

Technical Review Panel
Environmental Public Health Division
Indiana Department of Health
Meeting Minutes from June 27, 2025
10:00am – 12:00pm, Yoho Conference Room, IDOH and via Teams

Panel Members Present:

In Person:

Kelly MacKinnon, IDOH, OLA
Matt Stieneker, Indiana State Building and Construction Trades Council
Amanda Lahners, LaPorte County Health Department
John Hack II, OSS Contractor
Jason Ravenscroft, academia
Mark McClain, IRSS
Dick Blazer, IBA

Via Teams:

Claude Goguen, NPCA, IOWPA

Others Present:

In Person: Mike Mettler, Alice Quinn, Erin Elam, IDOH
LA Brown, installer

Via Teams: Representative Jim Pressel
Heath Butz, Jay County Health Department
Jason Arme, Steuben County Health Department
Daniel Westrich, Joe Rebori, BioMicrobics
Scott Rexroth, Watermark Engineered Products
John Linn, IBA, St. Joseph County Board of Health
Karl Glaze, Daviess County Health Department
Kathy Hall
Chad Schofield, Norweco
Rachel Swartwood, Joe Rakoczy, Julia Hayes, Mark Miller, IDOH
Jackie L. Jovanovich-Strayer (joined at 10:22 am)
Shelly McCracken-Rania (joined late)

MacKinnon called the meeting to order at 10:00am.

Blazer made a motion to not approve the minutes of the May 9, 2025 meeting because they were meeting notes, not meeting minutes. He stated that he was unable to view the recording of the last meeting and felt that there was a lot missing from the meeting notes. He stated the notes need to be thorough and include all of the topics and the votes and these notes did not include everything. McClain seconded the motion agreeing that there was a lot missing from the notes. Blazer stated that a time limit for a soil report was discussed but was not included. Blazer stated that the requirement to tie a drainage tile 2" into till is not in the rule, but many local health departments required it, so it needed to

be clearer in the rule. Blazer stated he was overwhelmed by the last meeting and the meeting notes were just not thorough enough. Goguen stated that the page numbers and line numbers referenced in the minutes were incorrect. Quinn stated that those numbers were in reference to the version of the rule that was discussed at the meeting from which the minutes were made, not the version for this meeting. A vote was taken. An “aye” was for not approving the minutes and a “nay” was for approving the minutes.

Ayes: Blazer, McClain, Hack, Goguen

Nays: Ravenscroft, Lahners

Abstain: Stieneker

MacKinnon stated that IDOH would work at getting the recording to everyone so that everyone could review it, and IDOH would review the meeting notes and make changes as needed.

Blazer made a motion to table items 3 (BioMicrobics RetroFast review) and 4 (Aero-Stream Remediator review) from the agenda. He stated that the rule revision needed the entire two hours for discussion and that there was no time for the reviews during this meeting. McClain seconded the motion and stated that he was overwhelmed as well. McClain asked if these products had been vetted by IDOH and stated that he felt that the manufacturers should give a presentation and then allow time for the TRP to discuss the product amongst themselves.

Lahners stated that they should review the products during this meeting, but that they did not have to approve them today. Blazer asked if they could at least be put to the end of the agenda or postponed to a later meeting. MacKinnon stated that she thought the rule revision was ready to approve at this meeting and that she had concern for taking another 2 hours to review the rule.

Blazer stated that the rule should say that the soil scientists can use more than one fixed reference point to locate soil borings, but now it says there must be two fixed reference points. He felt that there was no reason to have 2 fixed reference points. One fixed reference point is adequate to locate the borings. Now the soil scientist and the installer have to take the time to locate at least two fixed reference points.

Blazer stated that he wants to have the information on the TNI products to be reviewed as soon as IDOH receives the information. He feels that more time is needed to review the products prior to the meetings. Mettler stated that he does not send out the packets of information until a complete application has been submitted to and approved by IDOH. All materials are provided to the TRP members at least 2 weeks prior to the meeting at which they will be discussed.

