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HOUSE BILL No. 1348

Proposed Changes to introduced printing by AM134802

DIGEST OF PROPOSED AMENDMENT

Grease control. Amends the regulatory scheme for grease control equipment. Allows the regulating authority to request photos from a grease hauler. Removes specific requirements for a FOG control and maintenance program. Provides that a unit that has accepted septage since 2023 shall continue to accept septage.

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

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

1 SECTION 1. IC 8-1-46.1 IS ADDED TO THE INDIANA CODE
2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2026]:

4 **Chapter 46.1. Grease Control**

5 **Sec. 1. This chapter applies to the following:**

- 6 (1) A commercial facility that discharges wastewater
7 containing fats, oils, or grease into a sewer system.
8 (2) A food establishment (as defined in IC 16-18-2-137).
9 (3) A mobile retail food establishment (as defined in
10 IC 16-18-2-239.3).

11 **Sec. 2. As used in this chapter, "fats, oils, and grease" or**
12 **"FOG" means any organic substance derived from animal or**
13 **vegetable sources that may:**

- 14 (1) solidify;
15 (2) congeal; or
16 (3) become viscous at ambient temperatures;

17 **and can obstruct, accumulate, or interfere in a wastewater**
18 **collection or a sewer system.**

19 **Sec. 3. As used in this chapter, "grease control equipment"**

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refers to the necessary combination of:

(1) grease interceptors; and

(2) grease traps;

to prevent fats, oils, grease, and food solids from being discharged into a sewer system.

Sec. 4. As used in this chapter, "grease hauler" means a person or company regulated and permitted by the Indiana department of environmental management and that engages in the:

(1) collection;

(2) transport; or

(3) disposal;

of material removed from a grease trap or grease interceptor.

Sec. 5. As used in this chapter, "grease interceptor" means an exterior or underground watertight receptacle that is designed to intercept and retain:

(1) fats;

(2) oils;

(3) grease; and

(4) food solids;

from high volume wastewater flows before the wastewater is discharged into a sewer system.

Sec. 6. As used in this chapter, "grease trap" means a watertight tank designed to:

(1) intercept;

(2) congeal; and

(3) retain or remove;

fats, oils, and grease from wastewater before the wastewater is discharged into a sewer system.

Sec. 7. As used in this chapter, "nonresidential onsite sewage system" has the meaning set forth in IC 16-19-3.5-3.5.

Sec. 8. As used in this chapter, "properly sized" refers to the sizing and configuration of a grease trap or grease interceptor in accordance with:

(1) good engineering practice;

(2) state plumbing codes; and

(3) manufacturer specifications;

sufficient to prevent fats, oils, and grease from entering a sewer system or a nonresidential onsite sewage system in quantities that cause blockages, interference, or maintenance problems.

Sec. 9. As used in this chapter, "regulated entity" means a:

(1) commercial facility that discharges wastewater containing fats, oils, or grease into a sewer system;



- (2) food establishment (as defined in IC 16-18-2-137); or
 (3) mobile retail food establishment (as defined in IC 16-18-2-239.3).

Sec. 10. As used in this chapter, "regulating authority" means the entity having jurisdictional oversight authority over the regulated entity.

Sec. 11. As used in this chapter, "sewer system" has the meaning set forth in IC 36-9-22.5-3.

Sec. 12. As used in this chapter, "utility" means:

- (1) a public utility (as defined in IC 8-1-2-1(a));
 (2) a municipally owned utility (as defined in IC 8-1-2-1(h));
 (3) a not-for-profit utility (as defined in IC 8-1-2-125(a));
 (4) a cooperatively owned corporation;
 (5) a conservancy district established under IC 14-33; or
 (6) a regional district established under IC 13-26;

that provides sewage disposal service to the public.

Sec. 13. (a) A regulated entity shall install and operate properly sized grease control equipment to prevent the discharge of wastewater containing fats, oils, or grease in concentrations that cause or contribute to:

- (1) blockages;
 (2) overflows; or
 (3) interference;

in a sewer system.

(b) The regulated entity's grease control equipment shall be:

- (1) designed; or
 (2) approved;

by a licensed professional engineer under IC 25-31 or a professional architect under IC 25-4.

(c) A regulated entity's grease control equipment shall be installed by a licensed plumber.

(d) ~~<A>~~ [Subject to subsection (e), a] regulated entity that demonstrates through operational characteristics, inspection, ~~<or>~~ [and] sampling that the regulated entity does not generate fats, oils, or grease in quantities requiring interception is:

- (1) exempt from the requirements of this chapter; and
 (2) not required to install grease control equipment.

[(e) If a regulated entity's characteristics change and the regulated entity begins to generate fats, oils, or grease in quantities requiring interception, the regulated entity shall install grease control equipment.

