

Indiana Land Resources Council
Meeting Minutes
Thursday, April 26th 2012
12:30 p.m. – 3:00 p.m.
Indiana State Fairgrounds, Indiana Farm Bureau Banquet Hall

Present: Bruce Everhart, Joe Kelsay, Mary McConnell, David Compton, Nancy Cline, and Eric Kelly

Absent: Jon Craig, Fred Walker, Gene Schmidt, and Bob Burke

The meeting began with introductions by Joe Kelsay. Amy Cornell provided her executive director report including a legislative wrap-up, summary of assistance provided to counties and review of changes to the Hancock County agribusiness ordinance. The council discussed some concerns about HEA 1117's impact on the Marion County Septic Tank Elimination Program. David Compton had concerns that when a septic tank goes bad in an urban area that there often is no recourse because there is not enough land. Homeowners need to realize that tapping into a sewer district can save the value of their house. That said, homeowners with septic systems that have not failed should not be required to hook onto a sewer.

Amy gave a brief review of Planning for Agritourism: A Guide for Local Governments and Indiana Farmers. She stated that she would send out an electronic draft to council members after the meeting so that they could provide additional feedback. Comments are due Friday, May 18th. The council suggested that the checklist section should be removed. The section should be replaced by brief descriptions of and links to the resources. Per the council's instructions, Amy will convert footnotes to endnotes, solicit feedback from Purdue Extension and insert language regarding the agritourism limitation of liability passed by the General Assembly in 2010.

Mike Mettler, Indiana State Department of Health Director of Environmental Public Health, gave a presentation on the state health department's oversight on septic systems and the issue of failures throughout the state. Based on the census information, there are approximately 250,000 homes with failing septic systems. Indiana has made improvements to the septic code over time. Thus, with very few exceptions, it is not newer septic systems that were put in with current technology; it is the older communities where there are problems. Newer systems will eventually have problems if not properly maintained.

Mike discussed the various types of failures seen in the older structures. A 1997 survey of county health departments indicated that the top reasons for failures were wet soils, age of systems, limited space and poor soils. Many of these structures were built before any serious thought was given to the need of a septic system and the size of area needed for a functional system with an absorption field. Now there are a lot of small city-sized lots in little clusters all over the state with little or no room for an adequately sized soil absorption field. Mike stated that these types of problems are best served by

some kind of entity, such as a Regional Sewer District, conservancy district or onsite management district.

The state's septic system code gives the authority for the regulation of residential septic systems to the county health departments. Technical assistance and training is provided by (What) department to the county health departments. ISDH handles commercial septic systems, which are any system other than a single family residence, duplex or two homes on one lot.

At the request of the Lieutenant Governor's Office, ISDH convened a task force that reviewed the status of our septic system programs. The task force released a report in 2006 that identified some recommendations to address sewage disposal problems in the state of Indiana. Some of the pertinent recommendations are to: (1) Amend the state septic system code to address advances in sanitation sciences and technologies; (2) develop an electronic system to inventory and collect data for the location and type of systems and identify reasons for failures; and (3) encourage and promote a certification program for septic system installers. ISDH has been working on all of these recommendations.

A law that the legislature passed in 2002 allows for the formation of County Onsite Management Districts. Onsite Management Districts are another tool for communities to use to operate and maintain septic systems of all sizes – whether they are for single family homes or for a cluster of homes that share the same onsite septic system. There are only two such districts in the state of Indiana. One is in Allen County. The other Onsite Management District is in Switzerland County in southeast Indiana. It is the Moorefield – Bennington District, which is set up to operate two large cluster septic systems for about 50 homes.

There are at least three reasons why there are only two districts in Indiana at this time. First, there is a lack of knowledge that such a district can be formed. Second, the law that is used to set up an Onsite Management District requires that the county commissioners be the board of the district. This is different than a regional sewer district, where a governing board can be made up of the people that live in the district, which are appointed or elected to run the district. This puts the control of district in the hands of the residents. Also, some county commissioners are hesitant of being in the sewer business. Third, is that in the statute regulating Onsite Management Districts specifies them as not being a municipal corporation, which a sewer district is. This can cause some problems when the district tries to get funding.