Blazer stated he was removing his motion for tabling the product reviews.

Mettler introduced Daniel Westrich with BioMicrobics who was online to discuss the BioMicrobics RetroFast remediation product. Mr. Westrich is the Manager of Regulatory Affairs with BioMicrobics, and he introduced Joe Rebori, Assistant Vice President, Inquiries, Engineering, BioMicrobics who was also online. Westrich stated that the RetroFast remediation technology was very similar to the BioMicrobics Fast unit which was already approved as a secondary treatment unit in Indiana.

Mr. Rebori said that the BioMicrobics RetroFast was a system remediator device used to rejuvenate drainfields. He stated that they were more than willing to accommodate the board’s request for more time to review the product. The RetroFast is a smaller version of their NSF Standard 40 class 1 plant

certified Fast product. The RetroFast can be installed in existing biologically failed fields. The unit can be reduced down so that it can be installed through the riser of an existing septic tank. This is an aeration unit with attached growth plastic honeycomb media. Microbes are broken down in this process. The unit is all gravity flow. It has been third party tested by the EPA ETV program for nitrogen removal and retroactive installation.

Rebore also discussed the SOS, Save Our Septic, Warranty Program which gives the owner warranty that the RetroFast system will eliminate ponding in the system within 12 months or the manufacturer will give the money back to the owner. To date, the company has never had to give any money back in the warranty program. A local distributor is trained to administer the warranty program and will investigate the failed system to see if it is a candidate for rejuvenation with this product to ensure there are no other reasons for failure.

Blazer asked how much agitation this device causes in the septic tank. Rebore stated that typically the RetroFast is installed in the second compartment of the septic tank, but it can be installed at the outlet of a single compartment septic tank. Better quality effluent is achieved with it in the second compartment of a two compartment septic tank. The aeration is contained in the module itself, like a box submerged in the tank. There is vigorous aeration in the box, but outside the box is relatively still. The unit provides oxygen and mixes the effluent with the oxygen, and the media is self-cleaning. The solids settle at the bottom of the tank, so there is no need for a secondary clarifier chamber. The module connects directly to the outlet of the septic tank. Blazer stated that agitation in the septic tank is not good.

Hack asked how an outlet filter would be installed in the tank with the RetroFast attached to the tank outlet. He asked if the outlet filter was not necessary or if it could be installed in the first compartment of the septic tank. Goguen shared his screen and pointed out the image of the two compartment tank which was shown. Rebore stated that the image showed a FAST unit, not a RetroFast. He stated that a means to pump out the tank is needed. The RetroFast takes up the second riser over the outlet of the tank. If there is no other access to pump the tank, the inner module can be removed which provides a 5" hole to pump the tank. Goguen stated that there may need to be an access added to a 2 compartment tank to allow pumping of the second chamber. Rebore stated that there may be a need to modify the tank, and it would be necessary to ensure that the tank is still sound. Goguen expressed concern about modification of an existing tank and suggested guidelines are needed for tank modification for installers.

Rebore stated that the zone outside of the module is anoxic which is required for nitrogen removal, and inside the treatment unit is highly aerated with >4mg/L of oxygen. Scott Rexroth, Watermark Engineered Products, stated that several RetroFast units were already installed in Indiana and most of those were installed in a single compartment septic tanks. He stated that the aeration was vigorous within the shell, but quiet outside the shell. Pump outs have typically been done from the inlet access of a single compartment septic tank.

McClain asked how the lack of an outlet filter would legally affect the rule requirement for an outlet filter. Mettler stated that the unit was tested without an outlet filter. Quinn stated that the rule requires outlet filters to be installed in new tank installations only. If the RetroFast were installed in an existing tank that did not have an outlet filter, there would be no requirement for an outlet filter.

Blazer stated that he wanted to discuss the requirements for the SludgeHammer rejuvenation product. MacKinnon stated that that could be discussed as part of the approval process.

