



March 23, 2023

ENGROSSED SENATE BILL No. 414

DIGEST OF SB 414 (Updated March 22, 2023 5:34 pm - DI 150)

Citations Affected: IC 13-11; IC 13-18; IC 16-41; IC 36-11.

Synopsis: Onsite sewage systems and holding tanks. Defines "onsite residential sewage discharging disposal system" to provide that the term includes a system that employs advanced treatment components not used in standard septic systems to reduce the concentration of the pathogenic constituents of the effluent to an acceptable level before the effluent is discharged. Provides that point source discharge of treated sewage from an onsite residential sewage discharging disposal system to provide that the law applies to any county onsite waste management district instead of applying only to one particular county. Allows a local health department to issue an operating permit for an onsite residential sewage discharging disposal system within a county onsite waste management district: (1) to authorize the technical review panel, the Indiana department of health, or the environmental rules board to adopt guidelines for purposes of guiding local health departments in taking the actions and making the determinations required when issuing an operating permit for an onsite residential sewage discharging disposal system; (2) to provide that, if the amendment of the National Pollutant
(Continued next page)

Effective: Upon passage; July 1, 2023.

Byrne, Sandlin, Niezgodski, Doriot, Tomes

(HOUSE SPONSORS — ENGLEMAN, MILLER D, KING)

January 19, 2023, read first time and referred to Committee on Environmental Affairs.
January 30, 2023, reported favorably — Do Pass.
February 2, 2023, read second time, ordered engrossed. Engrossed.
February 6, 2023, read third time, passed. Yeas 44, nays 5.

HOUSE ACTION

February 28, 2023, read first time and referred to Committee on Environmental Affairs.
March 23, 2023, amended, reported — Do Pass.

ES 414—LS 7217/DI 55



Digest Continued

Discharge Elimination System (NPDES) general permit issued by the department of environmental management for the purposes of the county onsite waste management district law is necessary or advisable to enable onsite waste management districts established after June 30, 2023, to function properly and effectively, the department shall amend the general permit as soon as reasonably possible after June 30, 2023; and (3) to authorize the county executives of two or more counties to establish a single county onsite waste management district by entering into an interlocal cooperation agreement. Provides that septage that originates from a residential or commercial source may be held in one or more holding tanks of not more than 10,000 gallons until removed and transported from the site. Establishes requirements for septage holding tanks. Requires a permit from the local health department for the operation of a septage holding tank. Requires a septage tank owner to enter into a written contract with a septage management vehicle operator for regular removal of septage from the tank, to provide a copy of the contract to the local health department, and to provide proof to the local health department that the tank owner is regularly paying for the removal of septage from the holding tank. Requires a local health department to report to IDEM concerning the septage tanks in its jurisdiction.

ES 414—LS 7217/DI 55



March 23, 2023

First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 414

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

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

1 SECTION 1. IC 13-11-2-25.8, AS AMENDED BY P.L.160-2021,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2023]: Sec. 25.8. (a) For purposes of IC 13-18:
4 (1) "Class I wetland" means an isolated wetland described by one
5 (1) or both of the following:
6 (A) At least fifty percent (50%) of the wetland has been
7 disturbed or affected by human activity or development by one
8 (1) or more of the following:
9 (i) Removal or replacement of the natural vegetation.
10 (ii) Modification of the natural hydrology.
11 (B) The wetland supports only minimal wildlife, ~~or~~ aquatic
12 habitat, ~~or and~~ hydrologic function because the wetland does
13 not provide critical habitat for threatened or endangered
14 species listed in accordance with the Endangered Species Act
15 of 1973 (16 U.S.C. 1531 et seq.) and the wetland is

