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# SENATE BILL No. 414

Proposed Changes to January 31, 2023 printing by AM041401

## DIGEST OF PROPOSED AMENDMENT

Sewage matters. Amends the definition of "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. Amends the law allowing the 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. Amends the law concerning county onsite waste management districts, which 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 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.

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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 13-11-2-7.2~~ [IC 13-11-2-144.7] IS ~~ADDED~~
- 2 ~~TO THE INDIANA CODE AS A NEW SECTION~~ [AMENDED] TO
- 3 READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: ~~Sec.~~

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1 ~~[144.]7. <2. "Alternative residential onsite sewage system", >[(a) F] or~~  
 2 purposes of ~~<IC 13-18-28, has the meaning set forth in IC 13-18-28-1.~~  
 3 ~~— SECTION 2. IC 13-11-2-218.3 IS ADDED TO THE INDIANA~~  
 4 ~~CODE AS A NEW SECTION TO READ AS FOLLOWS~~  
 5 ~~[EFFECTIVE JULY 1, 2023]: Sec. 218.3. "Standard" >[IC 13-18-12,~~  
 6 ~~"onsite residential sewage discharging disposal system" means a~~  
 7 ~~sewage disposal system that:~~

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

10 ~~(2) discharges effluent offsite.~~

11 ~~(b) The term includes a system that employs advanced~~  
 12 ~~treatment components not used in standard] septic <system", for~~  
 13 ~~purposes of IC 13-18-28, has the meaning set forth in~~  
 14 ~~IC 13-18-28-2.~~

15 ~~— SECTION 3 >[systems, such as a disinfection component that~~  
 16 ~~uses chlorine, ultraviolet light, or ozone, to reduce the~~  
 17 ~~concentration of the pathogenic constituents of the effluent to an~~  
 18 ~~acceptable level before the effluent is discharged.~~

19 ~~SECTION 2]. IC 13-18-12-3, AS AMENDED BY P.L.159-2011,~~  
 20 ~~SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE~~  
 21 ~~JULY 1, 2023]: Sec. 3. (a) The board shall initiate, in accordance with~~  
 22 ~~IC 13-15, a septage management permit program for all persons who~~  
 23 ~~offer to perform or are performing septage management services.~~

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

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

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

37 ~~SECTION <4>[3]. <IC 13-18-28>[IC 13-18-12-9, AS AMENDED~~  
 38 ~~BY P.L.104-2022, SECTION 83.] IS <ADDED TO THE INDIANA~~  
 39 ~~CODE AS A NEW CHAPTER>[AMENDED] TO READ AS~~  
 40 ~~FOLLOWS [EFFECTIVE <UPON PASSAGE>]:~~

41 ~~— Chapter 28. Alternative Residential Onsite Sewage Systems~~  
 42 ~~— Sec. 1. As used in this chapter, "alternative residential onsite~~

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- 1 ~~sewage system" means a system that:~~
- 2 ~~— (1) is designed for the collection, storage, treatment, and~~
- 3 ~~disposal of sewage from the dwelling of one (1) or two (2)~~
- 4 ~~families;~~
- 5 ~~— (2) is installed in a place that, because of soil type, space~~
- 6 ~~restrictions, or another reason, is not suitable for a standard~~
- 7 ~~septic system;~~
- 8 ~~— (3) is a replacement for a standard septic system that was in~~
- 9 ~~place in the same site but did not function properly;~~
- 10 ~~— (4) is based on a design or plan approved by the National~~
- 11 ~~Sanitation Foundation;~~
- 12 ~~— (5) employs advanced treatment components not used in~~
- 13 ~~standard septic systems, including a disinfection component~~
- 14 ~~that uses chlorine, ultraviolet light, or ozone to reduce the~~
- 15 ~~concentration of the pathogenic constituents of the effluent~~
- 16 ~~to an acceptable level before it is discharged;~~
- 17 ~~— (6) discharges the treated effluent above ground; and~~
- 18 ~~— (7) because of its design and components, requires more~~
- 19 ~~frequent testing and maintenance than a standard septic~~
- 20 ~~system.~~
- 21 ~~— Sec. 2. As used in this chapter, "standard septic system" means~~
- 22 ~~a system that:~~
- 23 ~~— (1) is designed for the treatment and disposal of wastewater~~
- 24 ~~from a residence; and~~
- 25 ~~— (2) consists of:~~
- 26 ~~— (A) a septic tank in which organic matter is digested;~~
- 27 ~~and~~
- 28 ~~— (B) a drainfield in which the effluent is slowly released~~
- 29 ~~into the soil.~~
- 30 ~~— Sec. 3. (a) The~~ [JULY 1, 2023]: Sec. 9. (a) This section applies
- 31 only in a county having a population of more than three hundred fifty
- 32 thousand (350,000) and less than four hundred thousand (400,000);
- 33 onsite waste management district established under IC 36-11.
- 34 (b) Except as provided in subsection (c), the point source
- 35 discharge of sewage, treated or untreated, from a dwelling or its
- 36 associated residential sewage disposal system to waters is prohibited.
- 37 (c) The point source discharge of treated sewage from an onsite
- 38 residential sewage discharging disposal system to waters is permitted
- 39 if:
- 40 (1) the local health department for the jurisdiction in which the
- 41 system is located issues an operating permit for the system under
- 42 subsection (d); and

