

Document: Proposed Rule, **Register Page Number:** 26 IR 3116

Source: June 1, 2003, Indiana Register, Volume 26, Number 9

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**TITLE 410 INDIANA STATE DEPARTMENT OF
HEALTH**

Proposed Rule
LSA Document #02-321

DIGEST

Adds 410 IAC 6-8.2 to establish the requirements pertaining to the disposition of excremental and sewage matter through the design, installation, construction, maintenance, and operation of commercial facility, residential, cluster, and experimental and alternative technology on-site sewage systems. Repeals 410 IAC 6-8.1 and 410 IAC 6-10. Effective 30 days after filing with the secretary of state.

410 IAC 6-8.1

410 IAC 6-8.2

410 IAC 6-10

SECTION 1. 410 IAC 6-8.2 IS ADDED TO READ AS FOLLOWS:

Rule 8.2. On-Site Sewage Systems

410 IAC 6-8.2-1 Applicability

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 16-19-3

Sec. 1. The definitions in this rule apply throughout this rule. (*Indiana State Department of Health; 410 IAC 6-8.2-1*)

410 IAC 6-8.2-2 “Alternative technology on-site system” defined

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 16-19-3

Sec. 2. “Alternative technology on-site system” means an on-site system that includes the following:

(1) A component, equipment, secondary treatment device, or high strength waste device not described in Technical Specification for On-Site Sewage Systems, 2003 Edition, for which sufficient research documentation, field performance documentation, or data for use in Indiana has been documented demonstrating that it meets department standards.

(2) An alternative technology soil absorption field defined in section 3 of this rule.

(*Indiana State Department of Health; 410 IAC 6-8.2-2*)

410 IAC 6-8.2-3 “Alternative technology soil absorption field” defined

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 16-19-3

Sec. 3. “Alternative technology soil absorption field” means any soil absorption field technology or design not described in Technical Specification for On-Site Sewage Systems, 2003 Edition, Chapters 6 and 7 for which sufficient research, field performance, or data for use in Indiana has been documented demonstrating that it meets department standards. (*Indiana State Department of Health; 410 IAC 6-8.2-3*)

410 IAC 6-8.2-4 “Bedroom” defined

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 16-19-3

Sec. 4. “Bedroom” means any room in a residence that is used for the purpose of sleeping and contains an area of forty-five (45) square feet or more and at least one (1) operable window or exterior door approved for emergency egress or rescue. *(Indiana State Department of Health; 410 IAC 6-8.2-4)*

410 IAC 6-8.2-5 “Cluster on-site system” defined

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 16-19-3

Sec. 5. “Cluster on-site system” means an on-site system shared by two (2) or more residences, two (2) or more commercial facilities, or any combination thereof. *(Indiana State Department of Health; 410 IAC 6-8.2-5)*

410 IAC 6-8.2-6 “Commercial facility” defined

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 16-19-3

Sec. 6. “Commercial facility” means any building or place not used exclusively as a residence or residential outbuilding. A commercial facility includes, but is not limited to:

- (1) an office building;**
- (2) a manufacturing facility;**
- (3) a single structure used or intended to be used for permanent or seasonal human habitation for sleeping three (3) or more families (apartment, multiplex, townhouse, or condominium);**
- (4) a motel;**
- (5) a restaurant;**
- (6) a regulated facility; or**
- (7) any grouping of residences served by a cluster on-site system.**

(Indiana State Department of Health; 410 IAC 6-8.2-6)

410 IAC 6-8.2-7 “Commercial facility on-site system” defined

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 16-19-3

Sec. 7. “Commercial facility on-site system” means an on-site system for a commercial facility. *(Indiana State Department of Health; 410 IAC 6-8.2-7)*

410 IAC 6-8.2-8 “Construction” defined

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 16-19-3

Sec. 8. “Construction” means, but is not limited to:

- (1) earth-moving operations;**
- (2) excavation of an existing grade for a foundation or footings;**
- (3) delivery of construction materials to the property; or**
- (4) delivery of manufactured housing.**

(Indiana State Department of Health; 410 IAC 6-8.2-8)

410 IAC 6-8.2-9 “Department” defined

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 16-19-3

Sec. 9. “Department” means the Indiana state department of health. *(Indiana State Department of Health; 410 IAC 6-8.2-9)*

410 IAC 6-8.2-10 “Design daily flow” defined

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 16-19-3

Sec. 10. “Design daily flow” means the assigned peak daily flow of sewage, in gallons per day, from a residence or commercial facility as calculated from Technical Specification for On-Site Sewage Systems, 2003 Edition, Chapter 5, Section I, Design Daily Flow of Sewage. (Indiana State Department of Health; 410 IAC 6-8.2-10)

410 IAC 6-8.2-11 “Disturbance or alteration” defined

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 16-19-3

Sec. 11. “Disturbance or alteration” means the disturbance or alteration of a soil absorption field site and includes, but is not limited to, the following:

- (1) The addition of fill.**
- (2) The cutting, scraping, or removal of soil.**
- (3) Compaction of soil at the site resulting in dense material.**
- (4) Erosion or sedimentation.**
- (5) The removal of tree root balls.**

(Indiana State Department of Health; 410 IAC 6-8.2-11)

410 IAC 6-8.2-12 “Experimental technology on-site system” defined

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 16-19-3

Sec. 12. “Experimental technology on-site system” means an on-site system that includes the following:

- (1) A component, equipment, secondary treatment device, or high strength waste device not described in Technical Specification for On-Site Sewage Systems, 2003 Edition, for which sufficient research, field performance, or data for use in Indiana has not been documented demonstrating that it meets department standards.**
- (2) An experimental technology soil absorption field defined in section 13 of this rule.**

(Indiana State Department of Health; 410 IAC 6-8.2-12)

410 IAC 6-8.2-13 “Experimental technology soil absorption field” defined

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 16-19-3

Sec. 13. “Experimental technology soil absorption field” means any soil absorption field technology or design not described in Technical Specification for On-Site Sewage Systems, 2003 Edition, Chapters 6 and 7 for which sufficient research, field performance, or data for use in Indiana has not been documented demonstrating that it meets department standards. (Indiana State Department of Health; 410 IAC 6-8.2-13)

410 IAC 6-8.2-14 “Fill” defined

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 16-19-3

Sec. 14. “Fill” is characterized by one (1) or more of the following:

- (1) No soil horizons.**
- (2) Depositional stratification created by the movement of soil by man.**
- (3) A soil horizon that has been covered.**
- (4) Soil structure that has been modified or altered.**
- (5) Materials not indigenous to a soil horizon, such as cinders, refuse, or construction materials.**

(Indiana State Department of Health; 410 IAC 6-8.2-14)

410 IAC 6-8.2-15 “Health officer” defined

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 16-19-3; IC 16-20

Sec. 15. “Health officer” means the health officer of a local health department as referred to in IC 16-20. *(Indiana State Department of Health; 410 IAC 6-8.2-15)*

410 IAC 6-8.2-16 “High strength waste” defined

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 16-19-3

Sec. 16. “High strength waste” means septic tank effluent quality in excess of two hundred fifty (250) milligrams per liter for biochemical oxygen demand or total suspended solids. *(Indiana State Department of Health; 410 IAC 6-8.2-16)*

