



Reprinted
April 16, 2019

ENGROSSED HOUSE BILL No. 1486

DIGEST OF HB 1486 (Updated April 15, 2019 9:13 pm - DI 55)

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

Synopsis: New sewage treatment and disposal technology. Requires the state department of health (state department) to establish a technical review panel consisting of individuals who hold certain positions or have certain qualifications relevant to onsite sewage systems or who represent certain organizations to which onsite sewage systems are important. Requires the technical review panel to decide whether "technology new to Indiana" (or "TNI", which refers to a sewage treatment method or process or sewage treatment equipment that is not recognized in the administrative rules of the state department or the executive board of the state department) is approved for use in Indiana. Requires the technical review panel, in response to an application, to decide that a TNI: (1) is approved for use in Indiana; (2) (Continued next page)

Effective: July 1, 2019.

Bartels, Miller D, Pressel, Goodin
(SENATE SPONSORS — DORIOT, MESSMER, NIEZGODSKI)

January 16, 2019, read first time and referred to Committee on Environmental Affairs.
February 14, 2019, amended, reported — Do Pass.
February 20, 2019, read second time, amended, ordered engrossed.
February 21, 2019, engrossed. Read third time, passed. Yeas 96, nays 1.

SENATE ACTION

March 7, 2019, read first time and referred to Committee on Environmental Affairs.
April 9, 2019, amended, reported favorably — Do Pass.
April 15, 2019, read second time, amended, ordered engrossed.

EH 1486—LS 7385/DI 55



is approved for use in Indiana with certain conditions; (3) is approved for use in Indiana on a project-by-project basis; or (4) is not approved for use in Indiana. Requires the technical review panel to inform an applicant of the technical review panel's initial or final decision on a complete application not more than 90 days after receiving the application. Requires the technical review panel to approve a TNI for use in Indiana if: (1) the TNI has been certified as meeting the ANSI/NSF 40 Standard; (2) a proposed Indiana design and installation manual for the TNI is submitted with the permit application; and (3) the technical review panel certifies that the proposed Indiana design and installation manual meets the vertical and horizontal separation, sizing, and soil loading criteria of the state department. Provides that if: (1) a TNI meets the requirements of the ANSI/NSF 40, ANSI/NSF 245, or ANSI/NSF 350 standard; (2) the proposed Indiana design and installation manual for the TNI meets the vertical and horizontal separation, sizing, and soil loading criteria of the state department; and (3) a registered Indiana professional engineer prepares site specific plans for the use of the TNI in a residential or commercial application; the site specific plans may be approved by the local health department or the state department.



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April 16, 2019

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.

ENGROSSED 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 16-18-2-253.6 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2019]: **Sec. 253.6. For purposes of**
4 **IC 16-19-3:**

5 **(1) "NSF/ANSI 40" refers to the standard of the American**
6 **National Standards Institute and NSF International that**
7 **establishes minimum:**

8 **(A) materials requirements;**

9 **(B) design requirements;**

10 **(C) construction requirements; and**

11 **(D) performance requirements;**

12 **for residential wastewater treatment systems;**

13 **(2) "NSF/ANSI 245" refers to the standard of the American**
14 **National Standards Institute and NSF International that**
15 **establishes total nitrogen reduction requirements for**
16 **residential wastewater treatment systems with rated**
17 **capacities of at least four hundred (400) but not more than**

EH 1486—LS 7385/DI 55



1 one thousand five hundred (1,500) gallons per day; and
2 (3) "NSF/ANSI 350" refers to the standard of the American
3 National Standards Institute and NSF International that
4 establishes material, design, construction, and performance
5 requirements for onsite residential and commercial water
6 reuse treatment systems.