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(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

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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 <del>shall</del> [may adopt rules] under IC 4-22-2 and IC 13-14-9<del>, adopt rules, including emergency rules adopted in the manner provided by IC 4-22-2-37.1, concerning alternative residential onsite sewage systems. Notwithstanding IC 4-22-2-37.1(g), the emergency rules that are adopted under this subsection and in the manner provided by IC 4-22-2-37.1 expire on the date on which rules that supersede the emergency rules are adopted by the board under this subsection and IC 4-22-2-24 through IC 4-22-2-36.  
~~(b) The rules adopted under this section must establish:~~  
~~(1) standards and specifications for alternative residential onsite sewage systems;~~  
~~(2) effluent limitations for alternative residential onsite sewage systems that are necessary to ensure that the effluent discharged from those systems does not pose an unreasonable risk to human health or the environment;~~  
~~(3) minimum qualifications for individuals or entities that install and maintain alternative residential onsite sewage systems, including the requirement that the individuals~~

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~~receive training provided or approved by a manufacturer of alternative residential onsite sewage systems or of components used in alternative residential onsite sewage systems; and~~

~~(4) requirements for the inspection, maintenance, testing, service, and repair of alternative residential onsite sewage systems, including:~~

- ~~(A) the establishment or adoption of mandatory inspection and maintenance procedures;~~
- ~~(B) requirements as to when and how often the mandatory inspection and maintenance procedures must be performed;~~
- ~~(C) a requirement that effluent discharged from an alternative residential onsite sewage system be:
 
  - ~~(i) sampled at least once every three (3) months; and~~
  - ~~(ii) tested in a laboratory approved by the department under the rules to ensure that the effluent complies with the effluent limitations established under subdivision (2); and~~~~
- ~~(D) a requirement that the service or repair of an alternative residential onsite sewage system, if needed, be performed by an individual or entity meeting the qualifications established by the board in the rules.~~

~~Sec. 4. Not more than sixty (60) days after the rules adopted under section 3 of this chapter take effect, the commissioner or the department shall issue a National Pollution Discharge Elimination System general permit in accordance with 40 CFR 122.26 that authorizes the installation and use of alternative residential onsite sewage >[ or adopt guidelines; concerning onsite residential sewage discharging disposal] systems.~~

SECTION <5>[4]. <IC 16-20-10>[IC 13-18-12-9.5] IS ADDED TO THE INDIANA CODE AS A NEW <CHAPTER>[SECTION] TO READ AS FOLLOWS [EFFECTIVE <JULY 1, 2023>]:

~~Chapter 10. Alternative Residential Onsite Sewage Systems~~

~~Sec. 1. As used in this chapter, "alternative residential onsite sewage system" has the meaning set forth in IC 13-18-28-1.~~

~~Sec. 2. (a) If:~~

- ~~(1) an application is submitted to a local health department for a permit for a residential onsite sewage system;~~
- ~~(2) the plans for the residential onsite sewage system:
 
  - ~~(A) provide for the system to be an alternative~~~~

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~~residential onsite sewage system; and~~

~~(B) meet the standards and specifications for alternative residential onsite sewage systems established in the rules adopted under IC 13-18-28-3;~~

~~(3) the applicant affirms in writing that:~~

~~(A) the alternative residential onsite sewage system will be installed by an individual or entity that meets the minimum qualifications for alternative residential onsite sewage system installers that are established in the rules adopted under IC 13-18-28-3;~~

~~(B) the alternative residential onsite sewage system will be maintained:~~

~~(i) by individuals or entities that meet the minimum qualifications for performers of maintenance on alternative residential onsite sewage systems that are established in the rules adopted under IC 13-18-28-3; and~~

~~(ii) in accordance with the periodic maintenance schedule and other requirements established by the rules adopted under IC 13-18-28-3; and~~

~~(C) effluent discharged from the alternative residential onsite sewage system will be:~~

~~(i) sampled at least once every three (3) months; and~~

~~(ii) tested in a laboratory approved~~ [UPON PASSAGE]: Sec. 9.5. If the amendment of the National Pollutant Discharge Elimination System (NPDES) general permit issued] ~~by the department~~ of environmental management;