ES 414—LS 7217/DI 55



- 1 characterized by at least one (1) of the following:
- 2 (i) The wetland is typified by low species diversity.
- 3 (ii) The wetland contains greater than fifty percent (50%)
- 4 areal coverage of non-native invasive species of vegetation.
- 5 (iii) The wetland does not support significant wildlife or
- 6 aquatic habitat.
- 7 (iv) The wetland does not possess significant hydrologic
- 8 function;
- 9 (2) "Class II wetland" means an isolated wetland that supports
- 10 moderate habitat ~~or~~ **and** hydrological functions, including an
- 11 isolated wetland that is dominated by native species but is
- 12 generally without:
- 13 (A) the presence of; or
- 14 (B) habitat for;
- 15 rare, threatened, or endangered species; and
- 16 (3) "Class III wetland" means an isolated wetland:
- 17 (A) that is located in a setting undisturbed or minimally
- 18 disturbed by human activity or development and that supports
- 19 more than minimal wildlife or aquatic habitat or hydrologic
- 20 function; ~~or~~ **and**
- 21 (B) that is of one (1) of the following rare and ecologically
- 22 important types:
- 23 (i) Acid bog.
- 24 (ii) Acid seep.
- 25 (iii) Circumneutral bog.
- 26 (iv) Circumneutral seep.
- 27 (v) Cypress swamp.
- 28 (vi) Dune and swale.
- 29 (vii) Fen.
- 30 (viii) Forested fen.
- 31 (ix) Forested swamp.
- 32 (x) Marl beach.
- 33 (xi) Muck flat.
- 34 (xii) Panne.
- 35 (xiii) Sand flat.
- 36 (xiv) Sedge meadow.
- 37 (xv) Shrub swamp.
- 38 (xvi) Sinkhole pond.
- 39 (xvii) Sinkhole swamp.
- 40 (xviii) Wet floodplain forest.
- 41 (xix) Wet prairie.
- 42 (xx) Wet sand prairie.



1 (b) For purposes of this section, a wetland ~~or setting~~ is not
 2 considered disturbed or affected as a result of an action taken after
 3 January 1, 2004, for which a permit is required under IC 13-18-22 but
 4 has not been obtained.

5 SECTION 2. IC 13-11-2-144.7 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 144.7. (a) For purposes
 7 of IC 13-18-12, "onsite residential sewage discharging disposal system"
 8 means a sewage disposal system that:

9 (1) is located on a site with and serves a one (1) or two (2) family
 10 residence; and

11 (2) discharges effluent offsite.

12 (b) **The term includes a system that employs advanced**
 13 **treatment components not used in standard septic systems, such as**
 14 **a disinfection component that uses chlorine, ultraviolet light, or**
 15 **ozone, to reduce the concentration of the pathogenic constituents**
 16 **of the effluent to an acceptable level before the effluent is**
 17 **discharged.**

18 SECTION 3. IC 13-18-12-3, AS AMENDED BY P.L.159-2011,
 19 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2023]: Sec. 3. (a) The board shall initiate, in accordance with
 21 IC 13-15, a septage management permit program for all persons who
 22 offer to perform or are performing septage management services.

23 (b) **A permit from the department may not be required for the**
 24 **ownership or operation of one (1) or more holding tanks described**
 25 **in IC 16-41-25-9 in which septage originating from a residential or**
 26 **commercial source is held until it is removed and transported from**
 27 **the site of the holding tanks by septage management vehicles.**
 28 **However:**

29 (1) the board may adopt rules under IC 4-22-2 and
 30 IC 13-14-9; or

31 (2) the department may establish guidelines;
 32 **concerning the reports to be provided to the department by local**
 33 **health departments under IC 16-41-25-9(h). The rules or guidelines**
 34 **may specify the content to be included in the reports and the**
 35 **frequency at which the reports must be provided.**

36 SECTION 4. IC 13-18-12-9, AS AMENDED BY P.L.104-2022,
 37 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2023]: Sec. 9. (a) This section applies only in a county ~~having~~
 39 ~~a population of more than three hundred fifty thousand (350,000) and~~
 40 ~~less than four hundred thousand (400,000): onsite waste management~~
 41 ~~district established under IC 36-11.~~

42 (b) Except as provided in subsection (c), the point source discharge



1 of sewage, treated or untreated, from a dwelling or its associated
2 residential sewage disposal system to waters is prohibited.

3 (c) The point source discharge of treated sewage from an onsite
4 residential sewage discharging disposal system to waters is permitted
5 if:

6 (1) the local health department for the jurisdiction in which the
7 system is located issues an operating permit for the system under
8 subsection (d); and

9 (2) the discharge is authorized under a general permit issued
10 under 40 CFR 122.28.

