

IC 13-18-12 Chapter 12. Septage Management

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IC 13-18-12-1 Regulation of wastewater management services providers

Sec. 1. The board and the department shall regulate persons who provide septage management services.

[Pre-1996 Recodification Citation: 13-7-8.8-2.]

As added by P.L.1-1996, SEC.8. Amended by P.L.159-2011, SEC.24; P.L.133-2012, SEC.129.

IC 13-18-12-2 Actions prohibited without permit; issuance of certain permits by the department

Sec. 2. (a) A person may not transport, treat, store, or dispose of septage in violation of this chapter.

(b) A person may not engage in:

- (1) the cleaning of sewage disposal systems; or
- (2) the transportation, treatment, storage, or disposal of septage;

without a septage management permit unless the person is exempted under section 7 of this chapter.

(c) A person may not dispose of septage by land application without first obtaining approval of the land application site under this chapter.

(d) The department may issue a septage management permit that incorporates approval of a land application site.

(e) The department may issue new and renewal permits and approvals under this chapter for a period the department determines appropriate. However, the period may not exceed three (3) years.

[Pre-1996 Recodification Citation: 13-7-8.8-3.]

As added by P.L.1-1996, SEC.8. Amended by P.L.31-1999, SEC.1; P.L.114-2008, SEC.10; P.L.159-2011, SEC.25; P.L.37-2012, SEC.20.

IC 13-18-12-2.2 Information not required on invoice when wastewater removed from chemical toilet

Sec. 2.2. (a) As used in this section:

- (1) "chemical toilet" has the meaning set forth in 327 IAC 7.1-2-6; and
- (2) "sewage disposal system" has the meaning set forth in 327 IAC 7.1-2-36;

on February 1, 2016.

(b) As used in this section, "septage management vehicle" means a vehicle used for the removal of septage from sewage disposal systems.

(c) Notwithstanding 327 IAC 7.1-6-1, the invoice provided to a customer by the person who uses a septage management vehicle to remove septage from the customer's sewage disposal system need not show:

- (1) the date on which the septage was removed from the sewage disposal system; or
- (2) the amount of septage removed from the sewage disposal system;

if the sewage disposal system from which the septage is removed is a chemical toilet.

As added by P.L.107-2016, SEC.6. Amended by P.L.250-2019, SEC.23.

IC 13-18-12-2.5 Land application of industrial waste products

Sec. 2.5. (a) The department and the board may allow a person to use industrial waste products in a land application operation or as ingredients in a soil amendment or soil substitute to be land applied if:

- (1) the industrial waste products are not hazardous wastes;
- (2) the industrial waste products:
 - (A) have a beneficial use (as defined in 327 IAC 6.1-2-6); or
 - (B) otherwise provide a benefit to the process of creating the soil amendments or soil substitute or to the final soil amendment, soil substitute, or material to be land applied, such as bulking;
- (3) the finished soil amendment, soil substitute, or material to be land applied satisfies the applicable criteria in 327 IAC 6.1;
- (4) the finished soil amendment, soil substitute, or material to be land applied has a beneficial use;
- (5) the requirements of subsection (b) are satisfied; and
- (6) the person pays a permit fee in an amount determined under rules adopted by the board that does not exceed the costs incurred by the department to issue the permit.

(b) The department:

- (1) may allow the use of industrial waste products:
 - (A) in a land application operation; or
 - (B) as ingredients in a soil amendment or soil substitute to be land applied;on the same basis as other materials under the rules concerning land application and marketing and distribution permits;
- (2) may not:
 - (A) discriminate against the use of industrial waste products on the basis that the industrial waste products lack biological carbon;
 - (B) impose requirements beyond applicable criteria in 327 IAC 6.1, unless additional requirements are necessary for the protection of human health and the environment;
 - (C) require that the finished soil amendment, soil substitute, or material to be land applied must be of a particular economic value; or
 - (D) for any pollutant that has a pollutant limit or concentration in 327 IAC 6.1, require that an industrial waste product or the finished soil amendment, soil substitute, or material to be land applied satisfies:
 - (i) the department's remediation closure guidance; or
 - (ii) any other standards other than criteria in 327 IAC 6.1;
- (3) for any pollutant present in the industrial waste products that does not have a pollutant limit or concentration in 327 IAC 6.1, shall consider the benefits of the finished soil amendment, soil substitute, or material to be land applied as compared to the measurable risks to human health and the environment based on the anticipated use of the finished soil amendment, soil substitute, or material to be land applied; and
- (4) shall require an application for a permit for the land application of industrial waste products to include characterization of individual industrial waste products at the point of waste generation before mixing the waste streams.

