

IC 16-41-25

Chapter 25. Health, Sanitation, and Safety: Residential Septic Systems

IC 16-41-25-1

Plan review; permit rules; septic systems in fill soil in certain counties

Sec. 1. (a) The state department shall adopt rules under IC 4-22-2 that provide for a reasonable period not exceeding forty-five (45) days in which a plan review and permit for residential septic systems must be approved or disapproved.

(b) This subsection applies to a county with a population of more than seventy-seven thousand (77,000) but less than eighty thousand (80,000). As used in this subsection, "fill soil" means soil transported and deposited by humans or soil recently transported and deposited by natural erosion forces. A rule that the state department adopts concerning the installation of residential septic systems in fill soil may not prohibit the installation of a residential septic system in fill soil on a plat if:

- (1) before the effective date of the rule, the plat of the affected lot was recorded;
- (2) there is not an available sewer line within seven hundred fifty (750) feet of the property line of the affected lot; and
- (3) the local health department determines that the soil, although fill soil, is suitable for the installation of a residential septic system.

As added by P.L.2-1993, SEC.24. Amended by P.L.167-1999, SEC.1; P.L.170-2002, SEC.110; P.L.119-2012, SEC.144.

IC 16-41-25-2

Violations

Sec. 2. (a) Except as otherwise provided, a person who recklessly violates or fails to comply with rules adopted under section 1 of this chapter commits a Class B misdemeanor.

(b) Each day a violation continues constitutes a separate offense.
As added by P.L.2-1993, SEC.24. Amended by P.L.150-1996, SEC.1.

IC 16-41-25-3

Residential septic systems installed after July 1, 1996; requirements; enforcement

Sec. 3. (a) This section applies only to residential septic systems that are installed after July 1, 1996, and that use a raiser that is more than six (6) inches in diameter and opens to ground level.

(b) Each opening to an underground tank of a residential septic system that allows access from ground level must be covered with a lid or top that is securely fastened.

(c) Below a residential septic system's lid or top described in subsection (b), the tank of the residential septic system must have a cap or plug.

(d) A person who installs a residential septic system after June 30,

1996, commits a Class B infraction if the residential septic system does not meet the requirements of this section.

(e) Each local health department established within a county under IC 16-20-2-2 shall enforce this section in the county.

As added by P.L.150-1996, SEC.2.

IC 16-41-25-4

Notice of property located in service district of regional sewage district; onsite soil evaluation

Sec. 4. (a) Before a local health department may act on an application for a residential septic system permit, the local health department shall inform the applicant for a residential septic system permit if the property is located in the service district of a regional sewage district.

(b) An employee of a local health department may conduct an onsite soil evaluation concerning the repair or replacement of a failed residential onsite sewage system (as defined in IC 13-11-2-144.8) if:

- (1) the employee was hired by the local health department before January 1, 2013;
- (2) the local health board has determined that the employee has the necessary knowledge of the principles of soil science as acquired by professional education;
- (3) the employee uses guidelines set forth in the soil manuals, technical bulletins, and handbooks of the Natural Resources Conservation Service of the United States Department of Agriculture; and
- (4) the employee files a written report with the local health department for each onsite soil evaluation conducted by the employee.

As added by P.L.97-2012, SEC.17. Amended by P.L.10-2013, SEC.1.