



**Indiana
Department
of
Health**



Eric J. Holcomb
Governor

Lindsay M. Weaver, MD, FACEP
State Health Commissioner

DATE: November 8, 2023

TO: Executive Board
Indiana Department of Health

FROM: Kelly MacKinnon
Chief Legal Counsel

RE: Final Adoption of Residential Onsite Sewage System Rule Update, 410 IAC 6-8.3
LSA Document # 22-395

The Indiana Department of Health (Department) requests the Executive Board, at the Board's November 8, 2023 meeting, adopt the residential onsite sewage system rule, 410 IAC 6-8.3, LSA Document # 22-395. The rule was presented to the Board for discussion in July of this year.

This rule makes the following changes to 410 IAC 6-8.3:

- Clarifies that local ordinances may be stricter than the IDOH rule if approved by the technical review panel as set forth in the Indiana Code;
- Makes changes to statutory references to any updated Indiana Code and conflicts between the administrative rule and Indiana Code, including updating the plan review time to 30 days and sinkhole setbacks of at least 25 feet; and
- Updates matters incorporated by reference to the most current version as appropriate.

The final rule includes grammatical and clarifying changes from the proposed rule. It also updates and corrects references to some documents incorporated by reference:

- The AASHTO M 252 standard for polyethylene pipe in 410 IAC 6-8.3-67 has been updated from the 2020 standard in the proposed rule to the 2023 standard. That is the standard for pipe currently produced. Pursuant to IC 16-19-3-27.7(c), this standard will become effective six months after the final rule is published.
- Several standards were erroneously updated in section 91 of the proposed rule, although the sections of the rule that included these standards were not updated in this

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rulemaking. Those have been reverted back to the previous standards in the final rule. They will be updated in the future.

A copy of the rule showing the changes from the proposed to final rule is attached.

The public hearing was held on September 19, 2023. Several comments were received. Many of the comments concerned matters that are not within the scope of these rules. A summary of the comments and the Department's response is attached.