

COMMERCIAL ON-SITE WASTEWATER DISPOSAL

410 IAC 6-10, AS AMENDED

Rule 10 Commercial On-Site Wastewater Disposal 410 IAC 6-10

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410 IAC 6-10-1 Purpose

Sec. 1. 410 IAC 6-10 governs construction, installation and modification of commercial on-site wastewater disposal facilities.

410 IAC 6-10-2 Definitions

Sec. 2. As used in 410 IAC 6-10 *[this rule]*:

“Absorption field” means a system of open-jointed tiles or perforated pipes laid in a series of trenches or a bed of sand, gravel, and soil, into which the effluent from a septic tank is pumped or flows by gravity for absorption into the soil.

“Board” means the state board of health.

“Commercial on-site wastewater disposal facility” means all equipment and devices necessary for proper conduction, collection, storage, treatment, and on-site disposal of wastewater from other than one- or two-family dwellings. Included within, but not limited to, the scope of this definition are building sewers, grease traps, septic tanks, dosing tanks, absorption fields, perimeter drains, vault privies, and temporary wastewater holding tanks serving such facilities as apartment buildings, campgrounds, churches, commercial establishments, condominiums, medical facilities, mobile home parks, motels, office buildings, restaurants, and schools.

“Commissioner” means the commissioner of the state board of health or his duly authorized representative.

“Conventional subsurface absorption field” means a system of open-jointed tiles or perforated pipes laid in a series of trenches, each line connected to a distribution box into which the effluent from a septic tank flows by gravity for absorption into the soil.

“Distribution box” means a watertight structure which distributes the effluent from a septic tank equally to the various trenches it serves in an absorption field.

“Local health department” means a local board of health created pursuant to IC 16-1 *[IC 16-1 was repealed by P.L.2-1993, SECTION 209, effective April 30, 1993.]*, or its duly authorized representative.

“Person” means an individual, partnership, copartnership, corporation, firm, company, association, society, holding company, trustee, school corporation, school city, school town, school district, any unit of government, or any other legal entity, its or their successors or assigns, or agent of the aforesaid.

“Septic tank” means a watertight structure into which wastewater is discharged for settling and solids digestion.

“Wastewater” means waste derived from ordinary living processes.

410 IAC 6-10-3 Prohibitions

Sec. 3. No person shall throw, run, drain, seep, or otherwise dispose into any of the surface waters or groundwaters of this state, or cause, permit, or suffer to be thrown, run, drained, allowed to seep, or otherwise disposed into such waters, any organic or inorganic matter that would cause or contribute to a polluted condition of such waters unless a permit for such disposal has been obtained as

authorized by IC 13-1-3 [IC 13-1 was repealed by P.L.1-1996, SECTION 99, effective July 1, 1996.] or IC 13-7 [IC 13-7 was repealed by P.L.1-1996, SECTION 99, effective July 1, 1996.].

410 IAC 6-10-4 Right of entry

Sec. 4. The board, the local health department, or their authorized representatives may enter upon public or private property at reasonable times and upon presentation of credentials to inspect facilities, equipment, or records, investigate allegations, determine soil characteristics, conduct tests, or collect samples for the purpose of obtaining information necessary to the issuance of a permit pursuant to 410 IAC 6-10 [this rule], or to determine whether any person is subject to, or in violation of 410 IAC 6-10 [this rule] or any permit or order issued pursuant thereto.

410 IAC 6-10-5 Permit requirement

Sec. 5. (a) Except as allowed by subsection (b), (c), or (d), no person shall cause or allow the construction, installation, or modification of a commercial on-site wastewater disposal facility, or any facility to be served by a commercial on-site wastewater disposal facility, without having a valid construction permit issued in accordance with 410 IAC 6-10 [this rule].

(b) Construction permits shall not be required for repair or replacement of commercial on-site wastewater disposal facility equipment with new units of similar design and capacity, none of which will cause a health hazard or adversely affect groundwater, facility operation, hydraulics, physiochemical treatment, biological treatment, solids removal, or the ultimate means of liquid disposal. This section shall not be construed as allowing the construction of replacement absorption fields or portions thereof without a valid construction permit issued in accordance with 410 IAC 6-10 [this rule].