~~according to the rules adopted under IC 13-18-28-3;~~

~~(4) the installation and operation of the alternative residential onsite sewage system are covered under~~ [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~~ for the installation and use of alternative residential onsite sewage systems that is issued under IC 13-18-28-4; and

~~(5) the permit applicant has filed an affidavit concerning the alternative residential onsite sewage system for recording in the county recorder's office of the county as required by section 3 of this chapter;~~

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1 ~~the local health department shall grant the permit.~~

2 ~~— Sec. 3. (a) A person applying to a local health department for~~  
 3 ~~a permit for an alternative residential onsite sewage system must~~  
 4 ~~file an affidavit for recording in the county recorder's office of the~~  
 5 ~~county.~~

6 ~~— (b) The affidavit filed under this section must:~~

7 ~~— (1) be filed in the deed records of the county;~~

8 ~~— (2) state that an application for an alternative residential~~  
 9 ~~onsite sewage system has been submitted to the local health~~  
 10 ~~department;~~

11 ~~— (3) state that the alternative residential onsite sewage system,~~  
 12 ~~if constructed or installed in the property to which the~~  
 13 ~~affidavit relates, will be subject to continuing inspection,~~  
 14 ~~maintenance, and testing requirements under the rules of the~~  
 15 ~~environmental rules board as long as the residential onsite~~  
 16 ~~sewage system is in use, regardless of any transfer of~~  
 17 ~~ownership of the property;~~

18 ~~— (4) clearly provide notice to any prospective transferee of the~~  
 19 ~~property to which the affidavit relates that the prospective~~  
 20 ~~transferee will be subject to the requirements described in~~  
 21 ~~subdivision (3) after the transfer of the property to the~~  
 22 ~~prospective transferee; and~~

23 ~~— (5) state that the failure of a property owner to satisfy the~~  
 24 ~~continuing inspection, maintenance, and testing~~  
 25 ~~requirements or to remedy a problem with the alternative~~  
 26 ~~residential onsite sewage system may lead to, or may already~~  
 27 ~~have been the cause of, the imposition of a lien against the~~  
 28 ~~property.~~

29 ~~— (c) The owner of the property to which an affidavit recorded~~  
 30 ~~under this section relates may have the affidavit removed from the~~  
 31 ~~deed records of the county if:~~

32 ~~— (1) the alternative residential onsite sewage system:~~

33 ~~— (A) is not constructed or installed in the property to~~  
 34 ~~which the affidavit relates; or~~

35 ~~— (B) is constructed or installed but:~~

36 ~~— (i) the alternative residential onsite sewage system~~  
 37 ~~is removed from the property; or~~

38 ~~— (ii) use of the alternative residential onsite sewage~~  
 39 ~~system is permanently ended; and~~

40 ~~— (2) any lien imposed against the property under section 5 of~~  
 41 ~~this chapter is released and discharged.~~

42 ~~— (d) The county recorder may charge a reasonable fee for:~~

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- ~~— (1) the recording of an affidavit; and~~
- ~~— (2) the removal of an affidavit from the deed records of the county;~~

~~under this section:~~

~~— Sec. 4. A permit issued by a local health department for an alternative residential onsite sewage system is subject to the following conditions:~~

~~— (1) The alternative residential onsite sewage system must be constructed in compliance with the rules adopted by the environmental management board under IC 13-18-28-3.~~

~~— (2) The alternative residential onsite sewage system must be operated and maintained in compliance with the rules adopted by the environmental management board under IC 13-18-28-3, including the requirements of the rules concerning:~~

- ~~— (A) mandatory inspection and maintenance; and~~
- ~~— (B) the sampling and testing of effluent discharged from an alternative residential onsite sewage system at least once every three (3) months.~~

~~— (3) If an inspection of the alternative residential onsite sewage system or the sampling and testing of effluent from the alternative residential onsite sewage system discloses that the alternative residential onsite sewage system is not in compliance with the effluent limitations established by the rules adopted by the environmental management board under IC 13-18-28-3 or is otherwise in need of maintenance or repair, the owner of the property in which the alternative residential onsite sewage system is located shall promptly have the alternative residential onsite sewage system serviced or repaired by an individual or entity qualified to perform the service or repair work under the rules adopted by the environmental management board under IC 13-18-28-3.~~

~~— (4) If the property owner fails to satisfy any requirements concerning the mandatory inspection and maintenance of the alternative residential onsite sewage system, the sampling and testing of effluent from the alternative residential onsite sewage system, or the servicing or repair of the alternative residential onsite sewage system, the local health department:~~

- ~~— (A) shall have the alternative residential onsite sewage system inspected, maintained, tested, serviced, or~~

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~~repaired by an individual or entity qualified to perform the inspection, maintenance, testing, service or repair work under the rules adopted by the environmental management board under IC 13-18-28-3; and~~