(c) The board may adopt rules for pollutant limits or concentrations for pollutants for which limits or concentrations do not exist in 327 IAC 6.1 as of July 1, 2011.
As added by P.L.223-2011, SEC.2. Amended by P.L.6-2012, SEC.104; P.L.133-2012, SEC.130; P.L.250-2019, SEC.24.

IC 13-18-12-3 Permit program

Sec. 3. The board shall initiate, in accordance with IC 13-15, a septage management permit program for all persons who offer to perform or are performing septage management services.

[Pre-1996 Recodification Citation: 13-7-8.8-4.]

As added by P.L.1-1996, SEC.8. Amended by P.L.159-2011, SEC.26.

IC 13-18-12-4 Adoption of rules concerning permits for septage management and land application; local health agency as board's agent to approve land application sites

Sec. 4. (a) The board shall, in accordance with IC 13-14-9, adopt rules to establish the following:

(1) Standards for the following:

(A) The issuance of permits for:

(i) septage management under section 3 of this chapter; and

(ii) land application of authorized septage, solid waste, and industrial waste products.

(B) Transportation, storage, treatment, and disposal of septage.

(2) Procedures and standards for approval of sites for land application.

(b) The board may designate a county or city health agency as the board's agent to approve land application sites in accordance with rules adopted under this section.

[Pre-1996 Recodification Citation: 13-7-8.8-5.]

As added by P.L.1-1996, SEC.8. Amended by P.L.31-1999, SEC.2; P.L.114-2008, SEC.11; P.L.159-2011, SEC.27; P.L.37-2012, SEC.21; P.L.112-2016, SEC.19.

IC 13-18-12-5 Fees

Sec. 5. (a) The board may adopt a fee schedule for the issuance of:

(1) septage management permits; and

(2) land application site approvals;

under this chapter in accordance with IC 13-16-1.

(b) Whenever the board designates a county or city health agency as the board's agent to approve land application sites under this chapter, the county or city health agency shall collect and retain the land application approval fee.

[Pre-1996 Recodification Citation: 13-7-8.8-6.]

As added by P.L.1-1996, SEC.8. Amended by P.L.114-2008, SEC.12; P.L.159-2011, SEC.28; P.L.37-2012, SEC.22; P.L.250-2019, SEC.25.

IC 13-18-12-6 Enforcement; violations; inspections

Sec. 6. (a) This chapter shall be enforced under IC 13-30-3.

(b) Violations of this chapter are subject to the penalties imposed by the following:

(1) IC 13-30-4.

(2) IC 13-30-5.

(3) IC 13-30-8.

In addition, a violation of this chapter may lead to criminal prosecution under IC 13-30-10.

(c) The commissioner may make inspections under this chapter in accordance with IC 13-14-2-2 and IC 13-14-5.

[Pre-1996 Recodification Citation: 13-7-8.8-7.]

As added by P.L.1-1996, SEC.8. Amended by P.L.137-2007, SEC.13.

IC 13-18-12-6.5 Revocation or modification of permits, vehicle identification numbers, and approvals

Sec. 6.5. In addition to any other authority in this title, the commissioner or a designated staff member may, under IC 4-21.5, revoke or modify a permit or an approval issued under this chapter for any of the following reasons:

- (1) Violation of a requirement of this chapter, rules adopted under this chapter, a permit, or an approval.
- (2) Failure to disclose all relevant facts.
- (3) A misrepresentation made in obtaining the permit or approval.
- (4) Failing to meet the qualifications for a permit or an approval or failing to comply with the requirements of the water pollution control laws or rules adopted by the board.
- (5) Changes in circumstances relating to the permit or approval that require either a temporary or permanent reduction in the discharge of contaminants.

As added by P.L.31-1999, SEC.3. Amended by P.L.114-2008, SEC.13; P.L.37-2012, SEC.23.

