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**TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH**

**Administrative Rules Oversight Committee Notice  
One Year Requirement ([IC 4-22-2-25](#))  
LSA Document #09-7**

August 20, 2009

Representative Scott Pelath, Chairperson  
Administrative Rules Oversight Committee  
Indiana Legislative Services Agency  
200 West Washington Street, Suite 301  
Indianapolis, Indiana 46204-2789  
ATTN: Sarah Burkman

RE: LSA Document #09-7 – Residential on-site sewage rule

Dear Representative Pelath:

On behalf of the Indiana State Department of Health (Department), I am submitting this notice to the Administrative Rules Oversight Committee in compliance with [IC 4-22-2-25](#), because the Department has determined that the promulgation of the captioned rule may not be completed within one year after publication of the Notice of Intent to Adopt a Rule.

The Department published its Notice of Intent to Adopt a Rule for the captioned document on January 14, 2009 (DIN: [20090114-IR-410090007NIA](#)). On March 11, 2009, the Department preliminarily adopted a proposed rule. The Department has sent to the Office of Management and Budget (OMB) a copy of the proposed rule and fiscal analysis as required under [IC 4-22-2-28](#). Under [IC 4-22-2-28](#), the Department may not send the proposed rule for publication in the Indiana Register until the Department receives OMB approval. Once approval is received, the proposed rule must be published and a public hearing held 21 days after publication of the notice.

Following the public hearing, the Department must consider and respond to public comments and present the rule to the ISDH Executive Board for final adoption. Pursuant to [IC 4-22-2-32](#), the Attorney General has 45 days to complete review of the rule. Whether a quorum is present at the ISDH Executive Board meeting, and the Attorney General's time frame for rule review, are outside of the Department's control. Thus promulgation of this rule will likely not be completed by January 14, 2010. The Department expects that the rule can be approved by the Governor by January 14, 2011.

This notice setting forth the expected date of approval of LSA *[Document]* #09-7 as January 14, 2011, is being submitted in a timely manner. September 21, 2009, is the two hundred and fiftieth day after publication of the Notice of Intent to Adopt a Rule.

Sincerely,

Loren Robertson, M.S., R.E.H.S.  
Deputy State Health Commissioner

*Posted: 09/09/2009 by Legislative Services Agency*  
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