not connect to sewer or install an OSS, was there any enforcement options. This requirement is a “may” and if either cannot be done and the holding tank is not operated in compliance, the enforcement section would be used.
9. Section E. 13. b. McClain asked that the “and that has not failed” be removed from the end of the sentence or changed to make better sense.
10. Section F. 2. b. McClain stated that the “and/or” in this section would require a total of 6 evaluations and that this should be restated to indicate a minimum of 3 borings or pits or any combination thereof. Blazer questioned what “in the area of the soil absorption field” meant. He feels that pits should not be in the soil absorption field and that this is ambiguous. It was explained that this is the way the current rule reads.
11. Section F. 2. c. McClain stated “clay is” should be changed to “clays are”. He said that as much as 90% of the county could be anticipated to have expansive clays, and questioned whether pits were needed throughout the county. McClain stated that you can only identify expansive clays from a pit and that this should be discretionary for the soil scientist.
12. Section F. 4. Hack asked what it meant to stabilize the distribution box. The rule allows the box to be set on undisturbed soil, aggregate, sand, or an engineered base. It must be installed so that it does not move during installation or use.
13. Section H – Hack asked why the installer registration renewal was not covered in this section. Registration renewal is covered in Section D.

Blazer asked Jeff Couch, GCHD, if the test was over the rule and the ordinance or just the rule. Jeff stated the test was only over the rule. Blazer also asked if a permit was required for exploratory digging in an OSS for trying to locate the components and if a permit was required for changing out a pump. Jeff indicated that exploratory digging did not require a permit unless something about the system was changed, and that pump replacement did require a permit. Quinn stated that a common courtesy would be for an installer to at least contact the LHD if they would be doing exploratory digging at a site just so the LHD was aware in case of any complaints. Quinn stated that the rule required a permit for addition to, alteration of, replacement or repair of an existing residential OSS in Section 53(a)(7) of the rule, which would include a pump replacement.

Ravenscroft made a motion to approve the Grant County ordinance as presented. Lahners seconded the motion. A poll vote was taken.

Ayes: Hack, Lahners, Blazer, Goguen, Ravenscroft, McClain, Steineker

Nays:

Motion passed.

Quinn will try to work with LHDs that are submitting ordinances to get many of the items discussed clarified in future ordinances; however, exact language concerning the requirement for sewer connection will be discussed at the next meeting.

### **Technology New to Indiana Review Procedure**

Mettler outlined the IDOH process for technologies new to Indiana to be submitted to IDOH and then forwarded to the TRP for review. All new technologies are reviewed by IDOH to ensure the technology meets the rules, statutes, and standards, and if they meet all requirements, the technology is then brought to the TRP for review. Variations of the same technology for which IDOH has a TRP approved standard (such as aerobic treatment units) are being reviewed by IDOH to ensure they meet the requirements of the TRP approved standard.

### **Rule Promulgation Process**

Mackinnon gave a brief PowerPoint presentation over the regular and interim rule promulgation processes as the TRP will be assisting in IDOH rule revisions for on-site sewage systems. For the regular rule making process, the fiscal impact is the biggest hurdle. Interim rules do not have to have a fiscal impact approved, but they are only effective for a maximum of 425 days.

### **Ordinance Questions for TRP**

Amanda Lahners, La Porte County Health Department, wishes to propose an ordinance to the TRP with a definition of registered inspector and requirements for inspector registration. La Porte County currently has IOWPA and NAWT inspectors providing services for inspections for exemptions from connection to sanitary sewer. Also, Title 16 of the Indiana Code refers to inspectors registered with the county. TRP panelists agreed that this was a good idea and that they would approve such verbiage in a local ordinance.

Ginger Harrington, Hendricks County Health Department, wishes to propose an ordinance which would require sewer connection for new construction. Ravenscroft is in favor of allowing the homeowner to decide whether to install an OSS or connect to sewer if the OSS could meet or exceed rule requirements. Ginger stated that she feels connection to sewer is a more permanent solution and that septic systems are

temporary. Hendricks County has had issues in the past with issuing an OSS permit, but after construction begins, the utility then tells the homeowner that they have to connect to sewer. Hack said it should only be approved with a cost factor included. Ravenscroft and Goguen said they did not want to approve required connections for new construction in an ordinance. It was decided that this would not get approved by the TRP for an ordinance.

The next meeting is scheduled for May 24, 2024 at 10:00am. Meeting adjourned by consensus.