



CONFERENCE COMMITTEE REPORT DIGEST FOR ESB 414

Citations Affected: IC 13-11-2-144.7; IC 13-18-12; IC 16-41-25-9.

Synopsis: Onsite waste management districts and septage holding tanks. Amends the definition of "onsite residential sewage discharging disposal system" to provide that the term includes a system that employs advanced treatment components to reduce the concentration of the pathogenic constituents of the effluent to an acceptable level before the effluent is discharged. Amends the law that prohibits the point source (i.e., above ground) discharge of treated sewage from a dwelling, which includes an exception to the prohibition for one particular county that has a onsite waste management district established under IC 36-11, to make the exception applicable to any onsite waste management district established under IC 36-11. Authorizes the adoption of rules or guidelines to provide guidance to a local health department that has jurisdiction in a county onsite waste management district and that is authorized to issue operating permits for onsite residential sewage discharging disposal systems that discharge effluent above ground. Provides that, if amending the National Pollutant Discharge Elimination System (NPDES) general permit issued by the department of environmental management (department) for the purposes of IC 36-11 is necessary or advisable to enable new county onsite waste management districts established under IC 36-11 to function properly and effectively, the department shall amend the general permit as soon as reasonably possible after June 30, 2023. 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: (1) enter into a written contract with a septage management vehicle operator for regular removal of septage from the tank; (2) provide a copy of the contract to the local health department; and (3) 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 the department concerning the septage tanks in its jurisdiction, and authorizes the adoption of rules or guidelines concerning the reports. **(This conference committee report: (1) deletes SECTION 1, which would have amended the law defining "Class III wetland"; and (2) deletes SECTIONS 7 and 8, which would have allowed an onsite waste management district**



to be established by two or more counties.)

Effective: Upon passage.



CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill No. 414 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
2 SECTION 1. IC 13-11-2-144.7 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 144.7. **(a)** For
4 purposes of IC 13-18-12, "onsite residential sewage discharging
5 disposal system" means a sewage disposal system that:
6 (1) is located on a site with and serves a one (1) or two (2) family
7 residence; and
8 (2) discharges effluent offsite.
9 **(b) The term includes a system that employs advanced
10 treatment components not used in standard septic systems, such as
11 a disinfection component that uses chlorine, ultraviolet light, or
12 ozone, to reduce the concentration of the pathogenic constituents
13 of the effluent to an acceptable level before the effluent is
14 discharged.**
15 SECTION 2. IC 13-18-12-3, AS AMENDED BY P.L.159-2011,
16 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 UPON PASSAGE]: Sec. 3. **(a)** The board shall initiate, in accordance
18 with IC 13-15, a septage management permit program for all persons
19 who offer to perform or are performing septage management services.
20 **(b) A permit from the department may not be required for the
21 ownership or operation of one (1) or more holding tanks described**

1 in IC 16-41-25-9 in which septage originating from a residential or
 2 commercial source is held until it is removed and transported from
 3 the site of the holding tanks by septage management vehicles.
 4 However:

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

7 (2) the department may adopt guidelines;
 8 concerning the reports to be provided to the department by local
 9 health departments under IC 16-41-25-9(h). The rules or guidelines
 10 may specify the content to be included in the reports and the
 11 frequency at which the reports must be provided.

12 SECTION 3. IC 13-18-12-9, AS AMENDED BY P.L.104-2022,
 13 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 UPON PASSAGE]: Sec. 9. (a) This section applies only in a county
 15 having a population of more than three hundred fifty thousand
 16 (350,000) and less than four hundred thousand (400,000); onsite waste
 17 management district established under IC 36-11.