11 (d) In a county onsite waste management district established under
12 IC 36-11 that performs all the functions related to onsite waste
13 management listed in IC 36-11-2-1, the local health department for the
14 jurisdiction in which the system is located may issue an operating
15 permit for an onsite residential sewage discharging disposal system if
16 the system is installed to repair **or replace** a sewage disposal system
17 that fails to meet public health and environmental standards and if:

18 (1) the local health department adopts procedural rules for
19 monitoring onsite residential sewage discharging disposal systems
20 in the jurisdiction, including fines or penalties, or both, for
21 noncompliance, to ensure that:

22 (A) required maintenance is performed on the systems; and

23 (B) the systems do not discharge effluent that violates water
24 quality standards;

25 (2) the local health department certifies, with respect to the
26 system for which the permit is issued, that:

27 (A) the system is capable of operating properly;

28 (B) the system does not discharge effluent that violates water
29 quality standards;

30 (C) an acceptable septic tank soil absorption system cannot be
31 located on the property served by the system because of:

32 (i) soil characteristics;

33 (ii) size; or

34 (iii) topographical conditions;

35 of the property;

36 (D) the system:

37 (i) was properly installed by a qualified installer; and

38 (ii) provides the best available technology for residential
39 discharging onsite sewage disposal systems; and

40 (E) the local health department has:

41 (i) investigated all technologies available for repair of the
42 sewage disposal system that fails to meet public health and



1 environmental standards other than the use of an onsite
 2 residential sewage discharging disposal system; and
 3 (ii) determined that an onsite residential sewage discharging
 4 disposal system is the only possible technology that can be
 5 used to effect a repair of the sewage disposal system that
 6 fails to meet public health and environmental standards
 7 without causing unreasonable economic hardship to the
 8 system owner; and

9 (3) the system for which the permit is issued cannot be connected
 10 to a sanitary sewer because:

11 (A) there is not a **local, municipal, or regional** sanitary sewer
 12 connection available;

13 (B) the sanitary sewer operator refuses connection; or

14 (C) unreasonable economic hardship would result to the
 15 system owner because of:

16 (i) the connection requirements of the sanitary sewer
 17 operator; or

18 (ii) the distance to the sanitary sewer.

19 **(e) For purposes of providing guidance to local health**
 20 **departments in taking the actions and making the determinations**
 21 **described in subsection (d):**

22 **(1) the technical review panel established under**
 23 **IC 16-19-3-27.5 may adopt guidelines;**

24 **(2) the Indiana department of health, with guidance provided**
 25 **by the technical review panel established under**
 26 **IC 16-19-3-27.5, may issue rules under IC 4-22-2 or adopt**
 27 **guidelines; or**

28 **(3) the environmental rules board may adopt rules under**
 29 **IC 4-22-2 and IC 13-14-9 or adopt guidelines;**

30 **concerning onsite residential sewage discharging disposal systems.**

31 SECTION 5. IC 13-18-12-9.5 IS ADDED TO THE INDIANA
 32 CODE AS A NEW SECTION TO READ AS FOLLOWS
 33 [EFFECTIVE UPON PASSAGE]: **Sec. 9.5. If the amendment of the**
 34 **National Pollutant Discharge Elimination System (NPDES) general**
 35 **permit issued by the department for the purposes of IC 36-11 is**
 36 **necessary or advisable to enable county onsite waste management**
 37 **districts established under IC 36-11 after June 30, 2023, to function**
 38 **properly and effectively, the department shall amend the general**
 39 **permit as soon as reasonably possible after June 30, 2023.**

40 SECTION 6. IC 16-41-25-9 IS ADDED TO THE INDIANA CODE
 41 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 42 1, 2023]: **Sec. 9. (a) As used in this section, "septage" means human**



1 excreta, wastewater, scum, sludge, and other content introduced
 2 through incidental or accidental seepage that is removed from
 3 domestic septic tanks, holding tanks, privies, seepage pits,
 4 cesspools, compost toilets, or portable sanitary units.