(c) Construction permits shall not be required for commercial on-site wastewater disposal facilities for which a construction permit has been issued pursuant to 327 IAC 3, and which serve two (2) or more premises, and which are owned, operated, or maintained by an incorporated city or town, a conservancy district established pursuant to IC 13-3-3 [IC 13-3 was repealed by P.L.1-1996, SECTION 99, effective July 1, 1996.], or a regional sewer district established pursuant to IC 13-3-2 [IC 13-3 was repealed by P.L.1-1996, SECTION 99, effective July 1, 1996.]. This section shall not be construed as an exemption from the requirement of subsection (a) for commercial on-site wastewater disposal facilities located on the premise of and serving only schools or municipal facilities.

(d) On a case by case basis the board may waive review of plans and issuance of a construction permit, in writing, if it determines that wastewater flow to a commercial on-site wastewater disposal facility on the peak day does not exceed two thousand (2,000) gallons, that the commercial on-site wastewater disposal facility can be constructed utilizing a conventional subsurface absorption field, and that such construction will be governed by a local sewage disposal ordinance and in accordance with Bulletin SE 13, "On-Site Water Supply and Wastewater Disposal for Public and Commercial Establishments," 1988 edition.

410 IAC 6-10-6 Application for construction permit

Sec. 6. (a) Application for a permit to construct a commercial on-site wastewater disposal facility shall be made to the board on forms provided by the board. Application for a construction permit shall be made at least ninety (90) days prior to the date construction of the commercial on-site wastewater disposal facility is to commence. An application shall be considered complete only when the form is completed in its entirety, including all supplemental information required or requested by the board. Unless waived by the board an application for permit shall include the following:

- (1) The signature of the applicant or his designated agent.
- (2) The name, business address, and business telephone number of the owner. For corporate owners, the name of the corporation, the name of its designated agent, and that agent's business address and business telephone number shall suffice.
- (3) One (1) set of detailed construction plans and specifications certified and sealed by an engineer or architect currently registered in Indiana, said plans drawn to scale and having sufficient clarity to be reproduced to create legible microfilm. As provided in IC 25-31-1-2(h), registered land surveyors may only certify and seal plans for gravity sanitary sewers, storm sewers, and tile drains.
- (4) A map or other documentation showing the location of the property involved.
- (5) A plot plan, drawn to scale, showing the location of the proposed commercial on-site wastewater disposal facility with respect to property lines, existing and proposed structures, roads, and parking lots, and any drinking water supply facilities within three hundred (300) feet of the commercial on-site wastewater disposal facility. Said plot plans shall also show site topography, with contours established at intervals of two (2) feet or less.
- (6) The name, business address, and business telephone number of the registered engineer or architect who certified and sealed the construction plans and specifications required by subdivision (a)(3) [subdivision (3)], in writing.
- (7) For those commercial on-site wastewater disposal facilities which will include an absorption field, a report prepared by a certified professional soil scientist, specialist, or classifier registered with the American Registry of Certified Professionals in

Agronomy, Crops and Soils, or a soil scientist employed by the U.S. Soil Conservation Service, detailing his evaluation of soils observed in the area of the proposed absorption field. Said report shall name each soil type observed, map the approximate boundaries and specify slope for each soil type, and for each soil type observed provide a description of the soil textures, soil structure, soil color, and the depth to rock or seasonal high water table, in the upper five (5) feet of soil.

(8) For those commercial on-site wastewater disposal facilities which will include a temporary wastewater holding tank, documentation of sufficient clarity and conclusiveness to convince the board that:

(A) the wastewater will be collected from the holding tank and disposed of, in compliance with IC 13-7-8.8 [IC 13-7 was repealed by P.L.1-1996, SECTION 99, effective July 1, 1996.]; and

(B) the temporary wastewater holding tank will be abandoned and a sewer connection will be made to another type of commercial on-site wastewater disposal facility, or to a municipal or private utility sewer, or to a regional sewer district or conservancy district sewer, within two (2) years from the date of permit issuance.

(9) Wastewater characteristics and calculations used to estimate wastewater flow on the peak day, in gallons, to be disposed of through each proposed commercial on-site wastewater disposal facility. If more than one (1) type of facility is to be connected to a proposed commercial on-site wastewater disposal facility, wastewater characteristics and calculations used to estimate wastewater flow, in gallons, from each facility on its peak day must be submitted.

