



Reprinted  
January 24, 2014

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## SENATE BILL No. 107

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DIGEST OF SB 107 (Updated January 23, 2014 3:08 pm - DI 55)

**Citations Affected:** IC 13-13; IC 13-18.

**Synopsis:** Transfer of sewage system regulatory authority. Provides for the transfer from the state department of health (ISDH) to the department of environmental management (IDEM) of the authority for regulating residential onsite sewage systems, commercial onsite sewage systems, and sewage disposal systems of mobile home communities that employ septic tank absorption fields. Provides that the transfer of authority shall take place: (1) as soon as reasonably possible, consistent with the goal of avoiding undue disruption for persons and entities affected by or involved in the regulatory activity; but (2) in no event later than July 1, 2015. Requires the environmental rules board to adopt rules concerning the regulation of residential and commercial onsite sewage systems and sewage disposal systems of mobile home communities, but provides that the rules of the state department of health continue to apply until the rules of the environmental rules board take effect. Requires ISDH and IDEM to report to the environmental quality service council during the 2014 legislative interim on the progress in transferring the regulatory authority from ISDH to IDEM. Requires the legislative services agency to prepare legislation for introduction in the 2015 legislative session to make changes in statutes that are necessary or appropriate because of the transfer of regulatory authority.

**Effective:** Upon passage; July 1, 2014.

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## Charbonneau, Eckerty, Randolph

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January 8, 2014, read first time and referred to Committee on Environmental Affairs.  
January 14, 2014, amended, reported favorably — Do Pass.  
January 23, 2014, read second time, amended, ordered engrossed.

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SB 107—LS 6503/DI 55





Reprinted  
January 24, 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

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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 13-13-7-9, AS AMENDED BY P.L.6-2012,  
2 SECTION 102, IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2014]: (a) Sec. 9. The council shall do the  
4 following:  
5 (1) Conduct the following studies:  
6 (A) Study issues designated by the legislative council.  
7 (B) In 2011, study each program administered by the  
8 department for which the program's annual cost of  
9 administration exceeds the annual revenue generated by the  
10 program and evaluate whether to recommend measures to  
11 reduce or eliminate the excess cost.  
12 (C) Study the following in 2012:  
13 (i) The effectiveness of the electronic waste provisions of  
14 IC 13-20.5.  
15 (ii) Appropriate guidelines for the Indiana recycling market  
16 development board for determining under IC 13-20.5-2-2

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- 1                   whether a manufacturer has made good faith progress to  
2                   achieve substantial compliance with IC 13-20.5.
- 3                   (2) Advise the commissioner on policy issues decided on by the  
4                   council.
- 5                   (3) Review the mission and goals of the department and evaluate  
6                   the implementation of the mission.
- 7                   (4) Serve as a council of the general assembly to evaluate:  
8                   (A) resources and structural capabilities of the department to  
9                   meet the department's priorities; and  
10                  (B) program requirements and resource requirements for the  
11                  department.
- 12                  (5) Serve as a forum for citizens, the regulated community, and  
13                  legislators to discuss broad policy directions.
- 14                  (6) Review and discuss various topics related to the Great Lakes  
15                  and the Great Lakes watershed, including:  
16                  (A) the availability of federal funds for projects related to  
17                  water quality, supply, and protection;  
18                  (B) the extent of water consumption and use from the Great  
19                  Lakes, including the Great Lakes watershed;  
20                  (C) levels of water pollution and the sources affecting water  
21                  quality of the Great Lakes, including the Great Lakes  
22                  watershed;  
23                  (D) the impact of water quality and supply issues on  
24                  recreational activities and natural habitats;  
25                  (E) the impact of invasive species on the Great Lakes and the  
26                  Great Lakes watershed ecosystem;  
27                  (F) current laws and regulations affecting the Great Lakes,  
28                  including the Great Lakes—St. Lawrence River Basin Water  
29                  Resources Compact (IC 14-25-15);  
30                  (G) current laws, regulations, and infrastructure conditions  
31                  affecting shipping in the Great Lakes; and  
32                  (H) other matters relevant to the condition of the Great Lakes  
33                  and the Great Lakes Watershed.
- 34                  (7) Submit a final report to the legislative council, in an electronic  
35                  format under IC 5-14-6, that contains at least the following:  
36                  (A) An outline of activities of the council.  
37                  (B) Recommendations for department action.  
38                  (C) Recommendations for legislative action.
- 39                  **(b) During the 2014 legislative interim, the state department of**  
40                  **health established by IC 16-19-1-1 and the department of**  
41                  **environmental management shall report to the council on the**  
42                  **progress in transferring from the state department of health to the**



