

BEFORE THE INDIANA STATE DEPARTMENT OF HEALTH

**AN ADMINISTRATIVE RULES HEARING
LSA DOCUMENT #13-351**

HEARING OFFICER REPORT

This matter came before the duly appointed Hearing Officer, Hilari Sautbine, on the 21st day of November, 2013, at 10:15 a.m., at the Indiana State Department of Health (ISDH), 2 North Meridian Street, Indianapolis, Indiana.

Notice of time and place of the hearing was given as provided by law by publishing on October 23, 2013, in the *Indianapolis Star* and by publishing in the *Indiana Register* dated October 23, 2013. Proof of publication of this notice has been received by the ISDH and the notice and proof are hereby incorporated into the record of this cause by reference and placed in the official files of the ISDH.

ORAL STATEMENT

Randall Dyer
Sales Rep.
Tuf-Tite, Inc.

Mr. Dyer testified at the hearing. Mr. Dyer said he has no concerns regarding the rule, but he requested clarification that the effluent filters have not changed. Mike Mettler, Director, Environmental Public Health Division, confirmed that the filters have not changed and the rule was clarifying the requirements. Mr. Mettler also noted that the list of the approved filters is posted on the agency's website. Mr. Dyer said he had no additional issues.

WRITTEN STATEMENT

Stuart Meade
Meade Septic Design Inc.
Meade Septic Supply LLC

Mr. Meade asked why the flood dose rates were being revised and commented that finding a pump to discharge between 30-35 gpm will be impossible in many situations. He recommended that reference to "effluent pump" be changed to read "effluent/sewage pump." Mr. Meade's comments are attached and incorporated by reference as Exhibit 1.

Theo B. Terry, III, RS
Bear Onsite, LLC

Mr. Terry recommended changes to the proposed rule regarding effluent filters. Mr. Terry's comments are attached and incorporated by reference as Exhibit 2.

The record was left open until November 29, 2013.

Dated at Indianapolis, Indiana this 2nd day of December, 2013.

Hilari A Sautbine

Hilari A. Sautbine
Hearing Officer

Sautbine, Hilari A

From: Stuart Meade [stuart@septicdesign.com]
Sent: Saturday, October 26, 2013 8:55 AM
To: Dunn, Alan
Subject: Re: Onsite Sewage Systems Rules Revisions

Hello Alan,

I looked over the proposed changes and everything looks fine except for the flood dose rates. I guess my first question is why are these being revised? Finding a pump to discharge strictly between 30-35 gpm will be impossible in many situations. What is wrong with a three bedroom home flood-dose system discharging at 40 gallons per minute?

If changes are being made to the rule, reference to "Effluent Pump" should be changed to read "Effluent/Sewage Pump". I understand that "effluent pump" includes sewage pumps but many local health departments might not know this.

Thank you,

Stuart Meade
Meade Septic Design Inc.
Meade Septic Supply LLC
Cell 574.215.9289
Office 574.533.1470
Fax 574.534.8687

On Fri, Oct 25, 2013 at 4:13 PM, Dunn, Alan <Adunn@isdh.in.gov> wrote:

The Indiana State Department of Health has scheduled public hearings for proposed revisions to 410 IAC 6-8.3, Residential Onsite Sewage Systems (LSA Document #13-350), and 410 IAC 6-10.1, Commercial Onsite Systems (LSA Doc. # 13-351). The hearing for the residential rule is scheduled for **November 21, 2013, at 10:00 a.m., local time**, with the hearing for the commercial rule immediately following. Both hearings will be conducted at the Indiana State Department of Health, 2 North Meridian Street, Indianapolis, Indiana, 46206. Please note that these public hearings are only for comment on the proposed rule revisions. There will be no discussion, and no questions answered, concerning the proposed rule revisions at that time.

The proposed revisions are attached, with a summary of the revisions, for each rule.

If you have questions prior to the hearing concerning the proposed rule revisions, you may address them to Alan Dunn at adunn@isdh.in.gov or at [317-233-7179](tel:317-233-7179).