Blazer asked if the TRP members could approve the agenda prior to the meeting. Mettler said that the agenda could be approved in the meeting. MacKinnon stated that she had concerns about the time and asked if we could move to the next agenda item.

Mettler asked if there was anyone from Aero-Stream who had joined the meeting. No one from Aero-Stream was present, so this item was skipped and TRP members were asked to review the material prior to the next meeting.

Review of Proposed Revisions to Rule 410 IAC 6-8.3

Mettler stated that two copies of the rule revisions were distributed. The highlighted version is the one that has the changes from the last meeting highlighted. MacKinnon stated that only the changes made from the last meeting would be discussed. Blazer indicated that he wanted to discuss the entire rule because more changes were needed to make the rule good for those local health departments that do not have local ordinances. MacKinnon reminded the members of the abbreviated timeline for review of this rule, the deadline of July 1, 2026 which is the statutory requirement for effectiveness of this rule, and the length of the promulgation process. McClain stated that he felt it was inappropriate to approve this rule based on what might happen. MacKinnon stated that the focus needs to be on the rule making goal and to get in the rule what was formerly approved in local ordinances to achieve uniformity. Statutorily, the rule must be effective by July 1, 2025. Because of the lengthy rule-making process, these revisions need to keep moving forward. McClain stated that the TRP members need to vote no and go back to the legislators and tell them that the rule needs to be right and to change the timeline. We need to discuss everything that needs to be changed. Ravenscroft stated that the TRP must abide by the statutory obligation to get the revisions done in time. MacKinnon stated that we need to start with the changes already made and then make additional changes in the next revision. McClain then asked if they just needed to look at the highlighted areas and vote yay or nay.

The draft of the revised rule was looked at page by page and the following is the discussion that took place. (Page, L=line number, rule section number in parenthesis).

Page 2

- L35 (7) Goguen asked if Neilson was to provide language for review for this revision or for the next proposed revision. The revisions for the change for the definition of bedroom equivalent will be for the second tier revisions.
- L45-46 (7.1) changes approved.

Page 3

- L5 (7.2) McClain asked if effluent needed to be defined. No changes.

Page 4 – all changes approved.

Page 5 - All changes approved

- Goguen stated that Blazer brought up at the last meeting that definitions needed to be provided for expansion and repair. Quinn stated that those definitions were added under R for residential OSS expansion, residential OSS repair, etc.

Page 6

- L20 (17) Changes approved.

- L26-36 (17.1) Blazer stated that the definition of fragic soil properties was too wordy. McClain stated that it was taken directly from NRCS sources. He stated that even if the soil was weakly cemented, it should be considered a limiting layer. MacKinnon stated that OLA may take out the example at the end of the definition.

- L42-47 (17.2) Changes approved.

Page 7 – All changed approved.

Page 8

- L40 (20.2(b)(2)) Brown asked why this was “transitional” to dense till. McClain stated that this had to deal with the BC/CB horizons that effervesced.

- All other changes approved.

Page 10 – All changes approved.

Page 11 - All changes approved.

Page 12 - All changes approved.

Page 13 - All changes approved.

Page 15

- L28-29 (43) changes approved.

- L39-40 (43.1) Brown questioned the use of “soil sampling equipment” and if this was for a soil boring and if a post hole auger could be used for the evaluation. McClain stated that it should be left as auger, and the soil scientist should be left to make that decision.

Page 16

- L34 (46) Goguen stated that “chemical, and biological” should be highlighted but are not. Quinn stated that this is a change, but was not made at the last meeting, so should not be highlighted in this version.

- All changes approved.

Page 17

- L38 (50.1) Brown questioned what “arbitrarily” meant in this definition. McClain stated that it was an elevation that you (as the installer) set.

- L46-47 (50.2) McClain asked if the definition was referenced elsewhere. Quinn stated that it was the definition from the International Residential Code.

