

IC 13-18-16 Chapter 16. Public Water Supplies

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IC 13-18-16-1 Submission of plans and specifications; issuance of permit; determination

Sec. 1. (a) A permit is required for the construction, installation, or modification of:

- (1) sources;
- (2) facilities;
- (3) equipment; or
- (4) devices;

of a public water system, including water distribution systems.

(b) Plans and specifications for the construction, installation, or modification of sources, facilities, equipment, or devices of a public water system must be submitted to the commissioner with a permit application. The plans and specifications must be complete and of sufficient detail to show all proposed construction, changes, or modifications that may affect the sanitary quality, chemical quality, or adequacy of the public water system involved. The applicant shall supply any additional data or material considered appropriate by the commissioner to a review of the plans and specifications.

(c) Unless otherwise provided in rules adopted under section 8(b) of this chapter, plans and specifications must be submitted to the commissioner with the permit application for water distribution systems.

(d) Construction, installation, or modification of a public water system may not begin until the commissioner has issued a permit under subsection (a).

(e) In determining whether to issue a permit under this section, the commissioner shall proceed under IC 13-15.

[Pre-1996 Recodification Citation: 13-7-14-1(a), (b), (c), (d).]

As added by P.L.1-1996, SEC.8. Amended by P.L.25-1997, SEC.10; P.L.184-2002, SEC.14.

IC 13-18-16-2 Revocation or modification of permit

Sec. 2. The commissioner may initiate action under IC 13-15-7 to revoke or modify a permit.

[Pre-1996 Recodification Citation: 13-7-14-1(e).]

As added by P.L.1-1996, SEC.8.

IC 13-18-16-3 Civil penalty

Sec. 3. The commissioner may initiate action under IC 4-21.5-3 to assess a civil penalty against a permit holder who fails to take action to correct or prevent contamination of the sanitary or chemical quality of the water supply after the permit holder knew or should have known that the action should be taken. The civil penalty assessed under this section may not exceed one thousand dollars (\$1,000) for each day of violation.

[Pre-1996 Recodification Citation: 13-7-14-1(f).]

As added by P.L.1-1996, SEC.8.

IC 13-18-16-4 Emergency repairs or proceedings

Sec. 4. This chapter does not preclude emergency repairs or proceedings.

[Pre-1996 Recodification Citation: 13-7-14-1(g).]

As added by P.L.1-1996, SEC.8.

IC 13-18-16-5 Approval of plans

Sec. 5. Plans and specifications submitted to the commissioner under section 1 of this chapter shall be approved if it is determined that the plans and specifications meet all of the following conditions:

- (1) The plans and specifications are satisfactory with respect to the following:
 - (A) Sanitary quality, including chlorination, if required.
 - (B) Chemical quality.
 - (C) Adequacy of the water supply.
- (2) The plans and specifications meet the requirements of any rules or standards adopted by the board under section 8 of this chapter governing the location, design, construction, and operation and maintenance of:
 - (A) public water system installations; and
 - (B) changes or additions to public water system installations.

[Pre-1996 Recodification Citation: 13-7-14-2.]

As added by P.L.1-1996, SEC.8. Amended by P.L.184-2002, SEC.15.

IC 13-18-16-6 Operation and maintenance; duties; violations

Sec. 6. (a) All public water systems shall be continuously operated and maintained so that water is:

- (1) safe in quality;
- (2) clean and adequate in quantity; and
- (3) chemically satisfactory for ordinary domestic consumption.

(b) The person responsible for the operation of a public water system shall take all measures that are necessary to carry out the requirements of subsection (a) so as to protect the quality and quantity of the raw water supply from actual or threatened contamination. These measures include the relocation of the point of raw water collection to a site that is not contaminated or threatened by contamination.

(c) The person responsible for the operation of a public water system that uses surface water as a source of drinking water shall implement the surface water quality threat minimization and response plan developed and maintained under section 7.5 of this chapter immediately upon discovering:

- (1) the contamination; or
- (2) a threat of contamination;

of the surface water used by the public water system as a source of drinking water.

(d) The failure to carry out a duty set forth in subsection (a) or (b) constitutes a violation subject to the penalties imposed under this chapter. Each day a violation occurs under this section constitutes a separate violation.

[Pre-1996 Recodification Citation: 13-7-14-3.]

As added by P.L.1-1996, SEC.8. Amended by P.L.184-2002, SEC.16; P.L.112-2015, SEC.11.

IC 13-18-16-7 Water samples and reports of operations

Sec. 7. (a) A person responsible for the operation of public water systems shall submit:

- (1) samples of water for analysis; and
- (2) reports of operation pertaining to the sanitary quality, chemical quality, or adequacy of water supplied by those systems;

that the commissioner requests. The operator certified under IC 13-18-11 must verify under oath the reports of operation.

