



# LAPORTE COUNTY REGIONAL SEWER & WATER DISTRICT

c/o Jennifer Ransbottom, District Administrator  
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## NOTICE OF STATUTORY EXEMPTION AND NOTICE OF EXTENSION OF SERVICE

October 23, 2024

### *LaPorte County Regional Sewer and Water District*

#### ***Important information regarding your rights as a property owner to qualify for a statutory exemption from required connection to the District's proposed Hudson Saugany Septic Elimination Project.***

On behalf of the LaPorte County Regional Sewer and Water District (the "District"), we are pleased to report that construction permit applications for the Hudson Saugany Septic Elimination Project (the "Project") have been submitted to the Indiana Department of Environmental Management ("IDEM") and that in accordance with Ind. Code §13-26-5-6.5 the District intends to begin the process of extending sewer service to your property. In the meantime, the District would like to take this opportunity to give notice of, and further describe the statutory exemptions from required connection to the District's collection system for which you may qualify.

So that you are aware, unless you qualify for one of the exemptions outlined below, once the Project is complete the District is permitted to require your property, located in the District's territory, to connect to the District's sewer system if: (1) the property is capable of producing sewage or similar waste; (2) the structure (or if on a body of water the property line) capable of discharging the sewage or similar waste is within 300 feet of the Project's main sewer line; and (3) the District meets certain statutory notice requirements before the date of the contemplated required connection.

Please understand that **Indiana law provides certain property owners who would otherwise be required to connect to a sewer system an optional and limited exemption** if additional conditions are met. More specifically, Indiana Code Section 13-26-5-2.5(b) provides that you, as a potentially affected property owner, may qualify for an exemption to being required to connect to the District's system if:

1. The septic tank soil absorption system was new at the time that it was installed;
2. The septic tank soil absorption system was approved in writing by the local health department;
3. You provide the District with your written notice of potential qualification for the exemption and your desire to claim the same **within sixty (60) days of the date of this notice**, which serves as notice of such exemption; and
4. You, at your own expense, obtain and provide to the District, within one hundred twenty (120) days of the District's receipt of your written notification of potential exemption, a certification from the local health department (or the department's designee – see attached health department letter October 16, 2024) that the septic tank soil absorption system is not failing pursuant to Indiana Law.

The initial septic tank soil absorption system exemption is limited to ten (10) years beginning on the date of the written determination that the septic tank soil absorption system is not failing ("Initial Exemption"). If you qualify for the Initial Exemption, then you may be able to qualify for two (2) additional five (5) year exemptions upon the expiration of the Initial Exemption. If, at any time, you fail to qualify for any of the previously mentioned

requirements, then you will be required to connect to the District's sewer system. **PLEASE NOTE THAT GIVEN SOIL CONDITIONS SURROUNDING BODIES OF WATER, IT IS HIGHLY UNLIKELY THAT YOUR SEPTIC TANK SOIL ABSORPTION SYSTEM IS NOT CONTAMINATING SURFACE WATERS**

While you may be eligible for an exemption from the connection requirement, there are at least three reasons why connecting your property to the sewer system will be an advantage to you:

(1) Property value: The experience in this District and other regional sewer districts has been that the value of real property goes up significantly when the owner connects the property to a public sewer and ceases to use a private septic tank soil absorption system;

(2) Mitigated costs: Septic tank soil absorption systems fail, and exemptions expire. When either occurs, the property owner will be required to connect to the sewer system. At that point, he or she will face costs; and

(3) Enhanced quality of life: Persons who rely on septic tank soil absorption systems frequently are limited in the amount of water they may use because their septic tank soil absorption systems can process only so much flow each day. That limitation, in turn, restricts the use of such conveniences as garbage disposals, dishwashers, and washing machines or the number of people who occupy a property. Connection to a public sewer system usually eliminates those restrictions and allows the owner to enjoy his or her home to greater degree or for longer periods of time.

More importantly, the impact of connection on nearby bodies of water will become apparent. The lakes, rivers, and streams from which you draw your drinking water or in which you fish, swim, and play often become clearer. Please keep these advantages in mind as you weigh the decision whether to seek an exemption.

For additional information regarding the applicable statutory exemption and procedural requirements to obtain an exemption, please find a copy of Indiana Code Sections 13-26-5-2.5 enclosed.

Finally, and in addition to the exemption outlined above, any property that is located on at least ten (10) acres may also qualify for an exemption for connection if: (1) the owner can demonstrate the availability of at least two areas on the property for the collection and treatment of sewage that will protect human health and the environment; (2) the waste stream from the property is limited to domestic sewage from a residence or business; (3) the system used to collect and treat the domestic sewage has a maximum design flow of seven hundred fifty (750) gallons per day; and (5) the owner, at the owner's expense, obtains and provides to the District a certification from the local health department or the department's designee that the system is functioning satisfactorily.

The District looks forward to having you as a customer and providing first-rate sewer service. Thank you for your attention and continued cooperation.

Please send all Exemption Notices to:

LaPorte County Regional Sewer and Water District

c/o Jennifer Ransbottom  
JPR, 325 S. Lafayette Blvd.  
South Bend, IN 46601

Enclosures

Sandra Deausy, M.D.  
Health Officer  
Amanda J. Lahners, REHS/RS  
Administrator



October 16, 2024

To: Jennifer Ransbottom  
Director of Utilities  
La Porte County Regional Sewer District

RE: On-site Sewage System Inspections

At this time, the La Porte County Health Department does not have the staffing nor the equipment to properly evaluate an existing on-site sewage system for the purpose of receiving an exemption from sewer connection. Per Indiana Code 13-26-5-2.5, the department is designating the inspections to any certificate holding IOWPA Inspector in good standing with IOWPA. A list of inspectors who work within La Porte County can be found on our website or on the IOWPA website at [www.iowpa.org](http://www.iowpa.org).

A handwritten signature in blue ink that reads "Amanda Lahners".

Amanda Lahners, REHS/RS  
Administrator

Visit our New Website: [www.in.gov/localhealth/laportecounty/](http://www.in.gov/localhealth/laportecounty/)

**IC 13-26-5-2.5**

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

**Effective: March 18, 2022**

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, the department's designee, or a qualified inspector.

(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.

(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 of the written determination of the local health department, the department's designee, or a qualified inspector under subsection (b)(2) that the property owner's septic tank soil absorption system is not failing. 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.

(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.