1 department of environmental management the authority to  
2 regulate:

- 3 (1) residential onsite sewage systems;  
4 (2) commercial onsite sewage systems; and  
5 (3) sewage disposal systems of mobile home communities that  
6 employ septic tank absorption fields.

7 SECTION 2. IC 13-18-24 IS ADDED TO THE INDIANA CODE  
8 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
9 UPON PASSAGE]:

10 **Chapter 24. Transfer of Authority Over Onsite Sewage Systems  
11 and Mobile Home Community Sewage Disposal Systems**

12 **Sec. 1. (a) Notwithstanding any other provision of this title or  
13 IC 16, the state department of health established by IC 16-19-1-1  
14 shall transfer to the department of environmental management,  
15 and the department of environmental management shall assume,  
16 the authority for regulating the following:**

- 17 (1) Commercial onsite sewage systems.  
18 (2) Residential onsite sewage systems.  
19 (3) Sewage disposal systems of mobile home communities that  
20 employ septic tank absorption fields.

21 **(b) The transfer of authority required by subsection (a) shall  
22 take place:**

- 23 (1) as soon as reasonably possible, consistent with the goal of  
24 avoiding undue disruption for persons and entities affected by  
25 or involved in the regulatory activity, including local boards  
26 of health and their local health departments; but  
27 (2) in no event later than July 1, 2015.

28 **Sec. 2. (a) The environmental rules board shall adopt rules  
29 under IC 4-22-2 and IC 13-14-9 concerning the exercise by the  
30 department of environmental management of the authority for  
31 regulating:**

- 32 (1) commercial onsite sewage systems;  
33 (2) residential onsite sewage systems; and  
34 (3) sewage disposal systems of mobile home communities that  
35 employ septic tank absorption fields.

36 **(b) Until the rules required by subsection (a) are adopted and  
37 take effect, the rules of the state department of health concerning  
38 onsite sewage systems and mobile home community wastewater  
39 systems, including:**

- 40 (1) 410 IAC 6-8.3;  
41 (2) 410 IAC 6-10;  
42 (3) 410 IAC 6-12; and



1           **(4) 410 IAC 6-6, insofar as it pertains to sewage systems;**  
2           **remain in effect, may be enforced by the department and the local**  
3           **boards of health through their local health departments, and apply**  
4           **to the same extent that they applied before the transfer of authority**  
5           **required by section 1(a) of this chapter.**  
6           **Sec. 3. (a) The legislative services agency shall prepare**  
7           **legislation for introduction in the 2015 regular session of the**  
8           **general assembly to make changes in statutes that are necessary or**  
9           **appropriate because of the transfer of authority required by**  
10           **section 1(a) of this chapter.**  
11           **(b) This section expires July 1, 2015.**  
12           **SECTION 3. An emergency is declared for this act.**



## 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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## SENATE MOTION

Madam President: I move that Senate Bill 107 be amended to read as follows:

Page 1, delete lines 1 through 16.

Delete pages 2 through 4.

Page 5, delete lines 1 through 8, begin a new paragraph and insert:

"SECTION 1. IC 13-13-7-9, AS AMENDED BY P.L.6-2012, SECTION 102, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: (a) Sec. 9. The council shall do the following:

(1) Conduct the following studies:

(A) Study issues designated by the legislative council.

(B) In 2011, study each program administered by the department for which the program's annual cost of administration exceeds the annual revenue generated by the program and evaluate whether to recommend measures to reduce or eliminate the excess cost.