(b) The reports submitted to the department under subsection (a)(2) shall be submitted electronically unless the commissioner authorizes another method of submitting the reports.

[Pre-1996 Recodification Citation: 13-7-14-4.]

As added by P.L. 1-1996, SEC. 8. Amended by P.L. 184-2002, SEC. 17; P.L. 250-2019, SEC. 26.

IC 13-18-16-7.5 Duties of operator of public water system that uses surface water; information gathering

Sec. 7.5. (a) For purposes of this section, "responsible person" means the person responsible for the operation of a public water system that uses surface water as a source of drinking water.

(b) A responsible person shall do the following or ensure that the following are done:

- (1) Develop, maintain, and update a surface water quality threat minimization and response plan for the public water system for which the person is responsible. A plan developed under this subdivision must include the following:

(A) An identification of critical drinking water intake facilities, including specific locations of wells, intake structures, and critical drinking water distribution infrastructure.

(B) An identification of potential threats to raw water quality.

(C) An assessment of the risks posed by potential threats identified in clause (B).

(D) A communication, education, and risk minimization plan.

(E) An incident response plan.

A plan described in this subdivision, as well as its component parts, is confidential under IC 5-14-3-4(b)(19).

(2) With respect to a plan described in subdivision (1):

(A) Submit the plan to the department when the plan is developed.

(B) Submit an updated plan to the department every five (5) years thereafter.

(c) A responsible person may gather information from potential sources of contamination for the purpose of developing or updating a surface water quality threat minimization and response plan required by subsection (b)(1). The information gathered under this subsection may be exempted from inspection and copying under IC 5-14-3-4(a)(1), IC 5-14-3-4(a)(4), IC 5-14-3-4(a)(8), and IC 5-14-3-4(b)(19), depending on the circumstances pertaining to the information.

As added by P.L. 112-2015, SEC. 12. Amended by P.L. 72-2017, SEC. 10.

IC 13-18-16-8 Rules

Sec. 8. (a) The board shall adopt rules under IC 4-22-2 and IC 13-14-9 establishing requirements for public water systems, including the following:

(1) The requirement to obtain a permit for the construction, installation, or modification of facilities, equipment, or devices for any public water system.

(2) The requirement to obtain a permit for the operation of sources, facilities, equipment, or devices for any public water system.

(b) The board shall adopt a permit by rule for water main extensions (as defined in 327 IAC 8-3-1) to satisfy the permit requirement in section 1(a) of this chapter.

(c) The board may adopt rules to carry out the intent of this chapter related to requirements necessary to protect the safety of the public water supply.

[Pre-1996 Recodification Citation: 13-7-14-5(a).]

As added by P.L.1-1996, SEC.8. Amended by P.L.25-1997, SEC.11; P.L.184-2002, SEC.18; P.L.112-2015, SEC.13; P.L.72-2017, SEC.11; P.L.233-2017, SEC.22.

IC 13-18-16-9 Agency to secure benefits of federal act

Sec. 9. Except as provided in IC 14-37, the department:

- (1) is the state agency with responsibility concerning the federal Safe Drinking Water Act (42 U.S.C. 300f through 300j) in effect January 1, 1988; and
- (2) may take any action necessary to secure the benefits of that act for Indiana.

[Pre-1996 Recodification Citation: 13-7-14-5(b).]

As added by P.L.1-1996, SEC.8.

IC 13-18-16-10 Continuing surveillance

Sec. 10. The department shall conduct a program of continuing surveillance and inspection of public water systems and technical assistance in connection with public water systems.

[Pre-1996 Recodification Citation: 13-7-14-5(c).]

As added by P.L.1-1996, SEC.8. Amended by P.L.184-2002, SEC.19.

IC 13-18-16-11 Local government programs and facilities

Sec. 11. The department shall encourage and advise units of local government in developing programs and facilities for public water systems.

[Pre-1996 Recodification Citation: 13-7-14-5(d).]

As added by P.L.1-1996, SEC.8. Amended by P.L.184-2002, SEC.20.

IC 13-18-16-12 Permit required

Sec. 12. A person may not:

- (1) install or contract for the construction of any public water system facilities, including water purification or treatment works; or
- (2) make any material change in any public water system facilities;

until a permit has been issued by the commissioner.

[Pre-1996 Recodification Citation: 13-7-14-6.]

As added by P.L.1-1996, SEC.8. Amended by P.L.25-1997, SEC.12; P.L.184-2002, SEC.21.

IC 13-18-16-13 Investigation of public water system's water; water testing at new collection point; appointment of person to take charge

Sec. 13. (a) The commissioner may investigate and determine whether any public water system is providing water that is impure and dangerous to public health. If the commissioner determines that the water supply of a public water system:

- (1) is impure and dangerous to public health; or
- (2) does not meet drinking water standards under:
 - (A) the federal Safe Drinking Water Act (42 U.S.C. 300f through 300j); or
 - (B) rules adopted by the board;

the commissioner may order that the water supply be made pure and safe to health in accordance with the procedures under IC 13-14-2 and IC 13-30-3.