[Sec. 14. A regulated entity's compliance with this chapter is



demonstrated through the installation, maintenance, and operation of grease control equipment in compliance with best practices that meet applicable:

- (1) state plumbing code requirements;
- (2) manufacturer specifications;
- (3) equipment performance standards; and
- (4) sizing formulas adopted by the regulating authority.

Sec. 15. ~~<A>~~ [(a) A regulating authority charging additional sewer rates or surcharges shall only charge the just and reasonable costs to operate a FOG program.

(b) The regulating authority shall design the costs charged under subsection (a) in a manner such that all costs required to operate a FOG program are covered by the rate or surcharge paid by the regulated entity ~~<complying with this chapter shall be charged the same base sewer rate as non-FOG commercial users.~~

>]. (c) A utility may not charge non-FOG rate payers to subsidize the costs of the FOG program costs.

1 Sec. 16. (a) The regulating authority shall evaluate a regulated entity's compliance with this chapter based on the regulated entity's actual discharge of FOG into a sewer system.

(b) A regulating authority shall consider the:

- (1) size;
- (2) products; and
- (3) operational characteristics;

of each regulated entity when determining maintenance frequency, inspection schedules, and rate classifications.

~~<(c) A utility may establish surcharges only for verified noncompliance resulting in:~~

- ~~—— (1) excessive FOG discharge; or~~
 - ~~—— (2) significant sewer system impact;~~
- ~~documented through inspection or testing by the regulating authority.~~

~~>Sec. 17. (a) A regulating authority may not recommend and a utility may not impose higher sewer rates or surcharges on a regulated entity solely because of the regulated entity's business type if the regulated entity:~~

- ~~—— (1) maintains an approved grease control program; and~~
- ~~—— (2) can demonstrate compliance with the performance standard through maintenance records or testing.~~

~~(b) A utility or regulating authority may not:~~

- (1) impose a blanket grease control equipment mandate; or



(2) require the:

- (A) installation of a specific type;
- (B) installation of a specific size; or
- (C) specific location;

of a grease trap or grease interceptor if a regulated entity has the properly sized and maintained grease control equipment that prevents FOG discharges exceeding the allowable concentration.

(~~↔~~[b]) A regulating authority or utility may not require the following:

- (1) A specific type of grease control equipment.
- (2) The specific placement of grease control equipment on the property of a regulated entity [, so long as the equipment is placed outside of the utility's right-of-way of easement and upstream of a utility's system].

Sec. 18. (a) Before construction or a major renovation of a regulated entity, the owner of the regulated entity or the owner's agent shall submit the proposed grease control equipment design to the applicable regulating authority for review before installation.

(b) Upon receiving the grease control equipment design described in subsection (a), the regulating authority shall review the proposed design and provide:

- (1) a written approval;
- (2) a written denial; or
- (3) modification recommendations;

based on performance standards under this chapter within ten (10) business days.

(c) A regulating authority shall coordinate with the appropriate:

- (1) building and zoning authority;
- (2) plumbing permit authorities; or
- (3) utility;

to ensure the regulated entity receives consistent direction before construction.

(d) A regulating authority that determines a regulated entity's proposed:

- (1) grease control equipment design; or
- (2) maintenance plan;

does not meet the performance standard shall provide a written explanation to the regulated entity.

Sec. 19. ~~↔ (a) A regulated entity that installs grease control equipment consistent with a regulating authority's written~~



~~approval is considered compliant upon installation.~~

~~—(b)> A regulating authority or utility may not require the regulated entity to retrofit or replace grease control equipment unless the regulated entity's FOG discharge continuously exceeds the allowable concentration.~~

~~<—(c) The regulating authority and utility shall notify the regulated entity of noncompliance through written notice within forty-eight (48) hours of the utility learning of the regulated entity's noncompliance.~~

> Sec. 20. A regulating authority and utility shall permit a regulated entity to comply with this chapter through alternative grease control equipment or maintenance protocols approved by the regulating authority where installation of an exterior grease interceptor is impractical due to:

- (1) the available space;
- (2) the structure; or
- (3) other site constraints.

