

HOUSE BILL No. 1052

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-19-3; IC 16-46-10-6.

Synopsis: Onsite sewage systems. Requires the Indiana department of health (state department) or the executive board of the state department to adopt, revise, update, or repeal rules concerning residential and nonresidential onsite sewage systems. Alters who may vote on the technical review panel and the process to resolve a tie vote. Provides that the technical review panel may not approve an ordinance concerning residential onsite sewage systems unless certain conditions are met. Voids certain ordinances. Provides that a local board of health is ineligible to receive funding from the local public health fund under certain conditions.

Effective: Upon passage.

Pressel

January 8, 2025, read first time and referred to Committee on Environmental Affairs.



First Regular Session of the 124th General Assembly (2025)

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 2024 Regular Session of the General Assembly.

HOUSE BILL No. 1052

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 16-19-3-27.5, AS AMENDED BY P.L.232-2023,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 27.5. (a) As used in this section and section
4 27.8 of this chapter, "technology new to Indiana" (referred to in this
5 section as "TNI") means sewage treatment or disposal methods,
6 processes, or equipment that are not described in the administrative
7 rules of the state department or the executive board concerning
8 residential onsite sewage systems (410 IAC 6-8.3) or commercial
9 onsite sewage systems (410 IAC 6-10.1).

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

- 14 (1) shall decide under subsection (f) whether to approve:
15 (A) proprietary residential wastewater treatment devices; and
16 (B) proprietary commercial wastewater treatment devices;
17 for general use in Indiana;



- 1 (2) shall biannually review the performance of residential onsite
 2 sewage systems and commercial onsite sewage systems;
 3 (3) shall assist the state department in developing standards and
 4 guidelines for proprietary residential wastewater treatment
 5 devices and proprietary commercial wastewater treatment
 6 devices;
 7 (4) shall assist the executive board and the state department in
 8 updating rules adopted under section 4 of this chapter concerning
 9 residential onsite sewage systems and commercial onsite sewage
 10 systems; and
 11 (5) may exercise the powers granted by section 27.7 of this
 12 chapter.
- 13 (c) The technical review panel shall include the following:
 14 (1) A member of the staff of the state department, who shall serve
 15 as the chair.
 16 (2) A local health department environmental health specialist
 17 appointed by the governor.
 18 (3) An Indiana professional engineer registered under IC 25-31-1
 19 representing the American Council of Engineering Companies.
 20 (4) A representative of the Indiana Builders Association.
 21 (5) An Indiana registered professional soil scientist (as defined in
 22 IC 25-31.5-1-6) representing the Indiana Registry of Soil
 23 Scientists.
 24 (6) A representative of an Indiana college or university with a
 25 specialty in engineering, soil science, environmental health, or
 26 biology appointed by the governor.
 27 (7) A representative of the Indiana Onsite Wastewater
 28 Professionals Association.
 29 (8) An Indiana onsite sewage system contractor appointed by the
 30 governor.
 31 (9) A representative of the Indiana State Building and
 32 Construction Trades Council.
- 33 All members of the technical review panel are voting members, **except**
 34 **the member described in subdivision (1).**
- 35 (d) In the case of a tie vote of the technical review panel, **the**
 36 **following shall occur:**
- 37 (1) **If the tie vote is in regard to a county, city, or town**
 38 **ordinance concerning residential onsite sewage systems:**
 39 (A) **the technical review panel shall send the ordinance**
 40 **back to the county, city, or town not more than seven (7)**
 41 **days after the day of the tie vote;**
 42 (B) **the county, city, or town may revise and resubmit the**



- 1 **ordinance; and**
 2 **(C) if the ordinance is revised and resubmitted, the**
 3 **technical review panel shall consider the revised ordinance**
 4 **at its next meeting.**
 5 **(2) If the tie vote is in regard to a matter not described in**
 6 **subdivision (1),** the technical review panel shall, not more than
 7 seven (7) days after the day of the tie vote:
 8 (†) **(A)** contact the applicant by phone call and by mail; and
 9 (‡) **(B)** request more information or provide an explanation of
 10 how the applicant can modify the application to make it more
 11 complete.
 12 The technical review panel shall review any new information
 13 provided by the applicant and vote again on the application not
 14 more than thirty (30) days after receiving the information.
 15 (e) The technical review panel shall do the following:
 16 (1) Receive applications for the approval of TNI for general use
 17 in:
 18 (A) residential onsite sewage systems under sections 4 and 27
 19 of this chapter and IC 16-41-25; and
 20 (B) commercial onsite sewage systems under sections 4 and 27
 21 of this chapter and IC 16-19-3.5.
 22 (2) Meet ~~at least four (4) times per year~~ **not more than one (1)**
 23 **time per calendar quarter** to review applications described in
 24 subdivision (1).
 25 (3) Notify each person who submits an application described in
 26 subdivision (1):
 27 (A) that the person's application has been received by the
 28 technical review panel; and
 29 (B) of whether the application is complete;
 30 not later than thirty (30) days after the technical review panel
 31 receives the application.
 32 (4) Inform each person who submits an application described in
 33 subdivision (1) of:
 34 (A) a tentative decision of the technical review panel; or
 35 (B) the technical review panel's final decision under
 36 subsection (f);
 37 concerning the application not more than ninety (90) days after
 38 the technical review panel notifies the person under subdivision
 39 (3) that the panel has received the person's application.
 40 (f) In response to each application described in subsection (e)(1),
 41 the technical review panel shall make, and inform the applicant of, one
 42 (1) of the following final decisions:



