Citations Affected: IC 16-19.

Synopsis: New sewage treatment and disposal technology. Requires the state department of health (state department) to establish and maintain a technical review panel consisting of individuals with technical or scientific knowledge relating to onsite sewage systems. Requires the technical review panel to receive applications for the approval for use in Indiana of "technology new to Indiana" (or "TNI"), which is sewage treatment or disposal methods, processes, or equipment that are not recognized in the administrative rules of the state department or the executive board of the state department concerning residential onsite sewage systems or commercial onsite sewage systems. 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, in response to an application, to recommend: (1) that the TNI be approved for use in Indiana; (2) that the TNI be approved for use in Indiana with certain conditions; (3) that the TNI be approved for use in Indiana on a project-by-project basis; or (4) that the TNI not be approved for use in Indiana. Requires the technical review panel to 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.

Effective: July 1, 2019.

Bartels, Miller D, Pressel, Goodin

January 16, 2019, read first time and referred to Committee on Environmental Affairs. February 14, 2019, amended, reported — Do Pass.
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 16-19-3-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 27. (a) The state department of health shall:

   (1) study the use of:

   (A) effluent filters;
   (B) recirculation media filters;
   (C) aeration treatment units;
   (D) drip irrigation;
   (E) graveless trenches; and
   (F) new technologies;

   for residential septic systems and commercial onsite sewage systems that will cause the systems to perform satisfactorily as alternatives to currently operating systems that do not perform satisfactorily because of soil characteristics, lot sizes, topographical conditions, or high water tables; and

   (2) take all actions necessary to develop plans and specifications for use of the technologies listed in subdivision (1) in residential systems.
septic systems and commercial onsite sewage systems.

(b) The executive board shall adopt reasonable rules under IC 4-22-2 to:

(1) promulgate the plans and specifications developed under subsection (a); and

(2) allow for the issuance of operating permits for:

(A) residential septic systems and commercial onsite sewage systems that are installed in compliance with the plans and specifications promulgated under subdivision (1); and

(B) onsite residential sewage discharging disposal systems in a county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000) that comply with IC 13-18-12-9.

(c) The executive board shall adopt rules under IC 4-22-2 under which proprietary residential wastewater treatment devices and proprietary commercial onsite sewage system devices submitted to the state department will be evaluated under section 27.5 of this chapter and, if approved according to the rules, authorized for use in residential septic systems for purposes of IC 16-41-25 and nonresidential onsite sewage systems for purposes of IC 16-19-3.5.

SECTION 2. IC 16-19-3-27.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Sec. 27.5. (a) As used in this section, "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.
(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. (1) the TNI has been certified as meeting the ANSI/NSF 40 Standard;
2. (2) a proposed Indiana design and installation manual for the TNI is submitted with the permit application; and
3. (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.
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.
   (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.