(10) A summary delineating, for each diameter of pipe utilized, the estimated total length of sanitary sewer and sewage force main to be installed.

(11) All additional information requested by the board to substantiate that the proposed commercial wastewater disposal facility can reasonably be expected to treat and dispose of all wastewater received without causing a health hazard, nuisance, surface water pollution, or groundwater pollution.

(b) Requests for additional substantiating information made pursuant to subdivision (a)(11) [subsection (a)(11)] shall be addressed to the registered engineer or architect who certified and sealed the construction plans and specifications required by subdivision (a)(3) [subsection (a)(3)].

410 IAC 6-10-7 Official's signature; effective date

Sec. 7. Commercial on-site wastewater disposal facility construction permits shall be signed by the commissioner on behalf of the board, and shall be considered issued as of the date of mailing.

410 IAC 6-10-8 Construction permit for experimental facilities

Sec. 8. In order to encourage development of new or more efficient treatment or disposal processes, the board may issue construction permits for experimental commercial on-site wastewater disposal facilities. Construction permits may be issued for installations, treatment or disposal equipment, processes or techniques for which extensive experience or records of use have not been developed in Indiana. However, the applicant must submit evidence of sufficient clarity and conclusiveness to convince the board that the proposal has a reasonable and substantial probability of satisfactory operation without causing a health hazard, nuisance, surface water pollution or groundwater pollution. The board may also require the applicant to satisfactorily document how and by whom the experimental facilities and any other portions of the commercial on-site wastewater disposal facility, which could be damaged due to a failure of the experimental installation, are to be replaced if it becomes necessary.

410 IAC 6-10-9 Permit conditions

Sec. 9. The board may specify in its construction permits any limitations, terms or conditions necessary to provide a functional, easily operated, enduring commercial on-site wastewater disposal facility in accordance with 410 IAC 6-10-10, or to prevent a health hazard, nuisance, surface water pollution or groundwater pollution. In addition, all commercial on-site wastewater disposal facility construction permits shall contain the following requirements, not necessarily verbatim:

(1) The permit shall expire on the last day of the twelfth month following the month of permit issuance, unless the applicant has started installation of equipment, piping or tankage which will comprise part of the commercial on-site wastewater disposal facility, on or before the date of permit expiration.

(2) That all necessary local permits and approvals be obtained before construction is begun.

(3) That any proposed changes, alterations or additions to the wastewater disposal facilities herein approved, be submitted to the board for review and approval prior to the start of construction to effect the proposed changes, alterations or additions.

(4) That no change in occupancy or use of the facility served be effected if it would result in wastewater flow on the peak day in excess of the capacity of the commercial on-site wastewater disposal facility as stated in the construction permit, or if it would result in wastewater being generated of a type incompatible with absorption field disposal. Any such change in

occupancy or use may be made only after the board has issued a construction permit for modifications to the subject wastewater disposal facility that will allow it to accommodate increased wastewater flows.

(5) That if pollution, health hazards or nuisance conditions occur which are attributable to the commercial on-site wastewater disposal facility permitted herein, immediate corrective action be taken by the owner.

(6) That the permittee notify the board and the local health department at least seven days before construction of the approved commercial on-site wastewater disposal facilities is to commence.

410 IAC 6-10-10 Standards for issuance

Sec. 10. The board may reject an application for permit to construct a commercial on-site wastewater disposal facility unless the applicant has submitted:

(1) All documentation required by 410 IAC 6-10-6(a) *[section 6(a) of this rule]*.

(2) Evidence to fully justify the estimated wastewater flows and wastewater characteristics used as the basis of design for the subject wastewater disposal facilities.

(3) Evidence that the wastewater disposal facility can be constructed, modified or installed, and operated in such a manner that it will not violate any sanitation, health, siting, or pollution control rules or ordinances existing at the time of application.

(4) Evidence that the facility conforms to applicable design criteria contained in Bulletin SE 11, "The Sanitary Vault Privy," 1986 edition, or Bulletin SE 13, "On-Site Water Supply and Wastewater Disposal for Public and Commercial Establishments," 1988 edition, or such other criteria acceptable to the board which can reasonably be expected to result in a facility that will consistently treat and dispose of all wastewater received for the life of the facilities it serves, without causing a health hazard, nuisance, surface water pollution, or groundwater pollution.

