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HOUSE BILL No. 1355

Proposed Changes to introduced printing by AM135502

DIGEST OF PROPOSED AMENDMENT

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.

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~~preapplication meeting with the department,
5 which requires the 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~~preapplication
14 meeting;
15 within thirty (30) days of receiving the designs from the

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1 applicant.

2 (3) The applicant and the department shall discuss the plans
 3 and specifications for the design and operation of an animal
 4 feeding structure at the ~~preconstruction~~[preapplication]
 5 meeting.

6 (4) If at a ~~preconstruction~~[preapplication] meeting the
 7 department requests changes to the:

8 (A) manure treatment facility;

9 (B) control facility; or

10 (C) animal feeding structure;

11 the applicant shall resubmit the necessary plans or
 12 specifications within forty-five (45) days of the
 13 ~~preconstruction~~[preapplication] meeting.

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

16 (A) ~~preconstruction~~[preapplication] meeting; or

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

19 (b) If the department fails to ~~make a determination~~
 20 ~~on~~[approve or deny] an application ~~submitted under~~[not more
 21 ~~than ninety (90) days after the date on which the applicant makes~~
 22 ~~a reasonable effort to provide notice under section 2(b) of this~~
 23 ~~chapter, the department shall refund the fee described in]~~ section
 24 ~~2 of this chapter~~ ~~within ninety (90) days, then the applicant's~~
 25 ~~application is deemed approved and~~[to the applicant. After the
 26 ~~department issues the refund to the applicant,]~~ the department
 27 ~~shall~~[continue working on the application and] issue ~~a permit~~
 28 ~~under section 1 of this chapter~~[the application as soon as
 29 ~~possible].~~

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

33 (1) shall make a determination on an application submitted
 34 under section 2 of this chapter not later than ninety (90) days
 35 after the date the department receives the completed application,
 36 including all required supplemental information, unless the
 37 department and the applicant agree to a longer time; and
 38 (2) may conduct any inquiry or investigation, consistent with the
 39 department's duties under this chapter, the department considers
 40 necessary before making a determination.

41 (b) If the department fails to make a determination on an
 42 application not later than ninety (90) days after the date the department



1 receives the completed application, the applicant may request and
2 receive a refund of an approval application fee paid by the applicant,
3 and the commissioner shall:

4 (1) continue to review the application;
5 (2) approve or deny the application as soon as practicable; and
6 (3) refund the applicant's application fee not later than
7 twenty-five (25) working days after the receipt of the applicant's
8 request.

15 (1) do not contain adequate information for the department to
16 process the application; or
17 (2) are not consistent with applicable law.

21 (1) this chapter;
22 (2) rules adopted under this chapter;
23 (3) the water pollution control laws;
24 (4) rules adopted under the water pollution control laws; and
25 (5) policies and statements adopted under IC 13-14-1-11.5
26 relative to confined feeding operations.

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

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

31 (A) An application for approval under section 1 of this
32 chapter.
33 (B) A disclosure statement required by section 1.4 of this

34 chapter.
35 (2) An enforcement action was resolved against a responsible
36 party as described in either or both of the following:

36 party as described in either of both of the following.
37 (A) Section 1.4(c)(5) of this chapter.
38 (B) Section 1.4(c)(6) of this chapter.

38 (B) Section 1.4(c)(6) of this chapter.
39 (f) Before making a determination to approve or deny an
40 application, the commissioner must consider the following factors:

40 application, the commissioner must consider the following factors.
41 (1) The nature and details of the acts attributed to the responsible
42 party.

42 party.

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

(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.

16 (1) include a statement of ultimate fact; and

17 (2) be accompanied by a concise statement of the underlying
18 basic facts of record to support the findings.

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

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

24 (1) for failure to comply with:

25 (A) this chapter;

26 (B) rules adopted under this chapter;

(C) the water pollution control laws; or

(D) rules adopted under the water pollution control laws; and

34 a committed recycling operation if the design
35 (1) complies with this chapter; and

(2) is submitted and ~~endorsed~~ certified by a professional engineer registered under IC 25-31-1.

38 SECTION 3. IC 13-18-10-2.4 IS ADDED TO THE INDIANA
39 CODE AS A NEW SECTION TO READ AS FOLLOWS
40 [EFFECTIVE JULY 1, 2026]: Sec. 2.4. (a) Except as provided in
41 subsection (b), [the department may not require]an applicant that
42 applies for approval under section 1 of this chapter ~~is not~~

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1 **required to design or install one (1) or more of the following**
 2 **for>[for a facility that will contain]** solid manure produced from
 3 **livestock on<straw pack or dry pack bedding:**

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

8 **(b) If the straw pack or>[:**

- 9 **(1) strawpack; or**
- 10 **(2)]dry pack bedding<is:**

11 **(1) placed over a concrete manure storage pit; or**

12 **(2) connected to a flush system;**

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

15 **SECTION 4>[;**

16 **to implement design requirements typically associated with liquid**
 17 **manure.**

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

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

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

24 **SECTION 4. IC 13-18-10-2.5 IS ADDED TO THE INDIANA**
 25 **CODE AS A NEW SECTION TO READ AS FOLLOWS**

26 **[EFFECTIVE JULY 1, 2026]: Sec. 2.5. The department may not**
 27 **require a current permit holder that is applying to amend a permit**
 28 **issued under section 1 of this chapter to update or make changes to**
 29 **an existing permitted facility or structure if the new facility or**
 30 **structure does not impact an existing facility or structure.**

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

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

40 **SECTION <>[6]. IC 36-7-4-201.7 IS ADDED TO THE**
 41 **INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS**
 42 **[EFFECTIVE JULY 1, 2026]: Sec. 201.7. (a) As used in this section,**



1 "permitted use" means a use that is approved in a zoning district
2 without requiring a:
3 (1) public hearing;
4 (2) variance, special exception, contingent use, or conditional
5 use; or
6 (3) discretionary zoning action, other than a determination
7 that a site plan conforms with applicable zoning regulations.
8 (b) Notwithstanding any ordinance or regulation to the
9 contrary, a confined feeding operation is a permitted use, if the
10 project or development is ~~sited~~situated on land zoned for
11 agricultural use.I. However, this subsection does not apply to a
12 project or development situated on land within:
13 (1) a municipality; or
14 (2) the contiguous unincorporated area within two (2) miles
15 from the corporate boundaries of the municipality.
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