



Reprinted
February 13, 2026

ENGROSSED HOUSE BILL No. 1355

DIGEST OF HB 1355 (Updated February 12, 2026 3:12 pm - DI 150)

Citations Affected: IC 13-18.

Synopsis: Confined feeding operations. Creates a preapplication process for the approval of confined feeding operations. Provides that the department of environmental management (department) must refund a confined feeding operation application fee under certain circumstances. Provides that certain confined feeding operations do not need to use certain equipment for solid manure produced by livestock. Prohibits the department from requiring an existing confined feeding operation permit holder, who is applying to expand an operation, to update a previously approved facility or structure. Establishes certain requirements for earthen berms at manure storage facilities. 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.

Culp, Aylesworth, Baird
(SENATE SPONSORS — NIEMEYER, SCHMITT)

January 8, 2026, read first time and referred to Committee on Environmental Affairs.
January 22, 2026, amended, reported — Do Pass.
January 27, 2026, read second time, ordered engrossed.
January 28, 2026, engrossed. Read third time, passed. Yeas 69, nays 26.

SENATE ACTION

February 2, 2026, read first time and referred to Committee on Environmental Affairs.
February 9, 2026, amended, reported favorably — Do Pass.
February 12, 2026, read second time, amended, ordered engrossed.

EH 1355—LS 7028/DI 150



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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.

ENGROSSED 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) A potential applicant may**
4 **request a preapplication meeting with the department, which**
5 **requires the following:**

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

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

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

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

11 **to the department.**

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

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

14 **(B) schedule a preapplication meeting;**

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

17 **(3) The potential applicant and the department shall discuss**

EH 1355—LS 7028/DI 150



the plans and specifications for the design and operation of an animal feeding structure at the preapplication meeting.

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

(A) manure treatment facility;

(B) control facility; or

(C) animal feeding structure;

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

(5) The department shall make a determination on a manure treatment facility, control facility, or animal feeding structure for purposes of section 1 of this chapter within ninety (90) days of the:

(A) preapplication meeting; or

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

(b) A potential applicant who receives an approval in accordance with this section must file an application under section 2 of this chapter and comply with the other relevant requirements of this chapter notwithstanding the approval.

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 department shall issue 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



1 and the ninety (90) day period described under this section if the
 2 department determines within thirty (30) days after the department
 3 receives the application that the application is incomplete and has
 4 mailed a notice of deficiency to the applicant that specifies the parts of
 5 the application that:

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

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

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

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

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

- 22 (A) An application for approval under section 1 of this
- 23 chapter.
- 24 (B) A disclosure statement required by section 1.4 of this
- 25 chapter.

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

- 28 (A) Section 1.4(c)(5) of this chapter.
- 29 (B) Section 1.4(c)(6) of this chapter.

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

- 32 (1) The nature and details of the acts attributed to the responsible
- 33 party.
- 34 (2) The degree of culpability of the responsible party.
- 35 (3) The responsible party's cooperation with the state, federal, or
- 36 foreign agencies involved in the investigation of the activities
- 37 involved in actions referred to in section 1.4(c)(5) and 1.4(c)(6)
- 38 of this chapter.
- 39 (4) The responsible party's dissociation from any other persons or
- 40 entities convicted in a criminal enforcement action referred to in
- 41 section 1.4(c)(5) and 1.4(c)(6) of this chapter.
- 42 (5) Prior or subsequent self-policing or internal education



programs established by the responsible party to prevent acts, omissions, or violations referred to in section 1.4(c)(5) and 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 certified 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), the department may not require an applicant that applies for approval under section 1 of this chapter for a facility that will contain solid manure produced from livestock on:**

- (1) strawpack; or**
- (2) dry pack bedding;**

to implement design requirements typically associated with liquid manure.

(b) A facility that receives solid manure produced from livestock on:

- (1) strawpack; or**
- (2) dry pack bedding;**

shall control runoff if precipitation or surface water comes in



1 **contact with the manure.**

2 SECTION 4. IC 13-18-10-2.5 IS ADDED TO THE INDIANA
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2026]: **Sec. 2.5. The department may not**
5 **require a person who has received an approval under section 1 of**
6 **this chapter to update or make changes to an existing approved**
7 **facility or structure as part of a new application if the new facility**
8 **or structure does not impact the existing approved facility or**
9 **structure.**

10 SECTION 5. IC 13-18-10-2.8 IS ADDED TO THE INDIANA
11 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2026]: **Sec. 2.8. The department shall:**

13 (1) **designate an employee as the point of contact for**
14 **applicants and interested applicants to submit questions**
15 **concerning the application process described in this chapter;**
16 **and**

17 (2) **distribute the designated employee's contact information**
18 **to all operating confined feeding operations.**

19 SECTION 6. IC 13-18-10-4.5 IS ADDED TO THE INDIANA
20 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2026]: **Sec. 4.5. (a) A person that installs an**
22 **earthen berm at a manure storage facility shall do the following:**

23 (1) **Stabilize the earthen berm with vegetation or alternative**
24 **erosion control measures.**

25 (2) **Maintain the earthen berm to allow for visual inspection**
26 **for conditions that may compromise the earthen berm's**
27 **performance.**

28 (b) **A person must confine:**

29 (1) **trees;**

30 (2) **shrubs; or**

31 (3) **other vegetation;**

32 **to the exterior of the earthen berm at a minimum distance of**
33 **sixteen (16) feet from the interior of the earthen berm.**

34 (c) **A person shall maintain all vegetation established on or**
35 **adjacent to an earthen berm in a condition that does not obstruct**
36 **inspection or threaten the earthen berm's integrity.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1355, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 4, delete "preconstruction" and insert "**preapplication**".