410 IAC 6-10-11 Construction permit; transferability

Sec. 11. A commercial on-site wastewater disposal facility construction permit may only be transferred to another person by the current permit holder if:

(1) The commercial on-site wastewater disposal facility for which the permit was issued is designed to employ a vault privy or conventional subsurface absorption field.

(2) The current permit holder notifies the board and the local health department having jurisdiction, in writing, of the proposed transfer at least 30 days before the transfer is proposed to occur.

(3) The person to whom the permit is proposed to be transferred certifies to the board, in writing at least 30 days before the transfer is proposed to occur, any changes proposed in the occupancy or use of a facility to be served by the wastewater disposal facility for which the subject construction permit was issued.

(4) The board, within thirty (30) days of its having received notification in accordance with 410 IAC 6-10-11(2) and (3), does not notify the current permit holder of its intent to modify or revoke the subject construction permit.

410 IAC 6-10-12 Construction permit; revocations and modifications

Sec. 12. A commercial on-site wastewater disposal facility construction permit may be revoked or modified by the board for any of the following causes:

(1) violation of 410 IAC 6-10;

(2) violation of any limitation, term or condition contained in the construction permit;

(3) failure to disclose all facts relevant to construction and use of the commercial on-site wastewater disposal facility in a manner that it can consistently treat and dispose of all wastewater received for the life of the facilities it serves, without causing a health hazard, nuisance, surface water pollution or groundwater pollution;

(4) any misrepresentation made to obtain the construction permit; or

(5) any other change, situation or activity relating to use of the commercial on-site wastewater disposal facility which, in the judgment of the board, is not consistent with the purposes of 410 IAC 6-10.

410 IAC 6-10-13 Denial of an application for construction permit

Sec. 13. An application for commercial on-site wastewater disposal facility construction permit may be denied by the board for any of the following causes:

(1) any misrepresentation made in the application;

- (2) failure of the owner, or the engineer or architect who certified and sealed the construction plans and specifications, to respond to a request for revised plans and specifications or additional information made pursuant to 410 IAC 6-10-6 [section 6 of this rule], within six (6) months of receiving the request;
- (3) a sanitary sewer of adequate capacity served by a sewage disposal facility owned by an incorporated city or town, conservancy district established pursuant to IC 13-3-3 [IC 13-3 was repealed by P.L.1-1996, SECTION 99, effective July 1, 1996.], regional sewer district established pursuant to IC 13-3-2 [IC 13-3 was repealed by P.L.1-1996, SECTION 99, effective July 1, 1996.], or private utility, is located within three hundred (300) feet of the property line of the affected property, or is available for connection at a construction cost estimated by the board not to exceed one hundred fifty (150) percent of the cost estimated by the board for installing commercial on-site wastewater disposal facilities to serve the project were the commercial on-site wastewater disposal facilities otherwise acceptable to the board; or
- (4) failure to show that the commercial on-site wastewater disposal facility can be constructed, operated, maintained, or abandoned in compliance with 410 IAC 6-10 [this rule].

410 IAC 6-10-14 Petitions for review

Sec. 14. (a) Within fifteen (15) days following the date of receipt of an issued permit, permit modification, notice of permit denial, or notice of permit revocation, any person aggrieved by such action may file a petition for review concerning such action with the board.

(b) A petition for review shall:

- (1) state the name and address of the person making the request;
- (2) identify the interest of the petitioner which is affected by the permit issuance, denial, modification, or revocation;
- (3) identify any persons whom the petitioner represents;
- (4) state with particularity the reasons for the request;
- (5) state with particularity the issues proposed to be considered; and
- (6) include proposed terms or conditions which, in the judgment of the petitioner would be appropriate to carry out the requirements of law and 410 IAC 6-10 [this rule], governing such permits.

410 IAC 6-10-15 Incorporation by reference

Sec. 15. Bulletin SE 11, "The Sanitary Vault Privy," 1986 edition, and Bulletin SE 13, "On-Site Water Supply and Wastewater Disposal for Public and Commercial Establishments," 1988 edition, are incorporated by reference as part of 410 IAC 6-10 [this rule]. They may be obtained free of charge by request mailed to the board at 1330 West Michigan Street, Indianapolis, Indiana 46206-1964.