

Technical Review Panel
Environmental Public Health Division
Indiana Department of Health
Meeting Notes from January 24, 2025
10:00am – 11:00am, Yoho Conference Room, IDOH and via Teams

Panel Members Present:

In Person:

Kelly MacKinnon, IDOH, OLA
John Hack II, OSS Contractor
Jason Ravenscroft, academia
Mark McClain, IRSS
Matt Stieneker, Indiana State
Building and Construction Trades Council

Via Teams:

Amanda Lahners, LaPorte County Health Department
Claude Goguen, IOWPA
Brian Neilson, PE, ACEC
Dick Blazer, IBA

Others Present:

In Person:

Mike Mettler, Alice Quinn, IDOH
LA Brown, installer

Via Teams:

Erin Elam, Megan Lytle, Dan Mossburger, IDOH
Rep. Jim Pressel
Stuart Meade, Sludgehammer
Allison McCarty and Brian Williams, Putnam County Health Department
Chris Boling, Washington County Health Department
Wyatt Dyson, Fulton County Health Department
Brook Milburn, Howard County Health Department
765-438-1513 (no name given)
Brittany Combs, Scott County Health Department
Dan Boyd, Porter County Health Department
Dr. Robert Findley, Switzerland County Board of Health
Charles Ray
Drew Cornell, Howard County Health Department
Josh Blauvelt, Allen County Health Department

MacKinnon called the meeting to order at 10:00am and indicated that the meeting was being recorded.

Minutes

Minutes of the November 22, 2024 meeting were reviewed.

Ravenscroft made a motion to accept the minutes as written; Stieneker seconded the motion.

Ayes: Ravenscroft, Hack, McClain, Stieneker, Lahners, Blazer (Neilson and Goguen had not joined the meeting yet).

Nays:

Motion passed.

Fulton County Ordinance Review

The Fulton County OSS Ordinance was reviewed. Wyatt Dyson was on the call to answer questions.

McClain made a motion to approve the Fulton County OSS ordinance. Lahners seconded the motion.

Ayes: Ravenscroft, Hack, McClain, Stieneker, Lahners, Blazer (Neilson and Goguen had not joined the meeting yet).

Nays:

The Fulton County OSS Ordinance was approved.

Howard County Ordinance Review

The Howard County OSS Ordinance was reviewed. Brook Milburn was on the call to answer questions.

McClain made a motion to approve the Howard County OSS ordinance. Hack seconded the motion.

Ayes: Ravenscroft, Hack, McClain, Stieneker, Lahners, Blazer (Neilson and Goguen had not joined the meeting yet).

Nays:

The Howard County OSS Ordinance was approved.

Porter County Ordinance Review

The Porter County OSS Ordinance was reviewed. Dan Boyd was on the call to answer questions.

- Hack questioned the installer testing requirements in Section D.5.b. as to whether someone could take one or the other test but not both, and what happens if they pass one test and not the other. He stated that most local health departments have not included the number of test questions in ordinances.
- Boyd stated that they could take one or both tests.
- Lahners stated the first test covers all of the basics of the rule, so that would have to be passed before the installer registered.
- Rep. Pressel stated that he did not understand how you could require registration in the ordinance without knowing what the test was. He encouraged Porter County to use the IOWPA test or something similar.
- Boyd said that the local test was just an option if someone did not want to be an IOWPA member.

Ravenscroft made a motion to approve the Porter County OSS ordinance. Stieneker seconded the motion.

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

Nays:

The Porter County OSS Ordinance was approved.

Putnam County Ordinance Review

The Putnam County OSS Ordinance was reviewed. Allison McCarty and Brian Williams were on the call to answer questions.

McClain made a motion to approve the Putnam County OSS ordinance. Hack seconded the motion.

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

Nays:

The Putnam County OSS Ordinance was approved.

Scott County Ordinance Review

The Scott County OSS Ordinance was reviewed. Brittany Combs was on the call to answer questions.

McClain made a motion to approve the Scott County OSS ordinance. Ravenscroft seconded the motion.

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

Nays:

The Scott County OSS Ordinance was approved.

Switzerland County Ordinance Review

The Switzerland County OSS Ordinance was reviewed. Dr. Robert Findley, Board of Health Chair, was on the call to answer questions.

- There was discussion about the requirement for 1 1/8 acres minimum lot size for homes that utilize OSS.
 - Dr. Findley stated that this requirement had been in the Switzerland County Zoning Ordinance since 2002, and the County Commissioners want it to remain. Switzerland County has a lot of expansive and contractive clay, and sites with slopes greater than 15% are prevalent in the county. Both of these issues create a situation where larger lots are needed. Dr. Findley stated that he understood that sand lined systems and reduced sizing with chambers were both options, but sometimes they still could not fit on the property due to these other issues.
 - Blazer stated that requiring 1 1/8 acres still does not guarantee that a system will fit on the property.
- Hack questioned why subsections 3.a. and 3.b. in Section F were redundant.
 - Quinn stated that 3.a. was concerning systems as described in our rules which would be sized in accordance with the soil loading rate chart in the rule, and 3.b. concerned sand lined system manufacturer's Indiana Design and Installation manuals which provided different soil loading rates and that the systems did not use the same soil loading rate chart in the rule.

Stieneker made a motion to approve the Switzerland County OSS ordinance. Ravenscroft seconded the motion.

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

Nays:

The Switzerland County OSS Ordinance was approved.

Washington County Ordinance Review

The Washington County OSS Ordinance was reviewed. Chris Boling was on the call to answer questions.

