

*Evan Bayh, Governor*

*John C. Bailey, M.D., State Health Commissioner*

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Indiana State Department of Health

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**DATE:** May 22, 1996

**TO:** Local Health Departments

**FROM:** Alan M. Dunn, Supervisor *AMD*  
Residential Sewage Disposal  
Sanitary Engineering  
AC (317) 383-6179

**SUBJECT:** Senate Enrolled Act No. 194  
Residential Septic System Risers

Attached is a copy of Senate Enrolled Act No. 194, which will take effect on July 1, 1996. The new statute applies to residential septic systems that are installed after July 1, 1996. By law, this statute is to be enforced by local health departments.

We would interpret the statute to include the following:

- It would appear to apply to systems for which a permit was issued prior to July 1, 1996, if the system was not installed until after that date.
- The new statute refers to "underground" tanks; therefore, it would appear that tanks whose tops are at or above grade may not be included.
- The new statute requires that the top of the tank, below the riser, must have a cap or plug.

Please note, also, that:

- ISDH Rule 410 IAC 6-8.1-39(a) requires that residential septic tanks must be provided with access manholes at least eight (8) inches in diameter extending to the ground surface. Section 44(j) of that rule requires dosing tanks to be provided with access ports, extending to the ground surface, which are sufficiently large to allow access to maintain the tank and pumps.

*"...helping Hoosiers attain the highest level of health possible."*

- ISDH Rule 410 IAC 6-8.1-39(a) already requires that septic tank risers must be fitted with safely secured, gas-tight covers. Section 44(j) already required that dosing tanks shall be provided with safely secured, gas-tight covers for each access port.

A letter with copies of Senate Enrolled Act No. 194 is also being sent to the septic tank manufacturers with tanks listed on Plan Review's list of approved septic tanks. A copy of the form for that letter is attached.

Since this statute requires enforcement only by the local health department, we do not believe it is proper for us to advise you further on this issue. We suggest you contact your agency's legal representative if you need additional guidance.

Attachments

cc: Septic Tank Manufacturers  
Plan Review  
Environmental Health  
Local Liaison Office  
Dari Kronenberger

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Second Regular Session 109th General Assembly (1996)

**PRINTING CODE. Amendments:** Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in this style type, and deletions will appear in ~~this style type~~.

**Additions:** Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in this style type. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

**Conflict reconciliation:** Text in a statute in *this style type* or *this style type* reconciles conflicts between statutes enacted by the 1995 General Assembly.

## SENATE ENROLLED ACT No. 194

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AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 16-41-25-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1996]: Sec. 2. (a) Except as otherwise provided, a person who recklessly violates or fails to comply with rules adopted under section 1 of this chapter commits a Class B misdemeanor.

(b) Each day a violation continues constitutes a separate offense.

SECTION 2. IC 16-41-25-3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1996]: Sec. 3. (a) This section applies only to residential septic systems that are installed after July 1, 1996, and that use a riser that is more than six (6) inches in diameter and opens to ground level.

(b) Each opening to an underground tank of a residential septic system that allows access from ground level must be covered with a lid or top that is securely fastened.

(c) Below a residential septic system's lid or top described in subsection (b), the tank of the residential septic system must have a cap or plug.



**(d) A person who installs a residential septic system after June 30, 1996, commits a Class B infraction if the residential septic system does not meet the requirements of this section.**

**(e) Each local health department established within a county under IC 16-20-2-2 shall enforce this section in the county.**

