

Technical Review Panel
Environmental Public Health Division
Indiana Department of Health
Meeting Notes from February 23, 2024
10:00am – 12:00pm, Yoho Conference Room, IDOH and via Teams

Panel Members Present:

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

Others Present:

Mike Mettler, Alice Quinn, Erin Elam, Rachel Swartwood, IDOH
Via Teams: Representative Jim Pressel (via Teams)
Andrew Martin
Dawn Stackhouse, Floyd County Health Department
Allison McCarty, Putnam County Health Department
Michele (Guest)
Jason Arney, Steuben County Health Department
LA Brown, Installer (via Teams)
Health Butz, Jay County Health Department (via Teams)
Jessica Rutschilling, Adams County Health Department
Dan Mossburger, Switzerland County Health Department
Krista Click, Paul Jump, Hendricks County Health Department
Carlie Hopper, IBA
Josh Blauvelt, Allen County Health Department

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

Introductions

New Panel member, Matt Steineker, with the Indiana State Building & Construction Trades Council, was introduced. Mr. Steineker is a licensed plumber in Indianapolis and surrounding counties and is Vice President of the UA Local 440 Union. All other panel members introduced themselves.

Update on the revisions to Rule 410 IAC 6-8.3 Residential On-site Sewage Systems

The Attorney General has approved the rule revision, and it is now awaiting the Governor's approval. It will become effective 30 days after it is filed with the Indiana Register.

Minutes of the 12/14/2023 meeting were reviewed. Josh Blauvelt was inadvertently listed in the minutes twice and one of the listings needed removed. McClain made a motion to approve the minutes as revised. Ravenscroft seconded the motion.

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

Nays:

Motion passed.

Local Ordinance Submission Update

Members of the panel stated that they were being interrogated by local health departments because ordinance submissions were being rejected at the IDOH level. There have only been a few full ordinance submissions, including ordinances approved by local legislative bodies, reasons for being more stringent and a financial impact statement sent to IDOH. Quinn stated that she had reviewed many draft ordinances and provided feedback to local health departments pointing out sections that were repetitive of the rule or statute or were more lenient than the rule. She also pointed out sections that the TRP had already said they would not approve. The few full submissions were taken to the TRP if there was nothing included in the ordinance that had previously been denied by the TRP and nothing repetitive. The full ordinance submissions that were denied at the IDOH level were discussed with the TRP at subsequent meetings. Most submissions to IDOH were draft ordinances that were not approved by local legislative bodies and were not all accompanied by the reasons and/or financial impact statement. Lahners stated that the entire process is new to local health departments and there is some frustration. She said IDOH has provided lots of good guidance, but she feels that many local health departments are waiting for a few ordinances to pass and then others will follow.

Resolution 2024-001 and Recommended Ordinance Sections

All changes to the Recommended Ordinance Sections requested at the December 2023 meeting have been made to the Recommended Ordinance Sections. McClain indicated that he felt that there was too much repetitive of the rule and statute still included in the model and in Floyd County proposed ordinance. He stated that local OSS ordinances should include a checklist of what is required in the county and be very short. Representative Pressel agreed with McClain stating that local ordinances should just adopt the rules and list the other requirements.

Stackhouse stated that the local attorney included some of the language in their proposed ordinance, and she felt like she needed to follow the guidance of the attorney. Armev stated that there would be much confusion if things were not spelled out in a local ordinance and that references to multiple other sources (i.e., rules, statutes, etc.) had to be reviewed in order to get the entire picture of what is required. In order for a local ordinance to be useful and understandable by the public, a few things had to be repeated in the ordinance. Lahners agreed that it would be very confusing and frustrating.

A motion was made by Goguen to approve Resolution 2024-001 and the model ordinance (Recommended Ordinance Sections) with the changes made. The motion was seconded by Ravenscroft.

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

Nays: Present: McClain

Motion passed.

Lahners stated that these documents should be put on SharePoint.

Floyd County Ordinance Review

Site approval permits and minimum system size were briefly discussed.

McClain made a motion to approve the Floyd County FCO-2024-02 On-site Sewage System Ordinance. Steineker seconded the motion.

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

Nays:

Motion passed.

Dearborn County Ordinance Questions

Doug Baer, with the Dearborn County Health Department, explained that there were three things he would like to get TRP approval of before he put the requirements into the Dearborn County OSS Ordinance.

1. Dearborn County has 2 semi-public sewer utilities with Certificates of Territorial Authority. These utilities do not fall under the requirements for municipal, district or not-for-profit utilities and therefore, they do not have the authority to require homes to connect to sewer. Doug would like for the Dearborn County Health Department to be able to require connection to the semi-public utilities in certain situations. This requirement would be similar to language which allows regional sewer districts to require sewer connection.
2. Dearborn County has required a sewer clean out on residential sewers for many years. They would like to continue to require cleanouts on all sewer lines, at bends in sewer lines, in sewer lines longer than 75', and when sewer lines are joined.
3. Dearborn County has a lot of shrink/swell clays and puts in a few pressure distribution systems each year. In order to protect these systems, Doug would like to require pressure filters on those systems that utilize pressure distribution. This would affect approximately 5 systems out of 125 permits issued per year.

There was general consensus to agree to these three items that Dearborn County would like to include in their local OSS ordinance.

Communication Between Panel Members Outside of Meetings

MacKinnon addressed an email sent to all TRP members by McClain prior to the meeting. This type of communication which occurred outside of a public meeting is not permissible. She stated that emails between panel members for administrative matters such as scheduling meetings and setting agendas was permissible, but communication outside of the public meeting should not be conducted if it is a topic that is to be discussed at a public meeting. Goguen asked if a situation arises and a panel member needs to speak with another member about a specific topic such as shrink swell soils, could he call McClain and discuss that topic. If the subject would be discussed by the panel or lead to a panel vote, that communication should be avoided. A majority of panel members is needed to discuss TRP business. McClain asked if he could speak directly to local health department staff. MacKinnon stated that panel members individually could speak with local health department staff, however, a majority of panel members could not have a private conversation with local health department staff about TRP business.

Representative Pressel stated that he was very grateful for the panel and their work.

The next meeting is scheduled for March 22, 2024 at 10:00am. Meeting adjourned by consensus.