- Quinn stated that she had a concern about the sizing for tiny homes which were proposed to be sized at 300 gpd when a 401 square foot home could be sized for 150 gpd for one bedroom. Also, a very large home could have 1 bedroom and be sized for only 150 gpd. Ravenscroft said that he felt this was reasonable.

- All changes approved.

Page 18

- L23-28 (50.5) Blazer questioned why a distribution box needed to be 5’ from the trenches if the distribution box had to be watertight. Quinn stated that the section on distribution boxes required the distribution box material to be watertight, but not the pipe penetration points. This also is to try to prevent water from the trenches from funneling back towards the distribution box causing it to become unlevel.

- All changes approved.

Page 19

- L29 (52(e)(1)) Blazer questioned if this should also say that the system is not malfunctioning. This section describes the types of sewage disposal that is appropriate for a residence. A malfunction does not create a health hazard and most typically can be repaired or fixed.

- All changes approved.

Page 20

- L4-8 (52(h)) McClain questioned if this indicated that TNI must be approved by the TRP not IDOH. MacKinnon stated that is what the reference was for.
- All changes approved.

Page 21

- L10-11 (52.1(b)(2)(C)) Ravenscroft asked why this required both IOWPA certification and registration in another county. Quinn stated that this was as it was stated and required in the referenced statute.
- L14 (52.1(e)) Ravenscroft said he felt that the comma after registration should be removed. Change is approved.
- All other changes approved.

Page 22

- L12 (53(d)(5)(D)) Blazer questioned why 2 fixed reference points were required when only 1 was necessary. He thought that the TRP had agreed to requiring one fixed reference point but allowing 2. There was consensus to keep this at 2 fixed reference points required.
- All changes approved.

Page 23

- L7-13 (53(j)) Blazer questioned how one would confirm that high strength waste causes a system failure. Mettler and Quinn stated that wastewater quality testing would need to be done. Blazer stated that testing like that was never done. Quinn pointed out that testing for high strength waste was done on one of his installation sites in Howard County where high strength waste was ruled out.
- L24-44 (53(o) and (n)) There was a lot of discussion about why these sections were included in the rule and if they could be removed. More discussion about this will happen in the tier 2 revision process.
- All changes approved.

Page 24

- L2-3 (54(a)) There was a lot of discussion on what types of systems that the local health department could issue an operating permit for. Currently it is proposed to allow a local health department to issue an operating permit on any type of system for which a construction permit can be issued. Ravenscroft stated that he felt it was unfair to require operating permits for systems that met or exceeded the requirements of the rule and wanted to limit the local health department to only issuing operating permits for those systems listed in IC 16-19-3-27(b)(2) and those permits issued under the best judgment of the local health department. Ravenscroft quoted the American Public Health Association's Public Health Code of Ethics, Section 3. Guidance for Ethical Analysis:

Reciprocity: *"Have we done what is reasonable to offset the potential harms and losses that the proposed action imposes on individuals and communities?"* The ethical ideal of reciprocity attests to the notion that social life should reflect mutual exchanges and cooperation rather than unilateral imposition. Reciprocity obligates us to relieve, as much as is reasonable, the burdens of adhering to public health policy. When a public authority requires individuals and communities to contribute to or participate in an important communal undertaking, it is incumbent on that authority to provide the means necessary to ensure that such contributions are not unduly or unreasonably burdensome.

Mettler stated that is why the rule included a "may" indicating that local health departments are not required to do this but may do this. MacKinnon stated that once the local health department requires it, it becomes required. Hack stated that if the health officer would not issue or renew an

operating permit, the home could not be occupied. Blazer indicated that the local health department could not issue or renew the operating permit even if the system was not in failure. There was consensus to change this section back to reference IC 16-19-27(b)(2) as it was previously written and include those systems where best judgment was used, holding tanks, and sanitary vault privies.

- All other changes approved.

Page 25

- L21 (54.1(d)(3)(C)) Blazer asked why it was not required just to have a sanitary tee in the distribution box. Hack said he still used distribution boxes with a cast in place concrete baffle. Quinn said that she felt a sanitary tee was much better than an elbow with a weep hole. It was decided that this change would be considered for the next revision.
- All changes approved.

