



January 15, 2014

SENATE BILL No. 107

DIGEST OF SB 107 (Updated January 13, 2014 12:39 pm - DI 84)

Citations Affected: IC 13-11; IC 13-13; IC 13-15; IC 13-20.2; IC 16-41; IC 35-51; IC 36-11.

Synopsis: Transfer of sewage system regulatory authority. Transfers from the state department of health to the department of environmental management (IDEM) the responsibility for regulating residential onsite sewage systems and commercial onsite sewage systems. Provides for IDEM, rather than the state department of health, to regulate sewage disposal systems of mobile home communities that employ septic tank absorption fields. (IDEM already regulates mobile home community sewage disposal systems that do not employ septic tank absorption fields.)

Effective: January 1, 2015.

Charbonneau

January 8, 2014, read first time and referred to Committee on Environmental Affairs.
January 14, 2014, amended, reported favorably — Do Pass.

SB 107—LS 6503/DI 55



January 15, 2014

Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

SENATE BILL No. 107

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 13-11-2-31.8 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JANUARY 1, 2015]: **Sec. 31.8. (a) "Commercial**
4 **facility", for purposes of this chapter, means a facility that:**
5 **(1) is served by an onsite sewage system; and**
6 **(2) is not a residence.**
7 **(b) The term includes a dwelling place that is suitable for**
8 **occupancy by three (3) or more families, such as an apartment**
9 **building.**
10 SECTION 2. IC 13-11-2-33.3 IS ADDED TO THE INDIANA
11 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
12 [EFFECTIVE JANUARY 1, 2015]: **Sec. 33.3. "Commercial onsite**
13 **sewage system", for purposes of IC 13-13-5-1, IC 13-15-1-2, and**
14 **IC 13-20.2-3, means an onsite sewage system for sewage from a**
15 **commercial facility.**
16 SECTION 3. IC 13-11-2-81.6 IS ADDED TO THE INDIANA

SB 107—LS 6503/DI 55



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE JANUARY 1, 2015]: **Sec. 81.6. "Fill soil", for**
 3 **purposes of IC 13-20.2-2-4(b), has the meaning set forth in**
 4 **IC 13-20.2-2-4(b).**

5 SECTION 4. IC 13-11-2-119.8 IS ADDED TO THE INDIANA
 6 CODE AS A NEW SECTION TO READ AS FOLLOWS
 7 [EFFECTIVE JANUARY 1, 2015]: **Sec. 119.8. "Local board of**
 8 **health", for purposes of this chapter and IC 13-20.2-2, means the**
 9 **board of a local health department.**

10 SECTION 5. IC 13-11-2-120.2 IS ADDED TO THE INDIANA
 11 CODE AS A NEW SECTION TO READ AS FOLLOWS
 12 [EFFECTIVE JANUARY 1, 2015]: **Sec. 120.2. "Local health**
 13 **department", for purposes of this chapter and IC 13-20.2-2, means**
 14 **a department that:**

- 15 (1) is organized by a county or city executive;
- 16 (2) has a board, a health officer, and an operational staff; and
- 17 (3) provides health services to a county, city, or multiple
- 18 county unit.

19 SECTION 6. IC 13-11-2-129.9 IS ADDED TO THE INDIANA
 20 CODE AS A NEW SECTION TO READ AS FOLLOWS
 21 [EFFECTIVE JANUARY 1, 2015]: **Sec. 129.9. "Mobile home**
 22 **community", for purposes of IC 13-15-1-2 and IC 13-20.2, has the**
 23 **meaning set forth in IC 16-41-27-5.**

24 SECTION 7. IC 13-11-2-144.8 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 144.8. "Onsite**
 26 **sewage system", for purposes of this chapter, IC 13-13-5-1,**
 27 **IC 13-18-17, and IC 13-20.2, means a system that:**

- 28 (1) consists of all equipment and devices necessary for proper:

29 (†) (A) onsite:

- 30 (†) (i) conduction;
- 31 (†) (ii) collection;
- 32 (†) (iii) storage; and
- 33 (†) (iv) treatment; and

34 (‡) (B) absorption in soil;

35 of sewage from a residence or a commercial facility; and

- 36 (2) does not transport sewage from the site on which the
- 37 system is located.

38 SECTION 8. IC 13-11-2-188.6 IS ADDED TO THE INDIANA
 39 CODE AS A NEW SECTION TO READ AS FOLLOWS
 40 [EFFECTIVE JANUARY 1, 2015]: **Sec. 188.6. "Residence", for**
 41 **purposes of sections 31.8, 144.8, and 188.7 of this chapter and**
 42 **IC 13-20.2, means a dwelling place that is suitable for occupancy**



1 **by not more than two (2) families.**

2 SECTION 9. IC 13-11-2-188.7 IS ADDED TO THE INDIANA
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JANUARY 1, 2015]: **Sec. 188.7. "Residential onsite**
5 **sewage system", for purposes of IC 13-13-5-1, IC 13-15-1-2, and**
6 **IC 13-20.2, means an onsite sewage system for sewage from a**
7 **residence.**

8 SECTION 10. IC 13-13-5-1 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. Except as
10 provided in IC 14-37, the department is designated as the following:

11 (1) The water pollution agency for Indiana for all purposes of the
12 Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) in
13 effect January 1, 1988, and the federal Safe Drinking Water Act
14 (42 U.S.C. 300f through 300j) in effect January 1, 1988.

