

Technical Review Panel
Environmental Public Health Division
Indiana Department of Health
Meeting Notes from July 26, 2024
10:00am – 12:00pm, Yoho Conference Room, IDOH and via Teams

Panel Members Present:

Kelly MacKinnon, IDOH, OLA	Amanda Lahners, LHD, EHS
Jason Ravenscroft, academia	Dick Blazer, IBA
Mark McClain, IRSS	Claude Goguen, IOWPA
John Hack, OSS Contractor (via Teams)	

Others Present:

In Person:	Mike Mettler, Alice Quinn, Rachel Swartwood, Erin Elam, IDOH Ginger Harrington, Hendricks County Health Department Brett Davis, St. Joseph County Health Department
Via Teams:	Rep. Jim Pressel Amy Ballman, Hamilton County Health Department Scott Wagner, Whitley County Health Department Wendy Farley, Dana Brown, Vermillion County Health Department Danny Schroeder, Harrison County Health Department Alicia Symons, Huntington County Health Department Josh Blauvelt, Allen County Health Department John Linn, PE, St. Joseph County Board of Health Walter Siemathkowski, OSS installer Chris Wirey, OSS installer Lewis Brown, OSS installer Carlie Hopper, IBA Krista Click, Hendricks County Health Department Michelle Martin, Putnam County Health Department

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

Minutes

Minutes of the May 24, 2024 meeting were reviewed. McClain indicated that he had not received the minutes from this meeting. Mettler gave him a copy of the minutes. Lahners made a motion to accept the minutes; Ravenscroft seconded the motion. Goguen was not present for this vote.

Ayes: Ravenscroft, Blazer, Lahners, Hack

Nays:

Present: McClain

Motion passed.

Hamilton County Ordinance Review

The Hamilton County OSS Ordinance was reviewed, and the following sections discussed. Amy Ballman,

HCHD, was on the call to answer questions.

- Installer registration – no competency test required. The LHD goes over the plan with the installer prior to permit issuance.
- “Acceptable” soil borings – may be interpreted differently by individuals.
- Electronic copies of plans acceptable? Yes.
- Min. 2000 gallon holding tank capacity – seems excessive. Lot of discussion concerning min. size required by the model ordinance (1000 gal). Cost of 2000 gallon tank vs 1000 gallon tank. Cost and frequency of pumping between 1000 gal and 2000 gal. Statute allows LHDs to set holding tank standards. Typical Hamilton County home is larger, backup in home less likely with larger holding tank. Maximum plastic tank size is 1500 gal. Multiple tanks can be used to make up to 2000 gal. Buoyance concerns with plastic tank when pumped.

Goguen made a motion to vote on the Hamilton County OSS ordinance. McClain seconded the motion. A roll call vote was taken.

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

Nays:

Ordinance was approved.

Harrison County Ordinance Review

The Harrison County Health Department OSS Ordinance was reviewed, and the following sections discussed. Danny Schroeder and Jennifer Caffrey, HCHD, were on the call to answer questions.

- 1 bedroom as required size for OSS for residential outbuildings – why must it be just 1 bedroom? One bedroom sizing is to be the minimum.
- Design Plans required by a registered installer or a professional engineer. Much discussion about the time and cost of engineered plans with some saying that residential plans do not need to be done by a PE. Much discussion about how this increases inconsistency between LHD programs. This ordinance is based off of the Floyd County OSS ordinance that was the first to be approved by the TRP. The consensus was that the TRP did not have to approve something just because it was approved previously. Floyd County’s ordinance was the first, and they had many obstacles to overcome to get it approved by the TRP. It was discussed that construction plan requirements should be detailed in an updated rule including who can design an OSS and what the plans must include. Public comment was received from Chris Wirey, OSS installer, who indicated he had a concern for homeowners who had to wait 2-4 months for engineered plans and the additional cost incurred.
- Soil pits required in areas of expansive clays – Harrison County has very high clay content soils in some areas that are believed to be expansive/contractive clay. A backhoe is the best way to describe this soil.

Ravenscroft made a motion to vote on the Harrison County ordinance as presented. Goguen seconded the motion. A rollcall vote was taken.

Ayes: Ravenscroft, Goguen

Nays: Blazer, McClain, Lahners, Hack

Ordinance was not approved.

Hendricks County Ordinance Review

The Hendricks County Health Department OSS Ordinance was reviewed and the following sections discussed. Ginger Harrington, HCHD, was present at the meeting to answer questions.

- Minimum lot size of 1.5 acres was discussed. Some felt it was excessive, especially if a system that met or exceeded rule requirements was able to be installed on a smaller lot. Harrington indicated that it was a population density issue, and it was very hard to meet required setbacks from wells and property lines with smaller lots. This was previously part of Hendricks County Zoning Ordinance. It was removed from that ordinance and included in the OSS ordinance so the TRP could review it. Hendricks County does not have restrictions on lot sizes in subdivisions on sewer. With clayey soils, the systems are larger than they are in more permeable soils.
- What does allowing certification by “another entity” mean? This is for any other entity that may develop a certification course for installers. This way the LHD does not have to list them all in the ordinance and has say over who can certify their installers.

McClain made a motion to vote on the Hendricks County ordinance as presented. Ravenscroft seconded the motion. A roll call vote was taken.

Ayes: Ravenscroft, Lahners, Goguen, MacKinnon

Nays: Blazer, McClain, Hack

Ordinance was approved.

