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Arthur Smith, Jr.
The Honorable Jim Trobaugh

SEPTIC SYSTEMS SUBCOMMITTEE OF THE ENVIRONMENTAL QUALITY SERVICE COUNCIL

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Authority: ***P.L. 248-1996 (SEA 138)***

MEETING MINUTES[1]

Meeting Date:	**September 28, 2000**
Meeting Time:	**10:00 A.M.**
Meeting Place:	**State House, 200 W. Washington St., Room 233**
Meeting City:	**Indianapolis, Indiana**
Meeting Number:	**3**

Members Present: **Sen. Beverly Gard, Chairperson; Sen. Kent Adams; Sen. Glenn Howard; Rep. Ron Herrell; Rep. David Wolkins; Randy Edgemon; Kerry Michael Manders; The Honorable Jim Trobaugh.**

Members Absent: **Sen. Vi Simpson; Rep. Dale Sturtz; David Benshoof; Marvin Gobles; Gary Reding; Arthur Smith, Jr..**

Senator Gard, Chairperson of the Septic Systems Subcommittee of the Environmental Quality Service Council (Subcommittee), called the meeting to order at 10:04 a.m.

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[1] Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of $0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is http://www.ai.org/legislative/. No fee is charged for viewing, downloading, or printing minutes from the Internet.

The first person to testify was Alan Dunn from the Indiana State Department of Health (ISDH) (see Exhibit 1). Mr. Dunn stated the following concerning septic systems rules proposed by the ISDH:

*The ISDH promulgates rules for residential and commercial on-site sewage systems (OSS) under IC 16-19-3-4.
*The ISDH plans to file a notice of intent for the proposed rule, 410 IAC 6-8.2 (see Exhibit 2), on December 1, 2000, and expects the rule to take effect January 1, 2002.
*The proposed rule combines residential and commercial rules into one rule, removes inconsistencies between residential and commercial programs, provides for a partnership between the ISDH and local health departments on small commercial and experimental OSS, and removes technical requirements from the rule and places them in the Technical Specifications (see Exhibit 2).
*In general, the proposed rule outlines roles and responsibilities, covers program requirements, covers permit requirements, and covers inspection requirements.
*Under Section 32 of the proposed rule, local health departments have authority over residential OSS (except alternative technology OSS and OSS using secondary treatment, unless delegated by the ISDH), residential temporary sewage holding tanks, and operation and maintenance for residential OSS using secondary treatment devices.
*Under Section 32, the ISDH has authority over commercial facility OSS, commercial facility temporary sewage holding tanks, plan review and plan approval for residential alternative technology OSS and residential OSS using secondary treatment, and operation and maintenance for commercial facility OSS using secondary treatment devices.
*Under Section 32, the ISDH may delegate plan review and permit issuance to local health departments for certain commercial OSS and alternative technology OSS.
*Under Section 34, application and plan submittals must address demands and limitations of the OSS site.
*Under Section 35, a permit from a local health officer is required for new construction of single family dwellings and commercial facilities that use OSS, alternative technology OSS, and residences or commercial facilities because of increased flows or repair, replacement, or expansion of OSS.
*Under Section 39, an application may be denied if the OSS plan does not address the demands and limitations of the site or a connection to a sewer is available within 300 feet and the connection costs are not more than 150% of the cost of the OSS and the sewer utility can take the increased flow.
*Under Section 40, the owner of a failed OSS must correct the failure within the time frame set by a local health department or the ISDH.
*Under Section 42, alternative and experimental OSS technology is allowed to address emerging technologies not covered in the rule.
*Section 43 provides that groundwater protection standards under IC 13-18-17-5 and 327 IAC 2-11-1 apply to OSS.
*Under Section 45, a local health department or the ISDH may issue a written order to an OSS owner in violation of the law.
*The proposed Technical Specifications are incorporated by reference in the proposed rule which removes technical requirements from the rule and allows non-regulatory language and flexibility in formatting.
*The Technical Specifications include chapters on Administrative Authority and Plan Submittal, Site and OSS Requirements, Site Drainage, General OSS Components, Trench OSS, Sand Mound OSS, and Treatment Devices.
*The Technical Specifications also include new denitrification requirements.