- 1 (1) That the TNI to which the application relates is approved for
 2 general use in Indiana.
 3 (2) That the TNI to which the application relates is approved for
 4 use in Indiana with certain conditions, which may include:
 5 (A) a requirement that the TNI be used initially only in a pilot
 6 project;
 7 (B) restrictions on the number or type of installations of the
 8 TNI;
 9 (C) sampling and analysis requirements for TNI involving or
 10 comprising a secondary treatment system;
 11 (D) requirements relating to training concerning the TNI;
 12 (E) requirements concerning the operation and maintenance of
 13 the TNI; or
 14 (F) other requirements.
 15 (3) That the TNI to which the application relates is approved on
 16 a project-by-project basis.
 17 (4) That the TNI is not approved for use in Indiana, which must
 18 be accompanied by a statement of the reason for the decision.
 19 (g) If the technical review panel makes a decision under subsection
 20 (f)(4) that the TNI is not approved for use in Indiana, the applicant
 21 may:
 22 (1) submit a new application to the technical review panel under
 23 this section; or
 24 (2) file a petition for review of the technical review panel's
 25 decision under IC 4-21.5-3.
 26 (h) If the technical review panel fails to notify a person who submits
 27 an application of the technical review panel's tentative decision or final
 28 recommendation within ninety (90) days after receiving the application
 29 as required by subsection (e)(4), the person who submitted the
 30 application may use the TNI to which the application relates in a single
 31 residential onsite sewage system or commercial onsite sewage system,
 32 as if the TNI had been approved only for use in a pilot project.
 33 (i) The technical review panel shall decide that the TNI to which an
 34 application relates is approved for general use in Indiana if:
 35 (1) the TNI has been certified as meeting the NSF/ANSI 40
 36 Standard;
 37 (2) a proposed Indiana design and installation manual for the TNI
 38 is submitted with the permit application; and
 39 (3) the technical review panel certifies that the proposed Indiana
 40 design and installation manual meets the vertical and horizontal
 41 separation, sizing, and soil loading criteria of the state
 42 department.



- 1 (j) Subsection (k) applies if:
 2 (1) a particular TNI meets the requirements of NSF/ANSI 40,
 3 NSF/ANSI 245, or NSF/ANSI 350;
 4 (2) the proposed Indiana design and installation manual for the
 5 TNI meets the vertical and horizontal separation, sizing, and soil
 6 loading criteria of the state department; and
 7 (3) an Indiana professional engineer registered under IC 25-31-1
 8 prepares site specific plans for the use of the TNI for a residential
 9 or commercial application.
- 10 (k) In a case described in subsection (j):
 11 (1) if the TNI is to be used in a residential application, the site
 12 specific plans prepared under subsection (j)(3), after being
 13 submitted to the local health department of the county, city, or
 14 multiple county unit in which the TNI would be installed, may be
 15 approved by the local health department within the period set
 16 forth in IC 16-41-25-1(a); and
 17 (2) if the TNI is to be used in a commercial application, the site
 18 specific plans prepared under subsection (j)(3) shall be approved
 19 by the state department upon submission of the site specific plans.
- 20 (l) A local health department may not refuse an application for a
 21 permit for the construction or installation of a residential onsite sewage
 22 system (as defined in IC 16-41-25-0.4) solely because the residential
 23 onsite sewage system has not been used previously in the jurisdiction
 24 of the local health department or is unfamiliar to the local health
 25 department, if either of the following apply:
 26 (1) The residential onsite sewage system has been approved by
 27 the technical review panel under this section for general use in
 28 Indiana.
 29 (2) The residential onsite sewage system:
 30 (A) is based on one (1) or more sewage treatment or disposal
 31 methods or processes; or
 32 (B) incorporates equipment;
 33 approved by the technical review panel under this section for
 34 general use in Indiana.
- 35 SECTION 2. IC 16-19-3-27.8, AS ADDED BY P.L.232-2023,
 36 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 UPON PASSAGE]: Sec. 27.8. (a) After June 30, 2023, a county, city,
 38 or town ordinance concerning residential onsite sewage systems that:
 39 (1) would restrict or prohibit the use of technology new to Indiana
 40 that is approved for general use in Indiana under section 27.5 of
 41 this chapter; or
 42 (2) would otherwise vary from the rules concerning residential



1 onsite sewage systems, including rules updated under section 27.7
 2 of this chapter;
 3 is subject to this section.

