

IC 13-18-26 Chapter 26. Permit and Permit Application Conditions for Water and Wastewater Treatment Plants

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IC 13-18-26-1 Certificate of completion required

Sec. 1. (a) Except as provided in subsection (c), a permit required under IC 13-18-16 for the operation of a public water system may not be issued unless the application contains the certification of completion required under section 2 of this chapter.

(b) Except as provided in subsection (c), the department may not issue a permit required under environmental management laws for the discharge from a wastewater treatment plant, as defined in IC 13-11-2-258(b), unless the application contains the certification of completion required under section 2 of this chapter.

(c) The requirement of a certification of completion under section 2 of this chapter does not apply to the following:

- (1) A noncommunity public water system that has fewer than fifteen (15) service connections used by year-round residents.
- (2) A noncommunity public water system that regularly serves fewer than twenty-five (25) year-round residents.
- (3) A permit for the modification or expansion of a drinking water treatment plant that does not increase system design capacity.
- (4) A permit for a wastewater treatment plant with an average design flow of not more than one hundred thousand (100,000) gallons per day.
- (5) A permit for the modification or expansion of a wastewater treatment plant that does not increase average design flow.
- (6) The renewal of an NPDES permit for the discharge from a wastewater treatment plant that does not include a modification or expansion as described in subdivision (5).

As added by P.L.126-2018, SEC.6. Amended by P.L.15-2019, SEC.12.

IC 13-18-26-2 Certification that documents have been prepared

Sec. 2. A permit described in section 1(a) or 1(b) of this chapter may not be issued unless the applicant submits, along with the permit application, a certification that all of the following documents have been prepared and are complete under the requirements of this chapter:

- (1) A life cycle cost-benefit analysis, as described in section 3 of this chapter.
- (2) A capital asset management plan, as described in section 4 of this chapter.
- (3) A cybersecurity plan, as described in section 5 of this chapter.

As added by P.L.126-2018, SEC.6. Amended by P.L.15-2019, SEC.13.

IC 13-18-26-3 Life cycle cost-benefit analysis

Sec. 3. A life cycle cost-benefit analysis must include a comparison of the alternatives of:

- (1) meeting the water supply or wastewater service needs of the community or area served or proposed to be served through the operation of the water and wastewater treatment plant, as:
 - (A) owned and operated; or
 - (B) proposed to be owned and operated;according to the terms of the permit application; and
- (2) meeting the water supply or wastewater service needs of the community or area

served or proposed to be served through one (1) or more other potential means.
As added by P.L.126-2018, SEC.6.

IC 13-18-26-4 Capital asset management plan

Sec. 4. A capital asset management plan must include all of the following:

- (1) A plan to annually review infrastructure needs of the water or wastewater treatment plant.
- (2) A detailed engineering analysis of asset conditions and useful life, to be used to develop an infrastructure inspection, repair, and maintenance plan.
- (3) An analysis of customer rates necessary to support the capital asset management plan, including emergency repairs.
- (4) A certification that the water or wastewater treatment plant has:
 - (A) a certified operator;
 - (B) a corporate officer or system manager; and
 - (C) access to an engineer, either on staff or by contract.

As added by P.L.126-2018, SEC.6.

IC 13-18-26-5 Cybersecurity plan

Sec. 5. A cybersecurity plan must provide for the protection of the water or wastewater treatment plant from unauthorized use, alteration, or destruction of electronic data.

As added by P.L.126-2018, SEC.6.

IC 13-18-26-6 Completion, periodic revision, and public disclosure of analysis and plans

Sec. 6. (a) The analyses and plans described in sections 3, 4, and 5 of this chapter must be:

- (1) complete under the requirements of this chapter at the time an application for a permit described in section 1(a) or 1(b) of this chapter is submitted;
- (2) reviewed and revised at least once every five (5) years, for as long as the permit holder operates the water treatment plant or wastewater treatment plant; and
- (3) except for customer specific data, including information excluded from public access under IC 5-14-3-4(a), or for a cybersecurity plan required under section 5 of this chapter, made publicly available.

(b) A certification that the analyses and plans described in sections 3, 4, and 5 of this chapter are complete under the requirements of this chapter must be submitted to the department:

- (1) under section 2 of this chapter at the time an application for a permit described in section 1(a) or 1(b) of this chapter is submitted; and
- (2) at least once every five (5) years after an application for a permit described in section 1(a) or 1(b) of this chapter is submitted, when the analysis and plans are reviewed and revised.

(c) A certification submitted to the department under this chapter must be notarized.

As added by P.L.126-2018, SEC.6. Amended by P.L.15-2019, SEC.14.

IC 13-18-26-7 Denial of permit application for failure to include notarized certification

Sec. 7. Failure to include a notarized certification with an application for a permit described in section 1(a) or 1(b) of this chapter constitutes grounds for denial of the permit application.

As added by P.L.126-2018, SEC.6. Amended by P.L.15-2019, SEC.15.