*The proposed rule and Technical Specifications will encourage increased use of secondary treatment systems and cluster systems, protection of groundwater, alternative technology OSS, operation and maintenance programs, and opportunities for private enterprise.

In response to questions, Mr. Dunn stated the following:

*The major differences between the current ISDH rules and the proposed rule concern groundwater protection issues.
*To obtain a permit for a typical residential OSS, a soil scientist is not necessary. However, local health departments have the authority to require a soil scientist to conduct soil sampling.
*To obtain a permit for a typical residential OSS, any person may draw up the plans that are submitted to the local health department as long as the plans are legible. However, the proposed rules require several new items to be included on the plans.
*Most homeowners do not have the background to properly conduct the required soil borings to obtain an OSS permit.
*Major areas of concern for local health departments include the need for adequate information to be made available during the permit process, enforcement problems, and certification of OSS installers.

The next person to testify was Allan Pursell from the Nature Conservancy. Mr. Pursell stated the following concerning a groundwater and septic management district study conducted in Harrison and Floyd Counties:

*The Nature Conservancy received a grant from the Indiana Department of Environmental Management to conduct the study.
*Harrison County and Floyd County were chosen because of the accelerating development pressure in the Louisville, Kentucky metropolitan area, a disfavor of capital construction projects, physical conditions such as soils, slopes, and geology, and modest planning and zoning regulations in the area.
*Acorn Technical Group was chosen to conduct the study.

The next person to testify was Greg Gapsis from the Acorn Technical Group. Mr. Gapsis stated the following concerning the groundwater and septic management districts study (see Exhibit 3):

*A significant portion of existing OSS in Harrison and Floyd Counties were installed prior to the adoption of minimum mandatory design and construction standards.
*Evidence exists of non-point source pollution of surface and groundwater resources in those counties and the probability that failing OSS are contributing factors.
*There is a trend toward "Ex-Urban Migration" to rural areas while rural governments have limited resources to deal with development issues.
*Significant numbers of OSS failures in Indiana have been caused by lack of minimum design standards, the perception that septic systems are temporary, and low and medium land use patterns and small tax bases that make municipal sewers financially uncompetitive.
*Septic management districts are operating in several states to deal with these problems. Indiana law allows for the formation of septic management districts.
*Septic management districts can provide inventory of systems and education programs, provide maintenance contracts and oversight, require operating permits that include an annual fee, and be set up as a public or private utility within

appropriate governmental boundaries.
*The study included a survey of private citizens about attitudes and perceptions concerning water quality issues, cost effectiveness and reliability of OSS, and acceptance of periodic inspection and maintenance programs. Results showed high receptivity to the idea of maintenance oversight for OSS and a preference for local control but a resistance to mandated inspections.
*Failing OSS are not only a public health problem but also a property value problem.
*New federal guidelines, and possibly federal funds, are coming concerning OSS.
*Possible responses to the OSS problem include OSS permit holders recognizing the responsibility that goes with the permit, including conducting inspections and maintenance programs, and local health departments mandating local responses, such as addressing training and certification needs and supporting financing options.

The next person to testify was Loren Robertson from the Fort Wayne-Allen County Department of Health. Mr. Robertson stated the following concerning a Water Quality Improvement Initiative conducted in Allen County (see Exhibit 4):

*Reasons for the Initiative included existing homes in the county on small lots without room for adequate OSS, many small potential sewer projects, and the desire of the Health Department to take a pro-active approach to solving septic problems.
*The initiative was developed to identify areas of potential risk in the county and to reduce those risks.
*The four objectives of the Initiative were to develop a written protocol so each complaint is handled in the same way, work with the Regional Sewer District to define the relationship between the Health Department and the District and improve collaboration, assess water quality in retention ponds and public water bodies in the county, and identify and evaluate the septic system of every home not connected to a sewer.
*The results of the Initiative are used to notify each utility of properties within their jurisdiction that are not connected to a sewer, work with the Regional Sewer District to establish priorities for sewer projects, work with the District on community systems and maintenance programs for areas outside the reasonable reach of public sewers, and seek funding sources for projects.

Senator Gard adjourned the meeting at 12:00 p.m.