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# HOUSE BILL No. 1355

Proposed Changes to January 22, 2026 printing by AM135503

## DIGEST OF PROPOSED AMENDMENT

Confined feeding operations. Clarifies various provisions of the bill. Removes a provision of the bill concerning zoning. Makes technical changes.

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) <Am>[A potential**
- 4 **applicant may request a preapplication meeting with the**
- 5 **department, which 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
- 18 discuss the plans and specifications for the design and
- 19 operation of an animal feeding structure at the
- 20 preapplication meeting.

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

- 3 (A) manure treatment facility;  
4 (B) control facility; or  
5 (C) animal feeding structure;

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

9 (5) The department shall ~~issue a permit under~~ approve the  
10 manure treatment facility, control facility, or animal feeding  
11 structure for purposes of section 1 of this chapter within  
12 ninety (90) days of the:

- 13 (A) preapplication meeting; or  
14 (B) day the potential applicant submits required  
15 changes to the department under subdivision (4).

16 (b) ~~If the department fails to approve or deny~~ A potential  
17 applicant who receives an approval in accordance with this section  
18 must file an application ~~not more than ninety (90) days after the~~  
19 ~~date on which the applicant makes a reasonable effort to provide~~  
20 ~~notice under section 2(b) of this chapter, the department shall~~  
21 ~~refund the fee described in section 2~~ under section 2 of this  
22 chapter ~~to the applicant. After the department issues the refund~~  
23 ~~to the applicant, the department shall continue working on the~~  
24 ~~application and issue the application as soon as possible~~ and  
25 comply with the other relevant requirements of this chapter  
26 notwithstanding the approval.

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

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

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

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- 1 (1) continue to review the application;  
 2 (2) approve or deny the application as soon as practicable; and  
 3 (3) refund the applicant's application fee not later than  
 4 twenty-five (25) working days after the receipt of the applicant's  
 5 request.
- 6 (c) The commissioner may suspend the processing of an  
 7 application and the ninety (90) day period described under this section  
 8 if the department determines within thirty (30) days after the  
 9 department receives the application that the application is incomplete  
 10 and has mailed a notice of deficiency to the applicant that specifies the  
 11 parts of the application that:  
 12 (1) do not contain adequate information for the department to  
 13 process the application; or  
 14 (2) are not consistent with applicable law.
- 15 (d) The department may establish requirements in an approval  
 16 regarding that part of the confined feeding operation that concerns  
 17 manure handling and application to assure compliance with:  
 18 (1) this chapter;  
 19 (2) rules adopted under this chapter;  
 20 (3) the water pollution control laws;  
 21 (4) rules adopted under the water pollution control laws; and  
 22 (5) policies and statements adopted under IC 13-14-1-11.5  
 23 relative to confined feeding operations.
- 24 (e) Subject to subsection (f), the commissioner may deny an  
 25 application upon making either or both of the following findings:  
 26 (1) A responsible party intentionally misrepresented or  
 27 concealed any material fact in either or both of the following:  
 28 (A) An application for approval under section 1 of this  
 29 chapter.  
 30 (B) A disclosure statement required by section 1.4 of this  
 31 chapter.  
 32 (2) An enforcement action was resolved against a responsible  
 33 party as described in either or both of the following:  
 34 (A) Section 1.4(c)(5) of this chapter.  
 35 (B) Section 1.4(c)(6) of this chapter.
- 36 (f) Before making a determination to approve or deny an  
 37 application, the commissioner must consider the following factors:  
 38 (1) The nature and details of the acts attributed to the responsible  
 39 party.  
 40 (2) The degree of culpability of the responsible party.  
 41 (3) The responsible party's cooperation with the state, federal, or  
 42 foreign agencies involved in the investigation of the activities