410 IAC 6-8.2-17 “High strength waste device” defined

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 16-19-3

Sec. 17. “High strength waste device” means any biological, chemical, or physical process or system for treating high strength waste, after primary treatment in a septic tank, for discharge to a secondary treatment device or to a soil absorption field. *(Indiana State Department of Health; 410 IAC 6-8.2-17)*

410 IAC 6-8.2-18 “Local health department” defined

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 16-19-3

Sec. 18. “Local health department” means a department organized by a county or city executive with a board, a health officer, and an operational staff to provide health services to a county, city, or multiple county unit. *(Indiana State Department of Health; 410 IAC 6-8.2-18)*

410 IAC 6-8.2-19 “On-site system” defined

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 16-19-3

Sec. 19. “On-site system” means:

- (1) all equipment and devices necessary for proper on-site conduction, collection, storage, and treatment of sewage; and**
- (2) absorption of sewage in soil;**

from a residence or commercial facility. *(Indiana State Department of Health; 410 IAC 6-8.2-19)*

410 IAC 6-8.2-20 “On-site system approval letter” or “approval letter” defined

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 16-19-3

Sec. 20. “On-site system approval letter” or “approval letter” means written approval from the department for the construction of a new on-site system, repair, or the replacement or expansion of a soil absorption field. *(Indiana State Department of Health; 410 IAC 6-8.2-20)*

410 IAC 6-8.2-21 “On-site system construction permit” or “construction permit” defined

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 16-19-3

Sec. 21. “On-site system construction permit” or “construction permit” means written approval from a local health department for the construction of a new on-site system, repair, or the replacement or expansion of a soil absorption field. *(Indiana State Department of Health; 410 IAC 6-8.2-21)*

410 IAC 6-8.2-22 “On-site system failure” or “failure” defined

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 16-19-3

Sec. 22. “On-site system failure” or “failure” means an on-site system that exhibits one (1) or more of the following:

(1) Soil absorption field refuses to accept sewage at the rate of application, thereby interfering with the normal use of plumbing fixtures or resulting in the discharge of effluent to the ground surface or to surface waters.

(2) Failure of, or damage to, any component of an on-site system, thereby interfering with the normal use of plumbing or resulting in the discharge of effluent to the ground surface or to surface waters.

(3) Effluent discharged from the on-site system causing contamination of a potable water supply, ground water, or surface water.

(Indiana State Department of Health; 410 IAC 6-8.2-22)

410 IAC 6-8.2-23 “On-site system, new” or “new on-site system” defined

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 16-19-3

Sec. 23. “On-site system, new” or “new on-site system” means the construction of an on-site system to serve a new residence or new commercial facility where the residence or commercial facility will not be connected to a wastewater treatment plant or to an existing on-site system. *(Indiana State Department of Health; 410 IAC 6-8.2-23)*

410 IAC 6-8.2-24 “On-site system operating permit” or “operating permit” defined

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 16-19-3

Sec. 24. “On-site system operating permit” or “operating permit” means written renewable approval by a local health department or department, whichever has authority, for the continued use of an on-site system. *(Indiana State Department of Health; 410 IAC 6-8.2-24)*

410 IAC 6-8.2-25 “On-site system repair” or “repair” defined

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 16-19-3

Sec. 25. “On-site system repair” or “repair” means the repair or replacement of any on-site system component with a like component other than the replacement or expansion of a soil absorption field. *(Indiana State Department of Health; 410 IAC 6-8.2-25)*

410 IAC 6-8.2-26 “Owner” defined

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 16-19-3

Sec. 26. “Owner” means the deed holder of record. *(Indiana State Department of Health; 410 IAC 6-8.2-26)*

410 IAC 6-8.2-27 “Person” defined

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 16-19-3

Sec. 27. “Person” means any individual, partnership, co-partnership, corporation, company, firm, association, society, holding company, trust, trustee, estate, school corporation, school city, school town, school district, any unit of government, or any other legal entity, its or their successors or assigns. *(Indiana State Department of Health; 410 IAC 6-8.2-27)*

410 IAC 6-8.2-28 “Plan submittal” defined

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 16-19-3

Sec. 28. “Plan submittal” means all information required for the local health department or department to review the design, location, construction, maintenance, and operation of a proposed on-site system. A plan submittal includes, but is not limited to, an application, written site evaluation report, property plat, and on-site system plan. (Indiana State Department of Health; 410 IAC 6-8.2-28)

410 IAC 6-8.2-29 “Regulated facility” defined

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 16-19-3

Sec. 29. “Regulated facility” means any facility regulated by law, including, but not limited to, the following:

- (1) A school facility.**
- (2) A child care facility.**
- (3) A long term care facility.**
- (4) An acute care facility.**
- (5) A correctional facility.**
- (6) A state facility.**
- (7) A mobile home park**
- (8) A campground.**
- (9) An agricultural labor camp.**

(Indiana State Department of Health; 410 IAC 6-8.2-29)

410 IAC 6-8.2-30 “Residence” defined

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 16-19-3

Sec. 30. “Residence” means a single structure used or intended to be used for permanent or seasonal human habitation for sleeping one (1) or two (2) families. (Indiana State Department of Health; 410 IAC 6-8.2-30)

410 IAC 6-8.2-31 “Residential on-site system” defined

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 16-19-3

Sec. 31. “Residential on-site system” means an on-site system for a residence or a residential outbuilding. (Indiana State Department of Health; 410 IAC 6-8.2-31)

410 IAC 6-8.2-32 “Residential outbuilding” defined

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 16-19-3

Sec. 32. “Residential outbuilding” means a building, for the private use of the owner, located on the property of a residence and not used or intended to be used for permanent or seasonal human habitation or sleeping. (Indiana State Department of Health; 410 IAC 6-8.2-32)

410 IAC 6-8.2-33 “Sanitary vault privy” defined

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 16-19-3

Sec. 33. “Sanitary vault privy” means a device, using a watertight vault, for the collection of human excrement. It does not mean a composting toilet or an incinerating toilet. (Indiana State Department of Health; 410 IAC 6-8.2-33)

410 IAC 6-8.2-34 “Secondary treatment device” defined

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 16-19-3

Sec. 34. “Secondary treatment device” means any biological, chemical, or physical process or system for improving sewage effluent quality after primary treatment in a septic tank and prior to discharge to a soil absorption field. (Indiana State Department of Health; 410 IAC 6-8.2-34)

410 IAC 6-8.2-35 “Sewage” or “wastewater” defined

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 16-19-3

Sec. 35. “Sewage” or “wastewater” means all human excrement and water-carried waste derived from ordinary living processes. (Indiana State Department of Health; 410 IAC 6-8.2-35)

410 IAC 6-8.2-36 “Soil” defined

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 16-19-3

Sec. 36. “Soil” means natural, nonfilled, mineral or organic matter on the surface of the earth that shows the effects of genetic and environmental factors. These factors include climate (water and temperature effects), micro-organisms, macro-organisms, and topography acting on a parent material over time. (Indiana State Department of Health; 410 IAC 6-8.2-36)

