

Technical Review Panel
Environmental Public Health Division
Indiana Department of Health
Meeting Notes from September 27, 2024
10:00am – 12:00pm, Yoho Conference Room, IDOH and via Teams

Panel Members Present:

Kelly MacKinnon, IDOH, OLA	John Hack, OSS Contractor
Jason Ravenscroft, academia	Dick Blazer, IBA
Mark McClain, IRSS	Brian Neilson, PE, ACEC
Matt Stieneker, Indiana State Building and Construction Trades Council	

Others Present:

In Person: Mike Mettler, Alice Quinn, Denise Wright, Rachel Swartwood, Erin Elam, IDOH

Via Teams: Danny Schroeder, Harrison County Health Department
Betsy Swearingen, Liz Senisse, Bob Smith, Kevin Paulin, Johnson County Health Department
Josh Blauvelt, Mark Herber, Allen County Health Department
Carlie Hopper, IBA
Ginger Harrington, Krista Click, Hendricks County Health Department
Will Stoddard, Dr. Wickham, Stuart Meade, Sludgehammer
John Linn, PE, St. Joseph County Board of Health (entered meeting at 10:55 am)

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

Minutes

Minutes of the May 24, 2024 meeting were reviewed with a correction made (Grant was replaced with Dearborn). McClain made a motion to accept the minutes; Ravenscroft seconded the motion.

Ayes: Ravenscroft, Blazer, McClain, Hack, Stieneker

Nays:

Abstain: Neilson

Motion passed.

Minutes of the July 26, 2024 meeting were reviewed. Ravenscroft made a motion to accept the minutes; McClain seconded the motion.

Ayes: Ravenscroft, Blazer, Neilson, McClain, Hack, Stieneker

Nays:

Motion passed.

Harrison County Ordinance Review

The Harrison County OSS Ordinance was reviewed, and the following sections discussed. Dan Schroeder, HCHD, was on the call to answer questions.

- Hack stated that the ordinance requires 3 soil pits in the area of the soil absorption field, but this is not included in the financial impact statement. McClain indicated that Harrison County has extensive expansive and contractive clay and soil pits were likely already used.
- Hack pointed out that there is no required score for passing a local installer test.
- Hack stated that the minimum fine in the enforcement section was set at \$100, but there is no maximum fine set in the ordinance. Maximum fines are set in statute at \$2500.

McClain made a motion to approve the Harrison County OSS ordinance. Ravenscroft seconded the motion.

Ayes: Ravenscroft, Blazer, Neilson, McClain, Hack, Stieneker

Nays:

Ordinance was approved.

Neilson asked about the TRP not supporting a requirement for OSS plans from a professional engineer and if there were no other requirements for a level of competency other than compliance with the rule. McClain stated that there many other professions that may be qualified to create plans for residential OSS. There was acknowledgement that hiring a P.E. to design a residential system was expensive. MacKinnon stated that compliance was the most important issue. Blazer added that in many cases, a P.E. is not in the field and does not know everything about OSS.

Johnson County Ordinance Review

The Johnson County Health Department OSS Ordinance was reviewed, and the following sections discussed. Elizabeth Swearingen, Elizabeth Senisse, Bob Smith, and Kevin Paulin, all from the JCHD, were on the call to answer questions.

- Hack stated that the penalties section was well written.

McClain made a motion to approve the Johnson County ordinance as presented. Hack seconded the motion.

Ayes: Ravenscroft, Blazer, Neilson, McClain, Hack, Stieneker

Nays:

Ordinance was approved.

Hendricks County Ordinance

The Hendricks County OSS Ordinance was approved at the last TRP meeting held on July 26, 2024. The ordinance contained a requirement for an engineer, a professional surveyor, or architect to certify a plot plan for submittal as part of the application packet for a residential OSS. It was stated that there was some confusion amongst panel members when the vote was taken for the Hendricks County OSS Ordinance.

- McClain stated that the Hendricks County ordinance was similar to Harrison County's previous ordinance which was denied. He stated that architects and surveyors typically did not have the qualifications to produce accurate, detailed plans. This ordinance also prevents soil scientists and installers, both of which have extensive knowledge of OSS, from submitting OSS plans.
- Stuart Meade stated he has been a designer for 29 years and has LHD experience and does not think that residential OSS plans need to be designed by an engineer, architect or surveyor. He stated that the plan review by the LHD must be thorough and require quality and accurate plans. He stated that it is best if the LHD visits the site with the designer/installer prior to permit issuance to verify the system design. Any designer needs to have familiarity with principles of design and OSS.

- Harrington indicated that HCHD needed something in writing as to what exactly the TRP wanted to go back to the county commissioners for another approval. Mettler was asked to write something up and send it to HCHD.
- McClain has no issue with how they do it in Hendricks County, but it extends throughout the state and causes inconsistencies.
- MacKinnon stated that it is likely that they would only need to repeal the applicable sections of the ordinance and not come back before the TRP, but that she would look into the legal requirements.
- There was general consensus that very specific and thorough requirements for plans should be incorporated into the rule. Quinn thanked the members of the TRP for allowing stricter plan requirements to be added to the rule.

