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**TITLE 410 INDIANA STATE DEPARTMENT OF  
HEALTH**

**Proposed Rule**  
LSA Document #03-276

DIGEST

Amends 410 IAC 6-12 regarding requirements for plan review and construction permits and adds fees for plan review. Repeals 410 IAC 6-12-2, 410 IAC 6-12-5, 410 IAC 6-12-6, and 410 IAC 6-12-15. Effective 30 days after filing with the secretary of state.

<b>410 IAC 6-12-0.5</b>	<b>410 IAC 6-12-8</b>
<b>410 IAC 6-12-1</b>	<b>410 IAC 6-12-9</b>
<b>410 IAC 6-12-2</b>	<b>410 IAC 6-12-10</b>
<b>410 IAC 6-12-3</b>	<b>410 IAC 6-12-11</b>
<b>410 IAC 6-12-3.1</b>	<b>410 IAC 6-12-12</b>
<b>410 IAC 6-12-3.2</b>	<b>410 IAC 6-12-13</b>
<b>410 IAC 6-12-4</b>	<b>410 IAC 6-12-14</b>
<b>410 IAC 6-12-5</b>	<b>410 IAC 6-12-15</b>
<b>410 IAC 6-12-6</b>	<b>410 IAC 6-12-17</b>
<b>410 IAC 6-12-7</b>	

SECTION 1. 410 IAC 6-12-0.5 IS ADDED TO READ AS FOLLOWS:

**410 IAC 6-12-0.5 Applicability**

**Authority:** IC 16-19-3-4; IC 16-19-3-5; IC 16-19-5-1

**Affected:** IC 16-19

**Sec. 0.5. The definitions in this rule apply throughout this rule.** (*Indiana State Department of Health; 410 IAC 6-12-0.5*)

SECTION 2. 410 IAC 6-12-1 IS AMENDED TO READ AS FOLLOWS:

**410 IAC 6-12-1 “Absorption field” defined**

**Authority:** IC 16-19-3-4; IC 16-19-3-5; IC 16-19-5-1

**Affected:** IC 16-19

Sec. 1. ~~As used in this rule,~~ “Absorption field” means a:

- (1) system of open-jointed tiles or perforated pipes laid in ~~a~~ **soil**;
- (2) series of trenches; or ~~a~~
- (3) bed of sand, gravel, and soil;

into which the effluent from a septic tank **or other sewage treatment devices** is pumped or flows by gravity for absorption into the soil. (*Indiana State Department of Health; 410 IAC 6-12-1; filed Jul 12, 1991, 5:00 p.m.: 14 IR 2219; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234*)

SECTION 3. 410 IAC 6-12-3 IS AMENDED TO READ AS FOLLOWS:

**410 IAC 6-12-3 “Commissioner” defined**

**Authority: IC 16-19-3-4; IC 16-19-3-5**

**Affected: IC 16-19**

Sec. 3. ~~As used in this rule,~~ “Commissioner” means the commissioner of the ~~state board of health~~ **department** or his or her duly authorized representative. (*Indiana State Department of Health; 410 IAC 6-12-3; filed Jul 12, 1991, 5:00 p.m.: 14 IR 2219; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234*)

SECTION 4. 410 IAC 6-12-3.1 IS ADDED TO READ AS FOLLOWS:

**410 IAC 6-12-3.1 “Community wastewater disposal facility” defined**

**Authority: IC 16-19-3-4; IC 16-19-3-5**

**Affected: IC 16-19**

**Sec. 3.1. “Community wastewater disposal facility” means a commercial on-site wastewater disposal facility that will serve two (2) or more properties.** (*Indiana State Department of Health; 410 IAC 6-12-3.1*)

SECTION 5. 410 IAC 6-12-3.2 IS ADDED TO READ AS FOLLOWS:

**410 IAC 6-12-3.2 “Department” defined**

**Authority: IC 16-19-3-4; IC 16-19-3-5**

**Affected: IC 16-19**

**Sec. 3.2. “Department” means the Indiana state department of health or its authorized representative.** (*Indiana State Department of Health; 410 IAC 6-12-3.2*)

SECTION 6. 410 IAC 6-12-4 IS AMENDED TO READ AS FOLLOWS:

**410 IAC 6-12-4 “Person” defined**

**Authority: IC 16-19-3-4; IC 16-19-3-5**

**Affected: IC 16-19**

Sec. 4. ~~As used in this rule,~~ “Person” means **any of the following:**

- (1) An individual.
- (2) A partnership.
- (3) A copartnership.
- (4) A corporation.
- (5) A firm.
- (6) A company.
- (7) An association.
- (8) A society.
- (9) A holding company.
- (10) A trustee.
- (11) A school corporation.
- (12) A school city.
- (13) A school town.
- (14) A school district.
- (15) Any unit of government. ~~or~~
- (16) Any other legal entity, its or their successors or assigns, or agent of the aforesaid.