- Hack stated that he felt the requirement in Section E.10.f. was a burden on a new homeowner. It did not allow an operating permit for a sewage holding tank to transfer to a new owner. Rather, it stated that the operating permit would still be in effect for 60 days in which time the new owner was required to secure a new operating permit from the local health department.
 - Ravenscroft said he did not see a big problem with it because it would not hold up the sale of the property at all.
 - Quinn stated that this verbiage was first approved in the Dearborn County ordinance and that the TRP has approved it in other ordinances since that time. Quinn also pointed out that by requiring the new owner to renew the operating permit, the local health department would be updated with the new owner's information and the new owner would at least be aware that they had a sewage holding tank that needed ongoing maintenance and pumping.
- Hack questioned why subsections 4 and 5 in Section were redundant.
 - These subsections have the same verbiage previously discussed in the Switzerland County OSS ordinance.
 - McClain suggested combining these two subsections into one subsection for future ordinances.

Stieneker made a motion to approve the Washington County OSS ordinance. Ravenscroft seconded the motion.

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

Nays:

The Washington County OSS Ordinance was approved.

McClain asked if there were any ordinances that were going to be ready for the meeting in February. Quinn stated that she had already received signed ordinances from Wabash and Miami Counties, but they were received too late for this meeting and that she had not reviewed them yet. She also stated that there are a couple of other counties that are close to being ready.

SludgeHammer Rejuvenation Product

Because there was a tie vote concerning the change for existing tanks reused in a rejuvenated system being tested prior to reuse to inspected before reuse, SludgeHammer requested to be put on the agenda for this meeting.

- Mettler explained that the current approval required testing of the septic tank if it was planned to be reused for the rejuvenation project. It is critical to ensure that the tank is watertight prior to reuse. IDOH copied this requirement from other states' approval of SludgeHammer.
- Ravenscroft stated that he did not feel that the watertightness test discussed was too much of a burden on the homeowner. He said filling the tank up and letting it set for a day was the better way and only required the homeowner to not use water for a day, similar to when a well is chlorinated.
- Blazer disagreed stating that most existing septic tanks would not pass this watertightness test. Older tanks do not have risers and would need to be dug up and have risers added. He said this was an injustice to SludgeHammer if they were the only product required to test septic tanks.
- McClain agreed with Blazer. SludgeHammer should not be the only product required to test existing septic tank before reuse. He does think that tank testing should be looked at as an addition to the rule.
- Neilson agreed with McClain stating that septic tank testing should be added to the rule.
- Blazer stated that if testing existing septic tanks for watertightness was added to the rule, it should also include testing of new septic tanks as there are some new tanks that are not watertight.
- Goguen stated that the testing methods for an existing tank that has been backfilled does not guarantee watertightness. He said if the tank is backfilled it is not an advisable test.
- Meade said that tank inspections were a precedent in Indiana for both commercial and residential systems for the past 35 years. He feels that an inspection done with due diligence should suffice. He feels it is an injustice to require tank testing only for SludgeHammer.
- Ravenscroft stated that just because it has always been done that way does not mean that we need to defer to the past way if there is a better method to be considered. He said that he would, however, defer to the other panelists' opinions in this case.
- McClain said that SludgeHammer should not be singled out with this requirement.

McClain made a motion to change the requirement from having a tank tested for reuse to inspected for reuse. Ravenscroft seconded the motion.

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

Nays:

The motion passed.

Hack questioned the number 5 approval condition for the SludgeHammer Rejuvenation product. He asked if this was being changed to just requiring the septic tank on a rejuvenation site to be the appropriate size or did it include the soil absorption field too.

Mettler stated that the TRP had, at the last meeting, changed it just so the septic tank had to be appropriately sized, not the soil absorption field.

Goguen asked if there were any other TNI products that would be brought to the TRP for review.

Mettler stated that it was likely the panel would see membrane bioreactors in the near future.

Revision of Rule 410 IAC 6-8.3

- Rep. Pressel asked for an update on the revisions to rule 410 and if a timeline could be given.
- Mettler stated that the rule revisions should be ready for review by the TRP at the February meeting.
- MacKinnon stated that the regulatory analysis should be ready for review by February and then, once approved by the TRP, it would need to be submitted to OMB for review and approval. After OMB approval, she can give a more accurate timeline. The timeline is dependent upon the number of public hearings required and the number of comments received.
- McClain asked if the rule revision information could be put all together in a file on the TRP webpage so that they had easy access to all of the information.
- Mettler stated that would be done.
- MacKinnon stated that it would be in LSA format, so it would look a little different when posted.
- Rep. Pressel asked if 410 included any requirements or guidelines of inspection of existing systems or if this was being considered for addition to the rule.
- Currently the rule does not have any requirements or guidelines for system inspections.
- MacKinnon stated that previously it was decided to approach the rule revision in two parts. The first would be to make statutorily required changes and to include some things that were put into local ordinances. The second revision would take longer and be more extensive.
- Rep. Pressel stated that definitions and an inspection standard should be included in the rule and specify exactly what had to be met. He stated that a concrete septic tank would leak unless it was 5000 psi, so the rule needed to specify how much drop in water level is too much.
- Ravenscroft stated that uniformity in inspections is good, but he would prefer that the rule not become overly prescriptive.
- Goguen stated that concrete tanks should not leak because after curing they have absorbed all the water they are capable of.
- Neilson asked if there could be a guidance manual referred to through statute or the rule for watertightness testing. He stated that watertightness tests were done on concrete wet wells and concrete piping so we should be able to look at related industries and/or other states for a starting point. It should not all have to be done from scratch.

The next meeting is scheduled for February 28, 2025.

The meeting was adjourned by MacKinnon at 10:47am.