

TITLE 327 WATER POLLUTION CONTROL DIVISION

Rule Information Sheet

Septage Management
LSA Document #14-29(F)

Overview

Septage comes from a variety of sources categorized as sewage disposal systems under IC 13-11-2-201. IC 13-18-12 authorizes IDEM to permit septage managers for cleaning sewage disposal systems and for the transport, treatment, storage, or disposal of septage. Under the current septage rules at 327 IAC 7.1, septage may be transported to and discharged directly into a National Pollutant Discharge Elimination System (NPDES) permitted publicly owned treatment works (POTW), disposed at a permitted municipal solid waste landfill, transported to a specifically designed septage storage or treatment facility, or land applied.

The Indiana General Assembly has made changes to IC 13-18-12 regarding septage management. IDEM has developed a draft rule that addresses these changes, including replacing "wastewater" with "septage" throughout 327 IAC 7.1, removing the vehicle licensing requirements, and changing record keeping requirements when cleaning portable sanitary units. IDEM is also proposing updates to the existing rules to add flexibility to septage transportation requirements, allow for alternate design, construction, or compliance, and to add phosphorus testing and standards, which may temporarily affect land application activities at a particular location. The draft rule also includes amendments to ensure the rules are consistent with the most current applicable state law, removes outdated language and forms, and reorganizes and revises language for improved clarity and understanding.

Suggested Changes since Preliminary Adoption

After considering board member questions about the proposed rule language at the preliminary adoption hearing on August 14, 2019, IDEM determined that surface application of septage is not permitted by Indiana Code (IC) 13-11-2-114 because the definition of land application, for purposes of IC 13-18-12, is limited to burial or incorporation into the soil. Land application of domestic septage, grease, or a combination of domestic septage and grease by injection or incorporation will continue to be allowed, in accordance with the statute. IDEM conducted outreach on this proposed change and received several comments concerning the cost and practicality of removing surface application from the state rule. Because surface application of septage is not currently allowed under state law and injection or incorporation of septage is more protective of the environment and human health, IDEM has eliminated all references to surface application from the rule and limited the methods of land application to burial or incorporation into the soil only.

Additional board member questions during the preliminary adoption hearing also brought forth the need for IDEM to clarify the soil sample collection method for phosphorus testing under 327 IAC 7.1-8-7 to ensure the most accurate results are provided for land applicators. IDEM determined

that the best method for soil sample collection is for all soil tests to consist of one composite sample per every twenty acres, with each composite sample consisting of twenty representative subsamples. These samples must be analyzed for pH by a laboratory certified by the North American Proficiency Testing Program.

IDEM has made changes to the rule language since preliminary adoption to provide clarification, consistency with federal and state requirements, and further information on application requirements that were directly taken from the septage management application forms. IDEM has also made changes to the rule language to remove language that was redundant and vague. Lastly, IDEM has made changes to the rule language to provide less restriction for permittees regarding septage tank construction that will allow for advancements in technology with the tank material used.

Affected Persons

Owners and operators of septage management facilities and transportation vehicles throughout Indiana.

Reasons for the Rule

IDEM is revising 327 IAC 7.1 to be consistent with the recent revisions to the Indiana Code, to provide flexibility for certain requirements and to update and clarify the existing language. Over application or having an excess of phosphorus in the soil can lead to ground water contamination or runoff. Excess phosphorus in surface or ground waters can lead to algal blooms in lakes, rivers, streams, and ultimately into the ocean. Phosphorus testing and standards are being added to prevent the land application of septage from contributing to excess phosphorus in the soil and preventing contamination of surface and ground waters.

Economic Impact of the Rule

The removal of the vehicle licensing requirements will have a positive fiscal impact on the regulated community. There will be a low fiscal impact to a small portion of regulated sources due to the addition of phosphorus testing requirements for land application of septage. The phosphorus rules will require soil testing every three years when the permit is renewed; however, these tests are relatively low in cost.

Scheduled Board Action and Hearings

First Public Hearing: August 14, 2019, Indiana Government Center 10 North Senate Avenue, Conference Room A, Indianapolis, Indiana 46204.

Second Public Hearing: November 10, 2021, at 1:30 p.m., at the Indiana Government Center North, 10 North Senate Avenue, Conference Room A, Indianapolis, Indiana 46204. The public may attend the ERB meeting in person or join by using the Zoom link, meeting ID and passcode, or telephone numbers that can be found prior to the meeting at:

https://events.in.gov/event/environmental_rules_board_meeting

IDEM Contact

Additional information regarding this rulemaking action can be obtained from Krystal Hackney, Rules Development Branch, Office of Legal Counsel, (317) 232-3158, (800) 451-6027 (in Indiana), or khackney1@idem.IN.gov.