Huntington County Ordinance Review

The Huntington County Health Department OSS Ordinance was reviewed and the following sections discussed. Alicia Symons, HCHD, was on the call to answer questions.

- The soils part of the ordinance is acceptable except for the requirements for expansive and contractive clays. It should be at the discretion of the soil scientist. It was felt that the requirements of Section 3.2. a. and b. were the same, but they are slightly different.
- Adding a riser section to a very shallow tank is difficult. Holding tanks can be deeper, so risers are not an issue. A 3” riser lacks integrity.
- The verbiage concerning the secondary childproof plug could be better. What is provided is based upon statute.
- Symons indicated that there are not requirements in the ordinance for plans, but Huntington County does have an SOP for designs. MacKinnon stated that the SOP could only be used as a suggestion but cannot be enforced.

Ravenscroft made a motion to vote on the Huntington County ordinance as presented. Hack seconded the motion. A rollcall vote was taken.

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

Nays:

Ordinance was approved.

Jennings County Ordinance Review

The Jennings County Health Department OSS Ordinance was reviewed, and the following sections discussed. A representative from Jennings County Health Department was not present for the meeting.

- There are issues with the wording of Section 9. c. It states, “at least one (1) acre per square foot of land.” This must be changed.
- The TRP asks that sections 6.b. and 8.i. be changed to reflect that sewer connection requires that the sewer line be within 300’ of the property line *and* within 150% of the cost of installing an OSS. The “or” needs to be changed to an “and”.

McClain made a motion to vote on the Jennings County ordinance. Ravenscroft seconded the motion. A poll vote was taken.

Ayes:

Nays: Ravenscroft, Blazer, McClain, Goguen, Lahners, Hack

The motion denied the Jennings County OSS ordinance, and the TRP requests that it be sent back to the local health department for revisions.

Vermillion County Ordinance Review

The Vermillion County Health Department OSS Ordinance was reviewed, and the following sections discussed. Dana Brown and Wendy Farley, VCHD, were on the call to answer questions.

- There is a typo in Section F.1. with “considered for” repeated twice.

McClain made a motion to vote on the Vermillion County ordinance as presented. Hack seconded the motion. A rollcall vote was taken.

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

Nays:

Ordinance was approved.

St. Joseph County Ordinance Review

The St. Joseph County Health Department OSS Ordinance was reviewed, and the following subjects were discussed. Brett Davis, SJCHD, was in the meeting to answer questions.

- The St. Joseph County OSS ordinance has not been approved by IDOH as required in Resolution 2024-01, but for transparency, the St. Joseph County Ordinance is being brought before the panel for discussion.
- Davis provided the TRP an overview of the SJCDH OSS program and the process they went through to get the ordinance approved locally.
 - Their process was started last June.
 - The Onsite Wastewater Advisory Board is essentially the local version of the TRP and has 14 members representing industry factions. There were 9 public meetings held.
 - The ordinance represents what the county wants, not what the LHD wants.
 - St. Joseph County issues more permits each year and has better soils than other counties according to Davis.
 - They currently issue only 1 new construction OSS permit to every 6 replacement OSS permits.
 - Poor planning in the 1970-90’s led to many drywells installed, and drywells were still permitted locally until recently.
 - St. Joseph County, and Granger in particular, deals with ground water contamination with nitrates.
- Mettler stated that legally the ordinance, even though passed locally, could not be enforced locally. IDOH did not approve the ordinance because there are sections which require things prohibited by statute and things that are less stringent than the rule. Some of those things include variances, piping requirements, reworking of soil, repetitive sections, recommendations, and bonding and insurance requirements.
- Davis stated that their attorney and the Advisory Board, through a very lengthy process, made very deliberate changes to the ordinance to include recommendations rather than requirements and used “should” or “recommend” rather than “shall” or “must”. Most staff of the SJCHD have been employed for more than 5 years in the program and there are 47 contractors that they deal with on a regular basis. The variance process is only for replacement systems.

- Goguen questioned allowing hydraulic cement to be used to seal risers to tanks (Less stringent than the rule) if there were concerns about environmental contamination. This lessened requirement seems to contradict the need to better protect the environment.
- Siemathkowski stated that tank manufacturers in the area consider the top of the tank and the riser separate pieces and do not use butyl rubber sealant and do not cast the risers into the cement because it is above the waterline of the tank.
- Mackinnon stated that individual sections of the ordinance can be discussed at future meetings, but the entire ordinance will not be rereviewed until revised.
- Ravenscroft stated that SJCHD should work with IDOH to get closer to what is needed.

Whitley County Ordinance Questions

Wagner, Whitley County Health Department, stated that Whitley County has numerous lakes and residents like to build around the lakes. Since 2000, there have been conservancy and regional sewer districts created (e.g., Tri Lake, Blue Lake) that require connection to sewer and will not allow OSS unless a structure is more than 300' from the property line. Wagner would like to have a requirement for connection to sewer for all homes within territorial boundaries of regional and conservancy districts in Whitley County regardless of distance to the closest sewer.

Ravenscroft stated that if an OSS can meet or exceed rule requirements, public health is protected. Wagner stated that it is not fair to all owners when some have to connect and others do not. There are no protected waterways in Whitley County, and all homes in the districts are on private wells. The Tri-Lakes District in the 2nd largest inhabited area and their intent to is continue to grow and move further out.

The TRP requested that Wagner put this requirement in writing for them to read and provide written justification for the request.

The next meeting is scheduled for August 23, 2024. McClain made a motion to adjourn the meeting. The motion was seconded by Goguen. The meeting was adjourned.