

# *Adams County Regional Sewer District*

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P O Box 362  
Decatur, IN 46733

August 16<sup>th</sup>, 2019

The Adams County Regional Sewer District (ACRSD) will be completing a sanitary sewer construction project during the winter and spring of 2020 and your property has been identified as either a customer (connection) to the sanitary sewer system, or to be potentially affected by the construction. Homes within the Bobo area or residents along SR 101 between Bobo and Pleasant Mills or residents along US 33 between Arcadia Village and Pleasant Mills will be connecting to the sewer project sometime in late summer of 2020. If you will be connecting to the sewer project you will be provided more detailed information in the future about connection requirements and specific timing of your connection. Other property owners receiving this notice may be potentially affected by the construction due to your property being along the route of the sewer lines.

Property owners have in the past commented that they believe their existing septic system meets the county/state requirements and feel they should not be required to connect to the new sanitary collection system. Indiana Statute allows for a process to determine whether you are eligible for an exemption from this requirement. Please see the enclosed NOTICE and procedure to claim exemption which is enclosed. More specifically, you may be required to discontinue use of your septic tank soil absorption system. Your property may qualify for an exemption from the requirement to discontinue the use of your septic tank soil absorption system. IND. CODE 13-26-5-2.5(b) (copy enclosed) sets forth the specific requirements for a property owner to be exempt from the requirement to connect to a sewer district's sewer system and discontinue use of a septic tank soil absorption system. If you believe your property meets the requirements of IND. CODE 13-26-5-2.5(b) and you desire to claim an exemption, you must:

1. Notify the Adams County Regional Sewer District in writing that you qualify for an exemption from the connection requirement within sixty (60) days after the date of **this** written notice; and
2. Provide the District with the written determination of exemption required under subsection 2.5(b)(2) within 120 days after your notice to the District under paragraph #1 that you are claiming an exemption

**\*Please see the Notice and Exemption-Claim Form**

## NOTICE OF MEETING

**The District will be conducting an informational meeting in conjunction with their Board Meeting on Wednesday, August 28<sup>th</sup>, 2019 at 7:00 P.M. at the Riverside Center located at 231 E. Monroe Street, Decatur, IN 46733. The District's Engineer and Superintendent will be present to discuss the project and to answer any questions.**

The ACRSD Board of Trustees still have a number of tasks to complete prior to beginning construction, including receipt of easement documents, construction bidding, grant and construction loan closing as well as updates to the rate ordinance. The board welcomes your involvement in the process and invites you to contact any of the board members or to attend our meetings normally held on the 2<sup>nd</sup> Friday of each month at the Adams County Annex. The meeting schedule is published in the Decatur Daily Democrat.

Sincerely,  
ACRSD Board

Don Bergdall  
John Carroll  
Nathan Rumschlag  
Steve Bailey  
Richard Lambert  
Jim Franz  
Shannon Smitley

Barry Scherer, District Superintendent

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P O Box 362  
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August 16<sup>th</sup>, 2019

## **NOTICE**

- 1) As a property owner, you may be required to discontinue the use of a septic tank soil absorption system you are now using.
- 2) You may qualify for an exemption from the requirement to discontinue the use of the septic tank soil absorption system; and
- 3) The procedure set forth in this notice describes the requirements to be eligible for an exemption, the length of an exemption and the process to claim an exemption.

### **EXEMPTION ELIGIBILITY**

A property owner is exempt from the requirement to connect to a district's sewer system and to discontinue use of a septic tank soil absorption system if the following conditions are met:

- (1)** The property owner's septic tank soil absorption system was new at the time of installation and was approved in writing by the local health department.
- (2)** The property owner, at the property owner's own expense, obtains a written determination from the local health department or the department's designee that the septic tank soil absorption system is not failing. The local health department or the department's designee shall provide the owner with a written determination not later than sixty (60) days after receipt of the owner's request. If the local health department or the department's designee fails to provide a written determination within the time established in this subdivision, the owner, at the owner's expense, may obtain a written determination from a qualified inspector. If the local health department or the department's designee, determines that a septic tank soil absorption system is failing, the property owner may appeal the determination to the board of the local health department. The decision of the board is final and binding.

**(3)** A property owner that qualifies for an exemption may not be required to connect to the district's sewer system for a period of ten (10) years beginning on the date the new septic tank soil absorption system was installed. A property owner may apply for two (2) five (5) year extensions by following the procedure under I.C. 13-26-5-2.5(b) and (c). (copy enclosed)

**(4)** The total period during which a property may qualify for an exemption from the requirement to connect may not exceed (20) years from the time of installation.

# *Adams County Regional Sewer District*

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To claim an exemption from the requirement to discontinue the use of your current septic system and the requirement to connect to the district sewer, please fill out, sign and return this Exemption Claim Form to the Adams County Regional Sewer District at the address set forth below **within 60 days** from the date of this notice.

## **EXEMPTION CLAIM FORM**

To: The Adams County  
Regional Sewer District  
P.O. Box 362  
Decatur, IN 46733

Name: (All owners of property should be listed)

\_\_\_\_\_

Address of site for which exemption is claimed.