(*Indiana State Department of Health; 410 IAC 6-12-4; filed Jul 12, 1991, 5:00 p.m.: 14 IR 2220; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234*)

SECTION 7. 410 IAC 6-12-7 IS AMENDED TO READ AS FOLLOWS:

**410 IAC 6-12-7 Permit requirement**

**Authority:** IC 16-19-3-4; IC 16-19-3-5

**Affected:** IC 12-17.2; IC 16-19; IC 16-41

Sec. 7. No person shall cause or allow the construction, installation, or modification of any facility described hereafter, without having a valid construction permit issued in accordance with this rule. Construction permits are required for the following:

- (1) Agricultural labor camps subject to ~~IC 13-1-9~~: **IC 16-41-26.**
- (2) Child caring institutions, day nurseries, and children's group homes subject to ~~IC 12-3-2~~: **IC 12-17.2.**
- (3) Mobile home parks subject to ~~IC 13-1-7~~: **IC 16-41-27.**
- (4) ~~Motels~~ subject to ~~IC 13-1-8~~.
- (5) ~~Organizational campgrounds~~ subject to ~~IC 16-1-3-13~~.
- (6) **(4) Recreational vehicle campgrounds subject to IC 16-1-3-13: IC 16-19-3-4 and 410 IAC 6-7.1.**
- (7) **(5) Schools subject to IC 16-1-24: IC 16-41-21.**
- (6) Youth camps subject to IC 16-19-3-4 and 410 IAC 6-7.2.**

*(Indiana State Department of Health; 410 IAC 6-12-7; filed Jul 12, 1991, 5:00 p.m.: 14 IR 2220; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234)*

SECTION 8. 410 IAC 6-12-8 IS AMENDED TO READ AS FOLLOWS:

#### **410 IAC 6-12-8 Application for construction permit**

**Authority:** IC 16-19-3-4; IC 16-19-3-5

**Affected:** IC 16-19; IC 25-21.5-9-4

Sec. 8. (a) An application for a permit to construct any facility subject to section 7 of this rule shall be made to the ~~board~~ **department** on forms provided by the ~~board~~ **department**. Application for a construction permit shall be made at least ninety (90) days ~~prior to~~ **before** the date construction of the 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~~ **department**. An application for a permit shall, at a minimum, include the following:

- (1) The signature of the applicant or his **or her** 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, drawn to scale, and having sufficient clarity to be reproduced to create legible microfilm. As provided in ~~IC 25-31-1-2(h)~~, **IC 25-21.5-9-4**, 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 following:
  - (A) The location of the proposed facility with respect to property lines.
  - (B) The existing and proposed:
    - (i) structures;
    - (ii) roads;
    - (iii) parking lots;
    - (iv) sewers;
    - (v) sewage disposal systems;
    - (vi) water wells; and
    - (vii) water lines;on the property.

For those facilities ~~which that~~ will be served by a commercial on-site wastewater disposal system that includes an absorption field, the plot plan shall also show site topography with contours established at intervals of two (2) feet or less.

- (6) The fee for plan review required by section ~~16~~ **17** of this rule.
- (7) The name, business address, and business telephone number, **in writing**, of the registered engineer or architect who certified and sealed the construction plans and specifications required by subdivision (3). ~~in writing~~.

(8) For those facilities ~~which that~~ will be served by a commercial on-site wastewater disposal system that includes an absorption field, a soil profile analysis **conducted by a soil scientist currently registered in Indiana** for the soils observed in the area of the proposed absorption field. Said analysis shall:

(A) include the name of each soil type observed;

(B) ~~map~~ the approximate boundaries and specify slope for each soil type; and

(C) 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 for each soil type observed.

**all information required by 410 IAC 6-10.**

(9) Wastewater characteristics and calculations used to estimate wastewater flow on the peak day, in gallons, to be disposed of. If more than one (1) type of facility is involved in the project, wastewater characteristics and calculations used to estimate wastewater flow, in gallons, from each facility on the peak day must be submitted.