15 (2) The solid waste agency for Indiana for all purposes of the
16 federal Resource Conservation and Recovery Act (42 U.S.C. 6901
17 et seq.) in effect January 1, 1988.

18 (3) The air pollution control agency for Indiana for all purposes
19 of the federal Clean Air Act (42 U.S.C. 7401 et seq.), as amended
20 by the federal Clean Air Act Amendments of 1990 (P.L.101-549).

21 (4) The state agency with responsibility concerning the Midwest
22 Interstate Compact on Low-Level Radioactive Waste under
23 IC 13-29-1.

24 (5) The state agency with responsibility concerning the federal
25 Comprehensive Environmental Response, Compensation, and
26 Liability Act of 1980, as amended by the federal Superfund
27 Amendments and Reauthorization Act of 1986 (42 U.S.C. 9601
28 through 9675) as in effect on January 1, 1993, and concerning 40
29 CFR 300.505, Subpart F of the National Oil and Hazardous
30 Substances Pollution Contingency Plan.

31 (6) The state agency with responsibility concerning the federal
32 Defense Environmental Restoration Program (10 U.S.C. 2701
33 through 2708) as in effect on January 1, 1993.

34 **(7) The state agency responsible under IC 13-20.2 for**
35 **regulating:**

36 **(A) residential onsite sewage systems;**

37 **(B) commercial onsite sewage systems; and**

38 **(C) all sewage disposal systems of mobile home**
39 **communities.**

40 SECTION 11. IC 13-15-1-2, AS AMENDED BY P.L.133-2012,
41 SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JANUARY 1, 2015]: Sec. 2. The board shall establish requirements for



1 the issuance of permits to control water pollution and atomic radiation,
2 including the following:

3 (1) Permits to control or limit the discharge of any contaminants
4 into state waters or into a publicly owned treatment works.

5 (2) Permits for the construction, installation, or modification of
6 facilities, equipment, or devices to control or limit any discharge,
7 emission, or disposal of contaminants into the waters of Indiana
8 or into a publicly owned treatment works.

9 (3) Permits for the operation of facilities, equipment, or devices
10 to control or limit the discharge, emission, or disposal of any
11 contaminants into the waters of Indiana or into a publicly owned
12 treatment works.

13 **(4) Permits for the construction, installation, or modification**
14 **of:**

15 **(A) commercial onsite sewage systems;**

16 **(B) residential onsite sewage systems; and**

17 **(C) mobile home community waste water systems.**

18 However, the board may not require a permit under subdivision (2) for
19 any facility, equipment, or device constructed, installed, or modified as
20 part of a surface coal mining operation that is operated under a permit
21 issued under IC 14-34.

22 SECTION 12. IC 13-20.2 IS ADDED TO THE INDIANA CODE
23 AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE
24 JANUARY 1, 2015]:

25 **ARTICLE 20.2. ONSITE SEWAGE SYSTEMS AND MOBILE**
26 **HOME COMMUNITY WASTEWATER SYSTEMS**

27 **Chapter 1. Onsite Sewage Systems and Mobile Home**
28 **Community Wastewater Systems: General**

29 **Sec. 1. (a) The department shall:**

30 **(1) study the use of:**

31 **(A) effluent filters;**

32 **(B) recirculation media filters;**

33 **(C) aeration treatment units;**

34 **(D) drip irrigation;**

35 **(E) gravelless trenches; and**

36 **(F) new technologies;**

37 **for residential onsite sewage systems that will cause systems**
38 **to perform satisfactorily as alternatives to currently operating**
39 **systems that do not perform satisfactorily because of soil**
40 **characteristics, lot sizes, topographical conditions, or high**
41 **water tables; and**

42 **(2) take all actions necessary to develop plans and**



- 1 specifications for use of the technologies listed in subdivision
 2 (1) in residential onsite sewage systems.
 3 (b) The board shall adopt rules under IC 4-22-2 and IC 13-14-9
 4 to promulgate the plans and specifications developed under section
 5 1(a) of this chapter.
 6 Sec. 2. (a) The board, in addition to adopting the rules required
 7 by section 1 of this chapter, shall adopt rules under IC 4-22-2 and
 8 IC 13-14-9 to implement this article.
 9 (b) Until the rules required by subsection (a) are adopted and
 10 take effect, the rules of the state department of health concerning
 11 onsite sewage systems and mobile home community wastewater
 12 systems, including:
 13 (1) 410 IAC 6-8.3;
 14 (2) 410 IAC 6-10;
 15 (3) 410 IAC 6-12; and
 16 (4) 410 IAC 6-6, insofar as it pertains to sewage systems;
 17 remain in effect, may be enforced by the department and the local
 18 boards of health through their local health departments, and apply
 19 to the same extent that they applied before January 1, 2015.
 20 Sec. 3. (a) The transfer of authority over the matters to which
 21 this article applies from the state department of health to the
 22 department and the board does not affect:
 23 (1) any rights or liabilities accrued;
 24 (2) any permit applications submitted;
 25 (3) any penalties incurred;
 26 (4) any violations committed;
 27 (5) any proceedings begun;
 28 (6) any bonds, notes, loans, or other forms of indebtedness
 29 issued, incurred, or made;
 30 (7) any tax levies made or authorized;
 31 (8) any funds established;
 32 (9) any patents issued;
 33 (10) the validity, continuation, or termination of any contracts
 34 or leases executed;
 35 (11) the validity, continuation, scope, termination, suspension,
 36 or revocation of:
 37 (A) permits; or
 38 (B) licenses;
 39 that were issued, granted, suspended, terminated, or revoked;
 40 or
 41 (12) the validity of court decisions regarding the
 42 constitutionality of any provision of the prior rules or law that



