



Adopted	Rejected
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COMMITTEE REPORT

YES: 8
NO: 4

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:

- 1 Page 1, delete lines 1 through 10, begin a new paragraph and insert:
- 2 "SECTION 1. IC 13-11-2-25.8, AS AMENDED BY P.L.160-2021,
- 3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2023]: Sec. 25.8. (a) For purposes of IC 13-18:
- 5 (1) "Class I wetland" means an isolated wetland described by one
- 6 (1) or both of the following:
- 7 (A) At least fifty percent (50%) of the wetland has been
- 8 disturbed or affected by human activity or development by one
- 9 (1) or more of the following:
- 10 (i) Removal or replacement of the natural vegetation.
- 11 (ii) Modification of the natural hydrology.
- 12 (B) The wetland supports only minimal wildlife, ~~or~~ aquatic
- 13 habitat, ~~or~~ **and** hydrologic function because the wetland does
- 14 not provide critical habitat for threatened or endangered

- 1 species listed in accordance with the Endangered Species Act
 2 of 1973 (16 U.S.C. 1531 et seq.) and the wetland is
 3 characterized by at least one (1) of the following:
- 4 (i) The wetland is typified by low species diversity.
 - 5 (ii) The wetland contains greater than fifty percent (50%)
 6 areal coverage of non-native invasive species of vegetation.
 - 7 (iii) The wetland does not support significant wildlife or
 8 aquatic habitat.
 - 9 (iv) The wetland does not possess significant hydrologic
 10 function;
- 11 (2) "Class II wetland" means an isolated wetland that supports
 12 moderate habitat ~~or~~ **and** hydrological functions, including an
 13 isolated wetland that is dominated by native species but is
 14 generally without:
- 15 (A) the presence of; or
 - 16 (B) habitat for;
- 17 rare, threatened, or endangered species; and
- 18 (3) "Class III wetland" means an isolated wetland:
- 19 (A) that is located in a setting undisturbed or minimally
 20 disturbed by human activity or development and that supports
 21 more than minimal wildlife or aquatic habitat or hydrologic
 22 function; ~~or~~ **and**
 - 23 (B) that is of one (1) of the following rare and ecologically
 24 important types:
 - 25 (i) Acid bog.
 - 26 (ii) Acid seep.
 - 27 (iii) Circumneutral bog.
 - 28 (iv) Circumneutral seep.
 - 29 (v) Cypress swamp.
 - 30 (vi) Dune and swale.
 - 31 (vii) Fen.
 - 32 (viii) Forested fen.
 - 33 (ix) Forested swamp.
 - 34 (x) Marl beach.
 - 35 (xi) Muck flat.
 - 36 (xii) Panne.
 - 37 (xiii) Sand flat.
 - 38 (xiv) Sedge meadow.

- 1 (xv) Shrub swamp.
- 2 (xvi) Sinkhole pond.
- 3 (xvii) Sinkhole swamp.
- 4 (xviii) Wet floodplain forest.
- 5 (xix) Wet prairie.
- 6 (xx) Wet sand prairie.

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

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

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

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

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

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

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

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

- 38 (1) the local health department for the jurisdiction in which the

- 1 system is located issues an operating permit for the system under
 2 subsection (d); and
 3 (2) the discharge is authorized under a general permit issued
 4 under 40 CFR 122.28.
- 5 (d) In a county onsite waste management district established under
 6 IC 36-11 that performs all the functions related to onsite waste
 7 management listed in IC 36-11-2-1, the local health department for the
 8 jurisdiction in which the system is located may issue an operating
 9 permit for an onsite residential sewage discharging disposal system if
 10 the system is installed to repair **or replace** a sewage disposal system
 11 that fails to meet public health and environmental standards and if:
- 12 (1) the local health department adopts procedural rules for
 13 monitoring onsite residential sewage discharging disposal systems
 14 in the jurisdiction, including fines or penalties, or both, for
 15 noncompliance, to ensure that:
- 16 (A) required maintenance is performed on the systems; and
 17 (B) the systems do not discharge effluent that violates water
 18 quality standards;
- 19 (2) the local health department certifies, with respect to the
 20 system for which the permit is issued, that:
- 21 (A) the system is capable of operating properly;
 22 (B) the system does not discharge effluent that violates water
 23 quality standards;
 24 (C) an acceptable septic tank soil absorption system cannot be
 25 located on the property served by the system because of:
 26 (i) soil characteristics;
 27 (ii) size; or
 28 (iii) topographical conditions;
 29 of the property;
- 30 (D) the system:
 31 (i) was properly installed by a qualified installer; and
 32 (ii) provides the best available technology for residential
 33 discharging onsite sewage disposal systems; and
 34 (E) the local health department has:
 35 (i) investigated all technologies available for repair of the
 36 sewage disposal system that fails to meet public health and
 37 environmental standards other than the use of an onsite
 38 residential sewage discharging disposal system; and

- 1 (ii) determined that an onsite residential sewage discharging
- 2 disposal system is the only possible technology that can be
- 3 used to effect a repair of the sewage disposal system that
- 4 fails to meet public health and environmental standards
- 5 without causing unreasonable economic hardship to the
- 6 system owner; and
- 7 (3) the system for which the permit is issued cannot be connected
- 8 to a sanitary sewer because:
 - 9 (A) there is not a **local, municipal, or regional** sanitary sewer
 - 10 connection available;
 - 11 (B) the sanitary sewer operator refuses connection; or
 - 12 (C) unreasonable economic hardship would result to the
 - 13 system owner because of:
 - 14 (i) the connection requirements of the sanitary sewer
 - 15 operator; or
 - 16 (ii) the distance to the sanitary sewer.

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

- 20 **(1) the technical review panel established under**
- 21 **IC 16-19-3-27.5 may adopt guidelines;**
- 22 **(2) the Indiana department of health, with guidance provided**
- 23 **by the technical review panel established under**
- 24 **IC 16-19-3-27.5, may issue rules under IC 4-22-2 or adopt**
- 25 **guidelines; or**
- 26 **(3) the environmental rules board may adopt rules under**
- 27 **IC 4-22-2 and IC 13-14-9 or adopt guidelines;**
- 28 **concerning onsite residential sewage discharging disposal systems.**

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

38 Delete pages 3 through 8.

1 Page 10, between lines 27 and 28, begin a new paragraph and insert:
2 "SECTION 5. IC 36-11-1-3 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3. "Governing body"
4 means:

- 5 (1) the county executive of the county in which the district is
- 6 located or proposed to be located; **or**
- 7 **(2) the county executive of a county that enters into an**
- 8 **interlocal cooperation agreement under IC 36-11-3-1(d) to**
- 9 **establish a district containing territory located in two (2) or**
- 10 **more counties.**

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

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

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

- 18 (1) the office of the executive of each governmental entity having
- 19 territory within the proposed district or the district proposed for
- 20 dissolution;
- 21 (2) the department of environmental management; and
- 22 (3) the state department of health.

23 **(d) The governing bodies of two (2) or more counties may**
24 **establish a single district containing territory located in both or all**
25 **of the counties by entering into an interlocal cooperation**
26 **agreement."**

27 Renumber all SECTIONS consecutively.
(Reference is to SB 414 as printed January 31, 2023.)

and when so amended that said bill do pass.

Representative Morrison