7 SECTION 2. IC 16-19-3-27.5 IS ADDED TO THE INDIANA
8 CODE AS A NEW SECTION TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2019]: Sec. 27.5. (a) As used in this section,
10 "technology new to Indiana" (referred to in this section as "TNI")
11 means sewage treatment or disposal methods, processes, or
12 equipment that are not described in the administrative rules of the
13 state department or the executive board concerning residential
14 onsite sewage systems (410 IAC 6-8.3) or commercial onsite sewage
15 systems (410 IAC 6-10.1).

16 (b) The state department shall establish and maintain a
17 technical review panel consisting of individuals with technical or
18 scientific knowledge relating to onsite sewage systems. The
19 technical review panel shall:

20 (1) decide under subsection (f) whether to approve:

21 (A) proprietary residential wastewater treatment devices;
22 and

23 (B) proprietary commercial wastewater treatment devices;
24 for use in Indiana;

25 (2) biannually review the performance of residential septic
26 systems and commercial onsite sewage systems;

27 (3) assist the state department in developing standards and
28 guidelines for proprietary residential wastewater treatment
29 devices and proprietary commercial wastewater treatment
30 devices; and

31 (4) assist the executive board and the state department in
32 updating rules adopted under section 27(c) of this chapter and
33 sections 4 and 5 of this chapter concerning residential septic
34 systems and commercial onsite sewage systems.

35 (c) The technical review panel shall include the following:

36 (1) A member of the staff of the state department, who shall
37 serve as the chair.

38 (2) A local health department environmental health specialist
39 appointed by the governor.

40 (3) An Indiana professional engineer registered under
41 IC 25-31-1 representing the American Council of Engineering
42 Companies.



(4) A representative of the Indiana Builders Association.

(5) An Indiana registered professional soil scientist (as defined in IC 25-31.5-1-6) representing the Indiana Registry of Soil Scientists.

(6) A representative of an Indiana college or university with a specialty in engineering, soil science, environmental health, or biology appointed by the governor.

(7) A representative of the Indiana Onsite Wastewater Professionals Association.

(8) An Indiana onsite sewage system contractor appointed by the governor.

(9) A representative of the Indiana economic development corporation established by IC 5-28-3-1.

(10) A representative of the Indiana State Building and Construction Trades Council.

All members of the technical review panel are voting members.

(d) In the case of a tie vote of the technical review panel, the technical review panel shall, not more than seven (7) days after the day of the tie vote:

(1) contact the applicant by phone call and by mail; and

(2) request more information or provide an explanation of how the applicant can modify the application to make it more complete.

The technical review panel shall review any new information provided by the applicant and vote again on the application not more than thirty (30) days after receiving the information.

(e) The technical review panel shall do the following:

(1) Receive applications for the approval of TNI for use in:

(A) residential septic systems under sections 4 and 5 of this chapter, section 27 of this chapter, and IC 16-41-25; and

(B) commercial onsite sewage systems under sections 4 and 5 of this chapter, section 27 of this chapter, and IC 16-19-3.5.

(2) Meet at least four (4) times per year to review applications described in subdivision (1).

(3) Notify each person who submits an application described in subdivision (1):

(A) that the person's application has been received by the technical review panel; and

(B) of whether the application is complete;

not later than thirty (30) days after the technical review panel receives the application.



(4) Inform each person who submits an application described in subdivision (1) of:

- (A) a tentative decision of the technical review panel; or**
- (B) the technical review panel's final decision under subsection (f);**

concerning the application not more than ninety (90) days after the technical review panel receives the person's complete application.

(f) In response to each application described in subsection (e)(1), the technical review panel shall make, and inform the applicant of, one (1) of the following final decisions:

(1) That the TNI to which the application relates is approved for use in Indiana.

(2) That the TNI to which the application relates is approved for use in Indiana with certain conditions, which may include:

- (A) a requirement that the TNI be used initially only in a pilot project;**
- (B) restrictions on the number or type of installations of the TNI;**
- (C) sampling and analysis requirements for TNI involving or comprising a secondary treatment system;**
- (D) requirements relating to training concerning the TNI;**
- (E) requirements concerning the operation and maintenance of the TNI; or**
- (F) other requirements.**

(3) That the TNI to which the application relates is approved on a project-by-project basis.