1 were entered;
2 before January 1, 2015.

3 (b) The rights, liabilities, permit applications, penalties, offenses,
4 proceedings, bonds, notes, loans, other forms of indebtedness, tax
5 levies, funds, patents, contracts, leases, permits, and licenses
6 referred to in subsection (a) continue and shall be recognized,
7 processed, imposed, continued, and enforced after December 31,
8 2014, by the department, the board, and the local boards of health
9 through their local health departments just as they were
10 recognized, processed, imposed, continued, and enforced by the
11 state department of health and the local boards of health under the
12 law and rules in effect before January 1, 2015.

13 **Chapter 2. Residential Onsite Sewage Systems**

14 **Sec. 1. (a) The rules adopted by the board under**
15 **IC 13-20.2-1-2(a) must include rules concerning residential onsite**
16 **sewage systems.**

17 (b) The rules concerning residential onsite sewage systems must
18 provide for the issuance of operating permits for:

- 19 (1) residential onsite sewage systems that are installed in
20 compliance with the plans and specifications promulgated
21 under subsection (a); and
22 (2) onsite residential sewage discharging disposal systems in
23 a county having a population of more than three hundred
24 thousand (300,000) but less than four hundred thousand
25 (400,000) that comply with IC 13-18-12-9.

26 **Sec. 2. (a) The rules referred to in section 1(a) of this chapter**
27 **concerning residential onsite sewage systems shall be administered**
28 **by the local boards of health through their local health**
29 **departments. However, the permit program for residential onsite**
30 **sewage systems operated by a local board of health under local**
31 **ordinances may be more stringent than the rules concerning**
32 **residential onsite sewage systems that are applicable under**
33 **IC 13-20.2-1-2.**

34 (b) A permit program for residential onsite sewage systems
35 operated by a local board of health is subject to review by the
36 department for compliance with:

- 37 (1) this chapter; and
38 (2) the rules that are applicable under IC 13-20.2-1-2.

39 **Sec. 3. (a) A person shall not construct a residential onsite**
40 **sewage system unless the person has been issued a construction**
41 **permit by the local health department.**

42 (b) To obtain a construction permit under this section, a person



1 must submit an application to the local health department. An
2 application submitted under this section must:

- 3 (1) be on a form provided by the local health department;
4 (2) include plans for the residential onsite sewage system of
5 sufficient clarity to enable the local health department to
6 determine whether the system will comply with the rules that
7 are applicable under IC 13-20.2-1-2; and
8 (3) include any other information the local health department
9 considers necessary to enable the local health department to
10 determine whether the system will comply with the rules that
11 are applicable under IC 13-20.2-1-2.

12 Sec. 4. (a) The rules referred to in section 1(a) of this chapter
13 must provide for a reasonable period of not more than forty-five
14 (45) days within which:

- 15 (1) a plan review must be conducted; and
16 (2) a permit application for a residential onsite sewage system
17 must be approved or disapproved.

18 (b) This subsection applies to a county with a population of
19 more than seventy-seven thousand (77,000) but less than eighty
20 thousand (80,000). As used in this subsection, "fill soil" means soil
21 transported and deposited by humans or soil recently transported
22 and deposited by natural erosion forces. A rule concerning the
23 installation of a residential onsite sewage system in fill soil may not
24 prohibit the installation of a residential onsite sewage system in fill
25 soil on a plat if:

- 26 (1) before the effective date of the rule, the plat of the affected
27 lot was recorded;
28 (2) there is not an available sewer line within seven hundred
29 fifty (750) feet of the property line of the affected lot; and
30 (3) the local health department determines that the soil,
31 although fill soil, is suitable for the installation of a residential
32 onsite sewage system.

33 Sec. 5. (a) A person who recklessly, knowingly, or intentionally
34 violates a rule concerning residential onsite sewage systems that is
35 applicable under IC 13-20.2-1-2 commits a Class B misdemeanor.

36 (b) Each day that a violation referred to in subsection (a)
37 continues constitutes a separate offense.

38 Sec. 6. (a) This section applies only to a residential onsite sewage
39 system that:

- 40 (1) is installed after December 31, 2014; and
41 (2) uses a raiser that is more than six (6) inches in diameter
42 and opens to ground level.



