



Reprinted  
January 30, 2018

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## HOUSE BILL No. 1233

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DIGEST OF HB 1233 (Updated January 29, 2018 5:58 pm - DI 55)

**Citations Affected:** IC 13-11; IC 13-17; IC 13-18; IC 13-26; IC 16-18; IC 16-41.

**Synopsis:** Environmental management matters. Provides that the term "onsite sewage system" applies to systems that treat sewage from municipalities or publicly owned treatment works. Strikes an incorrect statutory reference in the section defining that term. Requires the state department of health to adopt rules concerning the disposal of sewage through the use of onsite sewage systems. Amends the air pollution control law to add a reference to the law establishing the procedure for environmental rule making. Authorizes the use of certain regulated combustion facilities to dispose of drugs confiscated or collected as evidence by law enforcement agencies. Provides for the renewal of the certificate of a wastewater treatment plant operator, water treatment plant operator, or water distribution system operator after three years (instead of two years). Authorizes the environmental rules board to establish: (1) continuing education requirements; and (2) dates by which fees must be paid and proof of compliance with continuing  
(Continued next page)

**Effective:** July 1, 2018.

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### Wolkins, Errington, Lehe, Miller D

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January 11, 2018, read first time and referred to Committee on Environmental Affairs.  
January 25, 2018, amended, reported — Do Pass.  
January 29, 2018, read second time, amended, ordered engrossed.

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HB 1233—LS 6685/DI 55



## Digest Continued

education requirements must be submitted; as a condition of certificate renewal for wastewater treatment plant operators, water treatment plant operators, and water distribution system operators. Repeals a section providing that a countywide regional water, sewage, or solid waste district established in response to an agreed order must have one appointed trustee who resides in the area that was the subject of the investigation resulting in the agreed order and one appointed trustee who is an elected official representing a political subdivision that has territory in the district. Provides that, with two exceptions, the board of a regional district must have at least: (A) two members who are ratepayers of the district if the board has seven members; or (B) three members who are ratepayers of the district if the board has nine, eleven, or thirteen members. Requires the state department of health to adopt rules concerning sewage disposal in agricultural labor camps through methods other than septic tank absorption fields.

**HB 1233—LS 6685/DI 55**



Reprinted  
January 30, 2018

Second Regular Session of the 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

## HOUSE BILL No. 1233

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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 13-11-2-144.8 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 144.8. "Onsite sewage  
3 system" ~~for purposes of IC 13-18-17~~; means all equipment and devices  
4 necessary for proper:  
5 (1) onsite:  
6 (A) conduction;  
7 (B) collection;  
8 (C) storage; and  
9 (D) treatment; and  
10 (2) absorption in soil;  
11 of sewage from a residence, **municipality, publicly owned treatment**  
12 **works**, or a commercial facility.  
13 SECTION 2. IC 13-17-3-4, AS AMENDED BY P.L.79-2014,  
14 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2018]: Sec. 4. (a) The board shall adopt rules under IC 4-22-2  
16 **and IC 13-14-9** that are:  
17 (1) consistent with the general intent and purposes declared in