(4) That the TNI is not approved for use in Indiana, which must be accompanied by a statement of the reason for the decision.

(g) If the technical review panel makes a decision under subsection (f)(4) that the TNI is not approved for use in Indiana, the applicant may:

- (1) submit a new application to the technical review panel under this section; or**
- (2) file a petition for review of the technical review panel's decision under IC 4-21.5-3.**

(h) If the technical review panel fails to notify a person who submits an application of the technical review panel's tentative decision or final recommendation within ninety (90) days after receiving the application as required by subsection (e)(4), the person who submitted the application may use the TNI to which



1 the application relates in a single residential septic system or
2 commercial onsite sewage system, as if the TNI had been approved
3 for use in a pilot project.

4 (i) The technical review panel shall decide that the TNI to which
5 an application relates is approved for use in Indiana if:

6 (1) the TNI has been certified as meeting the ANSI/NSF 40
7 Standard;

8 (2) a proposed Indiana design and installation manual for the
9 TNI is submitted with the permit application; and

10 (3) the technical review panel certifies that the proposed
11 Indiana design and installation manual meets the vertical and
12 horizontal separation, sizing, and soil loading criteria of the
13 state department.

14 (j) If:

15 (1) a particular TNI meets the requirements of NSF/ANSI 40,
16 NSF/ANSI 245, or NSF/ANSI 350;

17 (2) the proposed Indiana design and installation manual for
18 the TNI meets the vertical and horizontal separation, sizing,
19 and soil loading criteria of the state department; and

20 (3) an Indiana professional engineer registered under
21 IC 25-31-1 prepares site specific plans for the use of the TNI
22 for a residential or commercial application;

23 the plans prepared under subdivision (3) may be approved by the
24 local health department of the county, city, or multiple county unit
25 in which the TNI would be installed, in the case of a residential
26 application, or by the state department, in the case of a commercial
27 application.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1486, 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:

Page 1, delete lines 1 through 10.

Page 2, line 4, after "septic systems" insert **"and commercial onsite sewage systems"**.

Page 2, line 4, after "cause" insert **"the"**.

Page 2, line 10, after "systems" delete "." and insert **"and commercial onsite sewage systems."**

Page 2, line 16, after "systems" insert **"and commercial onsite sewage systems"**.

Page 2, line 24, after "devices" insert **"and proprietary commercial onsite sewage system devices"**.

Page 2, line 28, delete "IC 16-41-25." and insert **"IC 16-41-25 and nonresidential onsite sewage systems for purposes of IC 16-19-3.5."**

Page 2, line 31, after "section," insert **"technology new to Indiana" (referred to in this section as "TNI") means sewage treatment or disposal methods, processes, or equipment that are not described in the administrative rules of the state department or the executive board concerning residential onsite sewage systems (410 IAC 6-8.3) or commercial onsite sewage systems (410 IAC 6-10.1).**

(b) The state department shall establish and maintain a technical review panel consisting of individuals with technical or scientific knowledge relating to onsite sewage systems. The technical review panel shall:

(1) decide under subsection (f) whether to recommend the approval of:

(A) proprietary residential wastewater treatment devices;
and

(B) proprietary commercial wastewater treatment devices;
for use in Indiana;

(2) biannually review the performance of residential septic systems and commercial onsite sewage systems;

(3) assist the state department in developing standards and guidelines for proprietary residential wastewater treatment devices and proprietary commercial wastewater treatment devices; and

(4) assist the executive board and the state department in



updating rules adopted under section 27(c) of this chapter and sections 4 and 5 of this chapter concerning residential septic systems and commercial onsite sewage systems.