1 (b) Each opening to an underground tank of a residential onsite
2 sewage system that allows access from ground level must be
3 covered with a lid or top that is securely fastened.

4 (c) Below a residential onsite sewage system's lid or top
5 described in subsection (b), the tank of the residential onsite
6 sewage system must have a cap or plug.

7 (d) A person who installs a residential onsite sewage system
8 after December 31, 2014, commits a Class B infraction if the
9 residential onsite sewage system does not meet the requirements of
10 this section.

11 (e) Each local health department established within a county
12 under IC 16-20-2-2 shall enforce this section in the county.

13 Sec. 7. (a) Before a local health department may act on an
14 application for a residential onsite sewage system permit, the local
15 health department shall inform the applicant whether the property
16 to which the permit would apply is located in the service district of
17 a regional sewage district established under IC 13-26.

18 (b) An employee of a local health department may conduct an
19 onsite soil evaluation concerning the repair or replacement of a
20 failed residential onsite sewage system if:

21 (1) the employee was hired by the local health department
22 before January 1, 2013;

23 (2) the local board of health has determined that the employee
24 has the necessary knowledge of the principles of soil science
25 as acquired by professional education;

26 (3) the employee uses guidelines set forth in the soil manuals,
27 technical bulletins, and handbooks of the Natural Resources
28 Conservation Service of the United States Department of
29 Agriculture; and

30 (4) the employee files a written report with the local health
31 department for each onsite soil evaluation conducted by the
32 employee.

33 Sec. 8. (a) A local health department, in accordance with the
34 rules that are applicable under IC 13-20.2-1-2, may require that an
35 operating permit be obtained for a residential onsite sewage
36 system.

37 (b) An operating permit required under this section:

38 (1) may include inspection and maintenance requirements;

39 (2) may be subject to renewal at intervals specified in the
40 applicable rules; and

41 (3) is subject to revocation:

42 (A) for a violation of a term or condition of the permit or



1 of a rule that is applicable under IC 13-20.2-1-2; or

2 (B) for other reasons specified in the applicable rule.

3 **Chapter 3. Commercial Onsite Sewage Systems**

4 **Sec. 1. (a) The rules adopted by the board under**
 5 **IC 13-20.2-1-2(a) must include rules concerning commercial onsite**
 6 **sewage systems.**

7 (b) The rules concerning commercial onsite sewage systems
 8 shall be administered by the department.

9 **Sec. 2. (a) A person shall not construct a commercial onsite**
 10 **sewage system unless the person has been issued a construction**
 11 **permit by the department.**

12 (b) To obtain a construction permit under this section, a person
 13 must submit an application to the department. An application
 14 submitted under this section must:

15 (1) be on a form provided by the department;

16 (2) include plans and specifications for the onsite sewage
 17 system that are certified and sealed by a professional engineer
 18 or architect registered in Indiana; and

19 (3) be accompanied by the payment of a fee in an amount set
 20 by the department or applicable rules.

21 **Sec. 3. (a) Before issuing a construction permit for a commercial**
 22 **onsite sewage system, the department shall review the plans and**
 23 **specifications submitted under section 2(b)(2) of this chapter.**

24 (b) The department may issue a construction permit under this
 25 section only if the application, plans, and specifications indicate
 26 that the commercial onsite sewage system will satisfy the
 27 requirements of the applicable rules under IC 13-20.2-1-2
 28 protecting the surface waters and ground waters of Indiana from
 29 contamination.

30 **Sec. 4. (a) The department shall include in a commercial onsite**
 31 **sewage system construction permit the terms and conditions that**
 32 **are required by the rules that are applicable under IC 13-20.2-1-2.**

33 (b) The department, in accordance with the applicable rules,
 34 may include in a commercial onsite sewage system construction
 35 permit certain terms and conditions that will:

36 (1) ensure that the commercial onsite sewage system will be
 37 functional and durable; or

38 (2) prevent a health hazard, a nuisance, surface water
 39 pollution, or ground water pollution.

40 **Sec. 5. (a) The department, in accordance with the rules that are**
 41 **applicable under IC 13-20.2-1-2, may require that an operating**
 42 **permit be obtained for a commercial onsite sewage system.**



