

PROPOSED AMENDMENT

HB 1355 # 2

DIGEST

Confined feeding operations. Replaces "preconstruction meeting" with "preapplication meeting". Provides that the department of environmental management (department) must refund the application fee in 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 permit holder, who is applying to expand an operation, to update a previously approved facility or structure. Creates an exception regarding when certain confined feeding operations are considered a permitted use.

- 1 Page 1, line 4, delete "preconstruction" and insert "**preapplication**".
- 2 Page 1, line 13, delete "preconstruction" and insert
- 3 "**preapplication**".
- 4 Page 2, line 1, delete "preconstruction" and insert "**preapplication**".
- 5 Page 2, line 2, delete "preconstruction" and insert "**preapplication**".
- 6 Page 2, line 9, delete "preconstruction" and insert "**preapplication**".
- 7 Page 2, line 12, delete "preconstruction" and insert
- 8 "**preapplication**".
- 9 Page 2, delete lines 15 through 18, begin a new paragraph and
- 10 insert:
- 11 "**(b) If the department fails to approve or deny an application**
- 12 **not more than ninety (90) days after the date on which the**
- 13 **applicant makes a reasonable effort to provide notice under section**
- 14 **2(b) of this chapter, the department shall refund the fee described**
- 15 **in section 2 of this chapter to the applicant. After the department**
- 16 **issues the refund to the applicant, the department shall continue**
- 17 **working on the application and issue the application as soon as**
- 18 **possible.**".
- 19 Page 4, line 23, delete "endorsed" and insert "**certified**".
- 20 Page 4, delete lines 25 through 40, begin a new paragraph and
- 21 insert:
- 22 "SECTION 3. IC 13-18-10-2.4 IS ADDED TO THE INDIANA
- 23 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.

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.

(Reference is to HB 1355 as introduced.)