

Technical Review Panel
Environmental Public Health Division
Indiana Department of Health
Meeting Notes from May 24, 2024
10:00am – 12:00pm, Yoho Conference Room, IDOH and via Teams

Panel Members Present:

Kelly MacKinnon, IDOH, OLA	Amanda Lahners, LHD, EHS
Jason Ravenscroft, academia	Dick Blazer, IBA
Mark McClain, IRSS (Teams)	

Others Present:

Mike Mettler, Alice Quinn, IDOH
Via Teams: John Hack, OSS contractor
Claude Goguen, IOWPA
Rep. Jim Pressel
Lewis Brown, installer
Mark Miller and Joe Rakoczy, IDOH
Dan Burk, Wayne County Health Department
Andrew Warrick, Warren County Health Department
Shawn Werner, Dubois County Health Department
Health Butz, Jay County Health Department
Liddy Wright, Parke County Health Department
Jessica Rutschilling, Adams County Health Department
Ginger Harrington, Hendricks County Health Department
Carlie Hopper, IBA
Paul Tyrer, Dr. Dave Welsh, Ripley County Health Department
Switzerland County Health Department

MacKinnon called the meeting to order at 10:00am.

Minutes

Minutes of the 4/26/2024 meeting were reviewed. McClain made a motion to approve the minutes. Lahners seconded the motion.

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

Nays:

Motion passed.

Recommended Ordinance Sections Review

The IDOH recommended changes to the following sections pursuant to discussion at the previous meeting.

1. Section B. 1. The “best judgment” part of this definition was clarified so that it is used as defined in Rule 410 IAC 6-8.3.
2. Section C. 2. Connection to sewer required if there is a system failure if the sewer is within 300’ of the property line and is less than 150% of the cost of installing an OSS. (“and” replaced “or”)

3. Section D. 2. c. 2. IOWPA is now spelled out as Indiana Onsite Wastewater Professional Association prior to first using the acronym.
4. Section E. 13. a. Connection to sewer required if a holding tank is not operated properly if the sewer is within 300' of the property line and is less than 150% of the cost of installing an OSS. ("and" replaced "or")
5. Section E. 13. b. "and that has not failed" has been changed to read "or connect to an existing system that has not failed."
6. Section F. 2. b. "soil borings and/or pits" has been replaced with "profile evaluations" and "The soil profile evaluations may be conducted using 3 soil borings, 3 soil pits, or any combination thereof," has been added.
7. For expansive and contractive clays, "clay is" is changed to "clays are".

These changes were accepted by the panel members by consensus.

Parke County Ordinance Review

The Parke County Health Department OSS Ordinance was reviewed, and the following sections discussed. Liddy Wright, PCHD, was on the call to answer questions.

- Section C.2. Goguen asked the difference between failure and malfunction and why failure only was used in this section. Failure is defined in the rule. Malfunction is not defined in the rule. Oftentimes, a malfunction can be repaired or fixed and would not require connection to a sanitary sewer.
- Section D.2.b. Blazer questioned construction plans of sufficient clarity and why there just could not be a list. This is the same verbiage used in the rule. A list might not be all inclusive for every site.
- Section F.1.a. Ravenscroft stated that this allowed for an installer to be anyone who could put a system in, but qualified inspector was not defined in the ordinance. Parke County is not planning to register installers, so this would mean anyone could install and therefore also inspect. Qualified inspector is defined in statute.

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

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

Nays:

Motion passed.

Ripley County Ordinance Review

The Ripley County Health Department OSS Ordinance was reviewed, and the following sections discussed. Paul Tyrer and Dr. Welsh, RCHD, were on the call to answer questions.

- Section E.9.b. Hack commented on the alarm requirement for wired in and verified operational. Blazer stated that the Amish in many cases use batteries, solar or alternative power sources which are not wired to a panel. Alternative sources of power would still need to be wired to the alarm float.
- Section F.3.c. Blazer and McClain questioned why the soil reports had to be submitted directly to the local health department. The intent is that not all soil reports must be submitted to the local health department if the client does not want the report to be submitted. This could be clarified to indicate that all soil reports obtained for the purpose of obtaining an OSS construction permit would need to be submitted by the soil scientist directly to the LHD.

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

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

Nays:

Motion passed.

Wayne County Ordinance Review

The Wayne County Health Department OSS Ordinance was reviewed and the following sections discussed. Dan Burk, WCHD, was on the call to answer questions.

- Section C.4. Ravenscroft questioned why certification was used here when the ordinance did not require certification. The reference to certification is for sand lined systems.
- Blazer commented on the \$250 cost of installer registration, which is not included in this ordinance. This has been the fee for a number of years.

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

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

Nays:

Motion passed.

Warren County Ordinance Review

The Warren County Health Department OSS Ordinance was reviewed and the following sections discussed. Andrew Warrick, WCHD, was on the call to answer questions.

- Section C.7. Hack questioned why this required a repeated violation. The first violation is given a warning. The next, or repeated violation, could be a suspension of the registration.

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

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

Nays:

Motion passed.

Dearborn County Ordinance Review

The Dearborn County Health Department OSS Ordinance was reviewed and the following sections discussed. Doug Baer, DCHD, was not on the call, but Quinn was able to answer questions.

- Section 51.04(B) Blazer indicated there was a typo. Direction should be direct.
- Section 51.04(B) Goguen questioned why this was a “may” and not a “shall”. This is so the Dearborn County Health Department can take all factors into consideration before requiring sewer connection.
- Section 51.04(B) Hopper indicated that the “or” here should be an “and”. This was something that was approved previously and requested to change, but Dearborn County was already in the process of getting their ordinance approved by county commissioners.
- Section 51.04(C) Hopper asked if a utility operating under a CTA was different from a utility that had jurisdiction to require connection. A utility operating under a CTA does not have jurisdiction in statute to require connection like other utilities have.
- Section 51.04(C)(2) Hopper asked if this was intended for only new or existing subdivisions or both. This is for both new and existing subdivisions.

- Section 51.04(C)(3) Goguen asked what “for all other properties” meant. This is meant for all properties not adjacent to a body of water or in a subdivision.
- Section 51.15(E) Hack asked why this said a two-day or 48-hour notice. This is to avoid weekends and holidays.
- Section 51.16(H) Blazer asked if operating permits were transferable to a new owner. There is a 60-day grace period for a new homeowner to apply for an operating permit.
- Section 51.16(J)(4) Goguen asked what “before regularly scheduled interval” meant. This refers to any unscheduled service that is necessary between regular servicing.

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

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

Nays:

Motion passed.

Multiple panel members expressed concern over not being able to attend the meeting in June if it was on the 4th Friday of the month.

The next meeting is scheduled for June 2024. The meeting adjourned by consensus at 11:46am.