(C) Study the following in 2012:

(i) The effectiveness of the electronic waste provisions of IC 13-20.5.

(ii) Appropriate guidelines for the Indiana recycling market development board for determining under IC 13-20.5-2-2 whether a manufacturer has made good faith progress to achieve substantial compliance with IC 13-20.5.

(2) Advise the commissioner on policy issues decided on by the council.

(3) Review the mission and goals of the department and evaluate the implementation of the mission.

(4) Serve as a council of the general assembly to evaluate:

(A) resources and structural capabilities of the department to meet the department's priorities; and

(B) program requirements and resource requirements for the department.

(5) Serve as a forum for citizens, the regulated community, and legislators to discuss broad policy directions.

(6) Review and discuss various topics related to the Great Lakes and the Great Lakes watershed, including:

(A) the availability of federal funds for projects related to water quality, supply, and protection;

(B) the extent of water consumption and use from the Great Lakes, including the Great Lakes watershed;



- (C) levels of water pollution and the sources affecting water quality of the Great Lakes, including the Great Lakes watershed;
  - (D) the impact of water quality and supply issues on recreational activities and natural habitats;
  - (E) the impact of invasive species on the Great Lakes and the Great Lakes watershed ecosystem;
  - (F) current laws and regulations affecting the Great Lakes, including the Great Lakes—St. Lawrence River Basin Water Resources Compact (IC 14-25-15);
  - (G) current laws, regulations, and infrastructure conditions affecting shipping in the Great Lakes; and
  - (H) other matters relevant to the condition of the Great Lakes and the Great Lakes Watershed.
- (7) Submit a final report to the legislative council, in an electronic format under IC 5-14-6, that contains at least the following:
- (A) An outline of activities of the council.
  - (B) Recommendations for department action.
  - (C) Recommendations for legislative action.

**(b) During the 2014 legislative interim, the state department of health established by IC 16-19-1-1 and the department of environmental management shall report to the council on the progress in transferring from the state department of health to the department of environmental management the authority to regulate:**

- (1) residential onsite sewage systems;**
- (2) commercial onsite sewage systems; and**
- (3) sewage disposal systems of mobile home communities that employ septic tank absorption fields.**

SECTION 2. IC 13-18-24 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

**Chapter 24. Transfer of Authority Over Onsite Sewage Systems and Mobile Home Community Sewage Disposal Systems**

**Sec. 1. (a) Notwithstanding any other provision of this title or IC 16, the state department of health established by IC 16-19-1-1 shall transfer to the department of environmental management, and the department of environmental management shall assume, the authority for regulating the following:**

- (1) Commercial onsite sewage systems.**
- (2) Residential onsite sewage systems.**
- (3) Sewage disposal systems of mobile home communities that**



employ septic tank absorption fields.

**(b) The transfer of authority required by subsection (a) shall take place:**

**(1) as soon as reasonably possible, consistent with the goal of avoiding undue disruption for persons and entities affected by or involved in the regulatory activity, including local boards of health and their local health departments; but**

**(2) in no event later than July 1, 2015.**

**Sec. 2. (a) The environmental rules board shall adopt rules under IC 4-22-2 and IC 13-14-9 concerning the exercise by the department of environmental management of the authority for regulating:**

**(1) commercial onsite sewage systems;**

**(2) residential onsite sewage systems; and**

**(3) sewage disposal systems of mobile home communities that employ septic tank absorption fields."**

Page 5, line 19, delete "January 1, 2015." and insert "**the transfer of authority required by section 1(a) of this chapter.**

**Sec. 3. (a) The legislative services agency shall prepare legislation for introduction in the 2015 regular session of the general assembly to make changes in statutes that are necessary or appropriate because of the transfer of authority required by section 1(a) of this chapter.**

**(b) This section expires July 1, 2015.**

**SECTION 3. An emergency is declared for this act."**

Page 5, delete lines 20 through 42.

Delete pages 6 through 18.

(Reference is to SB 107 as printed January 15, 2014.)

CHARBONNEAU