The notices of public hearing may be accessed at:

Notice of Public Hearing, Residential: <http://www.in.gov/legislative/iac/20131023-IR-410130350PHA.xml.pdf>

Notice of Public Hearing, Commercial: <http://www.in.gov/legislative/iac/20131023-IR-410130351PHA.xml.pdf>

The proposed revisions may be accessed at:

Residential rule: <http://www.in.gov/legislative/iac/20131023-IR-410130350PRA.xml.pdf>

Commercial rule: <http://www.in.gov/legislative/iac/20131023-IR-410130351PRA.xml.pdf>

Comments may be provided at the public hearing or in writing or email to Michael Mettler, Director, Environmental Public Health Division by the close of business on November 29, 2013. Please note that it must be clearly stated whether each comment applies to 410 IAC 6-8.3, Residential Onsite Sewage Systems (LSA Doc. # 13-350), 410 IAC 6-10.1, Commercial Onsite Sewage Systems (LSA Document #13-351), or both.

If you desire to comment on the proposed rule, you may do so at the public hearing, or by sending your comments to:

Michael Mettler, Director
Environmental Public Health Division
Indiana State Department of Health
2 North Meridian Street, #5-E
Indianapolis, IN 46204
Phone: [317-233-7183](tel:317-233-7183)
FAX: [317-233-7047](tel:317-233-7047)

Email: mmettler@isdh.IN.gov

Again if you have any questions, please contact me.

Alan M. Dunn

Senior Environmental Manager

Onsite Sewage Systems Program

Environmental Public Health Division

Indiana State Department of Health

100 N. Senate Ave., N8555

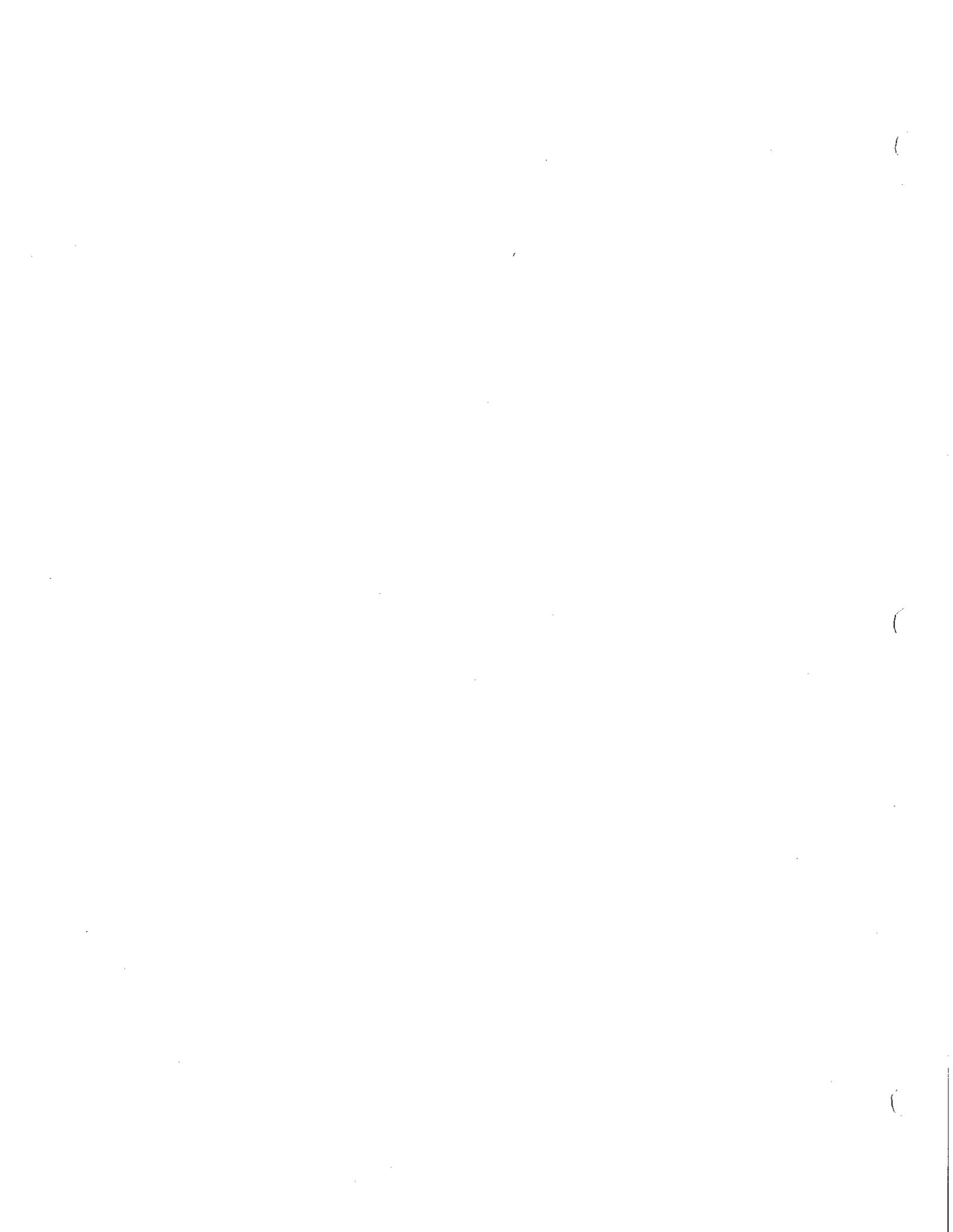
Indianapolis, IN 46204

Phone [317-233-7179](tel:317-233-7179)

FAX [317-233-7047](tel:317-233-7047)

adunn@isdh.IN.gov

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Sautbine, Hilari A

From: Theo Terry [theo.terry@bearonsite.com]
Sent: Friday, November 29, 2013 3:21 PM
To: Dunn, Alan; Mettler, Mike
Subject: Onsite rule revisions comments
Attachments: UNI-Tee Sheet.pdf

Importance: High

Mike and Alan,

These comments are for both rule revisions as they relate to effluent filters. The sections I wish to comment on are: Section 5 (e) (5), Section 5 (f) (3) and Section 5 (f) (5).

First comment is regarding Section 5 (e) (5) which states: function without a bypass of unfiltered sewage, sludge, or scum, during normal use and during cleaning or exchange; **This appears to be a solution in search of a problem.** Depending on the geometry of the septic tank each inch of height in the septic tank is equal to approximately 20 to 40 gallons. When specifying that tanks adhere to ASTM Standards there is between a 3-4 inch drop from the inlet invert to the outlet invert. If the outlet filter were totally plugged and had caused the tank to back up into the inlet we would be talking about 80 to 160 gallons of effluent that would flow up from the clear zone of the septic tank through the filter housing and out to the treatment system each time the filter were serviced. Depending on the use and quality of the filter installed this will be once every year to every four of five years. If you require the manufacturer to supply a shutoff in the filter along with each filter sold you are either going to cause some filter companies to discontinue selling filters in your state as they do not provide this product; require that others like myself charge them for a maintenance plate that will most likely never be used since by the time the filter is serviced it will be lost or the maintenance provider will use the one he carries from job to job; or they will use a product that has a shut off device on the bottom of the housing that alters the function of the baffle/housing and prevents effluent from entering from the clear zone. If you insist on this course of action in the rule you need to make sure you provide some warning to the homeowners telling them that if they remove the filter cartridge of this type of filter they will cause scum to flow over the top of the housing and will not know of the damage they have caused to their system until it is too late. I've never understood how this type of product has ever gotten approval in the first place as it alters how a tee baffle functions. But to protect the state from a class action lawsuit you must warn each homeowner of the consequences since you are now requiring this rather than it being an optional purchase which leaves the liability with the manufacturer.

Second comments are regarding: Section 5 (f) (3) be installed so the bottom of the filter inlet extends below the liquid level at least ten (10) inches ... **For clarity I would suggest the language at the end of this section not be a percentage but rather state that the outlet not extend within eighteen inches of the floor of the septic tank.** The longer or wider the flow path of the outlet housing the fewer solids will exit the tank with or without the filter in place. The key is to make sure that there is at least eighteen inch of sludge storage below the inlet of the housing.

The third comments are regarding: Section 5 (f) (5) be solvent **In subsection (1) it says fixed with non-corrosive fasteners then in sub-section (5) it says be solvent ... My question is which is it? I have designed a detachable coupling that solvent welds onto the outlet pipe but then allows you to disengage the housing so that the homeowner/ commercial owner can upgrade to a larger better performing filter at a later time than the initial installation. See the attached sheet.**

Mike and Alan, feel free to contact me to discuss any of these issues. The Filter Task Group at NSF has debated all of these issues as to whether they should be included as part of NSF Standard 46 in the past. So these are not just my opinions but the consensus of the leading filter experts in the industry. The issue of providing a shut-off means is one

that can really cause serious issues if not properly handled. I would advise you to truly look into this further before taking on the liability from a specific manufacturer to the state.

Theo

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