5 (b) As used in this section, "septage management vehicle"
 6 means a vehicle that is:

7 (1) used for:

8 (A) the removal of septage from holding tanks or sewage
 9 disposal systems; and

10 (B) the transportation of the septage to wastewater
 11 treatment plants or other facilities for treatment,
 12 temporary storage, or disposal; and

13 (2) subject to regulation under IC 13-18-12 and 327 IAC 7.1.

14 (c) Septage that originates from a residential or commercial
 15 source may be held in one (1) or more holding tanks until it is
 16 removed and transported from the site of the holding tanks by a
 17 septage management vehicle. A holding tank to which this
 18 subsection applies may not have a capacity of more than ten
 19 thousand (10,000) gallons.

20 (d) A holding tank used under this section must be:

21 (1) designed and equipped so that septage can be cleanly and
 22 efficiently pumped from the tank into a septage management
 23 vehicle to be transported from the site of the tank; and

24 (2) equipped with a device that will produce an audio and
 25 visual alarm when the septage in the tank reaches two-thirds
 26 (2/3) of the tank's capacity.

27 (e) A holding tank described in this section may not be used to
 28 hold septage unless the tank owner has obtained a permit from the
 29 local health department of the county, city, or multiple county unit
 30 in which the holding tank is located. To obtain a permit, the owner
 31 of a holding tank must:

32 (1) enter into a written contract with an operator of septage
 33 management vehicles providing for the removal of septage
 34 from the holding tank at regular intervals;

35 (2) provide a copy of the contract to the local health
 36 department; and

37 (3) commit to providing to the local health department copies
 38 of receipts or other records proving that the holding tank
 39 owner is regularly paying the septage management vehicle
 40 operator a fee for the removal of septage from the holding
 41 tank.

42 (f) A permit issued to the owner of a holding tank may be



1 **suspended or revoked, or renewal of the permit may be denied, for:**

2 **(1) a violation of:**

3 **(A) this section;**

4 **(B) a condition stated in the permit; or**

5 **(C) a requirement established under subsection (g); or**

6 **(2) a problem involving the holding tank or the operation of**
 7 **the holding tank that creates a risk of harm to human health**
 8 **or the environment.**

9 **(g) The local health department of a county, city, or multiple**
 10 **county unit may establish requirements:**

11 **(1) concerning the issuance, term, and renewal of permits**
 12 **required under subsection (e);**

13 **(2) concerning the design, construction, location, and**
 14 **operation of holding tanks described in this section; and**

15 **(3) determining:**

16 **(A) the ways in which a holding tank owner may provide**
 17 **the proof; and**

18 **(B) how often the tank owner must provide the proof;**

19 **required under subsection (e)(3).**

20 **(h) In accordance with any rules or guidelines adopted under**
 21 **IC 13-18-12-3(b), a local health department that issues permits for**
 22 **the use of holding tanks under this section shall report to the**
 23 **department of environmental management concerning the holding**
 24 **tanks.**

25 **SECTION 7. IC 36-11-1-3 IS AMENDED TO READ AS**
 26 **FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3. "Governing body"**
 27 **means:**

28 **(1) the county executive of the county in which the district is**
 29 **located or proposed to be located; or**

30 **(2) the county executive of a county that enters into an**
 31 **interlocal cooperation agreement under IC 36-11-3-1(d) to**
 32 **establish a district containing territory located in two (2) or**
 33 **more counties.**

34 **SECTION 8. IC 36-11-3-1 IS AMENDED TO READ AS**
 35 **FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. (a) The**
 36 **establishment of a district may be initiated only by the governing body.**

37 **(b) The dissolution of a district may be initiated only by the**
 38 **governing body.**

39 **(c) A notice of intent to establish or dissolve a district must be filed**
 40 **in:**

41 **(1) the office of the executive of each governmental entity having**
 42 **territory within the proposed district or the district proposed for**



1 dissolution;
2 (2) the department of environmental management; and
3 (3) the state department of health.

