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HOUSE BILL No. 1361

Proposed Changes to introduced printing by AM136103

DIGEST OF PROPOSED AMENDMENT

Definitions. Amends various definitions and an applicability provision.

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 13-11-2-79.5, AS ADDED BY P.L.189-2011, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 79.5. "Fertilizer material", for purposes of IC 13-18-4-5, has the meaning set forth in ~~IC 15-16-2-11.~~<~~>~~[ ]**IC 15-16-1.5-28.**

SECTION 2. IC 15-16-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]:

Chapter 1.5. Fertilizer Definitions

Sec. 1. The definitions in this chapter apply to this chapter, IC 15-16-2, IC 15-16-2.5, IC 15-16-2.7, IC 15-16-3, IC 15-16-3.3, and IC 15-16-3.5.

Sec. 2. "Agricultural crop" means any plant or part of a plant, produced primarily for sale, consumption, propagation, or other use by humans or animals. The term does not include turf, trees, or ornamental plants.

Sec. 3. "Agronomic rate" means a rate of application of fertilizer material to the land based on the following:

(1) The nutrient content of the fertilizer material to be applied.

(2) The fertility level of the soil.

(3) The nutrient needs of the current or planned crops.

(4) The nutrient holding capacity of the soil.

(5) Additional sources of nutrients, including legume credits, process wastewater, or biosolids.

(6) Reasonable nitrogen losses.

(7) Reasonable phosphorus levels.

Sec. 4. "Ammonium nitrate" means the ammonium salt of nitric acid, which must contain not less than thirty-three percent (33%) nitrogen, fifty percent (50%) of which is in the ammonium form and fifty percent (50%) of which is in the nitrate form.

Sec.[4.5. "Animal feeding operation" or "AFO" means a lot or facility, other than an aquatic animal production facility, where all of the following conditions are met:

(1) Animals, other than aquatic animals, have been, are, or will be stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve (12) month period.

(2) Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over at least fifty percent (50%) of the lot or facility.

Sec.] 5. "Appurtenance" means any:

(1) valve;

(2) pump;

(3) fitting;

(4) pipe;

(5) hose;

(6) metering device; or

(7) mechanical device;

that is connected to a storage container or is used to transfer a material into or out of the storage container.

Sec. 6. "Aqua ammonia" means an aqueous solution of anhydrous ammonia generally containing from eighteen percent (18%) to thirty percent (30%) of ammonia (NH3) by weight and having a vapor pressure usually varying from zero (0) to ten (10) pounds per square inch gauge (psig) at one hundred four (104) degrees Fahrenheit.

Sec. 7. (a) "Biosolid" means solid, semisolid, or liquid residue generated during the treatment of domestic sewage (as defined in 327 IAC 6.1-2-16) in a treatment works (as defined in 327 IAC 6.1-2-57) including the following:

(1) Scum or solids removed in primary, secondary, or advanced wastewater treatment processes.

(2) A material derived from biosolid.

(3) An industrial waste product that contains domestic sewage or material under subdivision (1) or (2).

(b) The term does not include:

(1) ash generated during the firing of a biosolid in a biosolid incinerator; or

(2) grit and screenings generated during preliminary treatment of domestic sewage in a treatment works.

Sec. 8. "Blender" means a person or system engaged in the business of blending commercial fertilizer.

Sec. 9. "Blending" means the physical mixing or combining:

(1) of one (1) or more commercial fertilizers and one (1) or more filler materials;

(2) of two (2) or more commercial fertilizers; or

(3) of two (2) or more commercial fertilizers and filler materials;

including mixing through the simultaneous or sequential application of any of the combinations referred to in subdivision (1), (2), or (3) to produce a uniform mixture.

Sec. 10. "Board" refers to the Indiana fertilizer advisory board established by IC 15-16-2-25.

Sec. 11. "Brand" means a term, design, or trademark used in connection with at least one (1) grade of commercial fertilizer or manure based fertilizer.

Sec. 12. "Bulk fertilizer" means a commercial fertilizer distributed in nonpackaged form.

Sec. 13. "Certified applicator" means an individual who has been issued a certificate or licensing credential under IC 15-16-2.5 or IC 15-16-3 to use fertilizer material. The term includes commercial applicators and private applicators.

Sec. 14. "Commercial applicator license" means the licensing credential issued annually to a certified applicator who:

(1) uses; or

(2) supervises the use of;

fertilizer material for purposes of producing an agricultural crop on the property of another person for hire.

