

## **Protocol for Delegation to Local Health Departments of the Review and Permit Issuance for Individual Residential On-site Sewage Systems using TNI Technology**

410 IAC 6-8.3-52(h) permits the Indiana State Department of Health (department) to approve the installation of experimental [Technology New to Indiana (TNI)] equipment, facilities or pollution control devices that are not covered in that rule.

410 IAC 6-8.3-52(g) states that a local board of health may not approve the use of any residential on-site sewage system not described in that rule unless approval from the department is:

- 1) issued, under subsection (h), for local health departments to issue construction permits for the use of the technology; or
- 2) obtained for specific applications.

This document outlines the process that the Environmental Public Health Division of the Indiana State Department of Health will follow in delegating plan review and permit issuance for Technologies New to Indiana to local health departments under the provisions of 410 IAC 6-8.3-52(g).

- I. The Local Health Department (LHD) must provide written request for delegation which includes:
  - A. The technology for which the request is being made;
  - B. The names and positions of the staff member(s) that will be responsible for case management, design criteria, plan review and final inspections of projects using this technology;
  - C. Documentation to the department of manufacturer training and the competency of staff listed in item A., above, for case management, site evaluations, plan submittal reviews, permit issuance, and construction inspections; and
  - D. Consent for the department to conduct a review of the LHD on-site sewage system program.
- II. Local health departments must conform to the following:
  - A. The adoption of a program for the issuance and enforcement of operating permits for all projects involving delegated TNI systems (when applicable), after consultation with department staff.
  - B. Adherence of the provisions of 410 IAC 6-8.3 in the issuance of all permits for new construction;
  - C. Adherence to sound judgment in the issuance of permits for the repair or replacement of on-site sewage systems in failure under the provisions of 410 IAC 6-8.3-53(i). This will include an appropriate methodology for troubleshooting failing on-site sewage systems;
  - D. Implementation of a program for the issuance and enforcement of operating permits, when operating permits are required as a condition of delegation. (For initial delegation purposes, the commitment to starting a program for the issuance

and enforcement of operating permits must be in writing from the Local Health Department;

- E. Record keeping using the department's iTOSS database tool or the duplication of LHD records into iTOSS. This provides a method of documentation and document storage of case management, site evaluations, plan submittals and reviews, permit issuance, and construction inspections in a complete manner; and
- F. A requirement that a document be recorded with the property deed that states that the on-site sewage system serving the property requires an operating permit and a continuous contract for system maintenance.

III. Delegation by the department under this standard will include:

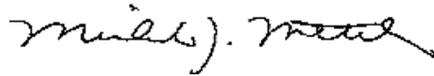
- A. The specific technology for which delegation is granted;
- B. The date of delegation;
- C. The name(s) of the specific staff member(s) to which the authority is delegated;
- D. The condition that delegation will be rescinded for any staff member that is no longer employed by the health department;
- E. The condition that the department has the authority to conduct a review of the work of the local health department staff member(s) to which delegation has been granted;
- F. The condition that the department may rescind delegation based on documentation under items 5) or 6) above;
- G. The condition that operating permits will be issued, when appropriate based on the technology; and
- H. A list of the soil absorption field (SAF) technology(s) that can be utilized with the secondary treatment unit, if delegation is for a secondary treatment unit.
- I. Delegation for the installation of the technology to an existing on-site sewage system that is not in failure. This could be considered:
  - 1. A. Upon application by the property owner as an upgrade to an existing system;
  - 2. When an additional bedroom is proposed to be added to an existing home. The addition of a secondary treatment unit (STU) will allow for a reduced size SAF. An example is the addition of a 4<sup>th</sup> bedroom to an existing 3-bedroom home. The addition of the STU could permit the continued use of the existing SAF without additional absorption area needed because of the reduction that is allowed due to the more highly treated effluent. In such an instance, the following criteria must be applied:
    - a. The LHD must have a permit file on record;
    - b. The permit file must represent an OSS that met or exceeded the design criteria for an OSS at the time of construction by evaluation of the permit file for OSS design, sizing, dimensions, materials, etc.; and
    - c. An inspection of the existing OSS must be required and the findings must be documented in a written report. (IOWPA OSS inspector form - for example)

IV. Delegation by the department under this standard does not include:

- A. Delegation of commercial on-site sewage systems (that delegation will continue separately from this standard.);
- B. Delegation of residential systems with flows greater than 750 gpd;

- C. Delegation of residential systems involving high strength waste;
- D. Delegation of residential systems using subsurface drip irrigation (that delegation will be separate from this standard, but will contain all of the items enumerated in this standard);
- E. Initial delegation for the repair or replacement of on-site sewage systems that are in failure.
- F. On-site technologies for which standards have been published by the department and that have already been delegated to LHDs using general delegation:
  - 1. Chamber SAF, including reduced size chamber SAF;
  - 2. Sand Lined Systems (SLS); and
  - 3. Gravelless pipe technology.

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