(b) When the point of water collection of a public water system is being relocated, the commissioner may require water testing at the new point of collection before allowing the public water system to begin water collection at that point.

(c) If the commissioner determines that a water supply is impure and dangerous to public health because of inefficient management or operation of the public water system providing the water, the commissioner may order the person responsible for the public water system to appoint, not later than fifteen (15) days after the commissioner's determination, a competent person to take charge of and superintend the operation of the water system plant or works.

(d) The commissioner must approve the person appointed in response to the

commissioner's order under subsection (c). However, the person responsible for the water system plant or works shall pay the salary of the person appointed.

[Pre-1996 Recodification Citation: 13-7-14-7.]

As added by P.L.1-1996, SEC.8. Amended by P.L.184-2002, SEC.22; P.L.233-2017, SEC.23.

IC 13-18-16-14 Sewage treatment plants; inefficient supervision or operation; orders to appoint superintendent

Sec. 14. (a) If a sewage treatment works or plant is not producing a reasonably pure effluent because of inefficient supervision or operation and has consequently:

- (1) made any public water supply impure or dangerous to health;
- (2) polluted any waters; or
- (3) created a public nuisance;

the commissioner may under IC 13-30-3-10 through IC 13-30-3-12 order the person responsible for the sewage treatment works or plant to appoint, not later than fifteen (15) days after the commissioner's order, a competent person to take charge of and superintend the operation of the sewage treatment works or plant.

(b) The commissioner must approve the person appointed in response to the commissioner's order under subsection (a). However, the person responsible for the sewage treatment works or plant shall pay the salary of the person appointed.

[Pre-1996 Recodification Citation: 13-7-14-8.]

As added by P.L.1-1996, SEC.8.

IC 13-18-16-15 Enforcement of chapter

Sec. 15. The commissioner may enforce this chapter under IC 13-30-3.

[Pre-1996 Recodification Citation: 13-7-14-5(e).]

As added by P.L.1-1996, SEC.8.

IC 13-18-16-16 Nonprofit water utility reconstituted as water authority by resolution; status as political subdivision; existing obligations; treatment as nonprofit; independent audits

Sec. 16. (a) A nonprofit water utility may adopt a resolution approved by its board of directors under this section that reconstitutes the nonprofit water utility as a water authority to be named as provided in the resolution.

(b) A resolution adopted under this section must allow:

- (1) the structure of the board of directors; and
- (2) the rules governing the water authority;

to remain the same as those applicable to the nonprofit water utility.

(c) The water authority shall retain all its powers, privileges, rights, and exemptions as a nonprofit water utility under:

- (1) its existing bylaws and articles; and
- (2) all laws applicable to nonprofit water utilities and local water corporations, including powers granted under IC 32-24-4-1.

(d) Except as provided in subsection (g), a water authority constituted under this section is a political subdivision of the state.

(e) A copy of a resolution adopted under this section must be filed with the secretary of state. When the secretary of state receives a copy of a resolution under this subsection, the secretary of state shall dissolve the corporate status of the nonprofit water utility for purposes of state law.

(f) A water authority constituted under this section shall:

- (1) remain obligated under any existing contracts or agreements; and
- (2) remain obligated and assume the indebtedness;

of the nonprofit water utility.

(g) Notwithstanding any other law and subject to subsections (h) and (i), a water authority

constituted under this section is subject only to the laws applicable to nonprofit water utilities and local water corporations and is not subject to the following:

- (1) IC 5-3.
- (2) IC 5-4-1.
- (3) IC 5-11.
- (4) IC 5-13.
- (5) IC 5-14-1.5.
- (6) IC 5-14-3.
- (7) IC 5-22.
- (8) IC 36-1-8.
- (9) IC 36-1-10.
- (10) IC 36-1-10.5.
- (11) IC 36-1-11.
- (12) IC 36-1-12.
- (13) IC 36-1-15.

(h) A water authority constituted under this section is subject to IC 8-1.5-3-8 for purposes of setting rates and charges.

(i) For each fiscal or calendar year of a water authority constituted under this section that ends after December 31, 2006, the water authority:

- (1) shall:
 - (A) have an audit of its financial records performed by an independent certified public accounting firm; and
 - (B) keep the audit report on file at the water authority; and
- (2) notwithstanding IC 5-11-1-9, is not subject to the following:
 - (A) Audit or examination by the state board of accounts.
 - (B) The examination guidelines and reporting requirements of the state board of accounts.

As added by P.L.104-1998, SEC.3. Amended by P.L.220-1999, SEC.3; P.L.2-2002, SEC.57; P.L.166-2006, SEC.1.