\_\_\_\_\_

Contact phone# \_\_\_\_\_

Approximate date the current system was installed new \_\_\_\_\_

Date \_\_\_\_\_  
\_\_\_\_\_ (Owner)

Date \_\_\_\_\_  
\_\_\_\_\_ (Owner)

**To finalize your claim for exemption, you must provide the following written determination to the District within 120 days from the date you send your Exemption Claim Request to the District.**

The property owner, at the property owner's own expense, must obtain a written determination from the local health department or the department's designee that the septic tank soil absorption system is not failing. The owner, at the owner's expense, may also obtain such a written determination from a qualified inspector. The system must meet the eligibility requirements.

IC 13-26-5-2.5

**13-26-5-2.5 Septic tank soil absorption system exemption**

Sec. 2.5. (a) As used in this section, “septic tank soil absorption system” has the meaning set forth in [IC 13-11-2-199.5](#).

(b) Subject to subsection (d), a property owner is exempt from the requirement to connect to a district's sewer system and to discontinue use of a septic tank soil absorption system if the following conditions are met:

(1) The property owner's septic tank soil absorption system was new at the time of installation and was approved in writing by the local health department.

(2) The property owner, at the property owner's own expense, obtains a written determination from the local health department or the department's designee that the septic tank soil absorption system is not failing. The local health department or the department's designee shall provide the owner with a written determination not later than sixty (60) days after receipt of the owner's request. If the local health department or the department's designee fails to provide a written determination within the time established in this subdivision, the owner, at the owner's expense, may obtain a written determination from a qualified inspector. If the local health department or the department's designee determines that a septic tank soil absorption system is failing, the property owner may appeal the determination to the board of the local health department. The decision of the board is final and binding.

(3) The property owner provides the district with:

(A) the written notification of potential qualification for the exemption described in subsection (f); and

(B) the written determination described in subdivision (2); within the time limits set forth in subsection (f).

(c) If a property owner, within the time allowed under subsection (f), notifies a district in writing that the property owner qualifies for the exemption under this section, the district shall, until the property owner's eligibility for an exemption under this section is determined, suspend the requirement that the property owner discontinue use of a septic tank soil absorption system and connect to the district's sewer system.

# *Adams County Regional Sewer District*

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(d) A property owner who qualifies for the exemption provided under this section may not be required to connect to the district's sewer system for a period of ten (10) years beginning on the date the new septic tank soil absorption system was installed. A property owner may apply for two (2) five (5) year extensions of the exemption provided under this section by following the procedures set forth in subsections (b) and (c). If ownership of an exempt property is transferred during a valid exemption period, including during an extension of an initial exemption:

- (1) the exemption applies to the subsequent owner of the property for the remainder of the exemption period during which the transfer occurred; and
- (2) the subsequent owner may apply for any remaining extensions.

However, the total period during which a property may be exempt from the requirement to connect to a district's sewer system under this section may not exceed twenty (20) years, regardless of ownership of the property.

(e) A district that has filed plans with the department to create or expand a sewage district shall, within ten (10) days after filing the plans, provide written notice to affected property owners:

- (1) that the property owner may be required to discontinue the use of a septic tank soil absorption system;
- (2) that the property owner may qualify for an exemption from the requirement to discontinue the use of the septic tank soil absorption system; and
- (3) of the procedures to claim an exemption.

(f) To qualify for an exemption under this section, a property owner must:

- (1) within sixty (60) days after the date of the written notice given to the property owner under subsection (e), notify the district in writing that the property owner qualifies for the exemption under this section; and
- (2) within one hundred twenty (120) days after the district receives the written notice provided under subdivision (1), provide the district with the written determination required under subsection (b)(2).

(g) When a property owner who qualifies for an exemption under this section subsequently discontinues use of the property owner's septic tank soil absorption

system and connects to the district's sewer system, the property owner may be required to pay only the following to connect to the sewer system:

(1) The connection fee the property owner would have paid if the property owner connected to the sewer system on the first date the property owner could have connected to the sewer system.

(2) Any additional costs:

(A) considered necessary by; and

(B) supported by documentary evidence provided by; the district.

(h) A property owner who connects to a district's sewer system may provide, at the owner's expense, labor, equipment, materials, or any combination of labor, equipment, and materials from any source to accomplish the connection to the sewer system, subject to inspection and approval by the board or a designee of the board.

(i) This section does not affect the authority of the state department of health, a local health department, or a county health officer with respect to a septic tank soil absorption system.

(j) For purposes of this section, a septic tank soil absorption system is "failing" if one (1) or more of the following apply:

(1) The system refuses to accept sewage at the rate of design application and interferes with the normal use of plumbing fixtures.

(2) Effluent discharge exceeds the absorptive capacity of the soil into which the system discharges, resulting in ponding, seepage, or other discharge of the effluent to the ground surface or to surface waters.

(3) Effluent discharged from the system contaminates a potable water supply, ground water, or surface waters.

(k) As used in this section, "qualified inspector" means any of the following:

(1) An employee of a local health department who is designated by the local health department as having sufficient knowledge of onsite sewage systems to determine if an onsite sewage system is failing.

(2) An individual who is certified by the Indiana Onsite Wastewater Professionals Association as an onsite sewage system installer or inspector.



# *Adams County Regional Sewer District*

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(3) An individual listed by the state department of health or a local health department with jurisdiction over the service area of the property inspected as having sufficient knowledge of onsite sewage systems to determine if an onsite sewage system is failing.