4 **(d) The governing bodies of two (2) or more counties may**
5 **establish a single district containing territory located in both or all**
6 **of the counties by entering into an interlocal cooperation**
7 **agreement.**

8 **SECTION 9. An emergency is declared for this act.**



COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred Senate Bill No. 414, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 414 as introduced.)

NIEMEYER, Chairperson

Committee Vote: Yeas 8, Nays 2

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Senate Bill 414, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 10, begin a new paragraph and insert:

"SECTION 1. IC 13-11-2-25.8, AS AMENDED BY P.L.160-2021, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 25.8. (a) For purposes of IC 13-18:

(1) "Class I wetland" means an isolated wetland described by one (1) or both of the following:

(A) At least fifty percent (50%) of the wetland has been disturbed or affected by human activity or development by one (1) or more of the following:

- (i) Removal or replacement of the natural vegetation.
- (ii) Modification of the natural hydrology.

(B) The wetland supports only minimal wildlife, ~~or~~ aquatic habitat, ~~or~~ **and** hydrologic function because the wetland does not provide critical habitat for threatened or endangered species listed in accordance with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and the wetland is characterized by at least one (1) of the following:

- (i) The wetland is typified by low species diversity.
- (ii) The wetland contains greater than fifty percent (50%) areal coverage of non-native invasive species of vegetation.
- (iii) The wetland does not support significant wildlife or aquatic habitat.
- (iv) The wetland does not possess significant hydrologic

ES 414—LS 7217/DI 55



function;

(2) "Class II wetland" means an isolated wetland that supports moderate habitat ~~or~~ **and** hydrological functions, including an isolated wetland that is dominated by native species but is generally without:

(A) the presence of; or

(B) habitat for;

rare, threatened, or endangered species; and

(3) "Class III wetland" means an isolated wetland:

(A) that is located in a setting undisturbed or minimally disturbed by human activity or development and that supports more than minimal wildlife or aquatic habitat or hydrologic function; ~~or~~ **and**

(B) that is of one (1) of the following rare and ecologically important types:

- (i) Acid bog.
- (ii) Acid seep.
- (iii) Circumneutral bog.
- (iv) Circumneutral seep.
- (v) Cypress swamp.
- (vi) Dune and swale.
- (vii) Fen.
- (viii) Forested fen.
- (ix) Forested swamp.
- (x) Marl beach.
- (xi) Muck flat.
- (xii) Panne.
- (xiii) Sand flat.
- (xiv) Sedge meadow.
- (xv) Shrub swamp.
- (xvi) Sinkhole pond.
- (xvii) Sinkhole swamp.
- (xviii) Wet floodplain forest.
- (xix) Wet prairie.
- (xx) Wet sand prairie.

(b) For purposes of this section, a wetland ~~or~~ ~~setting~~ is not considered disturbed or affected as a result of an action taken after January 1, 2004, for which a permit is required under IC 13-18-22 but has not been obtained.

SECTION 2. IC 13-11-2-144.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 144.7. (a) For purposes of IC 13-18-12, "onsite residential sewage discharging disposal system"

ES 414—LS 7217/DI 55



means a sewage disposal system that:

- (1) is located on a site with and serves a one (1) or two (2) family residence; and
- (2) discharges effluent offsite.

(b) The term includes a system that employs advanced treatment components not used in standard septic systems, such as a disinfection component that uses chlorine, ultraviolet light, or ozone, to reduce the concentration of the pathogenic constituents of the effluent to an acceptable level before the effluent is discharged."

Page 2, delete lines 14 through 42, begin a new paragraph and insert:

"SECTION 3. IC 13-18-12-9, AS AMENDED BY P.L.104-2022, SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 9. (a) This section applies only in a county ~~having a population of more than three hundred fifty thousand (350,000) and less than four hundred thousand (400,000)~~- **onsite waste management district established under IC 36-11.**

(b) Except as provided in subsection (c), the point source discharge of sewage, treated or untreated, from a dwelling or its associated residential sewage disposal system to waters is prohibited.

(c) The point source discharge of treated sewage from an onsite residential sewage discharging disposal system to waters is permitted if:

- (1) the local health department for the jurisdiction in which the system is located issues an operating permit for the system under subsection (d); and
- (2) the discharge is authorized under a general permit issued under 40 CFR 122.28.