~~(B) shall bill the property owner for the cost of the inspection, maintenance, testing, service, or repair work plus a reasonable sum to defray the expenses of the local health department in arranging for the service or repair work.~~

~~Sec. 5. (a) A local health department shall enforce payment under this section of costs accrued under section 4(4)(B) of this chapter.~~

~~(b) As often as the local health department determines necessary in a calendar year, the local health department shall prepare either of the following:~~

~~(1) A list of the costs accrued under section 4(4)(B) of this chapter that includes:~~

~~(A) the name of the owner of each lot or parcel of real property as to which costs are delinquent;~~

~~(B) a description of the lot or parcel of real property, as shown in the records of the county auditor; and~~

~~(C) the amount of the delinquent costs.~~

~~(2) An individual instrument for each lot or parcel of real property on which the costs accrued under section 4(4)(B) of this chapter are delinquent.~~

~~(c) An officer of the local health department shall record a copy of each list or each individual instrument with the county recorder. The county recorder shall charge a fee for recording the list or each individual instrument in accordance with the fee schedule established in IC 36-2-7-10. The officer shall mail by certified mail, or by another delivery service providing proof of delivery, to each property owner on the list or on an individual instrument a notice stating that a lien against the owner's property has been recorded. A service charge of five dollars (\$5), which is in addition to the recording fee charged under this subsection, shall be added to each copy of each list or instrument that is recorded under this subsection.~~

~~(d) Using the lists and instruments prepared under subsection (b) and recorded under subsection (c), the local health department shall, not later than ten (10) days after the list or each individual instrument is recorded under subsection (c), certify to the county auditor a list of the unpaid liens for collection with the next May~~

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~~installment of property taxes. The county and its officers and employees are not liable for any material error in the information on this list.~~

~~— (e) Upon receipt of the list under subsection (c), the county auditor shall add a fifteen dollar (\$15) certification fee for each lot or parcel of real property on which costs are delinquent. The fee is in addition to all other fees and charges. The county auditor shall immediately enter on the tax duplicate for the district the delinquent costs, fees, and charges that are due not later than the due date of the next May installment of property taxes. The county treasurer shall include any unpaid costs, fees, and charges of each lot or parcel of property at the time the next cycle's property tax installment is billed.~~

~~— (f) The local health department shall release any recorded lien when the delinquent costs, fees, and charges have been fully paid. The county recorder shall charge a fee for releasing the lien in accordance with IC 36-2-7-10.~~

~~— (g) After certification of liens under subsection (d), the local health department may not collect or accept delinquent costs, fees, and charges from property owners whose property has been certified to the county auditor.~~

~~— (h) If the delinquent costs, fees, and charges are not paid, they shall be collected by the county treasurer in the same way that delinquent property taxes are collected.~~

~~— (i) At the time of each semiannual tax settlement, the county treasurer shall certify to the county auditor all costs, fees, and charges that have been collected. The county auditor shall deduct the service charges and certification fees collected by the county treasurer and pay over to the officer the remaining amounts due the local health department. The county treasurer shall retain the service charges and certification fees that have been collected and shall deposit them in the county general fund.~~

~~— Sec. 6. IC 16-20-9-1 does not apply to this chapter.~~

~~— SECTION 6~~ [as soon as reasonably possible after June 30, 2023.

SECTION 5]. IC 16-41-25-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 9. (a)** As used in this section, "seepage" means human excreta, wastewater, scum, sludge, and other content introduced through incidental or accidental seepage that is removed from domestic septic tanks, holding tanks, privies, seepage pits, cesspools, compost toilets, or portable sanitary units.

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

3 (1) used for:

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

6 (B) the transportation of the septage to wastewater  
7 treatment plants or other facilities for treatment,  
8 temporary storage, or disposal; and

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

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

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

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

20 (2) equipped with a device that will produce an audio and  
21 visual alarm when the septage in the tank reaches two-thirds  
22 (2/3) of the tank's capacity.

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

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

31 (2) provide a copy of the contract to the local health  
32 department; and

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

38 (f) A permit issued to the owner of a holding tank may be  
39 suspended or revoked, or renewal of the permit may be denied, for:

40 (1) a violation of:

41 (A) this section;

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

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(C) a requirement established under subsection (g); or  
(2) a problem involving the holding tank or the operation of the holding tank that creates a risk of harm to human health or the environment.

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

- (1) concerning the issuance, term, and renewal of permits required under subsection (e);
- (2) concerning the design, construction, location, and operation of holding tanks described in this section; and
- (3) determining:

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

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

~~required~~ required under subsection (e)(3).

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

[ SECTION 6. 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 7. 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

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1 establish a single district containing territory located in both or all  
2 of the counties by entering into an interlocal cooperation  
3 agreement.  
4 ] SECTION ~~8~~[8]. An emergency is declared for this act.

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DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY