

Technical Review Panel
Environmental Public Health Division
Indiana Department of Health
Meeting Notes from December 14, 2023
9:00am – 12:00pm, Yoho Conference Room, IDOH and via Teams

Panel Members Present:

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

Others Present:

Mike Mettler, Alice Quinn, Rachel Swartwood, IDOH
Dawn Stackhouse and Charlotte Bass, Floyd County Health Department
Via Teams: Representative Jim Pressel (via Teams)
LA Brown, Installer (via Teams)
Health Butz, Jay County Health Department (via Teams)
Jessica Rutschilling, Adams County Health Department
Anthony Lieber, Floyd County Health Department
Michelle Matern, IDOH
Dan Mossburger, Switzerland County Health Department
Ginger Harrington, Hendricks County Health Department
Carlie Hopper, IBA
Gary Chapple, Josh Blauvelt, Allen County Health Department

MacKinnon called the meeting to order at 9:01am.

Minutes of the 11/27/2023 meeting were reviewed. McClain stated that there were three items in the section of McClain's major points that needed revision. McClain made a motion to approve the minutes as revised. Hack seconded the motion.

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

Nays:

Motion passed.

Rule 410 IAC 6-8.3 Update – Final Version

The rule, in its final format, has been approved by the IDOH Executive Board. Standards in the rule have been updated in the sections being updated. Standards in sections not proposed for updating at this time have been changed back to what they are currently. McClain made a motion to accept the updated rule. Ravenscroft seconded the motion. Motion passed unanimously.

Resolution 2023-01

McClain stated that he recommended the panel discuss the "Recommended Ordinance Sections" prior to reviewing Resolution 2023-01. Following is a summary of the sections of the Recommended Ordinance Sections discussed and the decision made.

Required On-site Sewage System or Connection to Sanitary Sewer – Consensus to add provision for not requiring sewer connection if the cost of the sewer connection exceeded 150% of the cost of installing an on-site sewage system.

Installer Registration –

- Correction of numbering sequence of Subsection 2.c.2.
- Remove 3 concerning installers liability insurance and bonding requirements.
- Remove “at all times” in 6.

Sewage Holding Tanks –

- Reword 1 to indicate only 2 times the DDF is required when the holding tank is proposed as a septic or dosing tank for an OSS.
- Changing 1 to say “in accordance with IC 16-41-25-9” rather than “pursuant to...”
- Remove “gravity” from 8.
- Remove 9.b. requiring an audible and visible alarm at the 2/3 capacity.
- Remove “by an electrician” from 9.c.

Recommended Set Aside Areas – Remove 2 and 3 so the ordinance will not contain recommendations.

Distribution Boxes – remove 1 requiring risers on all distribution boxes.

In sections for counties with high potential for expansive/contractive clay:

- Definition of Soil Pit – Remove “at least 2” for width, remove “undisturbed”.
- Soil Absorption Field Sizing – Reword 1 and 2 to clarify sizing requirements.

Reminders about the Recommended Ordinance Sections

- LHDs do not have to use any section of the recommendations that they do not want or are not appropriate for their jurisdiction.
- Recommendations should not be included in ordinances or statute.
- LHDs can recommend things that are not included in local ordinance or state statute to owners/installers.
- Some things discussed during the meeting which were removed from the recommended ordinance sections would be better addressed in a revised rule and/or IDOH guidance.
- Bonding requirements may be considered by the TRP on a county to county basis if adequate justification is provided.

Resolution 2023-01 was tabled until the next meeting when the revised Recommended Ordinances Sections could be reviewed with these changes.

Full Submittals Under Review and Returned

Mettler stated that Hamilton County Health Department had submitted paperwork for a local ordinance review by the TRP, but it has been found to have changes needed by IDOH and will therefore not be reviewed by the TRP at this meeting. The ordinance has a large section which is repeated verbatim from state statute and has a small section that is less stringent than the state rule. The ordinance was initially

adopted by the county commissioners prior to IDOH review. After IDOH review and comments, it was again adopted by the county commissioners with more changes than what was suggested by IDOH, and when it was readopted, it became an attachment to another ordinance.

Floyd County Ordinance Review

McClain made a motion to send the submitted Floyd County Ordinance back to the County Commissioners for two reasons. The copy of the ordinance signed by the Floyd County Commissioners is different than the unsigned, Word version with highlighting and annotations. The signed version does not have everything commented on previously changed correctly. The signed version still has the soil “backhoe” pit and a minimum sizing for 2 bedrooms required.

Dawn Stackhouse, FCHD, stated that the County Commissioners signed the incorrect version of the ordinance. She asked if the Word version of the ordinance could be given conditional approval until she could get the correct version of the ordinance signed by the County Commissioners. MacKinnon indicated that the TRP could not give any approval until the official signed version was presented.

Several other sections of the Floyd County OSS Ordinance were discussed with the following changes requested by the TRP.

- Article VI. Section 4. c. Remove the requirement for distribution box risers.
- Article VI. Section 4. e. Requested rewording of this section to allow for transfer of an OSS construction permit to a new owner in situations where the house, the system, and the installer are not proposed to change at all.
- Article XV. Section 1. Indiana State Board of Health needs to be changed to Indiana Department of Health, or just start this section with Rules 410..
- Fiscal Impact – Blazer stated that the cost of having soil pits dug was considerable and that the fiscal impact study needed to indicate that. The fiscal impact study had an increased cost of \$250-300 for soil pit excavations.

There was a brief discussion about scheduling regular meetings for the fourth Friday of each month. The next meeting is scheduled for February 23, 2024 at 9:00am. McClain made a motion to adjourn the meeting which was seconded by Ravenscroft. The motion passed unanimously.