HB 1233—LS 6685/DI 55



- 1 IC 13-17-1 and section 1 of this chapter; and  
 2 (2) necessary to the implementation of the federal Clean Air Act  
 3 (42 U.S.C. 7401 et seq.), as amended by the Clean Air Act  
 4 Amendments of 1990 (P.L.101-549).
- 5 (b) Notwithstanding IC 13-15-5, the board may adopt rules under  
 6 IC 4-22-2 and IC 13-14-9 that allow the commissioner's actions on  
 7 permits and permit modifications to become effective immediately,  
 8 regardless of whether a thirty (30) day comment period is held on the  
 9 permits or permit modifications. The board may adopt rules under this  
 10 subsection only after considering the:
- 11 (1) environmental significance of;
  - 12 (2) federal requirements for federally delegated or approved  
 13 programs concerning; and
  - 14 (3) need for opportunity for public participation on;
- 15 the permits or permit modifications.
- 16 (c) The board may adopt rules to require sources to report hazardous  
 17 air pollutant emissions if the reporting is necessary to demonstrate  
 18 compliance with emissions and other performance standards  
 19 established under 42 U.S.C. 7412 or 42 U.S.C. 7429. The board may  
 20 amend 326 IAC 2-6 to allow the department to request hazardous air  
 21 pollutant emissions data from individual sources for the purpose of site  
 22 specific studies of hazardous air pollutant:
- 23 (1) emissions; and
  - 24 (2) impacts.
- 25 (d) The board may amend 326 IAC 2-6 or adopt new rules to  
 26 establish a general requirement for sources to report hazardous air  
 27 pollutant emissions (as defined by 42 U.S.C. 7412(b)).
- 28 SECTION 3. IC 13-17-15 IS ADDED TO THE INDIANA CODE  
 29 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2018]:
- 31 **Chapter 15. Disposal and Destruction of Confiscated Drugs**
- 32 **Sec. 1. As used in this chapter, "drug" means:**
- 33 (1) a drug, as defined in IC 16-42-19-2; or
  - 34 (2) a controlled substance, as defined in IC 35-48-1-9.
- 35 **Sec. 2. As used in this chapter, "law enforcement agency" means**  
 36 **an agency or department of:**
- 37 (1) the state; or
  - 38 (2) a political subdivision of the state;
- 39 **whose principal function is the apprehension of criminal offenders.**
- 40 **Sec. 3. As used in this chapter, "law enforcement officer" has**  
 41 **the meaning set forth in IC 35-31.5-2-185(a).**
- 42 **Sec. 4. Drugs confiscated or collected as evidence by a law**



1 enforcement agency may be disposed of and destroyed in any of the  
2 following:

3 (1) Portland cement manufacturing kilns regulated under 40  
4 CFR 63, Subpart LLL.

5 (2) Electric arc furnace steelmaking facilities regulated under:  
6 (A) 40 CFR 60, Subpart AAa; or  
7 (B) 40 CFR 63, Subpart YYYYY.

8 (3) Integrated iron and steel manufacturing furnaces  
9 regulated under 40 CFR 63, Subpart FFFFF.

10 (4) Commercial and industrial solid waste incineration units  
11 regulated under 40 CFR 63, Subpart CCCC or DDDD.

12 (5) Hazardous waste combustion units regulated under 40  
13 CFR 63, Subpart EEE.

14 (6) Hospital, medical, and infectious waste incinerators  
15 regulated under 40 CFR 60, Subpart Ce or Ec.

16 (7) Institutional boilers and process heaters regulated under  
17 40 CFR 63, Subpart DDDDD.

18 (8) Small or large municipal waste combustion units regulated  
19 under 40 CFR 60, Subpart AAAA, BBBB, JJJ, Ea, Eb, or Cb.

20 Sec. 5. Any destruction and disposal of drugs under this chapter  
21 must be conducted under the supervision of a law enforcement  
22 officer.

23 Sec. 6. A unit described in section 4 of this chapter is not  
24 required to have a separate approval under IC 13-17-7 if the unit:

25 (1) is being operated under a valid existing operating permit  
26 issued under IC 13-17-7; and

27 (2) is in compliance with the applicable federal requirements  
28 listed in section 4 of this chapter;

29 when it is used to dispose of and destroy drugs under this chapter.

30 SECTION 4. IC 13-18-11-6 IS REPEALED [EFFECTIVE JULY 1,  
31 2018]. Sec. 6. (a) A wastewater treatment plant operator certified under  
32 this chapter may renew the operator's certificate biennially by paying  
33 a renewal fee of thirty dollars (\$30).

34 (b) The fee is due and payable on or before July 1 of the year for  
35 which a renewal certificate is issued:

36 (c) A wastewater treatment plant operator who fails to renew a  
37 certificate for three (3) successive years may not receive a renewal  
38 certificate without reexamination.