1 **(b) An operating permit required under this section:**
2 **(1) may include inspection and maintenance requirements;**
3 **(2) may be subject to renewal at intervals specified in the**
4 **applicable rules; and**
5 **(3) is subject to revocation:**
6 **(A) for a violation of a term or condition of the permit or**
7 **of an applicable rule; or**
8 **(B) for other reasons specified in the applicable rules.**
9 **Chapter 4. Mobile Home Community Wastewater Systems**
10 **Sec. 1. (a) The rules adopted by the board under**
11 **IC 13-20.2-1-2(a) must include rules concerning sewage systems for**
12 **mobile home communities, as provided in IC 16-41-27-8(b).**
13 **(b) The rules referred to in subsection (a) must establish**
14 **requirements for the disposal of sewage from a mobile home**
15 **community through the use of:**
16 **(1) a public sewerage system, if a public sewerage system is**
17 **available within a reasonable distance from the mobile home**
18 **community;**
19 **(2) septic tank absorption fields; or**
20 **(3) sewage disposal systems other than septic tank absorption**
21 **fields.**
22 **Sec. 2. The rules that are applicable to sewage systems for**
23 **mobile home communities under IC 13-20.2-1-2 shall be enforced**
24 **by the commissioner under IC 13-14-2-7 and IC 16-41-27-25.**
25 **Sec. 3. Notwithstanding IC 13-30-4-1, a civil penalty assessed for**
26 **a violation of the rules that are applicable to sewage systems for**
27 **mobile home communities under IC 13-20.2-1-2 is subject to the**
28 **limitation set forth in IC 16-41-27-25(c).**
29 SECTION 13. IC 16-41-25 IS REPEALED [EFFECTIVE
30 JANUARY 1, 2015]. (Health, Sanitation, and Safety: Residential
31 Septic Systems).
32 SECTION 14. IC 16-41-27-8, AS AMENDED BY P.L.87-2005,
33 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JANUARY 1, 2015]: Sec. 8. (a) Except as provided in subsection (b),
35 the state department, **to carry out this chapter**, may adopt rules under
36 IC 4-22-2 **to carry out this chapter including rules for the following:**
37 **concerning (†) health, sanitation, and safety.**
38 **(2) Sewage collection.**
39 **(3) Sewage disposal through septic tank absorption fields.**
40 (b) **The water environmental rules board established by**
41 **IC 13-13-8-3, to carry out this chapter**, shall adopt rules under
42 IC 4-22-2 **and IC 13-14-9** concerning the following:



- 1 (1) Public water supplies required for mobile home communities.
- 2 **(2) Sewage collection.**
- 3 **(3) Sewage disposal through septic tank absorption fields.**
- 4 ~~(2)~~ **(4) Sewage disposal systems other than septic tank absorption**
- 5 **fields.**

6 SECTION 15. IC 16-41-27-10, AS AMENDED BY P.L.87-2005,
 7 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JANUARY 1, 2015]: Sec. 10. **(a) Subject to subsection (b)**, a mobile
 9 home community shall provide a water supply through the use of a
 10 public water system if the water supply is reasonably available within
 11 a reasonable distance from the mobile home community.

12 **(b)** A mobile home community is not required to use a public water
 13 system if the water system is more than two thousand (2,000) feet from
 14 the mobile home community.

15 **(c) If, under subsection (a) or (b), a mobile home community is**
 16 **not required to use** a public water system, ~~is not available~~, water shall
 17 be provided **to the mobile home community** by a system approved by
 18 the ~~environmental~~ commissioner **of the department of environmental**
 19 **management** under rules adopted by the ~~water pollution control~~
 20 **environmental rules** board.

21 SECTION 16. IC 16-41-27-22, AS AMENDED BY P.L.87-2005,
 22 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JANUARY 1, 2015]: Sec. 22. (a) The construction of a new mobile
 24 home community or alteration of an existing mobile home community
 25 shall be made only after plans for the proposed construction or
 26 alteration have been forwarded to and approved by the state
 27 department.

28 (b) A public water system may not be constructed or altered in a
 29 new or existing mobile home community until plans for the
 30 construction or alteration have been forwarded to and approved by the
 31 ~~environmental~~ commissioner **of the department of environmental**
 32 **management** under rules adopted by the ~~water~~ **environmental rules**
 33 board.

34 (c) A sewage collection and disposal system may not be constructed
 35 or altered in a new or existing mobile home community until ~~(1)~~ plans
 36 for:

- 37 **(1) the** construction or alteration of the sewage collection system
 38 and any septic tank absorption field; ~~have been forwarded to and~~
 39 ~~approved by the state department under rules adopted by the state~~
 40 ~~department and or~~
- 41 **(2) plans for the** construction or alteration of any sewage disposal
 42 system other than a septic tank absorption field;



1 have been forwarded to and approved by the ~~environmental~~
 2 commissioner of the **department of environmental management**
 3 under rules adopted by the ~~water environmental rules~~ board.

4 SECTION 17. IC 16-41-27-23 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 23. **Plans to**
 6 **which section 22 of this chapter apply shall be approved not more**
 7 **than ninety (90) days after:**

8 **(1) the plans are forwarded to** the state department, **in the case**
 9 **of plans to which section 22(a) of this chapter apply;** or

10 **(2) the plans are forwarded to** the ~~environmental~~ commissioner
 11 **of the department of environmental management, in the case**
 12 **of plans to which section 22(b) or 22(c) of this chapter apply;**
 13 shall not more than ninety (90) days after filing; ~~approve if the plans~~
 14 ~~filed under section 22 of this chapter that~~ comply with this chapter and
 15 rules adopted under this chapter.

16 SECTION 18. IC 16-41-27-25 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 25. (a) The state
 18 department shall adopt a schedule of civil penalties that may be levied
 19 in an action to enforce the following:

20 (1) This chapter.

21 (2) The rules ~~of~~ **adopted under this chapter** by the state
 22 department.