Page 26 – All changes approved.

Page 27 – All changes approved.

Page 29 – All changes approved.

Page 31

- L37 (59(h)(3)) Blazer stated that it was impossible to install a subsurface drain perfectly and that it was more important not to have high points in the line than to have sags in the line. Brown agreed, saying that the most flow is through the middle of the pipe, so sags were not as bad as high points. Blazer stated that most drains were not installed properly anyway. No change was suggested.
- All changes approved.

Page 32 – All changes approved.

Page 33 – All changes approved.

Page 34 – All changes approved.

Page 35 – All changes approved.

Page 36 – All changes approved.

Page 38 – All changes approved.

Page 39 – All changes approved.

Page 40 – All changes approved.

Page 50 – All changes approved.

Page 59 – All changes approved.

Page 62 – All changes approved.

Page 70 – All changes approved.

Page 71

- L36-37 (91(i)) McClain stated that the website provided for the Soil Taxonomy reference may change and asked why it had to be there. OLA requires websites for all references, if applicable.
- All changes approved.

Review of Regulatory Analysis for Rule 410 IAC 6-8.3 Revisions

- Page 6 - 1. Required connection to sewer. Brown stated that those in rural areas cannot connect to sewer by gravity, and a grinder pump and pit would be required. He stated that \$8,500 would not cover the cost. Brown stated that this should be increased to \$20,000. Also, he stated that replacement costs for pumps were not included, and pumps need to be maintained and typically replaced in 10 years. Quinn and MacKinnon stated that the costs were only for the first two years. Consensus to increase this cost to \$20,000.

- Page 7 – 3. Construction plan requirements. Brown stated that \$15 was inadequate to cover the expenses of a design. Blazer questioned if installers/designers would have to purchase new computers or programs. Quinn stated that plans were not required to be computer generated. Also, it was explained that this was only the increase in cost from what was required right now to do it correctly. MacKinnon stated that this needs to be clarified in the analysis.
- Page 8 – 6. Onsite sewage system inspection. Brown stated that \$250 did not seem enough for an inspection. Quinn stated that the cost was only the increase in cost, not the total cost, of the inspection. No change.
- Page 9 – 7. Minimum of 3 soil evaluation sites. Brown questioned the cost of \$50 for 3 soil borings. This was explained that it was only the increase in cost for the few soil scientists who do not do 3 borings per site now. No change.
- Page 9 – 9. Sewage holding tanks. Brown stated that an increase from a 1000 gallon holding tank to a 1500 gallon holding tank would be more than \$150. He suggested changing this to \$660. Consensus to change.
- Page 9 – 9. Sewage holding tank. Blazer asked about the costs local health departments would incur to update their programs for issuance of operating permits. MacKinnon stated that this was optional for a local health department so these costs for local health departments are not included here.
- Page 10 – 10. Risers on all distribution boxes. Brown questioned the increase in cost of \$30 for distribution box risers. He indicated 1 riser could cost \$30 and the cost of the gasket could be addition. There was consensus not to change this cost.
- Page 11 – 12. Protecting and marking the soil absorption field. Blazer indicated that this cost was much higher than \$25. He suggested a change to \$150. Consensus for change.

Hack made a motion to approve the rule and regulatory analysis with these proposed changes as a next step to moving closer to the promulgation process and get it sent to OMB. McClain seconded the motion. It was discussed that the TRP could vote again later if additional changes were needed.

Ayes: Blazer, Lahners, McClain, Goguen, Hack, Stieneker

Nays:

Ravenscroft had to leave the meeting prior to this vote.

The next meeting was scheduled for July 25, 2025 from 10:00 am to 12:00 pm EST. It was discussed that the recording for this meeting would also be made available to panel members.

Hack made a motion to adjourn the meeting, and it was seconded by Stieneker. The meeting was adjourned.

Respectfully submitted,
Alice R. Quinn