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# SENATE BILL No. 358

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 13-11-2; IC 13-18-3.

**Synopsis:** Regulation of sewage backflow. Requires the environmental rules board (board) to adopt rules establishing procedures for the keeping of testing and maintenance records concerning backflow prevention devices in customer water systems. Requires continuing professional education for Indiana registered cross-connection control device inspectors. Establishes the cross-connection control device inspector continuing education fund. Provides that the board may establish registration fees for registered cross-connection control device inspectors in an amount that is reasonably necessary to generate revenue sufficient to offset costs incurred in administering the continuing education program. Requires the board to prescribe a standardized electronic backflow test report form. Requires a backflow inspector to submit a report to the water utility in the electronic form prescribed by the board.

**Effective:** July 1, 2013.

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January 8, 2013, read first time and referred to Committee on Environmental Affairs.

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First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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## SENATE BILL No. 358



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 13-11-2-16.9 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2013]: **Sec. 16.9. "Backflow", for purposes**  
4 **of IC 13-18-3, means the flow of contaminants into the public water**  
5 **supply distribution system from a source other than the public**  
6 **water supply.**

7 SECTION 2. IC 13-11-2-48.2 IS ADDED TO THE INDIANA  
8 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
9 [EFFECTIVE JULY 1, 2013]: **Sec. 48.2. "Cross-connection", for**  
10 **purposes of IC 13-18-3, means any physical arrangement,**  
11 **including devices that are not in working order, whereby a water**  
12 **supply distribution system is directly connected, either**  
13 **continuously or intermittently, with any:**

- 14 (1) secondary source of supply;
- 15 (2) sewer;
- 16 (3) drain;
- 17 (4) conduit;



- 1 (5) pool;  
 2 (6) piping;  
 3 (7) storage reservoir;  
 4 (8) plumbing fixture; or  
 5 (9) other device;

6 that contains, or may contain, and is capable of imparting to the  
 7 water supply, contaminants, contaminated water, sewage, or other  
 8 waste or liquid of unknown or unsafe quality.

9 SECTION 3. IC 13-11-2-48.3 IS ADDED TO THE INDIANA  
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 11 [EFFECTIVE JULY 1, 2013]: **Sec. 48.3. "Cross-connection control**  
 12 **device inspector continuing education fund"**, for purposes of  
 13 **IC 13-18-3, refers to the fund established by IC 13-18-3-18.**

14 SECTION 4. IC 13-11-2-48.5 IS ADDED TO THE INDIANA  
 15 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 16 [EFFECTIVE JULY 1, 2013]: **Sec. 48.5. "Customer water system"**,  
 17 **for purposes of IC 13-18-3, has the meaning set forth in**  
 18 **IC 13-18-3-16(b).**

19 SECTION 5. IC 13-18-3-16 IS ADDED TO THE INDIANA CODE  
 20 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 21 1, 2013]: **Sec. 16. (a) This section applies to premises, other than a**  
 22 **private residential dwelling with fewer than four (4) dwelling units,**  
 23 **that:**

- 24 (1) are owned by a person who receives water from a public  
 25 supply; and  
 26 (2) are not required to have installed a testable backflow  
 27 device by other regulations.

28 (b) For the purposes of this chapter, "customer water system"  
 29 means all piping, fixtures, appurtenances, and secondary sources  
 30 of supply used to convey water on the premises of a person who  
 31 receives water from a public supply.

32 (c) The board shall adopt rules under IC 4-22-2 to establish  
 33 procedures for:

- 34 (1) the testing of; and  
 35 (2) the keeping of testing and maintenance records  
 36 concerning;

37 backflow prevention devices in a customer water system.

38 SECTION 6. IC 13-18-3-17 IS ADDED TO THE INDIANA CODE  
 39 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 40 1, 2013]: **Sec. 17. (a) The commissioner shall recognize, approve,**  
 41 **and administer a program of continuing professional education for**  
 42 **persons who are registered cross-connection control device**

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inspectors under 327 IAC 8-10-11 (as in effect January 1, 2013).

