

HOUSE BILL No. 1486

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2; IC 16-19-3.

Synopsis: Residential wastewater treatment devices. Provides for the submission of a proprietary residential wastewater treatment device to the state department of health (state department) for a determination of whether the proprietary residential wastewater treatment device will be authorized for use in residential septic systems. Requires the state department to authorize the use of a proprietary residential wastewater treatment device if certain conditions are met. Requires the executive board of the state department to adopt rules concerning the evaluation of proprietary residential wastewater treatment devices.

Effective: July 1, 2019.

Bartels, Miller D, Pressel, Goodin

January 16, 2019, read first time and referred to Committee on Environmental Affairs.



First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1486

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

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

1 SECTION 1. IC 16-18-2-324.8 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2019]: **Sec. 324.8. "Secondary treatment**
4 **effluent quality", for purposes of IC 16-19-3-27.5, has the meaning**
5 **set forth in IC 16-19-3-27.5(a).**

6 SECTION 2. IC 16-18-2-371.5 IS ADDED TO THE INDIANA
7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2019]: **Sec. 371.5. "Wastewater", for**
9 **purposes of IC 16-19-3-27.5, has the meaning set forth in**
10 **IC 16-19-3-27.5(b).**

11 SECTION 3. IC 16-19-3-27 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 27. (a) The state
13 department of health shall:

- 14 (1) study the use of:
15 (A) effluent filters;
16 (B) recirculation media filters;
17 (C) aeration treatment units;



- 1 (D) drip irrigation;
 2 (E) graveless trenches; and
 3 (F) new technologies;
 4 for residential septic systems that will cause systems to perform
 5 satisfactorily as alternatives to currently operating systems that do
 6 not perform satisfactorily because of soil characteristics, lot sizes,
 7 topographical conditions, or high water tables; and
 8 (2) take all actions necessary to develop plans and specifications
 9 for use of the technologies listed in subdivision (1) in residential
 10 septic systems.
- 11 (b) The executive board shall adopt reasonable rules under
 12 IC 4-22-2 to:
- 13 (1) promulgate the plans and specifications developed under
 14 subsection (a); and
 15 (2) allow for the issuance of operating permits for:
 16 (A) residential septic systems that are installed in compliance
 17 with the plans and specifications promulgated under
 18 subdivision (1); and
 19 (B) onsite residential sewage discharging disposal systems in
 20 a county having a population of more than three hundred
 21 thousand (300,000) but less than four hundred thousand
 22 (400,000) that comply with IC 13-18-12-9.
- 23 **(c) The executive board shall adopt rules under IC 4-22-2 under**
 24 **which proprietary residential wastewater treatment devices**
 25 **submitted to the state department will be evaluated under section**
 26 **27.5 of this chapter and, if approved according to the rules,**
 27 **authorized for use in residential septic systems for purposes of**
 28 **IC 16-41-25.**
- 29 SECTION 4. IC 16-19-3-27.5 IS ADDED TO THE INDIANA
 30 CODE AS A NEW SECTION TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2019]: **Sec. 27.5. (a) As used in this section,**
 32 **"secondary treatment effluent quality" means the quality of**
 33 **wastewater treatment generally achieved by subjecting wastewater**
 34 **to:**
- 35 **(1) physical phase separation to remove settleable solids; and**
 36 **(2) a biological process to remove dissolved and suspended**
 37 **organic compounds.**
- 38 **(b) As used in this section, "wastewater" means liquid or**
 39 **water-carried wastes from a residential source.**
- 40 **(c) The following apply to the evaluation by the state**
 41 **department of a proprietary residential wastewater treatment**
 42 **device pursuant to the rules adopted under section 27(c) of this**



- 1 **chapter:**
- 2 (1) The state department shall determine whether a
- 3 proprietary residential wastewater treatment device
- 4 submitted for evaluation is capable of achieving secondary
- 5 treatment effluent quality when used in a residential septic
- 6 system.
- 7 (2) The state department must determine that the proprietary
- 8 residential wastewater treatment device is capable of
- 9 achieving secondary treatment effluent quality when used in
- 10 a residential septic system if:
- 11 (A) the proprietary residential wastewater treatment
- 12 device has been certified as meeting a nationally accepted
- 13 treatment standard recognized by the rules adopted under
- 14 section 27(c) of this chapter, which may include:
- 15 (i) the Environmental Technology Verification Program
- 16 of the United States Environmental Protection Agency;
- 17 (ii) the NSF/ANSI Standard 40, 245, or 350; or
- 18 (iii) the standard of the Bureau de Normalisation du
- 19 Quebec; or
- 20 (B) performance data compiled by a third party that:
- 21 (i) is recognized by the rules adopted under section 27(c)
- 22 of this chapter; and
- 23 (ii) has evaluated the proprietary residential wastewater
- 24 treatment device;
- 25 indicates that the proprietary residential wastewater
- 26 treatment device is capable of achieving secondary
- 27 treatment effluent quality when used in a residential septic
- 28 system.
- 29 (3) The manufacturer of the proprietary residential
- 30 wastewater treatment device must submit:
- 31 (A) an Indiana design and installation manual; and
- 32 (B) a manufacturer's operation and maintenance manual;
- 33 for the proprietary residential wastewater treatment device.
- 34 (4) A professional engineer registered under IC 25-31-1 must
- 35 certify in writing that, in the engineer's professional opinion:
- 36 (A) the proprietary residential wastewater treatment
- 37 device, as depicted in the Indiana design and installation
- 38 manual, will likely achieve secondary treatment effluent
- 39 quality when used in a residential septic system; and
- 40 (B) the manufacturer's operation and maintenance manual
- 41 appears to accurately reflect the servicing and
- 42 maintenance needs of the proprietary residential



- 1 wastewater treatment device.
- 2 (d) If the conditions set forth in subsection (c)(1), (c)(3), and
- 3 (c)(4) are satisfied, the state department shall approve:
- 4 (1) the proprietary residential wastewater treatment device;
- 5 and
- 6 (2) the:
- 7 (A) Indiana design and installation manual; and
- 8 (B) manufacturer's operation and maintenance manual;
- 9 of the proprietary residential wastewater treatment device;
- 10 for use in residential septic systems for purposes of IC 16-41-25.
- 11 (e) If the professional engineer analyzing a proprietary
- 12 residential wastewater treatment device under subsection (c)(4)
- 13 determines that the proprietary residential wastewater treatment
- 14 device requires additional alteration or modification:
- 15 (1) the professional engineer shall notify:
- 16 (A) the state department; and
- 17 (B) the developer of the proprietary residential wastewater
- 18 treatment device;
- 19 that the proprietary residential wastewater treatment device
- 20 requires certain alterations or modifications; and
- 21 (2) the state department:
- 22 (A) shall allow the developer a reasonable time to make the
- 23 alterations or modifications; and
- 24 (B) after the alterations or modifications are made, shall
- 25 allow the evaluation of the proprietary residential
- 26 wastewater treatment device under subsection (c) to
- 27 continue.