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

(11) All additional information requested by the ~~board~~ **department** to substantiate that the proposed facility can reasonably be expected to conform to the requirements of laws and rules applicable to the facility, without causing a:

(A) health or safety hazard;

(B) nuisance;

(C) surface water pollution. or

(D) ground water pollution.

(b) Requests for additional substantiating information made ~~pursuant to under~~ subsection (a)(11) shall be addressed to the registered engineer or architect who certified and sealed the construction plans and specifications in compliance with subsection (a)(3). (*Indiana State Department of Health; 410 IAC 6-12-8; filed Jul 12, 1991, 5:00 p.m.: 14 IR 2220; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234*)

SECTION 9. 410 IAC 6-12-9 IS AMENDED TO READ AS FOLLOWS:

**410 IAC 6-12-9 Right of entry**

**Authority: IC 16-19-3-4; IC 16-19-3-5**

**Affected: IC 16-19**

Sec. 9. The ~~board~~ **department** or the local health department's authorized representative may enter upon public or private property at reasonable times and upon presentation of credentials to:

(1) inspect facilities, equipment, or records;

(2) investigate allegations;

(3) determine **topography, elevations, or** soil characteristics;

(4) conduct tests or collect samples for the purpose of obtaining information necessary to the issuance of a permit ~~pursuant to under~~ this rule; or

(5) determine whether any person is subject to, or in violation of, this rule or any permit or order issued ~~pursuant to under~~ this rule.

(*Indiana State Department of Health; 410 IAC 6-12-9; filed Jul 12, 1991, 5:00 p.m.: 14 IR 2221; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234*)

SECTION 10. 410 IAC 6-12-10 IS AMENDED TO READ AS FOLLOWS:

**410 IAC 6-12-10 Official's signature; effective date**

**Authority: IC 16-19-3-4; IC 16-19-3-5**

**Affected: IC 16-19**

Sec. 10. Construction permits shall be:

(1) signed by the commissioner on behalf of the ~~board~~ **department**; and ~~shall be~~

(2) considered issued as of the date of mailing.

(*Indiana State Department of Health; 410 IAC 6-12-10; filed Jul 12, 1991, 5:00 p.m.: 14 IR 2221; readopted filed Jul*

11, 2001, 2:23 p.m.: 24 IR 4234)

SECTION 11. 410 IAC 6-12-11 IS AMENDED TO READ AS FOLLOWS:

**410 IAC 6-12-11 Permit conditions**

**Authority:** IC 16-19-3-4; IC 16-19-3-5

**Affected:** IC 16-19

Sec. 11. The **board department** may specify in its construction permits any limitations, terms, or conditions necessary to provide a functional, easily operated, enduring facility or to prevent a health or safety hazard, nuisance, surface water pollution, or ground water pollution. In addition, all 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 construction of the facility on or before the date of permit expiration.
- (2) That all necessary local permits and approvals shall be obtained before construction is begun.
- (3) That any proposed changes, alterations, or additions to the approved facilities be submitted to the **board department** for review and approval prior to the start of construction ~~which that~~ will effect the proposed changes, alterations, or additions.
- (4) That, if pollution, health hazards, or nuisance conditions occur ~~which that~~ are attributable to the facility permitted, immediate corrective action shall be taken by the owner.
- (5) That the permittee notify the **board department** and the local health department at least seven (7) days before construction of the approved facilities is to commence.

*(Indiana State Department of Health; 410 IAC 6-12-11; filed Jul 12, 1991, 5:00 p.m.: 14 IR 2221; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234)*

SECTION 12. 410 IAC 6-12-12 IS AMENDED TO READ AS FOLLOWS:

**410 IAC 6-12-12 Standards for issuance**

**Authority:** IC 16-19-3-4; IC 16-19-3-5

**Affected:** IC 16-19

Sec. 12. The **board department** may reject an application for permit to construct a facility unless the applicant has submitted the following:

- (1) All documentation and fees required by sections 8(a) and ~~16~~ 17 of this rule.
- (2) Evidence that the facility can be constructed, modified, or installed and operated in such a manner that it will not violate any law or rule applicable to the facility, or any other applicable sanitation, health, siting, or pollution control rules or ordinances existing at the time of application.