(d) In a county onsite waste management district established under IC 36-11 that performs all the functions related to onsite waste management listed in IC 36-11-2-1, the local health department for the jurisdiction in which the system is located may issue an operating permit for an onsite residential sewage discharging disposal system if the system is installed to repair **or replace** a sewage disposal system that fails to meet public health and environmental standards and if:

- (1) the local health department adopts procedural rules for monitoring onsite residential sewage discharging disposal systems in the jurisdiction, including fines or penalties, or both, for noncompliance, to ensure that:
 - (A) required maintenance is performed on the systems; and
 - (B) the systems do not discharge effluent that violates water



- quality standards;
- (2) the local health department certifies, with respect to the system for which the permit is issued, that:
- (A) the system is capable of operating properly;
 - (B) the system does not discharge effluent that violates water quality standards;
 - (C) an acceptable septic tank soil absorption system cannot be located on the property served by the system because of:
 - (i) soil characteristics;
 - (ii) size; or
 - (iii) topographical conditions;
 of the property;
 - (D) the system:
 - (i) was properly installed by a qualified installer; and
 - (ii) provides the best available technology for residential discharging onsite sewage disposal systems; and
 - (E) the local health department has:
 - (i) investigated all technologies available for repair of the sewage disposal system that fails to meet public health and environmental standards other than the use of an onsite residential sewage discharging disposal system; and
 - (ii) determined that an onsite residential sewage discharging disposal system is the only possible technology that can be used to effect a repair of the sewage disposal system that fails to meet public health and environmental standards without causing unreasonable economic hardship to the system owner; and
- (3) the system for which the permit is issued cannot be connected to a sanitary sewer because:
- (A) there is not a **local, municipal, or regional** sanitary sewer connection available;
 - (B) the sanitary sewer operator refuses connection; or
 - (C) unreasonable economic hardship would result to the system owner because of:
 - (i) the connection requirements of the sanitary sewer operator; or
 - (ii) the distance to the sanitary sewer.
- (e) For purposes of providing guidance to local health departments in taking the actions and making the determinations described in subsection (d):**
- (1) the technical review panel established under IC 16-19-3-27.5 may adopt guidelines;**



(2) the Indiana department of health, with guidance provided by the technical review panel established under IC 16-19-3-27.5, may issue rules under IC 4-22-2 or adopt guidelines; or

(3) the environmental rules board may adopt rules under IC 4-22-2 and IC 13-14-9 or adopt guidelines;

concerning onsite residential sewage discharging disposal systems.

SECTION 4. IC 13-18-12-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 9.5. If the amendment of the National Pollutant Discharge Elimination System (NPDES) general permit issued by the department for the purposes of IC 36-11 is necessary or advisable to enable county onsite waste management districts established under IC 36-11 after June 30, 2023, to function properly and effectively, the department shall amend the general permit as soon as reasonably possible after June 30, 2023."**

Delete pages 3 through 8.

Page 10, between lines 27 and 28, begin a new paragraph and insert:

"SECTION 5. IC 36-11-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 3. "Governing body" means:**

(1) the county executive of the county in which the district is located or proposed to be located; or

(2) the county executive of a county that enters into an interlocal cooperation agreement under IC 36-11-3-1(d) to establish a district containing territory located in two (2) or more counties.

SECTION 6. IC 36-11-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 1. (a) The establishment of a district may be initiated only by the governing body.**

(b) The dissolution of a district may be initiated only by the governing body.

(c) A notice of intent to establish or dissolve a district must be filed in:

(1) the office of the executive of each governmental entity having territory within the proposed district or the district proposed for dissolution;

(2) the department of environmental management; and

(3) the state department of health.

(d) The governing bodies of two (2) or more counties may establish a single district containing territory located in both or all of the counties by entering into an interlocal cooperation



agreement."

Renumber all SECTIONS consecutively.
and when so amended that said bill do pass.

(Reference is to SB 414 as printed January 31, 2023.)

MORRISON

Committee Vote: yeas 8, nays 4.

