
TITLE 410 INDIANA DEPARTMENT OF HEALTH

One Year Requirement ([IC 4-22-2-25](#))

LSA Document #22-395

August 7, 2023

RE: LSA Document #22-395, Residential On-Site Sewage Systems

On behalf of the Indiana Department of Health (Department), I am submitting this notice 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 4, 2023 (DIN: [20230104-IR-410220395NIA](#)).

During the 2023 session, the Indiana General Assembly enacted HEA 1402 (P.L. 232-2023), which significantly changed the requirements for the Department's on-site sewage system rules. In addition to requirements regarding the content of the rules, the statute now requires that the rules be reviewed by a technical review panel. These changes have increased the time needed to draft the Proposed Rule and obtain the necessary approvals prior to submitting the Proposed Rule and holding the public hearing.

Following the public hearing, the Department must consider and respond to public comments and present the rule to the IDOH Executive Board for final adoption. Pursuant to [IC 4-22-2-32](#), the Attorney General has 45 days to complete his review of the rule. Whether a quorum is present at the IDOH 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 4, 2024. The Department expects that the rule can be approved by the Governor by January 4, 2025.

This notice setting forth the expected date of approval of LSA #22-395 as January 4, 2025, is being submitted in a timely manner. September 11, 2023, is the two hundred fiftieth day after publication of the Notice of Intent to Adopt a Rule.

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Indiana Department of Health

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