Gary Chapple, the Pollution Control Director of Ft. Wayne Allen County Department of Health, gave a presentation on operating an Onsite Wastewater Management District. Gary highlighted some common problems associated with septic systems in Allen County, and outlined Allen County's fees and requirements. The county utilizes both construction and operations permits. The Onsite Management District inventories, inspects and monitors the performance and maintenance of onsite wastewater systems. The districts establish standards for installation and inspection of systems that are no less stringent than the standards established by the Indiana State Department of Health or the procedures for enforcement of the standards. The districts can seek grants for system maintenance and any other

activities described in the statute. The districts establish the rates and charges for the operation of the district. They also set policy, seek solutions for disposal of septage from systems and educate and train system service providers and property owners. Proper management of the district requires coordination with local health departments, IDEM, DNR and ISDH.

Onsite Management Districts face several challenges. By statute, the county commissioners are required to be the district board. In Allen County, the health department entered into a contract with the district to perform most of the district functions, such as providing educational materials and programs, registration of inspectors, maintenance personnel and installers. The health department also qualifies systems for use in Allen County, completes mapping and inventory of systems, inspects and monitors systems, collects fees and prepared documentation for the district for any enforcement action. Gary gave a presentation on the proper way to inspect a system. The Council applauded Allen County's progressive management of septic systems.

Cassie Hauswald, Blue River Conservation Assistant, gave a presentation on the Nature Conservancy's Septic Management Survey conducted in 2000. IDEM funded the study. The Blue River is classified as an Outstanding State Water Resource by Indiana's DNR Division of Outdoor Recreation. This status is afforded to less than 10% of all river miles in the state. The Blue River has high water quality and has a diversity of species, where there are a number of rare, threatened and endangered. TNC conducted a survey designed by IU Southeast that targeted Floyd and Harrison County residents in unincorporated areas. These are bedroom communities of Louisville that experienced rapid growth. There was a 23% response rate to the surveys. One in six households had experienced a problem with their septic. Most homeowners recognized the need for regular pumping; however 33% did not realize that a septic system requires pumping and 68% of respondents who reported a problem did not know that a system needs to be pumped. Cassie likened this to going to the dentist for a filling and the dentist failing to tell you to brush your teeth. A septic system does not come with an owner's manual, but is the most expensive "appliance" to fix. Respondents agree with inspections in theory but not when the word "inspection" is used. When inspections were stated in the context of a maintenance program the opposition to inspection weakened. Two-thirds of respondents stated that waste water contamination was a problem in the area. For example, they would not bathe in water from a local stream but they would eat fish caught from the same body of water. In conclusion, maintenance districts could provide some needs inferred from responses, such as education, maintenance assistance and access to low interest loans for repair.

The council discussed several challenges that counties face: getting funding, need for more expertise and property owners that are not diligent about inspection. Most local health departments are doing a good job. Onsite Wastewater Management Districts require coordination of different units of county government. However, there is still cause for concern – especially in areas where there are subdivisions with several smaller lots on septic. There isn't enough land to rectify the situation if the systems fail. Sewers will not get everywhere.

Eric volunteered to lead a working group (Mike Mettler, Jamie Palmer and Gary Chapple) that will draft an ILRC policy document. The council also suggested looking into drafting educational materials that

could be printed on the back of a property tax bill. They would like to promote the educational video Out of Sight, Out of Mind. Eric suggested that Amy contact the Outdoor Advertising Association of America to see if anyone would donate billboard space.

Eric made a motion to approve the minutes. The motion was seconded by Bruce Everhart and passed unanimously. The council suggested an extended meeting time to accommodate all of the suggested agenda items for the July meeting.

Respectfully submitted,

Amy K. Cornell