410 IAC 6-8.2-37 “Soil absorption field” defined

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 16-19-3

Sec. 37. “Soil absorption field” means the portion of the on-site system into which effluent discharges for absorption by the soil. (Indiana State Department of Health; 410 IAC 6-8.2-37)

410 IAC 6-8.2-38 “Soil absorption field replacement” defined

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 16-19-3

Sec. 38. “Soil absorption field replacement” means the replacement or expansion of a soil absorption field. (Indiana State Department of Health; 410 IAC 6-8.2-38)

410 IAC 6-8.2-39 “Soil scientist” defined

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 16-19-3; IC 25-31.5

Sec. 39. “Soil scientist” means an individual registered as a professional soil scientist with the Indiana registry of soil scientists (IRSS) as provided for under IC 25-31.5. (Indiana State Department of Health; 410 IAC 6-8.2-39)

410 IAC 6-8.2-40 “Temporary sewage holding tank” defined

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 16-19-3

Sec. 40. “Temporary sewage holding tank” means a watertight tank temporarily used to receive and store sewage pending its delivery to an approved treatment facility. (Indiana State Department of Health; 410 IAC 6-8.2-40)

410 IAC 6-8.2-41 “Wastewater treatment plant” defined

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 13-11-2-258; IC 16-19-3

Sec. 41. “Wastewater treatment plant” means a system of treatment works as defined in IC 13-11-2-258 installed to treat sewage, industrial wastes, and other wastes delivered by a system of sewers, whether owned or operated by the state, a municipality, or a person, firm, or corporation. The term does not include on-site systems. (Indiana State Department of

410 IAC 6-8.2-42 Authority

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 16-19-3

Sec. 42. (a) Local health departments have authority for the following:

(1) Residential on-site systems, except on-site systems described in subsection (b)(3) and (b)(4) unless the department has delegated plan review and approval under the provisions of subsection (c)(2).

(2) Residential temporary sewage holding tanks.

(3) Operating permits for the following:

(A) Residential on-site systems.

(B) Residential experimental and alternative technology on-site systems.

(C) Commercial facility on-site systems for which plan review and permit issuance has been delegated to the local health department under subsection (c)(1).

(b) The department has authority for the following:

(1) Commercial facility on-site systems.

(2) Commercial facility temporary sewage holding tanks.

(3) Plan review and approval for residential experimental and alternative technology on-site systems for those counties that have not met the requirements of subsection (c).

(4) On-site systems requiring variable manifold sizing or variable hole spacing.

(5) Operating permits for commercial facility on-site systems unless plan review and permit issuance has been delegated to the local health department under subsection (c)(1).

(c) The department may delegate to local health departments or revoke, in writing, plan review, approval, and permit issuance for the following:

(1) Commercial facility on-site systems with design daily flows of seven hundred fifty (750) gallons per day or less when the department provides design criteria for each on-site system site.

(2) Residential experimental and alternative technology on-site systems, when all of the following occur:

(A) Staff of the local health department have been trained to the satisfaction of the department in the plan review, approval, inspection, and operation of the experimental and alternative technology on-site system.

(B) The local health department complies with the requirements of the department for plan review, approval, and inspection.

(C) The requirements of subsection (d) have been met.

(3) On-site systems requiring variable manifold sizing or variable hole spacing when staff of the local health department have been trained to the satisfaction of the department in the design of this technology.

(d) Local health departments shall not issue a permit for an experimental or alternative on-site system for which operation and maintenance is required in Technical Specification for On-Site Sewage Systems, 2003 Edition, Chapter 8 until local mechanisms and procedures have been established for:

(1) the oversight and documentation of operation and maintenance of experimental or alternative on-site systems; and

(2) enforcement of the operation and maintenance requirements of experimental or alternative on-site systems.

(e) Local health departments shall establish written procedures, approved by the local health board, for the following:

(1) Notification of the local health department by owners, or agents of owners, for the inspection of residential new on-site systems or soil absorption field replacement required in section 49(e)(1) of this rule.

(2) Inspection of on-site systems required in section 49(b) of this rule, and documentation of inspections required in section 49(h)(2) of this rule.

(3) Replacement or reconstruction of a residence of the same number or fewer bedrooms to an existing on-site system when the local health department determines a soil absorption field replacement is necessary.

(Indiana State Department of Health; 410 IAC 6-8.2-42)

410 IAC 6-8.2-43 General on-site system requirements

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 13-18-12-9; IC 13-18-19; IC 13-26; IC 14-33; IC 16-19-3

Sec. 43. (a) No person may cause or contribute to a health hazard or water pollution by disposing of any organic or inorganic matter from an on-site system into surface water, ground water, or onto the ground surface.

(b) The point source discharge of sewage, treated or untreated, from a residence or its associated sewage system to surface water, ground water, or the ground surface is prohibited, except as provided in IC 13-18-12-9.

(c) Any residence, residential outbuilding that generates sewage, or commercial facility that is not connected to a wastewater treatment plant shall comply with this rule.

(d) Any residence or residential outbuilding that generates sewage, not connected to a wastewater treatment plant, shall have an on-site system that is not in failure.

(e) A residential outbuilding may be connected to either of the following:

(1) A residential on-site system if it is not in failure.

(2) A separate on-site system that meets the requirements of this rule and is sized in accordance with Technical Specification for On-Site Sewage Systems, 2003 Edition, Chapter 5, Section I.

(f) The design, location, construction, maintenance, and operation of an on-site system shall comply with this rule and all applicable local ordinances.

(g) Any commercial facility not connected to a wastewater treatment plant and does not have a point source discharge permit under IC 13-18-19 shall have an on-site system that is not in failure.

(h) Any residence, residential outbuilding, or commercial facility served by a sanitary vault privy shall have an on-site system that meets the requirements of this rule for any water-carried sewage generated by the residence, residential outbuilding, or commercial facility.

(i) The point source discharge of sewage, treated or untreated, from a commercial facility shall comply with 327 IAC 5.

(j) A commercial wastewater treatment facility that has a point source discharge permit from the Indiana department of environmental management (IDEM) under IC 13-18-19 is exempt from the requirements of this rule.

(k) Any commercial facility for which a permit for an on-site system has been issued pursuant to 327 IAC 3 and which is owned, operated, or maintained by an incorporated city or town, a conservancy district established pursuant to IC 14-33, or a regional sewer district established pursuant to IC 13-3, is exempt from the requirements of this rule. This section shall not be construed as an exemption for any commercial facility on-site system located on the premises of and serving only schools or municipal facilities.

(l) To determine if a person is subject to, or in violation of this rule, agents of the department or the local health department shall be permitted to enter upon all properties, at reasonable times, for any of the following reasons:

(1) Inspection of facilities, equipment, or records.

(2) Investigation of allegations.

(3) Determination of soil characteristics.

(4) Conduction of tests.

(5) Collect of samples.

(m) A recorded easement or other legally executed document, which grants permission for construction, access, and maintenance, shall be obtained from adjacent property owners for any portion of an on-site system located on property other than that from which the sewage originates.

(n) Written permission to use a legally established drainage improvement shall be obtained from the public agency with

jurisdiction before an approval letter or permit from the department or local health department, whichever has authority, may be issued.