39 SECTION 5. IC 13-18-11-6.5, AS AMENDED BY P.L.147-2015,  
40 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
41 JULY 1, 2018]: Sec. 6.5. (a) A wastewater treatment plant operator,  
42 water treatment plant operator, or water distribution system operator



1 certified under this chapter may renew the operator's certificate  
2 triennially by:

- 3 (1) paying a renewal fee of thirty dollars (\$30); and  
4 (2) meeting any continuing education requirements established  
5 **under rules adopted by the department: board.**

6 (b) The:

- 7 (1) fee is due and payable; and  
8 (2) proof of compliance with continuing education requirements  
9 must be submitted to the department;

10 on or before July 1 of the year for which a renewal certificate is to be  
11 issued: **the renewal date established under rules adopted by the**  
12 **board.**

13 (c) A ~~water treatment plant operator or a water distribution system~~  
14 ~~operator person~~ who fails to renew a certificate **under this section**  
15 within one (1) year after the date the certificate expires may not receive  
16 a renewal certificate without reexamination.

17 SECTION 6. IC 13-18-11-7, AS AMENDED BY P.L.147-2015,  
18 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19 JULY 1, 2018]: Sec. 7. (a) The commissioner shall notify each person  
20 certified ~~by the commissioner~~ as a wastewater treatment plant operator,  
21 **water treatment plant operator, or water distribution system**  
22 **operator** under this chapter of the following:

- 23 (1) The date of the expiration of the operator's certificate.  
24 (2) The amount of the required fee for renewal **of the operator's**  
25 **certificate** for ~~two (2)~~ **three (3)** years.  
26 **(3) The continuing education required for renewal of the**  
27 **operator's certificate for three (3) years.**

28 (b) The commissioner shall provide the notice at least one (1) month  
29 in advance of the date of expiration of the person's certificate.

30 SECTION 7. IC 13-18-11-7.5 IS REPEALED [EFFECTIVE JULY  
31 1, 2018]. Sec. 7.5: (a) ~~The commissioner shall notify each person~~  
32 ~~certified by the commissioner~~ as a water treatment plant operator or  
33 ~~water distribution system operator~~ under this chapter of the following:

- 34 ~~(1) The date of expiration of the operator's certificate.~~  
35 ~~(2) The amount of the required fee for renewal for three (3) years.~~  
36 ~~(3) The continuing education required for renewal for three (3)~~  
37 ~~years.~~

38 ~~(b) The commissioner shall provide the notice at least one (1) month~~  
39 ~~in advance of the date of expiration of the person's certificate.~~

40 SECTION 8. IC 13-18-11-9 IS AMENDED TO READ AS  
41 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 9. The commissioner  
42 may, upon receipt of an application and payment of the fee, issue a



1 certificate without examination in a comparable classification to any  
 2 person who holds a certificate in any state **or territory** of the United  
 3 States if:

4 (1) the requirements for certification of operators under which the  
 5 person's certificate was issued:

6 (A) do not conflict with this chapter; ~~or~~ **and**

7 (B) are of a standard not lower than that specified by this  
 8 chapter and the rules adopted under this chapter; and

9 (2) **the state or territory in which the person holds a**  
 10 **certificate grants** reciprocal privileges ~~are granted~~ to certified  
 11 operators of Indiana.

12 SECTION 9. IC 13-26-4-1 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. **(a)** The board of  
 14 trustees of a district is the governing body of the district. A board may  
 15 consist of:

16 (1) three (3);

17 (2) five (5);

18 (3) seven (7);

19 (4) nine (9);

20 (5) eleven (11); or

21 (6) thirteen (13);

22 trustees.

23 **(b) Except for the board of a district described in section 6(b)(5)**  
 24 **of this chapter or IC 13-26-4-7(b), a board must include at least the**  
 25 **following number of members who are ratepayers of the district:**

26 **(1) Two (2) for a board with seven (7) members.**

27 **(2) Three (3) for a board with nine (9), eleven (11), or thirteen**  
 28 **(13) members.**

29 SECTION 10. IC 13-26-4-6, AS AMENDED BY P.L.211-2014,  
 30 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2018]: Sec. 6. ~~(a) This section does not apply to a district~~  
 32 ~~described in section 6.1 of this chapter.~~

33 ~~(b)~~ **(a)** Except as provided in subsection ~~(c)~~~~(5)~~; **(b)(5)**, an appointed  
 34 trustee does not have to be a resident of the district.