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- 1 involved in actions referred to in section 1.4(c)(5) and 1.4(c)(6)  
 2 of this chapter.
- 3 (4) The responsible party's dissociation from any other persons  
 4 or entities convicted in a criminal enforcement action referred to  
 5 in section 1.4(c)(5) and 1.4(c)(6) of this chapter.
- 6 (5) Prior or subsequent self-policing or internal education  
 7 programs established by the responsible party to prevent acts,  
 8 omissions, or violations referred to in section 1.4(c)(5) and  
 9 1.4(c)(6) of this chapter.
- 10 (g) Except as provided in subsection (h), in taking action under  
 11 subsection (e), the commissioner must make separately stated findings  
 12 of fact to support the action taken. The findings of fact must:
- 13 (1) include a statement of ultimate fact; and  
 14 (2) be accompanied by a concise statement of the underlying  
 15 basic facts of record to support the findings.
- 16 (h) If the commissioner denies an application under subsection (e),  
 17 the commissioner is not required to explain the extent to which any of  
 18 the factors set forth in subsection (f) influenced the denial.
- 19 (i) The department may amend an approval under section 1 of this  
 20 chapter or revoke an approval under section 1 of this chapter:
- 21 (1) for failure to comply with:
- 22 (A) this chapter;  
 23 (B) rules adopted under this chapter;  
 24 (C) the water pollution control laws; or  
 25 (D) rules adopted under the water pollution control laws;  
 26 and
- 27 (2) as needed to prevent discharges of manure into the  
 28 environment that pollute or threaten to pollute the waters of the  
 29 state.
- 30 **(j) The department may not require changes to the design of**  
 31 **a confined feeding operation if the design:**
- 32 **(1) complies with this chapter; and**  
 33 **(2) is submitted and certified by a professional engineer**  
 34 **registered under IC 25-31-1.1.↔**
- 35 SECTION 3. IC 13-18-10-2.4 IS ADDED TO THE INDIANA  
 36 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 37 [EFFECTIVE JULY 1, 2026]: **Sec. 2.4. (a) Except as provided in**  
 38 **subsection (b), the department may not require an applicant that**  
 39 **applies for approval under section 1 of this chapter for a facility**  
 40 **that will contain solid manure produced from livestock on:**
- 41 **(1) strawpack; or**  
 42 **(2) dry pack bedding;**

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1 to implement design requirements typically associated with liquid  
2 manure.

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

- 5 (1) strawpack; or
- 6 (2) dry pack bedding;

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

9 SECTION 4. IC 13-18-10-2.5 IS ADDED TO THE INDIANA  
10 CODE AS A NEW SECTION TO READ AS FOLLOWS  
11 [EFFECTIVE JULY 1, 2026]: Sec. 2.5. The department may not  
12 ~~require a <current permit holder that is applying to amend a~~  
13 ~~permit issued~~ [person who has received an approval] under  
14 section 1 of this chapter to update or make changes to an existing  
15 ~~<permitted~~ [approved] facility or structure [as part of a new  
16 application] if the new facility or structure does not impact  
17 ~~<an~~ [the] existing [approved] facility or structure.

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

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

27 ~~< SECTION 6. IC 36-7-4-201.7 IS ADDED TO THE INDIANA~~  
28 ~~CODE AS A NEW SECTION TO READ AS FOLLOWS~~  
29 ~~[EFFECTIVE JULY 1, 2026]: Sec. 201.7. (a) As used in this~~  
30 ~~section, "permitted use" means a use that is approved in a zoning~~  
31 ~~district without requiring a:~~

- 32 ~~— (1) public hearing;~~
- 33 ~~— (2) variance, special exception, contingent use, or conditional~~  
34 ~~use; or~~
- 35 ~~— (3) discretionary zoning action, other than a determination~~  
36 ~~that a site plan conforms with applicable zoning regulations;~~
- 37 ~~— (b) Notwithstanding any ordinance or regulation to the~~  
38 ~~contrary, a confined feeding operation is a permitted use, if the~~  
39 ~~project or development is situated on land zoned for agricultural~~  
40 ~~use. However, this subsection does not apply to a project or~~  
41 ~~development situated on land within:~~
- 42 ~~— (1) a municipality; or~~

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