23 **(b) The environmental rules board shall adopt a schedule of civil**
 24 **penalties that may be levied in an action to enforce the following:**

25 **(1) This chapter.**

26 ~~(2)~~ **(2) The rules adopted under this chapter by the water**
 27 **environmental rules board.**

28 ~~(b)~~ **(c) Notwithstanding IC 13-30-4-1,** a penalty included in ~~the~~ a
 29 schedule of civil penalties adopted under subsection (a) **or (b)** may not
 30 exceed one thousand dollars (\$1,000) per violation per day.

31 ~~(c)~~ **(d) The state department may issue an order of compliance,**
 32 **impose a civil penalty included in the schedule of civil penalties**
 33 **adopted under subsection (a), or both, against a person who:**

34 (1) fails to comply with this chapter or a rule adopted under this
 35 chapter **by the state department;** or

36 (2) interferes with or obstructs the state department or the state
 37 department's designated agent in the performance of duties under
 38 this chapter.

39 **(e) The commissioner of the department of environmental**
 40 **management may issue an order of compliance, impose a civil**
 41 **penalty included in the schedule of civil penalties adopted under**
 42 **subsection (b), or both, against a person who:**



1 **(1) fails to comply with this chapter or a rule adopted under**
 2 **this chapter by the environmental rules board; or**
 3 **(2) interferes with or obstructs the department of**
 4 **environmental management or a designated agent of the**
 5 **department of environmental management in the**
 6 **performance of duties under this chapter.**
 7 ~~(d)~~ **(f)** An order of compliance **referred to in subsection (d) or (e)**
 8 may be issued **only** under IC 4-21.5-3-6, IC 4-21.5-3-8, or IC 4-21.5-4.
 9 A civil penalty may be imposed **under subsection (d) or (e)** only in a
 10 proceeding under IC 4-21.5-3-8.
 11 ~~(e)~~ **(g)** A proceeding to impose a civil penalty may be consolidated
 12 with any other proceedings to enforce any of the following:
 13 (1) This chapter.
 14 (2) The rules ~~of~~ **adopted under this chapter** by the state
 15 department.
 16 (3) The rules adopted under this chapter by the ~~water pollution~~
 17 **control environmental rules** board.
 18 SECTION 19. IC 35-51-13-1, AS ADDED BY P.L.70-2011,
 19 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JANUARY 1, 2015]: Sec. 1. The following statutes define crimes in
 21 IC 13:
 22 IC 13-18-8-9 (Concerning water pollution control).
 23 IC 13-18-13-31 (Concerning water pollution control).
 24 IC 13-18-21-31 (Concerning water pollution control).
 25 IC 13-19-5-17 (Concerning environmental remediation revolving
 26 loan program).
 27 IC 13-20-13-17 (Concerning solid waste management).
 28 IC 13-20-22-19 (Concerning solid waste management).
 29 IC 13-20-22-20 (Concerning solid waste management).
 30 IC 13-20-22-21 (Concerning solid waste management).
 31 **IC 13-20.2-2-5 (Concerning residential onsite sewage system**
 32 **permits).**
 33 IC 13-23-7-9 (Concerning underground storage tanks).
 34 IC 13-23-9-6 (Concerning underground storage tanks).
 35 IC 13-25-4-28 (Concerning hazardous substances).
 36 IC 13-29-1-14 (Concerning Midwest Interstate Compact on
 37 Low-Level Radioactive Waste).
 38 IC 13-30-10-1 (Concerning the environment).
 39 IC 13-30-10-1.5 (Concerning the environment).
 40 IC 13-30-10-5 (Concerning the environment).
 41 IC 13-30-10-6 (Concerning the environment).
 42 SECTION 20. IC 35-51-16-1, AS AMENDED BY P.L.292-2013,



1 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 2 JANUARY 1, 2015]: Sec. 1. The following statutes define crimes in
 3 IC 16:

