



Indiana
Department
of
Health



Eric J. Holcomb
Governor

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State Health Commissioner

DATE: January 11, 2023

TO: Executive Board
Indiana Department of Health

FROM: Megan Lytle *ML*
Assistant Commissioner
Public Health Protection Commission

RE: Amendments to on-site sewage rules (410 IAC 6-8.3)
LSA Document # 22-395

The Indiana Department of Health (Department) is presenting the on-site sewage rule to the Executive Board for discussion. The rule amends 410 IAC 6-8.3 to update definitions and other provisions to reflect current terminology, standards, and best practices regarding the design, installation, construction, maintenance, and operation of residential on-site sewage systems.

In 2022, the General Assembly enacted HEA 1245, which amended IC 16-41-25-7 to provide that no local ordinance may impose requirements concerning residential on-site sewage systems that are more restrictive than IDOH rules. Any more restrictive rules are void as of June 30, 2023. 410 IAC 6-8.3 sets minimum standards that are intended to be supplemented by local ordinances. The local ordinances take into account the unique geological and other factors that affect systems in the local area. Because these local ordinances will be voided after June 30, 2023, it is necessary to amend the IDOH rules to replace certain requirements that will be voided.

The rule amendments allow local health departments to opt into some, but not all, of the requirements currently imposed by local ordinances. Local health departments must seek approval from IDOH and provide justification before imposing these "opt-in" requirements. The rule also requires IDOH to consult with a group of stakeholder representatives (the members of the Technology New to Indiana committee) before approving a local health department's

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request to “opt-in” to requirements. This review process will prevent local health departments from adopting requirements that are more restrictive than their ordinances that are being voided effective July 1, 2023.

The rule also adds two new statewide requirements. Those are the installation of an outlet filter removal device and a float tree when certain systems are installed or modified. These two changes follow current best practices and make future maintenance and repairs safer and less expensive. Because the rule has not been updated in a number of years, this rulemaking also makes updates to reflect current industry standards.

The Department submitted this rule for moratorium review on December 22, 2022. The Department received moratorium exception approval on December 27, 2022.