(o) An owner shall obtain an approval letter or permit from the department or local health department, whichever has authority, for the use of a privy. Privies shall conform to the department Bulletin SE 11, "The Sanitary Vault Privy", 1986 Edition.

(p) A soil absorption field site shall not be disturbed or altered, except as approved by the conditions of the approval letter or permit, between the time of collection of information for the written site evaluation report and commencement of construction of the on-site system.

(q) An on-site system may not receive water from any of the following:

- (1) Roof drains.
- (2) Foundation drains.
- (3) Sump pumps.
- (4) Swimming pool drains.
- (5) Hot tub drains.
- (6) Area drains.
- (7) Floor drains.

(r) An on-site system may not be used for the disposal of chemical waste or chemical wastewater other than water softener or iron filter waste. For the purposes of this rule, the normal use of housekeeping cleaners and detergents do not constitute chemical waste. (*Indiana State Department of Health; 410 IAC 6-8.2-43*)

410 IAC 6-8.2-44 Application and plan submittal

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 16-19-3

Sec. 44. (a) The owner or his agent shall submit to the department or local health department, whichever has authority, an application and a plan for construction of a new on-site system, repair, or replacement of a soil absorption field.

(b) An application shall include, but is not limited to, the following:

- (1) Owner's name, address, and signature (or signature of agent representing the owner), and daytime telephone number.
- (2) Name, address, and daytime telephone number of agent representing the owner, if applicable.
- (3) Name, address, and daytime telephone number of professional engineer or registered architect, if applicable.
- (4) Location of property.
- (5) Parcel identification number.
- (6) Designation of property as either a residence or commercial facility, and if the application is for a new on-site system, repair, or replacement of a soil absorption field.
- (7) The design daily flow of the residence or commercial facility.

(c) A plan submittal shall comply with the requirements of the following:

- (1) Technical Specification for On-Site Sewage Systems, 2003 Edition, Chapter 2, Sections II and III for a new on-site system or replacement of a soil absorption field, and must address the demands and limitations of the site.
- (2) Technical Specification for On-Site Sewage Systems, 2003 Edition, Chapter 2, Section III, Sections B. 2. a. through g., B. 3. a., and B. 6. for an on-site system repair.
- (3) Local ordinances, policies, and procedures.

(*Indiana State Department of Health; 410 IAC 6-8.2-44*)

410 IAC 6-8.2-45 Written site evaluation reports

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 16-19-3

Sec. 45. (a) A written site evaluation report conducted in accordance with Technical Specification for On-Site Sewage

Systems, 2003 Edition, Chapter 2, Section II shall be provided for all sites proposed for a new on-site system or replacement of a soil absorption field. The written site evaluation report shall be reviewed as part of the plan submittal.

(b) For a commercial facility on-site system, and experimental and alternative technology on-site systems, a soil scientist as defined in section 39 of this rule shall provide the written site evaluation report.

(c) For residential on-site systems, other than experimental and alternative technology on-site systems, the written site evaluation report shall be provided by any of the following:

- (1) A soil scientist as defined in section 39 of this rule.
- (2) Staff of a local health department whose responsibilities include application and enforcement of this rule and who are proficient in the ability to observe, measure, and describe soil properties and landforms.

(d) The local health department may require that a soil scientist, as defined in section 39 of this rule, provide the written site evaluation report for a residential on-site system. (*Indiana State Department of Health; 410 IAC 6-8.2-45*)

410 IAC 6-8.2-46 On-site system construction permit; local health department

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 16-19-3; IC 16-41-25-1

Sec. 46. (a) The owner or agent shall obtain a written construction permit signed by the health officer for construction of an on-site system prior to the following:

- (1) The start of construction or the placement of a residence that will not be connected to a wastewater treatment plant at the time of initial occupancy.
- (2) The start of any construction of a residential on-site system repair or soil absorption field replacement.
- (3) The start of any construction, or the placement of a residence, that increases the design daily flow as defined in Technical Specification for On-Site Sewage Systems, 2003 Edition, Chapter 5, Section I. A.
- (4) The start of construction of a residential outbuilding that will generate sewage, or the addition of plumbing to an existing residential outbuilding, when the outbuilding is not connected to a wastewater treatment plant.
- (5) The start of construction of any commercial facility, repair of a commercial facility on-site system, replacement of a commercial facility soil absorption field, or any replacement, reconstruction, or expansion of a commercial facility where:
 - (A) plan review and permit issuance has been delegated by the department to the local health department; or
 - (B) permit issuance is required by local ordinance.

(b) The owner or agent shall obtain all necessary federal, state, and local permits and approvals before construction begins on an on-site system.

(c) Any proposed changes, alterations, or additions to a plan submittal for which a local health department has issued a permit shall be approved, in writing, by the local health department prior to the implementation of the changes.

(d) A construction permit issued by a local health department shall expire upon completion and final approval of construction of an on-site system, or within two (2) years after issuance, whichever comes first.

(e) A plan submittal for a residential on-site system, or for commercial facility on-site system delegated to a local health department, shall be reviewed and found in compliance with this rule and Technical Specification for On-Site Sewage Systems, 2003 Edition by the local health department prior to issuance of a written construction permit.

(f) The approval of a plat by the local plan commission or the county recorder does not constitute approval by the local health department for the construction of an on-site system.

(g) If an on-site system as described in this rule cannot be constructed, the local health department may not permit the construction of a new on-site system, repair, or replacement of a soil absorption field without the written approval of the department except as provided under sections 42(a) and 51(c) of this rule.

(h) The local health department may not permit the construction of a new on-site system, repair, or replacement of a soil

absorption field containing experimental or alternative technology without the written approval of the department unless authority for plan review and approval is delegated to the local health department under section 42(c)(2) of this rule.

(i) In accordance with IC 16-41-25-1, the local health department shall issue or deny, in writing to the owner, a residential on-site system permit within forty-five (45) days of receipt of an application and complete plan submittal.

(j) Proposed residential on-site systems are exempt from Appendix C, Figure 3-4 of the Technical Specification for On-Site Sewage Systems, 2003 Edition if all of the following requirements are met:

- (1) The subdivision plat for the property was approved and recorded by a local plan commission or county recorder prior to December 21, 1990.
- (2) The suitability of the soil for a soil absorption field on the property is rated slight or moderate in accordance with the National Soil Survey Handbook, 1993, Part 620.08(b), Septic Tank Absorption Fields.
- (3) The soil absorption field on the property is sized by the following minimum criteria:

Permeability Rating (inches per hour)	Size of Soil Absorption Field (square feet per bedroom)
2 to 6	250
1 to 2	330

(k) Proposed residential on-site systems will be granted an exemption from Appendix C, Figure 3-4, Technical Specification for On-Site Sewage Systems, 2003 Edition if all of the following requirements are met:

- (1) The subdivision plat for the property was approved and recorded by a local plan commission or county recorder prior to December 21, 1990.
- (2) The suitability of the soil for a soil absorption field on the property is rated severe, or is not rated, in accordance with the National Soil Survey Handbook, 1993, Part 620.08(b), Septic Tank Absorption Fields.
- (3) The health officer of the county in which the property is located provides the following, in writing, to the department:
 - (A) Certification that the local health department reviewed and recommended approval of the subdivision plat to the local plan commission or county recorder, either verbally, in writing, or by other locally acceptable routine procedure, when the subdivision plat was originally approved.
 - (B) Certification that no properties in the subdivision currently have failures as defined in section 22 of this rule.
 - (C) All information required in Technical Specification for On-Site Sewage Systems, 2003 Edition, Chapter 2, Sections II and III.