There was general consensus among panel members that if just the portions of the ordinance that require an engineer, a professional surveyor, or architect currently registered in Indiana for development of a plot plan was repealed that it would meet the intended goals of the TRP.

Sludgehammer Aerobic Bacterial Generator (ABG) Technology New to Indiana (TNI) Review

Dr. Dan Wickham, Will Stoddard, and Stuart Meade joined the meeting to discuss the TNI submittal for the Sludgehammer ABG OSS rejuvenation system. This product has been certified by IAPMO (International Association of Plumbing and Mechanical Officials) under the Uniform Plumbing Code as a plumbing fixture. They gave a short presentation on the Sludgehammer ABG, what it is and what it is supposed to do to rejuvenate a failing OSS. The main points include:

- The Sludgehammer ABG is to be put into the septic tank, or into the first compartment of a two-compartment septic tank, and introduces facultative bacteria, that normally never get into the waste treatment stream, and digests solids and organics in the septic tank and then are discharged to the soil absorption field so that they could digest the biomat “mucus” in the soil absorption field.
- The Sludgehammer ABG is for use in failing systems for rejuvenation purposes. Sludgehammer has a process which requires a trades professional to perform an onsite evaluation of an OSS to determine if the system is a candidate for rejuvenation using this product before it would be allowed to be installed in the system.
- “Dozens” of these units have been installed in Indiana “annually for decades” and have been approved by LHDs. Per the Sludgehammer representatives they are working “very well.” Phil Zimmerman, Jeff Angel, and Jacob Osowski were listed as frequent installers in Indiana that use this product.
- Sludgehammer requires ongoing maintenance of these units, and they are required to be supplemented with additional bacteria packets from a reliable source every year.
- Per the Sludgehammer representatives, there is no concern for the unit to be installed in a septic tank or the first chamber of a 2-compartment tank without a trash tank preceding the unit. There is very little “mixing” of the septic tank contents because of where the unit is placed in the middle portion of the effluent. What solids are put into suspension would be digested by the facultative bacteria.
- Outlet filters are recommended by Sludgehammer on the septic tank outlet, or at least a “bristle filter” which is not NSF/ANSI certified.
- IDOH has a list of 12 conditions for consideration by the TRP for Sludgehammer ABG approval and use.

1. Design and Installation Manual approved by the department.
2. Permit issued by the local health department (LHD) for the use of the SHR product.
3. A residential on-site sewage system with a failing soil absorption field can only be considered as candidate to utilize the SHR product if the LHD or IDOH has a complete construction permit on file for the site.
4. The manufacturer will develop a checklist, approved by the department, to determine that a SHR system is suitable for installation at a site.
5. If the failing soil absorption field is not sized to meet 100% sizing by current requirements, the repair must utilize two tanks or a two-chamber treatment tank with the SHR.
6. The SHR product shall not be proposed for installations where:
 - The seasonal or perched water table, as identified in a soil evaluation report, would be less than two feet below the bottom of the soil absorption field unless modified by subsurface drainage, or
 - The existing septic tank has not been tested and shown to be watertight, or
 - The proposed installation is for a dry well or cesspool.
7. The installation of the SHR system shall be completed by a SHR product certified installer.
8. Start-up of the system and initial operation checks shall be conducted and documented by a SHR product certified professional.
9. Throughout the life of the system, the permittee shall maintain a service agreement with a SHR product certified service provider.
10. The SHR system shall be inspected at a minimum of twice a year or more frequently as to ensure the proper operation and maintenance of the system.
11. A copy of the service contract must be submitted to the local health department prior to the issuance of the on-site sewage system permit for the SHR product; and must be renewed at a minimum of annually.
12. By January 31st of each year, SludgeHammer Ltd shall submit a report to IDOH TRP that contains information on the SHR product use, for the previous calendar year. The report shall include the following information:
 - Total number of SHR units sold for use in Indiana, address of each install, owners name, address, type of use, and design flow
 - Date of install and start up

It was decided that the IDOH list would be sent to the TRP members, and they would review the list as well as information provided by Sludgehammer for this product and consideration will be taken at the next meeting.

Revision of Rule 410 IAC 6-8.3

MacKinnon stated that revision of the residential rule needs to progress. Initially, the revisions will just incorporate those things that the TRP has already approved in local OSS ordinances and those things specifically discussed as being needing to be added to the rule. There will be 2 rule making processes and the second would be for more difficult topics. An administration change will occur in 2025, so that may impact the rule making processes and could cause some delay. The membership of the TRP is not likely to be changed.

The next meeting is scheduled for October 25, 2024. The meeting was adjourned by consensus.