4 (b) After adopting an ordinance described in subsection (a), the
 5 county, city, or town must submit the ordinance to the technical review
 6 panel established under section 27.5(b) of this chapter, along with a:

- 7 (1) request for approval of the ordinance;
- 8 (2) statement of the reasons for the restriction, prohibition, or
 9 variance; and
- 10 (3) statement of financial impact **for each item in the ordinance.**

11 (c) The technical review panel shall consider **only** an ordinance
 12 **properly** submitted by a county, city, or town under subsection (b). If
 13 the technical review panel approves the ordinance by vote of a majority
 14 of its members at a public meeting, the ordinance becomes effective
 15 within the county, city, or town.

16 (d) An ordinance described in subsection (a) is not effective unless
 17 it is approved by the technical review panel under this section.

18 (e) If an ordinance described in subsection (a) was adopted before
 19 July 1, 2023, the ordinance becomes void and unenforceable on July 1,
 20 2023.

21 (f) An ordinance described in subsection (a) may be readopted if:

- 22 (1) the legislative body of county, city, or town votes to adopt the
 23 ordinance after it expires on July 1, 2023; and
- 24 (2) after being readopted under subdivision (1), the ordinance is:
 25 (A) submitted to the technical review panel under subsection
 26 (b); and
 27 (B) approved by the technical review panel under subsection
 28 (c).

29 (g) **The technical review panel may not approve an ordinance**
 30 **under this section unless the requirements described in section**
 31 **34(a) and 34(b) of this chapter are satisfied.**

32 (h) **An ordinance that:**

- 33 (1) **is approved by the technical review panel after January 1,**
 34 **2025; and**
- 35 (2) **does not comply with the rule changes made in accordance**
 36 **with section 34(a) and 34(b) of this chapter;**

37 **is void.**

38 SECTION 3. IC 16-19-3-34 IS ADDED TO THE INDIANA CODE
 39 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
 40 UPON PASSAGE]: **Sec. 34. (a) Before July 1, 2025, the state**
 41 **department or the executive board on behalf of the state**
 42 **department shall adopt, revise, update, or repeal rules concerning**



1 residential onsite sewage systems (as defined in IC 16-41-25-0.4)
 2 and nonresidential onsite sewage systems (as defined in
 3 IC 16-19-3.5-3.5) to conform with legislation enacted in the 2023
 4 and 2024 sessions of the general assembly.

5 (b) Before July 1, 2025, the state department or the executive
 6 board on behalf of the state department shall adopt rules that
 7 establish guidelines for the inspection of residential onsite sewage
 8 systems (as defined in IC 16-41-25-0.4) and nonresidential onsite
 9 sewage systems (as defined in IC 16-19-3.5-3.5).

10 (c) This section expires January 1, 2027.

11 SECTION 4. IC 16-46-10-6, AS ADDED BY P.L.164-2023,
 12 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 UPON PASSAGE]: Sec. 6. (a) To remain eligible for funding under
 14 this chapter, a local board of health must maintain compliance with the
 15 financial report submitted under section 2.2 or 2.3 of this chapter, as
 16 applicable, and any other reporting requirements under this title. If the
 17 state department determines there are reasonable grounds to believe
 18 that a local board of health is not complying with:

- 19 (1) the local board of health's financial report;
- 20 (2) statutory directives; or
- 21 (3) rules adopted by the state department;

22 the state department shall provide written notice of noncompliance to
 23 the local board of health, county executive, county fiscal body, and
 24 local health department administrator. The local board of health shall
 25 have at least thirty (30) days to demonstrate compliance or provide a
 26 plan for compliance that is approved by the state department. If, after
 27 thirty (30) days, the local board of health has not demonstrated
 28 compliance or provided a plan for compliance, the state department
 29 may suspend funding under this chapter for the local board of health
 30 until compliance is achieved, as determined by the state department.
 31 The state department shall report to the state budget committee each
 32 local board's funding that is suspended under this section within thirty
 33 (30) days of the suspension.

34 (b) A local board of health is ineligible for funding under this
 35 chapter if a local health department in the same county as the local
 36 board of health willfully violates state law concerning residential
 37 onsite sewage systems (as defined in IC 16-41-25-0.4) or
 38 nonresidential onsite sewage systems (as defined in
 39 IC 16-19-3.5-3.5). If the state department determines there are
 40 reasonable grounds to believe that a local health department is
 41 willfully violating state law concerning residential onsite sewage
 42 systems (as defined in IC 16-41-25-0.4) or nonresidential onsite



1 sewage systems (as defined in IC 16-19-3.5-3.5), the state
2 department shall provide written notice of noncompliance to the
3 local board of health, county executive, county fiscal body, and
4 local health department administrator. The local health
5 department shall have at least thirty (30) days to demonstrate
6 compliance or provide a plan for compliance that is approved by
7 the state department. If, after thirty (30) days, the local health
8 department has not demonstrated compliance or provided a plan
9 for compliance, the state department shall suspend funding under
10 this chapter for the local board of health until compliance is
11 achieved, as determined by the state department. The state
12 department shall report to the budget committee each local board
13 of health's funding that is suspended under this section within
14 thirty (30) days of the suspension.

15 SECTION 5. An emergency is declared for this act.