(Indiana State Department of Health; 410 IAC 6-8.2-46)

410 IAC 6-8.2-47 On-site system approval letter; department

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 16-19-3; IC 25-31-1-2

Sec. 47. (a) The owner shall obtain an approval letter from the department for construction of a commercial facility on-site system prior to the following:

- (1) The start of construction or placement of a building that will not be connected to a wastewater treatment plant at the time of initial occupancy.
- (2) The start of construction of a commercial facility on-site system repair or soil absorption field replacement.
- (3) The start of construction of any replacement, reconstruction, or expansion of a commercial facility that may increase water usage, except as provided in section 42(c)(1) of this rule.

(b) The owner shall obtain all necessary state and local permits and approvals before construction begins on an on-site system.

(c) Any proposed changes, alterations, or additions to a plan submittal for which an approval letter has already been issued shall be approved, in writing, by the department prior to the implementation of the changes, except as provided in section 42(c)(1) of this rule.

(d) An approval letter issued by the department, except for a regulated facility, shall expire upon completion of on-site

system construction or within two (2) years of the effective date, whichever comes first.

(e) The owner shall submit an application and complete plan submittal for the construction of an on-site system to the department, except as provided in section 42(c)(1) of this rule, as follows:

- (1) The application and plan submittal for a commercial facility on-site system shall be made at least ninety (90) days prior to the planned start of construction. The application shall be on a form provided by the department.
- (2) The plan submittal shall include one (1) set of detailed construction plans and specifications certified and sealed by a professional engineer or registered architect currently registered in Indiana. Registered land surveyors may certify and seal plans only for sanitary sewers, storm sewers, and subsurface drains.

(f) A complete plan submittal for commercial facility on-site system shall be reviewed and found in compliance with of this rule and Technical Specification for On-Site Sewage Systems, 2003 Edition by the department prior to issuance of an approval letter, except as provided in section 42(c)(1) of this rule.

(g) The approval of a plat by the local plan commission or the county recorder does not constitute approval by the department for the construction of an on-site system. *(Indiana State Department of Health; 410 IAC 6-8.2-47)*

410 IAC 6-8.2-48 On-site system operating permit

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 13-15-1-2; IC 16-19-3

Sec. 48. (a) The owner may be required to obtain a written operating permit for use, inspection, and maintenance of an on-site system as provided for in section 42(a)(3) of this rule as follows:

- (1) A written operating permit issued by the department shall be signed by the state health commissioner or his duly authorized representative.
- (2) A written operating permit issued by a local health department shall be signed by the health officer.

(b) An operating permit shall be renewed as follows:

- (1) At least biennially for on-site systems having components requiring scheduled inspection and maintenance.
- (2) At least once every five (5) years for on-site systems not having components requiring scheduled inspection and maintenance.

(c) An operating permit shall identify all components of an on-site system requiring inspection and maintenance.

(d) An operating permit requiring scheduled inspection and maintenance shall contain the following:

- (1) Name, address, and telephone number of the service company contracted to perform inspection and maintenance.
- (2) Description of the operation and maintenance document or documents used for scheduled inspection and maintenance.

(e) The owner, or service company contracted to perform inspection and maintenance, shall provide the department or local health department, whichever has authority, with the following:

- (1) Written documentation of all scheduled and unscheduled inspection and maintenance within one (1) month of the date performed.
- (2) A copy of the inspection and maintenance contract.

(f) The department may require the owner of a commercial facility on-site system to obtain an operating permit pursuant to IC 13-15-1-2. *(Indiana State Department of Health; 410 IAC 6-8.2-48)*

410 IAC 6-8.2-49 Inspections

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 16-19-3

Sec. 49. (a) The on-site system, when constructed, shall comply with the requirements of this rule, all local ordinances, and the requirements of the approval letter and permit.

(b) The local health department is responsible for inspections of the following:

- (1) Residential on-site systems.**
- (2) Residential alternative technology on-site systems.**
- (3) Residential experimental technology on-site systems.**
- (4) Residential temporary sewage holding tanks.**
- (5) On-site systems delegated by the department.**

(c) The on-site system design engineer or architect is responsible for the following:

- (1) Inspection of commercial facility on-site system with design daily flow of seven hundred fifty (750) gallons per day or less for which plan review and permit issuance has not been delegated to the local health department under section 42(c)(1) of this rule.**
- (2) Inspection of commercial facility on-site systems with a design daily flow of greater than seven hundred fifty (750) gallons per day.**
- (3) Certification, in writing, to the department and local health department that the commercial facility on-site system is in compliance with this rule, all local ordinances, and the requirements of the approval letter and permit.**

(d) The local health department, or design engineer or architect may not certify compliance with this rule, all local ordinances, and the requirements of the approval letter and permit based on a statement by an installer that the on-site system was installed as designed.

(e) Prior to the start of construction, the owner or agent shall notify the following:

- (1) The local health department according to written procedures developed by the local health department.**
- (2) The department and professional engineer or registered architect at least seven (7), but no more than ten (10), working days prior to construction of a commercial facility on-site system for which the department has issued an approval letter.**

(f) The installer of an on-site system shall:

- (1) comply with written procedures established by the local health department for inspection of residential on-site systems that assure installation in compliance with this rule, all local ordinances, and the requirements of the on-site system permit; and**
- (2) not cover any portion of a commercial facility on-site system, prior to inspection, that would preclude the department, local health department, and design engineer or architect from making a determination that it is installed in compliance with this rule, all local ordinances, and the requirements of the approval letter and permit.**

(g) The local health department may inspect commercial facility on-site systems for which an approval letter is issued by the department.

(h) Written documentation on inspections shall be maintained by the following:

- (1) The department that issues an approval letter.**
- (2) The local health department that issues a permit.**

(Indiana State Department of Health; 410 IAC 6-8.2-49)

410 IAC 6-8.2-50 Application denial; approval letter or permit revocation

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 16-19-3

Sec. 50. (a) After review of an application and plan submittal, the department or the local health department, whichever has authority for plan review and approval, may deny approval for construction of a new on-site system, repair, or replacement of a soil absorption field. Reasons for denial include, but are not limited to, any of the following:

- (1) False information was submitted in the application.**
- (2) The plan submittal does not comply with the requirements of this rule and local ordinances.**
- (3) The plan submittal does not address the demands and limitations of the on-site system site.**
- (4) The owner failed to respond to a written request for a revised plan submittal or for additional information within forty-five (45) calendar days.**

(b) The department or the local health department, whichever has authority, may deny an application for construction of a new on-site system, repair, or replacement of a soil absorption field if:

- (1) a sanitary sewer of a wastewater treatment plant is available within three hundred (300) feet of the property line of the affected property, or the estimated cost of sewer construction and connection does not exceed one hundred fifty percent (150%) of the estimated cost of an on-site system; and
- (2) the sanitary sewer and the treatment facility of the wastewater treatment plant have adequate capacity as defined by the Indiana department of environmental management.