(c) The technical review panel shall include the following:

- (1) A member of the staff of the state department, who shall serve as the chair and shall be a nonvoting member, except as provided in subsection (d).
- (2) A local health department environmental health specialist appointed by the state department.
- (3) An Indiana professional engineer registered under IC 25-31-1 representing the American Council of Engineering Companies.
- (4) A representative of the Indiana Builders Association.
- (5) An Indiana registered professional soil scientist (as defined in IC 25-31.5-1-6) representing the Indiana Registry of Soil Scientists.
- (6) A representative of an Indiana college or university with a specialty in engineering, soil science, environmental health, or biology appointed by the state department.
- (7) A representative of the Indiana Onsite Wastewater Professionals Association.
- (8) An Indiana onsite sewage system contractor appointed by the state department.

(d) In the case of a tie vote of the technical review panel, the member serving as chair under subsection (c)(1) may cast a tie breaking vote.

(e) The technical review panel shall do the following:

- (1) Receive applications for the approval of TNI for use in:
 - (A) residential septic systems under sections 4 and 5 of this chapter, section 27 of this chapter, and IC 16-41-25; and
 - (B) commercial onsite sewage systems under sections 4 and 5 of this chapter, section 27 of this chapter, and IC 16-19-3.5.
- (2) Meet at least four (4) times per year to review applications described in subdivision (1).
- (3) Notify each person who submits an application described in subdivision (1):
 - (A) that the person's application has been received by the technical review panel; and
 - (B) of whether the application is complete;
 not later than thirty (30) days after the technical review panel receives the application.



(4) Inform each person who submits an application described in subdivision (1) of:

- (A) a tentative decision of the technical review panel; or**
- (B) the technical review panel's final recommendation under subsection (f);**

concerning the application not more than ninety (90) days after the technical review panel receives the person's complete application.

(f) In response to each application described in subsection (e)(1), the technical review panel shall make, and inform the applicant of, one (1) of the following final recommendations:

(1) That the TNI to which the application relates be approved for use in Indiana.

(2) That the TNI to which the application relates be approved for use in Indiana with certain conditions, which may include:

- (A) a requirement that the TNI be used initially only in a pilot project;**
- (B) restrictions on the number or type of installations of the TNI;**
- (C) sampling and analysis requirements for TNI involving or comprising a secondary treatment system;**
- (D) requirements relating to training concerning the TNI;**
- (E) requirements concerning the operation and maintenance of the TNI; or**
- (F) other requirements.**

(3) That the TNI to which the application relates be approved on a project-by-project basis.

(4) That the TNI not be approved for use in Indiana, which must be accompanied by a statement of the reason for the recommendation.

(g) If the technical review panel makes a decision under subsection (f)(4) to recommend that the TNI not be approved for use in Indiana, the applicant may:

- (1) submit a new application to the technical review panel under this section; or**
- (2) file a petition for review of the technical review panel's decision under IC 4-21.5-3.**

(h) The technical review panel shall recommend that the TNI to which an application relates be approved for use in Indiana if:

- (1) the TNI has been certified as meeting the ANSI/NSF 40 Standard;**
- (2) a proposed Indiana design and installation manual for the**



**TNI is submitted with the permit application; and
(3) the technical review panel certifies that the proposed
Indiana design and installation manual meets the vertical and
horizontal separation, sizing, and soil loading criteria of the
state department."**

Page 2, delete lines 32 through 42.

Delete pages 3 through 4.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1486 as introduced.)

WOLKINS

Committee Vote: yeas 9, nays 0.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1486 be amended to read as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 20.

Page 2, line 34, delete "recommend the" and insert "**approve**".

Page 2, delete line 35.

Page 3, line 10, delete "chair and shall be a nonvoting member, except as" and insert "**chair**".

Page 3, delete line 11.

Page 3, between lines 27 and 28, begin a new line block indented and insert:

"(9) A representative of the Indiana economic development corporation established by IC 5-28-3-1.

All members of the technical review panel are voting members."

Page 3, line 28, after "panel, the" insert "**technical review panel shall, not more than seven (7) days after the day of the tie vote:**

(1) contact the applicant by phone call and by mail; and

(2) request more information or provide an explanation of how the applicant can modify the application to make it more complete.

