

Notice of Public Hearing

LSA Document #09-7

Notice of Public Hearing

Under [IC 4-22-2-24](#), notice is hereby given that on April 12, 2010, at 10:00 a.m., at the Indiana State Department of Health, 2 North Meridian Street, Indianapolis, Indiana, the Indiana State Department of Health will hold a public hearing on a proposed rule adding [410 IAC 6-8.2](#) to update and clarify agency requirements pertaining to the design, construction, installation, maintenance, and operation of residential on-site sewage systems and to repeal [410 IAC 6-8.1](#).

The ISDH has the authority to adopt this rule under [IC 16-19-3-5](#). [IC 16-19-3-27](#) requires that the ISDH study the use of various on-site sewage technologies, develop plans and specifications for the use of those technologies, and promulgate rules for those plans and specifications. The same subdivision of that statute requires the agency to adopt rules to allow local health departments to issue operating permits for on-site sewage systems. [IC 16-41-25-1](#) requires the ISDH to adopt rules that provide for a reasonable period not exceeding 45 days in which a plan review and permit for residential septic systems must be approved or disapproved. This rule accomplishes those goals.

The rule also updates technical requirements; the primary areas are related to septic tanks and site drainage. This rule will not increase costs to state government and will have minimal impact to local governments, primarily due to amendments to local ordinances.

The department estimates that fiscal impacts to small businesses in the state will be nominal. Of the 44 septic tank manufacturers, only a few reported any fiscal impact, with the amounts not exceeding \$300. There are no fiscal impacts reported for the approximately 500 system installers in the state.

The primary cost of the proposed rule is the updated site drainage standards. Septic tank modifications, the second in total fiscal impact, is a small percentage of the total cost. The range in total cost increase per individual system will vary from a few hundred dollars to \$2,500.

Purdue University, in one of its Extension Bulletins titled Septic System Failure, has stated that the most common cause of septic system failures is soil wetness (seasonal high water table). In that same publication, Purdue University states that an estimated 18,000 systems fail annually, for an annual failure rate of less than three percent. The Purdue University report states that a seasonal high water table is still reported as the leading factor in system failure. Therefore, the improvements in site drainage in the proposed rule changes, along with reduction of water infiltration and septic tank outlet filters, will reduce system failures even more. Although the economic benefits of these rule changes will not be realized for a number of years, a one percent reduction in system failures due to these technical changes would have a statewide net positive fiscal impact starting in year 16, and the net positive fiscal impact will grow each year after that.

Copies of these rules are now on file at the Office of Legal Affairs, Indiana State Department of Health, 2 North Meridian Street and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

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Indiana State Department of Health

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