Sec. 15. "Commercial fertilizer" means mixed fertilizer or fertilizer materials. The term does not include nonprocessed manure, marl, lime, wood ashes[, biosolids, industrial waste products, pollutant-bearing water], or plaster.

Sec. 16. "Confined feeding operation" and "CFO" mean any of the following:

(1) Any operation that confine feeds at least:

(A) three hundred (300) cattle;

(B) six hundred (600) swine or sheep;

(C) thirty thousand (30,000) fowl; or

(D) five hundred (500) horses.

(2) An animal feeding operation electing to be subject to IC 13-18-10.

(3) An animal feeding operation that causes a violation of:

(A) water pollution control laws;

(B) any rules of the water pollution control board; or

(C) IC 13-18-10.

(4) An animal feeding operation located outside of Indiana that would be a confined feeding operation if located in Indiana.

Sec. 17. "Continuing certification hour" and "CCH" mean one (1) hour of fertilizer material related instruction or training for a certified applicator that has been evaluated and approved by the state chemist.

Sec. 18. "Custom blend" means a commercial fertilizer blended:

(1) according to specifications provided to a blender in a soil test nutrient recommendation; or

(2) to meet specific requests of a consumer, who is the end user, before blending.

Sec. 19. "Discharge" means a release of fluid or dry bulk fertilizer into either a secondary containment or operational containment area at a storage facility.

Sec. 20. "Distribute" means to:

(1) offer for sale;

(2) sell;

(3) exchange;

(4) barter;

(5) supply; or

(6) offer to supply;

fertilizer material.

Sec. 21. "Distributor" means a person that:

(1) offers for sale;

(2) sells;

(3) barters; or

(4) supplies;

commercial fertilizers or manure based fertilizers.

Sec. 22."Drainage inlet" means any surficial opening to an

underground agricultural tile drainage system that drains surface waters. The term includes water and sediment control basins.

Sec. 23. "Dry bulk fertilizer" means nonfluid commercial fertilizer in an undivided quantity exceeding two hundred (200) pounds.

Sec. 24. "Elephant ring" means a storage container with an open top serving as a secondary containment vessel into which a smaller primary storage container is placed.

Sec. 25. "Facility" means all land, buildings, equipment, structures, and other stationary items that are located on a single site or on contiguous sites and that are owned or operated by the same person or by any person that controls, is controlled by, or is under common control with the person.

Sec. 26. "Fertilizer application plan" means a written annual or multi-year plan for nutrient application at agronomic rates for producing an agricultural crop.

Sec. 27. "Fertilizer business license" means the licensing credential issued annually to a person that is engaged in distributing or using fertilizer material on the property of another person for hire.

Sec. 28. ↔ **[(a)]"Fertilizer material" means any substance containing nitrogen, phosphate, potash, or any recognized plant nutrient that:**

(1) is used for the plant nutrient content; and

(2) has nutrient value in promoting plant growth.

The term includes unmanipulated manure.

[(b) The term does not include biosolids, industrial waste products, pollutant-bearing water, or plaster.

] Sec. 29. "Field operations" means the application of dry bulk fertilizer or fluid bulk fertilizer to soil or plants in the course of normal agricultural or horticultural practice.

Sec. 30. "Filter strip" means a vegetative area between a surface water body and an agricultural production field with a minimum width of fifty (50) feet and designed and maintained to intercept surface water runoff.

Sec. 31. "Floodway" has the meaning set forth under IC 14-8-2-102.

Sec. 32. "Fluid bulk fertilizer" means fluid fertilizer in an undivided quantity exceeding fifty-five (55) gallons.

Sec. 33. "Fluid fertilizer" means commercial fertilizer in liquid form and includes solutions, emulsions, suspensions, and slurries. The term does not include anhydrous ammonia.

Sec. 34. "Grade" means the minimum percentages of the following elements stated in the following order:

(1) Total nitrogen (N).

(2) Available phosphate (P_2O_5).

(3) Soluble potash (K_2O).

Sec. 35. "Gradient barrier" means a structure or feature that prevents runoff from entering surface waters.

Sec. 36. "Guaranteed analysis" means the minimum percentage of plant nutrients claimed. Recognized plant nutrients including the following:

(1) Total nitrogen (N).

(2) Available phosphate (P_2O_5).

(3) Soluble potash (K_2O).

(4) Calcium (Ca).

(5) Magnesium (Mg).

(6) Sulfur (S).

(7) Boron (B).

(8) Chlorine (Cl).

(9) Cobalt (Co).

(10) Copper (Cu).