35 ~~(c)~~ **(b)** An appointed trustee must:

36 (1) own real property within the district;

37 (2) be a trustee appointed under section 4 or 5 of this chapter;

38 (3) be an elected official who represents a political subdivision  
 39 that has territory in the district;

40 (4) be a ratepayer of the district; or

41 (5) with respect to a district in which a majority of ratepayers and  
 42 property owners are not individuals, be an individual who is



1 registered to vote at an address that is located in the district.

2 SECTION 11. IC 13-26-4-6.1 IS REPEALED [EFFECTIVE JULY  
3 1, 2018]. Sec. 6-1. (a) This section applies to a district that is:

4 (1) a countywide district; and

5 (2) established in response to an agreed order entered into after  
6 December 31, 1982; by the department and the executive and  
7 fiscal bodies of the county.

8 (b) Not later than December 31, 2012, the parties to an agreed order  
9 described in subsection (a)(2) shall amend the agreed order to provide  
10 for the appointment of trustees as follows:

11 (1) Beginning July 1, 2013, at least one (1) appointed trustee must  
12 reside in the geographic area that is the subject of the department  
13 investigation resulting in the agreed order.

14 (2) Beginning July 1, 2013, an appointed trustee may not be  
15 served by a municipal sewer system.

16 (3) Beginning July 1, 2013, at least one (1) appointed trustee must  
17 be an elected official who represents a political subdivision that  
18 has territory in the district.

19 SECTION 12. IC 16-18-2-263.6 IS ADDED TO THE INDIANA  
20 CODE AS A NEW SECTION TO READ AS FOLLOWS  
21 [EFFECTIVE JULY 1, 2018]: **Sec. 263.6. "Onsite sewage system",**  
22 **for purposes of IC 16-41-25.5, has the meaning set forth in**  
23 **IC 16-41-25.5-1.**

24 SECTION 13. IC 16-18-2-299.1 IS ADDED TO THE INDIANA  
25 CODE AS A NEW SECTION TO READ AS FOLLOWS  
26 [EFFECTIVE JULY 1, 2018]: **Sec. 299.1. "Publicly owned treatment**  
27 **works", for purposes of IC 16-41-25.5, has the meaning set forth in**  
28 **IC 16-41-25.5-2.**

29 SECTION 14. IC 16-41-25.5 IS ADDED TO THE INDIANA  
30 CODE AS A NEW CHAPTER TO READ AS FOLLOWS  
31 [EFFECTIVE JULY 1, 2018]:

32 **Chapter 25.5. Health, Sanitation, and Safety: Onsite Sewage**  
33 **Systems for Municipalities and Publicly Owned Treatment Works**

34 **Sec. 1. As used in this chapter, "onsite sewage system" has the**  
35 **meaning set forth in IC 13-11-2-144.8.**

36 **Sec. 2. As used in this chapter, "publicly owned treatment**  
37 **works" means a treatment works, as defined in Section 212(2) of**  
38 **the federal Clean Water Act (33 U.S.C. 1292(2)), that is owned by**  
39 **the state or a municipality, as defined in Section 502(4) of the**  
40 **federal Clean Water Act (33 U.S.C. 1362(4)), except that it does not**  
41 **include pipes, sewers, or other conveyances that are not connected**  
42 **to a facility providing treatment.**





1           **Sec. 3. (a) The state department shall adopt rules under**  
 2 **IC 4-22-2 for the disposal of sewage through the use of onsite**  
 3 **sewage systems for municipalities and publicly owned treatment**  
 4 **works.**

5           **(b) The rules adopted under this section must include**  
 6 **procedures for the review and approval of the:**

- 7           **(1) design;**  
 8           **(2) construction;**  
 9           **(3) installation;**  
 10           **(4) maintenance; and**  
 11           **(5) operation;**