(b) A person who is registered as a cross-connection control device inspector under 327 IAC 8-10-11 (as in effect January 1, 2013) must complete at least two (2) hours of continuing professional education every two (2) years. The two (2) hours of education must be in the areas of:

- (1) health protection issues or code requirements relating to the use of backflow prevention devices; or
- (2) installation, repair, maintenance, or inspection of backflow prevention devices.

(c) Subjects of instruction under subsection (b) may include:

- (1) cross-connection identification, degree of hazard, prevention, control devices, and practices;
- (2) cross-connection assembly field test procedures and gauge accuracy verification; and
- (3) cross-connection inspection, repair, and maintenance.

(d) A person may receive credit for participating in a continuing professional education program or course under this section only if the program or course:

- (1) meets the requirements of subsection (b); and
- (2) is approved by the commissioner.

(e) The board shall adopt rules under IC 4-22-2 to establish the criteria for the program of continuing professional education administered under this section. The rules may allow programs or courses to have commercial sponsors, but may not allow programs or courses to include the promotion of products or services of any particular firm or manufacturer.

(f) If the board determines that an exemption is in the public interest, the board may, by rule, exempt certain persons from the requirements of this section.

(g) The commissioner shall revoke the registration of a registered cross-connection control device inspector issued under 327 IAC 8-10-11 (as in effect January 1, 2013) if the person does not demonstrate compliance with this section by providing the department documentation of the person's attendance at continuing professional education programs or courses required under this section, including the name, number, content, and instructor of each course. Falsification or misstatement of information required to be documented under this subsection is grounds for revocation of the person's registration as a cross-connection control device inspector.

SECTION 7. IC 13-18-3-18 IS ADDED TO THE INDIANA CODE

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1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
2 1, 2013]: **Sec. 18. (a) The cross-connection control device inspector  
3 continuing education fund is established to fund the administration  
4 of the program of continuing professional education for registered  
5 cross-connection control device inspectors administered under  
6 section 17 of this chapter.**

7 **(b) The cross-connection control device inspector continuing  
8 education fund shall be administered by the commissioner.**

9 **(c) Money in the cross-connection control device inspector  
10 continuing education fund may be used to:**

11 **(1) administer the program of continuing professional  
12 education for registered cross-connection control device  
13 inspectors described in section 17 of this chapter;**

14 **(2) provide registration cards to Indiana registered  
15 cross-connection control device inspectors; and**

16 **(3) maintain and update an Indiana registered  
17 cross-connection control device inspector data base populated  
18 by the list under subsection (e).**

19 **(d) The cross-connection control device inspector continuing  
20 education fund consists of the following:**

21 **(1) Fees paid under this section.**

22 **(2) Appropriations made by the general assembly.**

23 **(3) Money transferred to the fund from other funds.**

24 **(4) Money from any other source authorized or appropriated  
25 for the fund.**

26 **(e) A person registered as a cross-connection control device  
27 inspector under 327 IAC 8-10-11 (as in effect January 1, 2013) may  
28 not be included on the Indiana Registered Cross-Connection  
29 Control Device Inspectors, All Inspectors list maintained by the  
30 commissioner under 327 IAC 8-10-11 (as in effect January 1, 2013),  
31 which is referred to as "the list" in this section, without paying a  
32 fee established by the board in an amount not to exceed:**

33 **(1) fifty dollars (\$50), for a person who was not included on  
34 the list during the six (6) months preceding the person's  
35 registration; and**

36 **(2) thirty dollars (\$30), for a person who was included on the  
37 list during the six (6) months preceding the person's  
38 registration.**

39 **(f) The amount of the fee under subsection (e) may not be more  
40 than is reasonably necessary to generate revenue sufficient to offset  
41 the costs incurred by the department under subsection (c)(1)  
42 through (c)(3).**

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1 SECTION 8. IC 13-18-3-19 IS ADDED TO THE INDIANA CODE  
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2013]: **Sec. 19. (a) The board shall prescribe a standardized  
4 electronic backflow test report form.**

5 (b) A backflow inspector shall submit the backflow inspector  
6 report to the water utility in the form prescribed by the board  
7 under subsection (a).

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