Sec. 21. A regulating authority shall maintain a FOG control and maintenance program. ~~< The program must include the following:~~

~~—(1) A registration or permit system linking each regulated entity to the regulated entity's:~~

- ~~—(A) grease control equipment; and~~
- ~~—(B) maintenance plan.~~

~~—(2) A maintenance rule requiring cleaning in accordance with a regularly scheduled maintenance protocol approved by a regulating authority.~~

~~—(3) Clear documentation procedures requiring a regulated entity using a grease hauler to maintain records provided to the regulated entity by a grease hauler that describes the:~~

- ~~—(A) date of each haul;~~
- ~~—(B) volume of FOG removed; and~~
- ~~—(C) grease hauler's name.~~

~~—(4) Grease hauler accountability standards requiring:~~

- ~~—(A) before and after photographs of grease control equipment;~~
- ~~—(B) proof of proper disposal by the grease hauler; and~~
- ~~—(C) a grease hauler to maintain all records of each dump for two (2) years and produce the records upon request of a regulating authority or the Indiana department of environmental management.~~

~~—(5) Inspection and enforcement procedures, including:~~

- ~~—(A) periodic inspections;~~



- 1 ~~— (B) review of maintenance records; and~~
 2 ~~— (C) a graduated enforcement system for regulated~~
 3 ~~entities that continuously violate this chapter.~~
 4 ~~— (6) A variance and appeal process allowing regulated entities~~
 5 ~~to demonstrate compliance through alternative methods~~
 6 ~~certified by a:~~
 7 ~~— (A) licensed professional engineer under IC 25-31; or~~
 8 ~~— (B) professional architect under IC 25-4.~~
 9 ~~— (7) Educational materials or templates provided to regulated~~
 10 ~~entities describing best management practices for grease~~
 11 ~~control equipment.>~~

12 Sec. 22. (a) A regulated entity shall do the following:

- 13 (1) Install, operate, and maintain grease control equipment
 14 designed to prevent fats, oils, and grease from entering the
 15 wastewater system or a nonresidential onsite sewage system.
 16 (2) Ensure that grease control equipment is properly sized
 17 and maintained in compliance with section 13 of this chapter.
 18 (3) Maintain records that include the:
 19 (A) date of each haul;
 20 (B) volume of FOG removed; and
 21 (C) grease hauler's name.

22 (b) A regulated entity shall maintain all records under this
 23 section for two (2) years.<

- 24 ~~— (c) A regulated entity that cleans its own grease control~~
 25 ~~equipment is not required to keep records unless the regulated~~
 26 ~~entity is found to produce FOG discharge exceeding the allowable~~
 27 ~~concentration. Upon the failure of a regulated entity to maintain~~
 28 ~~the allowable FOG concentration, the regulating authority shall~~
 29 ~~notify the regulated entity to begin maintaining full cleaning logs~~
 30 ~~and documentation. Once the regulated entity comes back into~~
 31 ~~compliance with this chapter or the standards set by the regulating~~
 32 ~~authority, the regulated entity is no longer required to maintain~~
 33 ~~records.~~

34 >[

35] Sec. 23. (a) A grease hauler shall do the following:

- 36 (1) Take before and after time stamped photographs of each
 37 service of a regulated entity.
 38 [(2) Maintain the time stamped photographs and share the
 39 time stamped photographs with the Indiana department of
 40 environmental management [and regulating authority] if
 41 requested by the Indiana department of environmental
 42 management [or regulating authority].[]



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1 **[** (3) Maintain records showing that the total volume of FOG
 2 pumped from a regulated entity matches the total disposed
 3 of by the grease hauler.

4 (4) Provide documentation or an invoice to a regulated entity
 5 after service is completed with the following information:

6 (A) The date of the haul.

7 (B) The volume of FOG removed.

8 (C) The grease hauler's name.

9 (b) The Indiana department of environmental management
 10 may seek an injunction to prohibit a grease hauler that has violated
 11 this chapter more than three (3) times from operating within
 12 Indiana.

13 SECTION 2. IC 13-11-2-242, AS AMENDED BY P.L.19-2019,
 14 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2026]: Sec. 242. "Unit", for purposes of:

16 (1) section 148(c) of this chapter;

17 (2) **IC 13-18-12-7.5;**

18 ~~(2) (3)~~ **<=>** **[** IC 13-20-17.5;

19 ~~(3) (4)~~ **<=>** **[** IC 13-20-20;

20 ~~(4) (5)~~ **<=>** **[** IC 13-21-14-3; and

21 ~~(5) (6)~~ **<=>** **[** IC 13-23;

22 has the meaning set forth in IC 36-1-2-23.

23 SECTION 3. IC 13-18-12-7.5 IS ADDED TO THE INDIANA
 24 CODE AS A NEW SECTION TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2026]: Sec. 7.5. (a) A unit that has
 26 issue<=>[d] permits to install or that has permitted the
 27 installation of:

28 (1) residential onsite sewage systems (as defined in
 29 IC 16-41-25-0.4); or

30 (2) nonresidential onsite sewage systems (as defined in
 31 IC 16-19-3.5-3.5);

32 [since 2023]shall continue to allow for the disposal of septage
 33 picked up from within the unit or a neighboring unit at a
 34 wastewater treatment facility within the unit.

35 (b) A wastewater treatment facility shall accept septage from
 36 a bordering unit.
 37 **[**