(c) If an application is denied, the owner shall be advised, in writing, of the basis for the denial, the right and procedure for appeal, and the deadline for appeal.

(d) The department may modify or revoke an approval letter, or the local health department may modify or revoke a permit, in writing, for construction of a new on-site system, repair, or replacement of a soil absorption field. Reasons for modification or revocation include, but are not limited to, any of the following:

- (1) The soil absorption field site has been disturbed or altered after collection of information for the written site evaluation report.
- (2) False information has been submitted to obtain the approval letter or permit.
- (3) Information submitted in the written site evaluation report or plan submittal is found to be wrong.
- (4) Errors or omissions are discovered after the approval letter or permit has been issued.
- (5) It is found that the plan submittal is in violation of the requirements of this rule, local ordinances, or the conditions of the approval letter or permit.
- (6) The owner or agent failed to notify the department, the local health department, and the design engineer or architect at least seven (7), but no more than ten (10), working days prior to construction of a commercial facility on-site system.
- (7) The owner or agent failed to request an inspection by the:
 - (A) local health department, according to written procedures developed by the local health department; and
 - (B) department, local health department, and professional engineer or registered architect for a commercial facility on-site systems.
- (8) It is determined that the installation of the on-site system is in violation of the requirements of this rule, local ordinances, or the conditions of the approval letter or permit.

(e) If a permit is revoked, the owner shall be advised, in writing, of the basis of the revocation, the right and procedure for appeal, and the deadline for appeal.

(f) If an approval letter or permit is revoked, construction may not proceed on the on-site system, and the residence or commercial facility it serves until a new approval letter or permit is issued.

(g) If an approval letter or permit has been revoked, the following shall occur for a new approval letter or permit to be issued:

- (1) The owner shall provide, as required by the department or local health department, a new or revised site evaluation and plan submittal.
- (2) The proposed plan submittal shall comply with the requirements of this rule, local ordinances, and requirements of the department for experimental or alternative on-site systems.

(Indiana State Department of Health; 410 IAC 6-8.2-50)

410 IAC 6-8.2-51 On-site system failure and correction

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 16-19-3

Sec. 51. (a) The owner shall correct the failure of an on-site system or its components, whichever is applicable, within the time limit set by the local health department or the department.

(b) When replacement of the soil absorption field is required, requirements in this rule for application, plan submittal, approval letter or permit, and inspection shall be followed.

(c) Soil absorption field replacement for a residential on-site system shall be made in accordance with the application of optimum system design based on the site, and the best judgment of the local health department, except that:

- (1) replacement of a soil absorption field cannot be contrary to section 43(a) and 43(b) of this rule; and
- (2) no portion of a replacement soil absorption field can be constructed to a depth greater than forty-eight (48) inches below final grade.

(d) A local health department shall not issue a permit for repair of an on-site system or replacement of a soil absorption field using experimental or alternative technology without the written approval of the department unless section 42(c)(2) and 42(c)(3) of this rule applies. (*Indiana State Department of Health; 410 IAC 6-8.2-51*)

410 IAC 6-8.2-52 Temporary sewage holding tanks

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 13-18-12-2; IC 16-19-3

Sec. 52. (a) An approval letter may be issued by the department, or a permit may be issued by a local health department, whichever has authority, for a temporary sewage holding tank only as follows:

- (1) To provide time for an on-site system repair, replacement of a soil absorption field, or connection to a sanitary sewer.
- (2) When soil wetness conditions exist that preclude the prompt installation of a soil absorption field:
 - (A) an approval letter issued by the department, or a permit issued by a local health department, whichever is applicable, shall be obtained for construction of an on-site system prior to the issuance of a temporary sewage holding tank approval letter or permit;
 - (B) the proposed absorption field site shall be staked out and protected from disturbance or alteration; and
 - (C) the temporary sewage holding tank approval letter, or permit, whichever is applicable, shall be valid for no more than one (1) year from the date of issuance.
- (3) For commercial facilities, when temporary work site facilities are used during construction of a permanent structure that is to be served by an on-site system or wastewater treatment plant.
- (4) When a connection is being secured to a sanitary sewer that is part of a conservancy district, sewer district, private utility or municipality, and the provisions of either subsection (d) or (e) have been met.

(b) The following requirements shall be met for all temporary sewage holding tanks:

- (1) An approval letter and operating permit from the department, or a permit and operating permit from the local health department, whichever has authority, shall be obtained prior to the start of construction for new residences and new commercial facilities.
- (2) An approval letter and operating permit from the department, or a permit and operating permit from the local health department, whichever has authority, shall be obtained prior to the use of a temporary sewage holding tank to abate a sewage discharge from a failing residential or commercial facility on-site system in conjunction with this requirement the department or local health department:
 - (A) may issue an order to pump and haul from an existing septic tank while the application for a temporary sewage holding tank is being submitted and processed; and
 - (B) whichever has authority, shall establish expiration dates for temporary sewage holding tank approval letters and permits issued under this subsection.
- (3) An application and plan submittal shall be made to the department or the local health department, whichever has authority, prior to the issuance of an approval letter or permit required by section 44 of this rule.
- (4) A copy of a contract with a licensed wastewater management business pursuant to 327 IAC 7.1 shall be submitted to the department or the local health department, whichever has authority. The contract shall stipulate the frequency of pumping, based on wastewater flow and tank capacity.
- (5) Any outlets from a tank used as a temporary sewage holding tank shall be sealed and made watertight.
- (6) The department or local health department, whichever has authority, may require a high water alarm. The alarm, switches, controls, and electrical wiring shall comply with the applicable sections of Technical Specification for On-Site Sewage Systems, 2003 Edition, Chapter 5, Section VIII. D.
- (7) The sewage from a temporary sewage holding tank shall be collected and disposed of in compliance with IC 13-18-12-2.
- (8) Receipts shall be kept as proof the tank is being pumped, and made available, upon request, to the department or local health department, whichever has authority.

(c) Sanitary sewers, manholes, and pump stations shall not be used as temporary sewage holding tanks.

(d) The following requirements apply when a connection is being secured to a sanitary sewer that is part of a conservancy district, sewer district, private utility, or municipality (referred to as an “entity” in this section):

(1) The owner or agent shall submit written verification from the entity that a sewer connection will be available within two (2) years. For individual residences, a contract for construction of said sewer shall have been awarded to substantiate the availability of a sewer.

(2) The owner or agent shall obtain a written statement from the entity certifying that:

(A) the proposed project is not expected to cause overloading/bypassing in the collection system under dry weather conditions; and

(B) there is sufficient capacity in the treatment plant to adequately treat the flow and achieve the applicable National Pollutant Discharge Elimination System (NPDES) permit effluent limitations.

(3) For commercial facilities, the tank shall be sized for a holding capacity of at least three (3) days at the ninety percent (90%) level of the tank.

(4) For residences, the local health department shall specify the tank size.

(5) The temporary sewage holding tank approval letter or permit, and operating permit, shall be valid for no more than two (2) years from the date of issuance.

