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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 septic since 2023 shall continue to accept septic.

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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1 refers to the necessary combination of:

2 (1) grease interceptors; and
 3 (2) grease traps;

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

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

9 (1) collection;
 10 (2) transport; or
 11 (3) disposal;

12 of material removed from a grease trap or grease interceptor.

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

16 (1) fats;
 17 (2) oils;
 18 (3) grease; and
 19 (4) food solids;

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

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

24 (1) intercept;
 25 (2) congeal; and
 26 (3) retain or remove;

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

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

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

34 (1) good engineering practice;
 35 (2) state plumbing codes; and
 36 (3) manufacturer specifications;

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

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

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



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

7 Sec. 11. As used in this chapter, "sewer system" has the
8 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.

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

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

in a sewer system.

25 **(b) The regulated entity's grease control equipment shall be:**
26 **(1) designed; or**
27 **(2) approved;**

28 by a licensed professional engineer under IC 25-31 or a
29 professional architect under IC 25-4.
30 (c) A regulated entity's grease control equipment shall be
31 installed by a licensed plumber.

(d) ~~or~~ 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.

I (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.

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

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

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

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

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

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

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

22 (b) A regulating authority shall consider the:

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

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

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

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

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

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

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

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



1 ~~approval is considered compliant upon installation.~~

2 ~~—(b) A regulating authority or utility may not require the~~
 3 ~~regulated entity to retrofit or replace grease control equipment~~
 4 ~~unless the regulated entity's FOG discharge continuously exceeds~~
 5 ~~the allowable concentration. [1]~~

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

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

14 ~~(1) the available space;~~
 15 ~~(2) the structure; or~~
 16 ~~(3) other site constraints.~~

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

20 ~~—(1) A registration or permit system linking each regulated~~
 21 ~~entity to the regulated entity's:~~
 22 ~~—(A) grease control equipment; and~~
 23 ~~—(B) maintenance plan.~~
 24 ~~—(2) A maintenance rule requiring cleaning in accordance~~
 25 ~~with a regularly scheduled maintenance protocol approved~~
 26 ~~by a regulating authority.~~
 27 ~~—(3) Clear documentation procedures requiring a regulated~~
 28 ~~entity using a grease hauler to maintain records provided to~~
 29 ~~the regulated entity by a grease hauler that describes the:~~
 30 ~~—(A) date of each haul;~~
 31 ~~—(B) volume of FOG removed; and~~
 32 ~~—(C) grease hauler's name.~~
 33 ~~—(4) Grease hauler accountability standards requiring:~~
 34 ~~—(A) before and after photographs of grease control~~
 35 ~~equipment;~~
 36 ~~—(B) proof of proper disposal by the grease hauler; and~~
 37 ~~—(C) a grease hauler to maintain all records of each dump~~
 38 ~~for two (2) years and produce the records upon request~~
 39 ~~of a regulating authority or the Indiana department of~~
 40 ~~environmental management.~~
 41 ~~—(5) Inspection and enforcement procedures, including:~~
 42 ~~—(A) periodic inspections;~~



~~(B) review of maintenance records; and~~
~~(C) a graduated enforcement system for regulated entities that continuously violate this chapter.~~

~~A variance and appeal process allowing regulated entities demonstrate compliance through alternative methods identified by a:~~

~~(A) licensed professional engineer under IC 25-31; or~~
~~(B) professional architect under IC 25-4.~~

~~Educational materials or templates provided to regulated entities describing best management practices for grease control equipment.~~

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

- (1) Install, operate, and maintain grease control equipment designed to prevent fats, oils, and grease from entering the wastewater system or a nonresidential onsite sewage system.
- (2) Ensure that grease control equipment is properly sized and maintained in compliance with section 13 of this chapter.

(3) Maintain records that include the:

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

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

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

4

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

(1) Take before and after time stamped photographs of each service of a regulated entity.

- II (2) Maintain the time stamped photographs and share the time stamped photographs with the Indiana department of environmental management and regulating authority if requested by the Indiana department of environmental management or regulating authority. II



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

- (A) The date of the haul.
- (B) The volume of FOG removed.
- (C) The grease hauler's name.

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

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

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

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

(2) (3) \leftrightarrow IC 13-20-17.5;

(3) (4) \leftrightarrow [] IC 13-20-20;

(4) (5) \leftrightarrow IC 13-21-14-3; and

(5) (6) \leftrightarrow [] IC 13-23;

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

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

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

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

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

(b) A wastewater treatment facility shall accept septage from a bordering unit.I