12 **of onsite sewage systems.**

13           SECTION 15. IC 16-41-26-8, AS AMENDED BY P.L.113-2014,  
 14 SECTION 105, IS AMENDED TO READ AS FOLLOWS  
 15 [EFFECTIVE JULY 1, 2018]: Sec. 8. (a) Except as provided in  
 16 subsection (b), the state department shall adopt rules under IC 4-22-2  
 17 necessary to protect the health, safety, and welfare of persons living in  
 18 agricultural labor camps, prescribing standards for living quarters at  
 19 agricultural labor camps, including provisions relating to construction  
 20 of camps, sanitary conditions, light, air, safety protection from fire  
 21 hazards, equipment, maintenance and operation of the camp, sewage  
 22 disposal through septic tank absorption fields **or other approved**  
 23 **methods**, and other matters appropriate for the security of the life and  
 24 health of occupants.

25           (b) The environmental rules board shall adopt rules under ~~IC 4-22-2~~  
 26 **IC 13-14-9** pertaining to water supplies ~~and sewage disposal systems~~  
 27 ~~other than septic tank absorption fields~~ required for agricultural labor  
 28 camps.

29           (c) In the preparation of rules, the state department:

- 30           (1) shall consult with and request technical assistance from other  
 31 appropriate state agencies; and  
 32           (2) may appoint and consult with committees of technically  
 33 qualified persons and of representatives of employers and  
 34 employees.

35           (d) If a conflict exists between rules adopted under this chapter and  
 36 rules adopted by the fire prevention and building safety commission,  
 37 the rules authorized in this section apply.

38           (e) A copy of every rule adopted under this chapter shall be sent to  
 39 each health officer in Indiana and to the heads of other state agencies  
 40 with specific or related responsibility affecting agricultural labor camps  
 41 and to any person requesting the rules. The rules affecting agricultural  
 42 labor camps adopted under this chapter shall be published periodically



1 in the manner the state department determines.  
2 SECTION 16. IC 16-41-27-8, AS AMENDED BY P.L.113-2014,  
3 SECTION 106, IS AMENDED TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 2018]: Sec. 8. (a) Except as provided in  
5 subsection (b), the state department may adopt rules under IC 4-22-2  
6 to carry out this chapter, including rules for the following:  
7 (1) Health, sanitation, and safety.  
8 (2) Sewage collection.  
9 (3) Sewage disposal through septic tank absorption fields.  
10 (b) The environmental rules board shall adopt rules under ~~IC 4-22-2~~  
11 **IC 13-14-9** concerning ~~the following:~~ **(1)** public water supplies  
12 required for mobile home communities.  
13 ~~(2) Sewage disposal systems other than septic tank absorption~~  
14 ~~fields.~~



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1233, 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 3, line 5, delete "under" and insert "**under:**

- (A) **40 CFR 60, Subpart AAa; or**  
 (B) **40 CFR 63, Subpart YYYYYY."**

Page 3, delete line 6.

Page 3, line 22, delete "**combustion**".

Page 3, line 23, delete "**must:**" and insert "**is not required to have a separate approval under IC 13-17-7 if the unit:**".

Page 3, line 24, delete "have" and insert "**is being operated under**".

Page 3, line 24, after "**existing**" insert "**operating**".

Page 3, delete lines 25 through 26, begin a new line block indented and insert:

**"(2) is in compliance with the applicable federal requirements listed in section 4 of this chapter;"**

Page 5, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 9. IC 13-26-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. (a) The board of trustees of a district is the governing body of the district. A board may consist of:

- (1) three (3);
- (2) five (5);
- (3) seven (7);
- (4) nine (9);
- (5) eleven (11); or
- (6) thirteen (13);

trustees.

**(b) Except for the board of a district described in section 6(b)(5) of this chapter, a board must include at least the following number of members who are ratepayers of the district:**

- (1) Two (2) for a board with seven (7) members.**
- (2) Three (3) for a board with nine (9), eleven (11), or thirteen (13) members."**



Page 5, delete line 42.

Page 6, delete lines 1 through 9.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1233 as introduced.)

WOLKINS

Committee Vote: yeas 12, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1233 be amended to read as follows:

Page 5, line 24, delete "chapter," and insert "**chapter or IC 13-26-4-7(b)**".

(Reference is to HB 1233 as printed January 26, 2018.)

WOLKINS