- 4 IC 16-19-12-1 (Concerning the state department of health).
 5 IC 16-20-1-25 (Concerning local health departments).
 6 IC 16-20-9-1 (Concerning local health departments).
 7 IC 16-21-2-2.5 (Concerning licensure of hospitals).
 8 IC 16-21-5-3 (Concerning licensure of hospitals).
 9 IC 16-21-6-12 (Concerning hospital financial disclosure law).
 10 IC 16-21-7-5 (Concerning hospitals).
 11 IC 16-25-5-8 (Concerning hospices).
 12 IC 16-25-6-1 (Concerning hospices).
 13 IC 16-27-1-15 (Concerning home health agencies).
 14 IC 16-27-2-3 (Concerning home health agencies).
 15 IC 16-27-4-23 (Concerning home health agencies).
 16 IC 16-28-7-5 (Concerning monitors).
 17 IC 16-28-9-3 (Concerning monitors).
 18 IC 16-28-9-4 (Concerning monitors).
 19 IC 16-28-9-5 (Concerning monitors).
 20 IC 16-30-5-1 (Concerning health planning).
 21 IC 16-31-3-16 (Concerning emergency medical services).
 22 IC 16-31-3-22 (Concerning emergency medical services).
 23 IC 16-31-10-2 (Concerning emergency medical services).
 24 IC 16-34-2-5 (Concerning abortion).
 25 IC 16-34-2-6 (Concerning abortion).
 26 IC 16-34-2-7 (Concerning abortion).
 27 IC 16-36-4-15 (Concerning medical consent).
 28 IC 16-36-4-16 (Concerning medical consent).
 29 IC 16-36-5-27 (Concerning medical consent).
 30 IC 16-36-5-28 (Concerning medical consent).
 31 IC 16-37-1-12 (Concerning vital statistics).
 32 IC 16-37-1-13 (Concerning vital statistics).
 33 IC 16-37-2-2.1 (Concerning vital statistics).
 34 IC 16-37-2-19 (Concerning vital statistics).
 35 IC 16-37-3-16 (Concerning vital statistics).
 36 IC 16-38-5-4 (Concerning health registries).
 37 IC 16-39-7.1-3 (Concerning health records).
 38 IC 16-39-7.1-6 (Concerning health records).
 39 IC 16-41-1-3 (Concerning communicable diseases).
 40 IC 16-41-2-9 (Concerning communicable diseases).
 41 IC 16-41-3-3 (Concerning communicable diseases).
 42 IC 16-41-4-3 (Concerning communicable diseases).

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- 1 IC 16-41-5-3 (Concerning communicable diseases).
- 2 IC 16-41-6-3 (Concerning communicable diseases).
- 3 IC 16-41-7-5 (Concerning communicable diseases).
- 4 IC 16-41-8-1 (Concerning communicable diseases).
- 5 IC 16-41-8-3 (Concerning communicable diseases).
- 6 IC 16-41-8-5 (Concerning communicable diseases).
- 7 IC 16-41-9-1.5 (Concerning communicable diseases).
- 8 IC 16-41-10-5 (Concerning communicable diseases).
- 9 IC 16-41-10-7 (Concerning communicable diseases).
- 10 IC 16-41-12-13 (Concerning communicable diseases).
- 11 IC 16-41-12-14 (Concerning communicable diseases).
- 12 IC 16-41-12-15 (Concerning communicable diseases).
- 13 IC 16-41-13-3 (Concerning communicable diseases).
- 14 IC 16-41-13-4 (Concerning communicable diseases).
- 15 IC 16-41-13-6 (Concerning communicable diseases).
- 16 IC 16-41-14-13 (Concerning communicable diseases).
- 17 IC 16-41-14-15 (Concerning communicable diseases).
- 18 IC 16-41-14-16 (Concerning communicable diseases).
- 19 IC 16-41-14-17 (Concerning communicable diseases).
- 20 IC 16-41-14-20 (Concerning communicable diseases).
- 21 IC 16-41-15-18 (Concerning communicable diseases).
- 22 IC 16-41-16-11 (Concerning communicable diseases).
- 23 IC 16-41-18-6 (Concerning prevention and treatment programs).
- 24 IC 16-41-19-10 (Concerning prevention and treatment programs).
- 25 IC 16-41-20-13 (Concerning health, sanitation, and safety).
- 26 IC 16-41-21-18 (Concerning health, sanitation, and safety).
- 27 IC 16-41-21-19 (Concerning health, sanitation, and safety).
- 28 IC 16-41-22-21 (Concerning health, sanitation, and safety).
- 29 IC 16-41-22-22 (Concerning health, sanitation, and safety).
- 30 IC 16-41-23-4 (Concerning health, sanitation, and safety).
- 31 IC 16-41-24-11 (Concerning health, sanitation, and safety).
- 32 ~~IC 16-41-25-2 (Concerning health, sanitation, and safety).~~
- 33 IC 16-41-27-34 (Concerning health, sanitation, and safety).
- 34 IC 16-41-29-5 (Concerning regulation of lodging facilities and
- 35 bedding materials).
- 36 IC 16-41-32-30 (Concerning regulation of lodging facilities and
- 37 bedding materials).
- 38 IC 16-41-33-9 (Concerning pest control).
- 39 IC 16-41-34-8 (Concerning pest control).
- 40 IC 16-41-35-40 (Concerning radiation).
- 41 IC 16-41-38-10 (Concerning radon gas).
- 42 IC 16-42-1-16 (Concerning Uniform Food, Drug, and Cosmetic