(e) The following requirements apply for commercial facilities, when a connection is being secured to a sanitary sewer that is part of a conservancy district, sewer district, private utility, or municipality is proposed, but where a contract for construction of said sewer has not yet been awarded:

(1) A site evaluation report shall be submitted demonstrating that the site is suitable for an on-site system.

(2) Plans, as described in Technical Specification for On-Site Sewage Systems, 2003 Edition, shall be submitted for the on-site system with the exception that detailed plan views, cross sections, and specifications for on-site system components are not required. If subsurface drainage is required, an adequate outlet shall be documented.

(3) The applicant shall submit a written timetable from the utility detailing the proposed schedule for sewer construction. The utility shall also certify that the proposed project is not expected to cause overloading/bypassing in the collection system under dry weather conditions, and there is sufficient capacity in the treatment plant to adequately treat the flow and achieve applicable NPDES permit effluent limitations.

(4) The tank shall be sized for three (3) days holding capacity at the ninety percent (90%) level of the tank.

(5) The proposed absorption field site shall be staked out and protected from disturbance or alteration.

(6) The temporary sewage holding tank approval letter or permit shall be valid for no more than two (2) years from the date of issuance.

(7) By the approval letter or permit expiration date, a connection to the utility sewer shall be completed, or the approved on-site system shall be constructed. If said utility sewer is under construction by that time, an extension of the holding tank approval letter or permit may be requested.

(f) The following requirements apply for commercial facilities, where temporary work site facilities are used during construction of a permanent structure that is to be served by an on-site system:

(1) An approval letter or permit for the construction of an on-site system to serve the permanent structure has been issued.

(2) The tank shall be sized for three (3) days holding capacity at the ninety percent (90%) level of the tank.

(3) The proposed absorption field site shall be staked out and protected from disturbance or alteration.

(Indiana State Department of Health; 410 IAC 6-8.2-52)

410 IAC 6-8.2-53 Experimental technology

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 16-19-3

Sec. 53. (a) The department may approve the installation of experimental technology to permit development of new or more efficient sewage treatment or soil dispersal processes.

(b) The owner or agent proposing to install an experimental technology on-site system shall:

(1) comply with the requirements contained in Technical Specification for On-Site Sewage Systems, 2003 Edition,

Chapters 1, 2, 3, 4, 8, and applicable sections of Chapters 5, 6, and 7; and

(2) file a restriction on the deed of the property, indicating that:

- (A) the on-site system serving the property requires an operation and maintenance contract, when required by the department;
- (B) the on-site system serving the property requires a set-aside area, when required by the department, pursuant to subsection (f);
- (C) the soil absorption field set-aside area be protected from disturbance or alteration; and
- (D) the replacement soil absorption field does not meet the soil or site requirements of this rule and the Technical Specification for On-Site Sewage Systems, 2003 Edition when these requirements cannot be met.

(c) The following information shall be provided to the department for review of an experimental technology:

(1) A description of operation of the experimental technology, including scientific and engineering principles upon which it is based.

(2) For an experimental technology soil absorption field:

- (A) a description of the site criteria required for successful operation of the technology, including documentation of research and field performance applicable to soil and climatological conditions found in Indiana; and
- (B) the design criteria for sizing the technology to meet all site and soil conditions required by the department.

(3) For secondary treatment devices and high strength waste devices:

- (A) the design criteria for sizing the device to meet all waste flow characteristics; and
- (B) procedures used for effluent sampling and analysis.

(4) Performance that the experimental technology is expected to meet.

(5) Life span of the materials used in the experimental technology.

(6) Criteria and requirements for operation and maintenance of the experimental technology over its life expectancy.

(7) A copy of any approvals from other states or government units and the statutes, codes, ordinances, and other regulatory documents under which the approval was granted.

(8) Research and development data, and data on field performance.

(9) Certifications (with test results), from independent testing laboratories. Information shall include the following:

(A) An affidavit certifying that research, certifying organizations, and principal investigators have no conflict of interest.

(B) A statement of the source or sources of compensation for services.

(C) A statement that research, certifying organizations, and principal investigators do not stand to gain financially from the sale of the experimental technology.

(10) Three (3) copies of the following:

(A) Owner notifications required in Technical Specification for On-Site Sewage Systems, 2003 Edition, Chapter 8, Section II. A.

(B) Documentation required in Technical Specification for On-Site Sewage Systems, 2003 Edition, Chapter 8, Section II. A.

(C) Product literature and pricing information.

(d) The department may require the effluent from secondary treatment devices be sampled and analyzed according to the requirements contained in Technical Specification for On-Site Sewage Systems, 2003 Edition, Chapter 8, Section III.

(e) The department may limit the number of on-site systems incorporating experimental technology until such time that sufficient data has been collected on the performance of the experimental technology.

(f) For a new residence containing an experimental technology soil absorption field, the department may require a set-aside area for an alternate means of soil dispersal:

(1) the set-aside area shall be included in the plan submittal required in Technical Specification for On-Site Sewage Systems, 2003 Edition, Chapter 2, Sections II through V;

(2) the set-aside area must be of sufficient size and suitable soil conditions to allow for the construction of an on-site system that complies with the requirements of section 54 of this rule or Technical Specification for On-Site Sewage Systems, 2003 Edition, Chapters 6 or 7; and

(3) the set-aside area must be protected from disturbance or alteration until released, in writing, by the department or local health department, whichever has jurisdiction, or until connection to a wastewater treatment plant is secured.

(g) For a commercial facility containing an experimental technology soil absorption field, the department may require a set-aside area or contingency plan for an alternate means of soil dispersal:

- (1) the set-aside area shall be included in the plan submittal required in Technical Specification for On-Site Sewage Systems, 2003 Edition, Chapter 2, Sections II through V;
- (2) a set-aside area for a commercial facility must comply with the requirements of subsection (h); and
- (3) a contingency plan for a commercial facility must be approved by the department prior to design of the experimental technology on-site system.

(h) The requirement for a set-aside area for a soil absorption field replacement containing an experimental technology soil absorption field may be waived, the size may be reduced, or required soil conditions modified, in accordance with section 51(c) of this rule. If a set-aside area is required, the following must be met:

- (1) Plans for the set-aside area shall be included in the plan submittal required in Technical Specification for On-Site Sewage Systems, 2003 Edition, Chapter 2, Sections II through V.
- (2) The set-aside area must be of sufficient size and suitable soil conditions, if possible, to allow for the construction of an on-site system that complies with the requirements of section 54 of this rule or Technical Specification for On-Site Sewage Systems, 2003 Edition, Chapters 6 or 7.
- (3) The set-aside area must be protected from disturbance or alteration until released, in writing, by the department or local health department, whichever has jurisdiction, or until connection to a wastewater treatment plant is secured.

(Indiana State Department of Health; 410 IAC 6-8.2-53)

410 IAC 6-8.2-54 Alternative technology

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 16-19-3

Sec. 54. (a) The department may approve the installation of alternative technology sewage treatment or soil dispersal processes.