IC 13-18-12-7 Exemptions from requirement to obtain permit or vehicle identification number

Sec. 7. This chapter does not require a person to obtain a permit under this chapter if the person is:

- (1) engaged in:
 - (A) servicing or maintaining publicly owned wastewater treatment facilities; or
 - (B) transportation of wastewater from a publicly owned wastewater treatment facility;as long as the wastewater at that facility has been fully treated and is stabilized;
- (2) transporting septage from the point of its removal to another location on the same site or tract owned by the same person, although disposal of the septage must be done in accordance with this chapter; or
- (3) a homeowner who cleans and services the sewage disposal system serving only the homeowner's residence, although transportation and disposal of septage, including land application, must be done in compliance with this chapter.

[Pre-1996 Recodification Citation: 13-7-8.8-8.]

As added by P.L.1-1996, SEC.8. Amended by P.L.114-2008, SEC.14; P.L.159-2011, SEC.29; P.L.37-2012, SEC.24.

IC 13-18-12-8 Notification of upset or imminent threat of upset

Sec. 8. (a) If a publicly owned treatment works permittee:

- (1) determines that an upset has occurred in the publicly owned treatment works that is likely to pose a threat to human or animal life; or
- (2) has knowledge of an imminent threat from a chemical or other release to the collection system that is likely to cause an upset in the publicly owned treatment works that is likely to pose a threat to human or animal life;

the permittee shall notify emergency response personnel of the department not more than two (2) hours after the determination under subdivision (1) or the acquisition of knowledge of an imminent threat under subdivision (2).

(b) If the department receives notification from a publicly owned treatment works permittee under subsection (a), the department:

- (1) must notify all appropriate state and local government agencies;
- (2) may provide technical assistance to the publicly owned treatment works as the department determines is necessary; and
- (3) must, if the department determines that there is or may be a threat to human health or animal life, notify the affected news media;

not more than forty-eight (48) hours after receiving the notification under subsection (a).

As added by P.L.112-2000, SEC.3.

IC 13-18-12-9 Prohibition against discharge of sewage into waters; exception under permit process

Sec. 9. (a) This section applies only in a county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).

(b) Except as provided in subsection (c), the point source discharge of sewage, treated or untreated, from a dwelling or its associated residential sewage disposal system to waters is prohibited.

(c) The point source discharge of treated sewage from an onsite residential sewage discharging disposal system to waters is permitted if:

(1) the local health department for the jurisdiction in which the system is located issues an operating permit for the system under subsection (d); and

(2) the discharge is authorized under a general permit issued under 40 CFR 122.28.

(d) In a county onsite waste management district established under IC 36-11 that performs all the functions related to onsite waste management listed in IC 36-11-2-1, the local health department for the jurisdiction in which the system is located may issue an operating permit for an onsite residential sewage discharging disposal system if the system is installed to repair a sewage disposal system that fails to meet public health and environmental standards and if:

(1) the local health department adopts procedural rules for monitoring onsite residential sewage discharging disposal systems in the jurisdiction, including fines or penalties, or both, for noncompliance, to ensure that:

(A) required maintenance is performed on the systems; and

(B) the systems do not discharge effluent that violates water quality standards;

(2) the local health department certifies, with respect to the system for which the permit is issued, that:

(A) the system is capable of operating properly;

(B) the system does not discharge effluent that violates water quality standards;

(C) an acceptable septic tank soil absorption system cannot be located on the property served by the system because of:

(i) soil characteristics;

(ii) size; or

(iii) topographical conditions;

of the property;

(D) the system:

(i) was properly installed by a qualified installer; and

(ii) provides the best available technology for residential discharging onsite sewage disposal systems; and

(E) the local health department has:

(i) investigated all technologies available for repair of the sewage disposal system that fails to meet public health and environmental standards other than the use of an onsite residential sewage discharging disposal system; and

(ii) determined that an onsite residential sewage discharging disposal system is the only possible technology that can be used to effect a repair of the sewage disposal system that fails to meet public health and environmental standards without causing unreasonable economic hardship to the system owner; and

(3) the system for which the permit is issued cannot be connected to a sanitary sewer because:

(A) there is not a sanitary sewer connection available;

(B) the sanitary sewer operator refuses connection; or

(C) unreasonable economic hardship would result to the system owner because of:

(i) the connection requirements of the sanitary sewer operator; or

(ii) the distance to the sanitary sewer.

As added by P.L.172-2002, SEC.4.