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

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

24 (1) the local health department for the jurisdiction in which the
 25 system is located issues an operating permit for the system under
 26 subsection (d); and

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

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

36 (1) the local health department adopts procedural rules for
 37 monitoring onsite residential sewage discharging disposal systems
 38 in the jurisdiction, including fines or penalties, or both, for
 39 noncompliance, to ensure that:

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

41 (B) the systems do not discharge effluent that violates water
 42 quality standards;

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

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

46 (B) the system does not discharge effluent that violates water
 47 quality standards;

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

50 (i) soil characteristics;

51 (ii) size; or

- 1 (iii) topographical conditions;
- 2 of the property;
- 3 (D) the system:
 - 4 (i) was properly installed by a qualified installer; and
 - 5 (ii) provides the best available technology for residential
 - 6 discharging onsite sewage disposal systems; and
- 7 (E) the local health department has:
 - 8 (i) investigated all technologies available for repair of the
 - 9 sewage disposal system that fails to meet public health and
 - 10 environmental standards other than the use of an onsite
 - 11 residential sewage discharging disposal system; and
 - 12 (ii) determined that an onsite residential sewage discharging
 - 13 disposal system is the only possible technology that can be
 - 14 used to effect a repair of the sewage disposal system that
 - 15 fails to meet public health and environmental standards
 - 16 without causing unreasonable economic hardship to the
 - 17 system owner; and
- 18 (3) the system for which the permit is issued cannot be connected
- 19 to a sanitary sewer because:
 - 20 (A) there is not a **local, municipal, or regional** sanitary sewer
 - 21 connection available;
 - 22 (B) the sanitary sewer operator refuses connection; or
 - 23 (C) unreasonable economic hardship would result to the
 - 24 system owner because of:
 - 25 (i) the connection requirements of the sanitary sewer
 - 26 operator; or
 - 27 (ii) the distance to the sanitary sewer.

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

- 31 **(1) the technical review panel established under**
- 32 **IC 16-19-3-27.5 may adopt guidelines;**
- 33 **(2) the Indiana department of health, with guidance provided**
- 34 **by the technical review panel established under**
- 35 **IC 16-19-3-27.5, may issue rules under IC 4-22-2 or adopt**
- 36 **guidelines; or**
- 37 **(3) the environmental rules board may adopt rules under**
- 38 **IC 4-22-2 and IC 13-14-9 or adopt guidelines;**

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

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

49 SECTION 5. IC 16-41-25-9 IS ADDED TO THE INDIANA CODE
 50 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 51 UPON PASSAGE]: **Sec. 9. (a) As used in this section, "septage"**

1 means human excreta, wastewater, scum, sludge, and other content
 2 introduced through incidental or accidental seepage that is
 3 removed from domestic septic tanks, holding tanks, privies,
 4 seepage pits, 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
 43 suspended or revoked, or renewal of the permit may be denied, for:

44 (1) a violation of:

45 (A) this section;

46 (B) a condition stated in the permit; or

47 (C) a requirement established under subsection (g); or

48 (2) a problem involving the holding tank or the operation of
 49 the holding tank that creates a risk of harm to human health
 50 or the environment.

51 (g) The local health department of a county, city, or multiple

- 1 **county unit may establish requirements:**
2 **(1) concerning the issuance, term, and renewal of permits**
3 **required under subsection (e);**
4 **(2) concerning the design, construction, location, and**
5 **operation of holding tanks described in this section; and**
6 **(3) determining:**
7 **(A) the ways in which a holding tank owner may provide**
8 **the proof; and**
9 **(B) how often the tank owner must provide the proof;**
10 **required under subsection (e)(3).**
11 **(h) In accordance with any rules or guidelines adopted under**
12 **IC 13-18-12-3(b), a local health department that issues permits for**
13 **the use of holding tanks under this section shall report to the**
14 **department of environmental management concerning the holding**
15 **tanks.**
16 **SECTION 6. An emergency is declared for this act.**
(Reference is to ESB 414 as reprinted March 28, 2023.)

Conference Committee Report
on
Engrossed Senate Bill 414

Signed by:

Senator Niemeyer
Chairperson

Representative Engleman

Senator Niezgodski

Representative Errington

Senate Conferees

House Conferees