(b) The owner or agent proposing to install an alternative technology on-site system shall:

- (1) comply with the requirements contained in Technical Specification for On-Site Sewage Systems, 2003 Edition, Chapters 1, 2, 3, 4, 5 (applicable sections), and 8; and
- (2) file a restriction on the deed of the property, indicating that the:
 - (A) on-site system serving the property requires an operation and maintenance contract, when required by the department; and
 - (B) replacement soil absorption field does not meet the soil or site requirements of this rule and the Technical Specification for On-Site Sewage Systems, 2003 Edition, when these requirements cannot be met.

(Indiana State Department of Health; 410 IAC 6-8.2-54)

410 IAC 6-8.2-55 Ground water protection standards

Authority: IC 16-19-3-4; IC 16-19-3-5; IC 16-20-1-12

Affected: IC 13-18-17-5; IC 16-19-3

Sec. 55. In accordance with IC 13-18-17-5 and 327 IAC 2-11-1, et seq., ground water protection procedures required in Technical Specification for On-Site Sewage Systems, 2003 Edition, Chapter 3, Section VI shall apply to on-site systems.

(Indiana State Department of Health; 410 IAC 6-8.2-55)

410 IAC 6-8.2-56 Local health department compliance

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 16-19-3

Sec. 56. (a) When local health departments propose, draft, or recommend adoption of, or changes to, a local ordinance for on-site systems, written confirmation shall be obtained from the department that the proposed ordinance, or changes to an ordinance, do not conflict with this rule and sewage disposal statutes before the ordinance is presented to the county commissioners.

(b) Local health departments shall obtain written approval from the department of procedures required in section 49(e)(1) and 49(f)(1) of this rule.

(c) Each local health department on-site system permit program is subject to review by the department. Such review may include, but not be limited to, the following:

- (1) Review of permits issued.
- (2) Review of on-site system inspections.
- (3) Supporting documentation.

(d) Whenever the department determines that a local health department on-site system program is not in compliance with this rule, the department may require remedial action and a reasonable time period necessary for compliance.

(e) If a local health department fails to comply with a directive issued by the department under subsection (d), the department may require the local health department to submit plans, permits, and supporting documentation for department review. The department may further require that before the local health department issues any on-site system permit, a written release for such permit shall be obtained from the department. Such review may continue until the department is satisfied that ongoing compliance with this rule has been achieved.

(f) Each local health department shall submit to the department an annual report of on-site system permits issued and on-site systems installed as follows:

- (1) The report shall be:
 - (A) submitted by February 15 of the year following the calendar year in which data is collected; and
 - (B) made on a form provided by the department or other format approved by the department.
- (2) Data for new residences and commercial facilities shall be sorted by the following:
 - (A) Type of soil absorption field:
 - (i) with subsurface drainage; and
 - (ii) without subsurface drainage.
 - (B) Secondary treatment device manufacturer, if applicable, by:
 - (i) type of device; and
 - (ii) type of soil absorption field.
- (3) Data for each soil absorption field replacement shall include the following:
 - (A) Existing soil absorption field:
 - (i) type;
 - (ii) year installed, if known;
 - (iii) year failed, if known; and
 - (iv) whether or not subsurface drainage was part of the on-site system, if known.
 - (B) Soil absorption field replacement:
 - (i) type;
 - (ii) whether or not subsurface drainage is part of the soil absorption field replacement; and
 - (iii) manufacturer and type of secondary treatment device, if applicable.
- (4) Data for each on-site system repair shall include the following:
 - (A) Year on-site system was installed, if known.
 - (B) Component or components repaired.

(Indiana State Department of Health; 410 IAC 6-8.2-56)

410 IAC 6-8.2-57 Enforcement

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 16-19-3

Sec. 57. (a) For residential and commercial facility on-site systems, the local health department may issue a written order to an owner in violation of this rule, local sewage ordinance, or any condition of a permit. The written order shall state the nature of the violation and a time limit for satisfactory correction.

(b) For commercial facility on-site systems, the department may issue a written order to an owner in violation of this rule,

or any condition of an approval letter. The written order shall state the nature of the violation and a time limit for satisfactory correction.

(c) An owner or agent, upon receipt of an order, shall comply with the order and this rule.

(d) The department or local health department may issue an order to stop work when any of the following occur:

(1) Construction of an on-site system has started without the following:

(A) A permit from the local health department for a residence or a commercial facility where:

(i) plan review and permit issuance has been delegated by the department to the local health department; or

(ii) permit issuance is required by local ordinance.

(B) An approval letter from the department for a commercial facility, or experimental or alternative technology on-site system, except when plan review and permit issuance has been delegated by the department to the local health department.

(2) Construction of an on-site system is in violation of the permit, approval letter, this rule, or local sewage ordinance.

(3) Any other conditions exist that may result in the revocation of an approval letter or permit as listed in section 50(d) of this rule.

(e) A local health department may report to the department concerns involving septic or dose tank design, quality, construction, or performance pursuant to Technical Specification for On-Site Sewage Systems, 2003 Edition, Chapter 5, Sections IV, V, and VI. Concerns must be detailed in writing to the department.

(f) Enforcement of operation and maintenance provisions for experimental and alternative technology on-site system technologies shall be by the:

(1) local health department for permits issued under section 46 of this rule; and

(2) department for approval letters issued under section 47 of this rule.

(Indiana State Department of Health; 410 IAC 6-8.2-57)

410 IAC 6-8.2-58 Incorporation by reference

Authority: IC 16-19-3-4; IC 16-19-3-5

Affected: IC 16-19-3

Sec. 58. The following documents are incorporated by reference as a part of this rule:

(1) Technical Specification for On-Site Sewage Systems, 2003 Edition. Copies may be obtained by mailing a request to the Indiana State Department of Health, 2 North Meridian, Section 5-E, Indianapolis, Indiana 46204. This document is available for public review at the department.

(2) Bulletin SE 11, The Sanitary Vault Privy, 1986 Edition. Copies may be obtained by mailing a request to the Indiana State Department of Health, 2 North Meridian, Section 5-E, Indianapolis, Indiana 46204. This document is available for public review at the department.

(3) National Soil Survey Handbook, 1993, Part 620.08(b), Septic Tank Absorption Fields. Copies may be obtained by mailing a request to the USDA-NRCS-NSSC, Federal Building, Room 152 - Mail Stop 35, 100 Centennial Mall North, Lincoln, Nebraska 68508-3866, or online at <http://soils.usda.gov/procedures/handbook/main.htm>. This document is available for public review at the department.

(Indiana State Department of Health; 410 IAC 6-8.2-58)

SECTION 2. THE FOLLOWING ARE REPEALED: 410 IAC 6-8.1; 410 IAC 6-10.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on July 1, 2003 at 1:00 p.m., at the Indiana State Department of Health, 2 North Meridian Street, Rice Auditorium, Indianapolis, Indiana the Indiana State Department of Health will hold a public hearing on proposed new rules to establish the requirements pertaining to the disposition of excremental and sewage matter through the design, installation, construction, maintenance, and operation of commercial facility, residential, cluster, and experimental and alternative technology on-site sewage systems. Repeals 410 IAC 6-8.1 and 410 IAC 6-10. Copies of these rules are now on file at the Consumer Protection Division of the Health Care Regulatory Services Commission, Indiana State Department of Health, 2 North Meridian

Street, Fifth Floor and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Gregory A. Wilson, M.D.
State Health Commissioner
Indiana State Department of Health