Page 1, line 13, delete "preconstruction" and insert "**preapplication**".

Page 2, line 1, delete "preconstruction" and insert "**preapplication**".

Page 2, line 2, delete "preconstruction" and insert "**preapplication**".

Page 2, line 9, delete "preconstruction" and insert "**preapplication**".

Page 2, line 12, delete "preconstruction" and insert "**preapplication**".

Page 2, delete lines 15 through 18, begin a new paragraph and insert:

"(b) If the department fails to approve or deny an application not more than ninety (90) days after the date on which the applicant makes a reasonable effort to provide notice under section 2(b) of this chapter, the department shall refund the fee described in section 2 of this chapter to the applicant. After the department issues the refund to the applicant, the department shall continue working on the application and issue the application as soon as possible."

Page 4, line 23, delete "endorsed" and insert "**certified**".

Page 4, delete lines 25 through 40, begin a new paragraph and insert:

"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), the department may not require an applicant that applies for approval under section 1 of this chapter for a facility that will contain solid manure produced from livestock on:

(1) strawpack; or

(2) dry pack bedding;

to implement design requirements typically associated with liquid manure.

(b) A facility that receives solid manure produced from livestock on:

(1) strawpack; or

(2) dry pack bedding;

shall control runoff if precipitation or surface water comes in contact with the manure.

EH 1355—LS 7028/DI 150



SECTION 4. IC 13-18-10-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 2.5. The department may not require a current permit holder that is applying to amend a permit issued under section 1 of this chapter to update or make changes to an existing permitted facility or structure if the new facility or structure does not impact an existing facility or structure."**

Page 5, delete lines 18 through 20, begin a new paragraph and insert:

"(b) Notwithstanding any ordinance or regulation to the contrary, a confined feeding operation is a permitted use, if the project or development is situated on land zoned for agricultural use. However, this subsection does not apply to a project or development situated on land within:

(1) a municipality; or

(2) the contiguous unincorporated area within two (2) miles from the corporate boundaries of the municipality."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1355 as introduced.)

BAIRD

Committee Vote: yeas 10, nays 3.

COMMITTEE REPORT

Mr. President: The Senate Committee on Environmental Affairs, to which was referred House Bill No. 1355, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 3, delete "An applicant" and insert "**A potential applicant**".

Page 1, line 6, delete "applicant" and insert "**potential applicant**".

Page 1, line 15, delete "applicant." and insert "**potential applicant.**".

Page 1, line 16, delete "applicant" and insert "**potential applicant**".

Page 2, line 7, delete "applicant" and insert "**potential applicant**".

Page 2, line 10, delete "issue a permit under" and insert "**approve the manure treatment facility, control facility, or animal feeding**

EH 1355—LS 7028/DI 150



structure for purposes of".

Page 2, line 13, delete "applicant" and insert "**potential applicant**".

Page 2, delete lines 15 through 22, begin a new paragraph and insert:

"(b) A potential applicant who receives an approval in accordance with this section must file an application under section 2 of this chapter and comply with the other relevant requirements of this chapter notwithstanding the approval."

Page 2, line 36, strike "applicant may request and receive" and insert "**department shall issue**".

Page 4, line 28, delete "IC 25-31-1." and insert "**IC 25-31-1.**".

Page 5, delete lines 6 through 9 and insert:

"require a person who has received an approval under section 1 of this chapter to update or make changes to an existing approved facility or structure as part of a new application if the new facility or structure does not impact the existing approved facility or structure."

Page 5, delete lines 19 through 36.

and when so amended that said bill do pass.

(Reference is to HB 1355 as printed January 22, 2026.)

NIEMEYER, Chairperson

Committee Vote: Yeas 7, Nays 0.

SENATE MOTION

Mr. President: I move that Engrossed House Bill 1355 be amended to read as follows:

Page 2, delete lines 11 through 17, begin a new line blocked indented and insert:

"(5) The department shall make a determination on a manure treatment facility, control facility, or animal feeding structure for purposes of section 1 of this chapter within ninety (90) days of the:

(A) preapplication meeting; or

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

Page 5, after line 18, begin a new paragraph and insert:

"SECTION 6. IC 13-18-10-4.5 IS ADDED TO THE INDIANA

EH 1355—LS 7028/DI 150



CODE AS A NEW SECTION TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2026]: **Sec. 4.5. (a) A person that installs an earthen berm at a manure storage facility shall do the following:**

(1) Stabilize the earthen berm with vegetation or alternative erosion control measures.

(2) Maintain the earthen berm to allow for visual inspection for conditions that may compromise the earthen berm's performance.

(b) A person must confine:

(1) trees;

(2) shrubs; or

(3) other vegetation;

to the exterior of the earthen berm at a minimum distance of sixteen (16) feet from the interior of the earthen berm.

(c) A person shall maintain all vegetation established on or adjacent to an earthen berm in a condition that does not obstruct inspection or threaten the earthen berm's integrity."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1355 as printed February 10, 2026.)

NIEMEYER