- 1 Act).
- 2 IC 16-42-1-34 (Concerning Uniform Food, Drug, and Cosmetic
- 3 Act).
- 4 IC 16-42-2-8 (Concerning Uniform Food, Drug, and Cosmetic
- 5 Act).
- 6 IC 16-42-2-9 (Concerning Uniform Food, Drug, and Cosmetic
- 7 Act).
- 8 IC 16-42-3-12 (Concerning Uniform Food, Drug, and Cosmetic
- 9 Act).
- 10 IC 16-42-4-5 (Concerning Uniform Food, Drug, and Cosmetic
- 11 Act).
- 12 IC 16-42-5-26 (Concerning sanitary requirements for food
- 13 establishments).
- 14 IC 16-42-5-27 (Concerning sanitary requirements for food
- 15 establishments).
- 16 IC 16-42-10-13 (Concerning food).
- 17 IC 16-42-18-7 (Concerning food).
- 18 IC 16-42-19-27 (Concerning the Indiana Legend Drug Act).
- 19 IC 16-42-21-4 (Concerning the Indiana Legend Drug Act).
- 20 IC 16-44-1-1 (Concerning product labeling and inspection).
- 21 IC 16-44-2-22 (Concerning product labeling and inspection).
- 22 IC 16-46-6-12 (Concerning state health grants and programs).
- 23 SECTION 21. IC 36-11-2-1 IS AMENDED TO READ AS
- 24 FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. A district may
- 25 be established under this article to perform one (1) or more of the
- 26 following functions related to onsite waste management:
- 27 (1) Inventory of systems.
- 28 (2) Inspection of systems.
- 29 (3) Monitoring the:
- 30 (A) performance; and
- 31 (B) maintenance;
- 32 of systems.
- 33 (4) Establishing:
- 34 (A) standards for installation and inspection of systems that
- 35 are no less stringent than standards established by the state
- 36 department of health **or the environmental rules board**; and
- 37 (B) procedures for enforcement of the standards.
- 38 (5) Seeking grants for:
- 39 (A) system maintenance; and
- 40 (B) any other activities described in this article.
- 41 (6) Establishing rates and charges for the operation of the district.
- 42 (7) Establishing policies and procedures for the use of grants and



- 1 other revenue of the district for installation, maintenance, and
- 2 other activities of the district relating to systems in the district.
- 3 (8) Seeking solutions for disposal of septage from systems.
- 4 (9) Education and training of system service providers and system
- 5 owners.
- 6 (10) Coordination of activities of the district with activities of:
- 7 (A) local health departments;
- 8 (B) the department of environmental management; **and**
- 9 (C) the department of natural resources. ~~and~~
- 10 ~~(D) the state department of health.~~
- 11 (11) Other functions as determined by the governing body of the
- 12 district.

13 Enforcement of standards by a district under subdivision (4) does not
 14 affect the authority of the department of environmental management,
 15 the state department of health, or a local health department.

16 SECTION 22. IC 36-11-3-1 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. (a) The
 18 establishment of a district may be initiated only by the governing body.

19 (b) The dissolution of a district may be initiated only by the
 20 governing body.

21 (c) A notice of intent to establish or dissolve a district must be filed
 22 in:

23 (1) the office of the executive of each governmental entity having
 24 territory within the proposed district or the district proposed for
 25 dissolution; **and**

26 (2) the department of environmental management. ~~and~~

27 ~~(3) the state department of health.~~

28 SECTION 23. IC 36-11-3-7 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 7. (a) The hearing
 30 officer shall fix a date, time, and place inside or within ten (10) miles
 31 of the proposed district for the hearing on any matter for which a
 32 hearing is authorized under this chapter.

33 (b) The hearing officer shall provide notice of the hearing:

34 (1) under IC 5-3-1; and

35 (2) by certified mail, return receipt requested, mailed at least two
 36 (2) weeks before the hearing to

37 ~~(A) the department of environmental management. and~~

38 ~~(B) the state department of health.~~

39 SECTION 24. IC 36-11-3-11 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 11. The district
 41 shall provide notice of the adoption of an ordinance under section 10
 42 of this chapter to:



- 1 (1) local health departments;
- 2 (2) the department of environmental management; **and**
- 3 (3) the department of natural resources. ~~and~~
- 4 (~~4~~) ~~the state department of health.~~



COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred Senate Bill No. 107, 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, line 13, after "IC 13-13-5-1" insert ", **IC 13-15-1-2**,".

Page 2, line 22, after "of" insert "**IC 13-15-1-2 and**".

Page 3, line 5, after "IC 13-13-5-1" insert ", **IC 13-15-1-2**,".

Page 3, between lines 38 and 39, begin a new paragraph and insert: "SECTION 11. IC 13-15-1-2, AS AMENDED BY P.L.133-2012, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2. The board shall establish requirements for the issuance of permits to control water pollution and atomic radiation, including the following:

(1) Permits to control or limit the discharge of any contaminants into state waters or into a publicly owned treatment works.

(2) Permits for the construction, installation, or modification of facilities, equipment, or devices to control or limit any discharge, emission, or disposal of contaminants into the waters of Indiana or into a publicly owned treatment works.

(3) Permits for the operation of facilities, equipment, or devices to control or limit the discharge, emission, or disposal of any contaminants into the waters of Indiana or into a publicly owned treatment works.

(4) Permits for the construction, installation, or modification of:

(A) commercial onsite sewage systems;

(B) residential onsite sewage systems; and

(C) mobile home community waste water systems.

However, the board may not require a permit under subdivision (2) for any facility, equipment, or device constructed, installed, or modified as part of a surface coal mining operation that is operated under a permit issued under IC 14-34."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 107 as introduced.)

CHARBONNEAU, Chairperson

Committee Vote: Yeas 7, Nays 1.

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