

HOUSE BILL No. 1383

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2-258.1; IC 16-41-25-4.

Synopsis: Residential sewage disposal systems. Authorizes a local health department to allow a failed residential sewage disposal system to be replaced with an offsite discharging system.

Effective: April 1, 2002.

Ripley, GiaQuinta, Borrer

January 15, 2002, read first time and referred to Committee on Environmental Affairs.

C
o
p
y



Second Regular Session 112th General Assembly (2002)

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 2001 General Assembly.

C
o
p
y

HOUSE BILL No. 1383



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 16-18-2-258.1 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE APRIL 1, 2002]: **Sec. 258.1. "Offsite discharging**
4 **system", for purposes of IC 16-41-25, has the meaning set forth in**
5 **IC 16-41-25-4(a).**

6 SECTION 2. IC 16-41-25-4 IS ADDED TO THE INDIANA CODE
7 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
8 APRIL 1, 2002]: **Sec. 4. (a) As used in this section, "offsite**
9 **discharging system" means a sewage disposal system that is**
10 **designed and manufactured to discharge treated effluent into**
11 **surface waters without degrading the water quality.**

12 **(b) A rule that the state department adopts concerning sewage**
13 **disposal systems, including the installation of residential septic**
14 **systems, may not prohibit a local health department from allowing**
15 **a person to replace a residential sewage disposal system with an**
16 **offsite discharging system if the local health department**
17 **determines that the following conditions are met:**



- 1 (1) The existing sewage disposal system fails to meet public
 2 health and environmental standards.
- 3 (2) The existing sewage disposal system serves one (1) of the
 4 following:
- 5 (A) A habitable residential structure.
- 6 (B) A residential structure that was recently destroyed or
 7 moved that will be replaced with a habitable residential
 8 structure.
- 9 (3) The local health department cannot locate a sanitary
 10 sewer connection for the residence because:
- 11 (A) there is not a sanitary sewer connection available;
- 12 (B) the operator of the sanitary sewer connection refuses
 13 to allow a connection; or
- 14 (C) the cost of connecting to the sanitary sewer would cost
 15 more than two (2) times the cost of an offsite discharging
 16 system.
- 17 (4) The residential property cannot operate an acceptable soil
 18 absorption system because of the property's:
- 19 (A) soil characteristics;
- 20 (B) size; or
- 21 (C) topographical conditions.
- 22 (5) The owner of the property agrees to install an offsite
 23 discharging system that the local health department
 24 determines is the most appropriate technology available for
 25 the property. The local health department's determination
 26 must include an assessment of the offsite discharging system's
 27 maintenance requirements and discharge quality.
- 28 (6) The offsite discharging system is installed by a person who
 29 is registered with the county to install the system.
- 30 (c) The local health department may approve offsite discharging
 31 systems under this section if a local ordinance establishes an offsite
 32 discharging system monitoring, operation, and maintenance
 33 program that provides for the following:
- 34 (1) Specific maintenance schedules for offsite discharging
 35 systems.
- 36 (2) Registering persons who install and maintain offsite
 37 discharging systems.
- 38 (3) Requiring that offsite discharging system maintenance
 39 records be kept.
- 40 (4) Periodic monitoring of the offsite discharging system's
 41 effluent.
- 42 (5) Assessing the owner of the offsite discharging system a

C
 O
 P
 Y



1 **reasonable fee for the cost of the program.**
2 **SECTION 3. An emergency is declared for this act.**

C
o
p
y