The technical review panel shall review any new information provided by the applicant and vote again on the application not



more than thirty (30) days after receiving the information."

Page 3, delete lines 29 through 30.

Page 4, line 8, delete "recommendation" and insert "**decision**".

Page 4, line 15, delete "recommendations:" and insert "**decisions:**".

Page 4, line 16, delete "be" and insert "**is**".

Page 4, line 18, delete "be" and insert "**is**".

Page 4, line 30, delete "be" and insert "**is**".

Page 4, line 32, delete "not be" and insert "**is not**".

Page 4, line 34, delete "recommendation." and insert "**decision.**".

Page 4, line 36, delete "to recommend".

Page 4, line 36, delete "not be" and insert "**is not**".

Page 4, between lines 41 and 42, begin a new paragraph and insert:

"(h) If the technical review panel fails to notify a person who submits an application of the technical review panel's TENTATIVE decision or final recommendation within ninety (90) days after receiving the application as required by subsection (e)(4), the person who submitted the application may use the TNI to which the application relates in a single residential septic system or commercial onsite sewage system, as if the TNI had been approved for use in a pilot project."

Page 4, line 42, delete "(h)" and insert "**(i)**".

Page 4, line 42, delete "recommend" and insert "**decide**".

Page 5, line 1, delete "be" and insert "**is**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1486 as printed February 15, 2019.)

BARTELS

COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred House Bill No. 1486, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 16-18-2-253.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 253.6. For purposes of IC 16-19-3:

EH 1486—LS 7385/DI 55



(1) "NSF/ANSI 40" refers to the standard of the American National Standards Institute and NSF International that establishes minimum:

- (A) materials requirements;**
- (B) design requirements;**
- (C) construction requirements; and**
- (D) performance requirements;**

for residential wastewater treatment systems;

(2) "NSF/ANSI 245" refers to the standard of the American National Standards Institute and NSF International that establishes total nitrogen reduction requirements for residential wastewater treatment systems with rated capacities of at least four hundred (400) but not more than one thousand five hundred (1,500) gallons per day; and

(3) "NSF/ANSI 350" refers to the standard of the American National Standards Institute and NSF International that establishes material, design, construction, and performance requirements for onsite residential and commercial water reuse treatment systems."

Page 2, line 16, delete "state department." and insert **"governor."**

Page 2, line 26, delete "state department." and insert **"governor."**

Page 2, line 30, delete "state department." and insert **"governor."**

Page 4, after line 30, begin a new paragraph and insert:

"(j) If:

(1) a particular TNI meets the requirements of NSF/ANSI 40, NSF/ANSI 245, or NSF/ANSI 350;

(2) the proposed Indiana design and installation manual for the TNI meets the vertical and horizontal separation, sizing, and soil loading criteria of the state department; and

(3) an Indiana professional engineer registered under IC 25-31-1 prepares site specific plans for the use of the TNI for a residential or commercial application;

the plans prepared under subdivision (3) shall be approved by the local health department of the county, city, or multiple county unit in which the TNI would be installed, in the case of a residential



application, or by the state department, in the case of a commercial application."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1486 as reprinted February 21, 2019.)

MESSMER, Chairperson

Committee Vote: Yeas 8, Nays 0.

SENATE MOTION

Madam President: I move that Engrossed House Bill 1486 be amended to read as follows:

Page 3, between lines 13 and 14, begin a new line block indented and insert:

"(10) A representative of the Indiana State Building and Construction Trades Council."

(Reference is to EHB 1486 as printed April 10, 2019.)

NIEZGODSKI

SENATE MOTION

Madam President: I move that Engrossed House Bill 1486 be amended to read as follows:

Page 5, line 21, delete "shall" and insert "**may**".

(Reference is to EHB 1486 as printed April 10, 2019.)

BROWN L

