

# HOUSE BILL No. 1355

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 13-18-10; IC 36-7-4-201.7.

**Synopsis:** Confined feeding operations. Provides that certain confined feeding operations do not need to use certain equipment for solid manure produced by livestock. Establishes that the Indiana department of environmental management (department) shall issue a confined feeding operation permit within 90 days if the department fails to make a determination and other criteria are met. Requires the department to: (1) designate an employee as the point of contact for information on confined feeding operation applications; and (2) distribute the contact information of the designated employee to all operating confined feeding operations.

**Effective:** July 1, 2026.

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January 8, 2026, read first time and referred to Committee on Environmental Affairs.

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Second Regular Session of the 124th General Assembly (2026)

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 2025 Regular Session of the General Assembly.

## HOUSE BILL No. 1355

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 13-18-10-1.3 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2026]: **Sec. 1.3. (a) An applicant may request**  
4 **a preconstruction meeting with the department, which requires the**  
5 **following:**

6       **(1) The applicant to submit the engineered designs of:**

7           **(A) a manure treatment facility;**

8           **(B) a control facility; or**

9           **(C) an animal feeding structure;**

10       **to the department.**

11       **(2) The department shall:**

12           **(A) review the designs; and**

13           **(B) schedule a preconstruction meeting;**

14       **within thirty (30) days of receiving the designs from the**  
15 **applicant.**

16       **(3) The applicant and the department shall discuss the plans**  
17 **and specifications for the design and operation of an animal**



feeding structure at the preconstruction meeting.

(4) If at a preconstruction meeting the department requests changes to the:

(A) manure treatment facility;

(B) control facility; or

(C) animal feeding structure;

the applicant shall resubmit the necessary plans or specifications within forty-five (45) days of the preconstruction meeting.

(5) The department shall issue a permit under section 1 of this chapter within ninety (90) days of the:

(A) preconstruction meeting; or

(B) day the applicant submits required changes to the department under subdivision (4).

(b) If the department fails to make a determination on an application submitted under section 2 of this chapter within ninety (90) days, then the applicant's application is deemed approved and the department shall issue a permit under section 1 of this chapter.

SECTION 2. IC 13-18-10-2.1, AS AMENDED BY P.L.199-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2.1. (a) The department:

(1) shall make a determination on an application submitted under section 2 of this chapter not later than ninety (90) days after the date the department receives the completed application, including all required supplemental information, unless the department and the applicant agree to a longer time; and

(2) may conduct any inquiry or investigation, consistent with the department's duties under this chapter, the department considers necessary before making a determination.

(b) If the department fails to make a determination on an application not later than ninety (90) days after the date the department receives the completed application, the applicant may request and receive a refund of an approval application fee paid by the applicant, and the commissioner shall:

(1) continue to review the application;

(2) approve or deny the application as soon as practicable; and

(3) refund the applicant's application fee not later than twenty-five

(25) working days after the receipt of the applicant's request.

(c) The commissioner may suspend the processing of an application and the ninety (90) day period described under this section if the department determines within thirty (30) days after the department receives the application that the application is incomplete and has



1 mailed a notice of deficiency to the applicant that specifies the parts of  
2 the application that:

- 3 (1) do not contain adequate information for the department to  
4 process the application; or  
5 (2) are not consistent with applicable law.

6 (d) The department may establish requirements in an approval  
7 regarding that part of the confined feeding operation that concerns  
8 manure handling and application to assure compliance with:

- 9 (1) this chapter;  
10 (2) rules adopted under this chapter;  
11 (3) the water pollution control laws;  
12 (4) rules adopted under the water pollution control laws; and  
13 (5) policies and statements adopted under IC 13-14-1-11.5  
14 relative to confined feeding operations.

15 (e) Subject to subsection (f), the commissioner may deny an  
16 application upon making either or both of the following findings:

- 17 (1) A responsible party intentionally misrepresented or concealed  
18 any material fact in either or both of the following:

19 (A) An application for approval under section 1 of this  
20 chapter.

21 (B) A disclosure statement required by section 1.4 of this  
22 chapter.

- 23 (2) An enforcement action was resolved against a responsible  
24 party as described in either or both of the following:

25 (A) Section 1.4(c)(5) of this chapter.

26 (B) Section 1.4(c)(6) of this chapter.

27 (f) Before making a determination to approve or deny an  
28 application, the commissioner must consider the following factors:

- 29 (1) The nature and details of the acts attributed to the responsible  
30 party.

31 (2) The degree of culpability of the responsible party.

32 (3) The responsible party's cooperation with the state, federal, or  
33 foreign agencies involved in the investigation of the activities  
34 involved in actions referred to in section 1.4(c)(5) and 1.4(c)(6)  
35 of this chapter.

36 (4) The responsible party's dissociation from any other persons or  
37 entities convicted in a criminal enforcement action referred to in  
38 section 1.4(c)(5) and 1.4(c)(6) of this chapter.

39 (5) Prior or subsequent self-policing or internal education  
40 programs established by the responsible party to prevent acts,  
41 omissions, or violations referred to in section 1.4(c)(5) and  
42 1.4(c)(6) of this chapter.



(g) Except as provided in subsection (h), in taking action under subsection (e), the commissioner must make separately stated findings of fact to support the action taken. The findings of fact must:

- (1) include a statement of ultimate fact; and
- (2) be accompanied by a concise statement of the underlying basic facts of record to support the findings.

(h) If the commissioner denies an application under subsection (e), the commissioner is not required to explain the extent to which any of the factors set forth in subsection (f) influenced the denial.

(i) The department may amend an approval under section 1 of this chapter or revoke an approval under section 1 of this chapter:

- (1) for failure to comply with:
  - (A) this chapter;
  - (B) rules adopted under this chapter;
  - (C) the water pollution control laws; or
  - (D) rules adopted under the water pollution control laws; and
- (2) as needed to prevent discharges of manure into the environment that pollute or threaten to pollute the waters of the state.

**(j) The department may not require changes to the design of a confined feeding operation if the design:**

- (1) complies with this chapter; and**
- (2) is submitted and endorsed by a professional engineer registered under IC 25-31-1.**

SECTION 3. IC 13-18-10-2.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 2.4. (a) Except as provided in subsection (b), an applicant that applies for approval under section 1 of this chapter is not required to design or install one (1) or more of the following for solid manure produced from livestock on straw pack or dry pack bedding:**

- (1) Manure pumps.**
- (2) Flush systems.**
- (3) Slatted floors and gutter systems.**
- (4) Similar devices.**

**(b) If the straw pack or dry pack bedding is:**

- (1) placed over a concrete manure storage pit; or**
- (2) connected to a flush system;**

**then the applicant must install at least one (1) of the items described in subsection (a).**

SECTION 4. IC 13-18-10-2.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS



[EFFECTIVE JULY 1, 2026]: Sec. 2.8. The department shall:

- (1) designate an employee as the point of contact for applicants and interested applicants to submit questions concerning the application process described in this chapter; and
- (2) distribute the designated employee's contact information to all operating confined feeding operations.

SECTION 5. IC 36-7-4-201.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 201.7. (a) As used in this section, "permitted use" means a use that is approved in a zoning district without requiring a:

- (1) public hearing;
  - (2) variance, special exception, contingent use, or conditional use; or
  - (3) discretionary zoning action, other than a determination that a site plan conforms with applicable zoning regulations.
- (b) Notwithstanding any ordinance or regulation to the contrary, a confined feeding operation is a permitted use, if the project or development is sited on land zoned for agricultural use.