*(Indiana State Department of Health; 410 IAC 6-12-12; filed Jul 12, 1991, 5:00 p.m.: 14 IR 2222; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234)*

SECTION 13. 410 IAC 6-12-13 IS AMENDED TO READ AS FOLLOWS:

**410 IAC 6-12-13 Construction permit revocations and modifications**

**Authority:** IC 16-19-3-4; IC 16-19-3-5

**Affected:** IC 16-19

Sec. 13. A facility construction permit may be revoked or modified by the **board department** for any of the following causes:

- (1) Violation of a law or rule applicable to the facility, or any other applicable sanitation, health, siting, or pollution control rules or ordinances existing at the time of application.
- (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 facility that might adversely impact health, surface water, or ground water.
- (4) Any misrepresentation made to obtain the construction permit.

(5) Any other change, situation, or activity relating to use of the facility ~~which, that,~~ in the judgment of the ~~board,~~ **department,** is not consistent with the purposes of this rule or a law or rule applicable to the facility.  
*(Indiana State Department of Health; 410 IAC 6-12-13; filed Jul 12, 1991, 5:00 p.m.: 14 IR 2222; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234)*

SECTION 14. 410 IAC 6-12-14 IS AMENDED TO READ AS FOLLOWS:

**410 IAC 6-12-14 Denial of an application for construction permit**

**Authority: IC 16-19-3-4; IC 16-19-3-5**

**Affected: IC 16-19**

Sec. 14. An application for facility construction permit may be denied by the **board department** 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~~ **under** section 8 of this rule, within six (6) months of receiving the request.
- (3) Failure to show that the facility can be:
  - (A) constructed;
  - (B) operated;
  - (C) maintained; or
  - (D) abandoned;

in compliance with any law or rule applicable to the facility.

*(Indiana State Department of Health; 410 IAC 6-12-14; filed Jul 12, 1991, 5:00 p.m.: 14 IR 2222; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234)*

SECTION 15. 410 IAC 6-12-17 IS ADDED TO READ AS FOLLOWS:

**410 IAC 6-12-17 Fees**

**Authority: IC 16-19-3-4; IC 16-19-3-5**

**Affected: IC 16-19; IC 16-21-2; IC 16-28-1; IC 16-41-27**

Sec. 17. Fees shall be assessed for plan review and related services rendered by the department, in accordance with the following:

- (1) For each plan review conducted for the following, the schedule of fees is:
  - (A) A commercial on-site wastewater disposal facility under 410 IAC 6-10: two hundred dollars (\$200).
  - (B) A community wastewater disposal facility under 410 IAC 6-10: seven hundred dollars (\$700).
  - (C) An ambulatory outpatient surgery center under IC 16-21-2 and 410 IAC 15.2: four hundred fifty dollars (\$450).
  - (D) A health facility under IC 16-28-1 and 410 IAC 16.2: one hundred fifty dollars (\$150).
  - (E) A new hospital or hospital addition under IC 16-21-2 and 410 IAC 15: five hundred fifty dollars (\$550).
  - (F) Remodeling of an existing hospital under IC 16-21-2 and 410 IAC 15: three hundred dollars (\$300).
  - (G) A mobile home park or mobile home park addition under IC 16-41-27 and this rule: three hundred dollars (\$300).
- (2) For projects that include both a commercial on-site wastewater disposal facility and a facility subject to subdivision (1)(C) through (1)(F), the total fee for plan review shall be the larger of the two (2) fees applicable to that project under subdivision (1).
- (3) No additional fee shall be assessed for review of revised plans for the same project.
- (4) Before a service enumerated in subdivision (1) can proceed, the requisite fee must have been received. Only a check, a money order, or an electronic transfer of funds is acceptable. All checks or money orders shall be made payable to the "Indiana State Department of Health". Electronic transfer of funds will be acceptable only when the department is capable of receiving such transfers. Only that portion of a payment made in excess of the requisite fee is refundable.

*(Indiana State Department of Health; 410 IAC 6-12-17)*

SECTION 16. THE FOLLOWING ARE REPEALED: 410 IAC 6-12-2; 410 IAC 6-12-5; 410 IAC 6-12-6; 410 IAC 6-12-15.

***Notice of Public Hearing***

*Under IC 4-22-2-24, notice is hereby given that on July 26, 2004 at 2:00 p.m., at the Indiana State Department of Health, 2 North Meridian Street, Rice Auditorium, Indianapolis, Indiana the Indiana State Department of Health will hold a public hearing on proposed amendments to 410 IAC 6-12 regarding requirements for plan review and construction permits and fees for plan review. Copies of these rules are now on file at the Indiana State Department of Health, Health Care Regulatory Services Commission, 2 North Meridian Street and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Gregory A. Wilson, M.D.  
State Health Commissioner  
Indiana State Department of Health