(11) Iron (Fe).

(12) Manganese (Mn).

(13) Molybdenum (Mo).

(14) Nickel (Ni).

(15) Sodium (Na).

(16) Zinc (Zn).

Sec. 37. "Highly erodible land" means soil that has a high potential to erode based on site-specific characteristics, including:

(1) slope length and steepness;

(2) soil erodibility; and

(3) rainfall;

as determined by the United States Department of Agriculture Natural Resources Conservation Service and Farm Service Agency maps.

Sec. 38. "Incorporation" means the mixing of fertilizer material with the surface soil using standard agricultural practices, including tillage.

Sec. 39. "Injection" means the placement of liquid fertilizer material beneath the surface of the soil in the crop root zone using equipment specifically designed for this purpose.

Sec. 40. "Inorganic fertilizer" means any fertilizer material:

(1) manufactured by means of a man made chemical

reaction; and

(2) that does not contain any plant or animal products, manures or renderings.

The term includes urea.

Sec. 41. "Label", for purposes of IC 15-16-3, means:

(1) written material;

(2) printed material;

(3) graphic material; or

(4) any other statement;

accompanying a fertilizer.

Sec. 42. "Lawn care service" means service provided to private, institutional, or commercial entities for compensation to maintain and nourish:

(1) turf;

(2) shrubbery;

(3) trees; and

(4) other plants;

commonly associated with private, institutional, or commercial lawns. The term includes the application of commercial fertilizer individually or in combination with a pesticide (as defined in IC 15-16-4-30).

Sec. 43. "Licensee", for purposes of IC 15-16-3, means a person that has been issued a license under IC 15-16-3.

Sec. 44. "Low pressure nitrogen solutions" means an aqueous solution of ammonium nitrate, urea, or other nitrogen carriers containing various quantities of free ammonia exceeding two percent (2%) by weight. The term does not include aqua ammonia and nonpressure nitrogen solutions, commonly referred to as twenty-eight percent (28%), thirty percent (30%), or thirty-two percent (32%) nitrogen solutions.

Sec. 45. "Manipulated organic fertilizer" means any organic fertilizer that is not manure.

Sec. 46. "Manure" means any of the following:

(1) Liquid or solid animal excreta.

(2) Used animal bedding, litter, waste liquid, or contaminated runoff.

(3) Plant remains or vegetable refuse from processing.

(4) Any other materials generated at a livestock or poultry production area commingled with the materials listed in subdivisions (1) through (3).

(5) Any precipitation or surface water that has come into contact with the materials listed in subdivisions (1) through

(3).

Sec. 47. "Manure based fertilizer" means processed manure based commercial fertilizer with a manure content of at least seventy-five percent (75%).

Sec. 48. "Mixed fertilizer" means any combination or mixture of commercial fertilizers:

(1) designed for use; or

(2) claimed to have nutrient value;

in promoting plant growth.

Sec. 49. "Official sample" means any sample of commercial fertilizer or manure based fertilizer taken by the state chemist or the state chemist's agent.

Sec. 50. "Operational area" means an area or areas at a storage facility where fertilizers are:

(1) transferred, loaded, unloaded, or mixed; or

(2) cleaned or washed from:

(A) containers; or

(B) application, storage, or transportation equipment.

Sec. 51. "Operational area containment" means any structure or system designed and constructed to effectively intercept and contain discharges, including container or equipment wash water and rainwater, and to prevent runoff or leaching from a storage facility.

Sec. 52. "Organic fertilizer" means any fertilizer material derived from plant products, animal products, or manures that contain one (1) or more nutrients (other than carbon, hydrogen, or oxygen) that are essential for plant growth. The term does not include biosolids[, industrial waste products, pollutant-bearing water,] or urea.

Sec. 53. "Permit" refers to a permit issued under:

(1) IC 15-16-2-34 to report the tonnage of commercial fertilizer sold; or

(2) IC 15-16-3.5 to report the tonnage of manure based fertilizer sold.

Sec. 54. "Percent" or "percentage" means the percentage by weight.

Sec. 55. "Person" means:

(1) an individual;

(2) a partnership;

(3) an association;

(4) a firm;

(5) a limited liability company; or

(6) a corporation.

Sec. 56. "Primary containment" means the storage of fluid bulk fertilizer in storage containers at a storage facility.

Sec. 57. "Private applicator certification" means the licensing credential issued to a certified applicator who:

(1) uses; or

(2) supervises the use of;

organic fertilizer for purposes of producing any agricultural crop on property owned, rented, or managed by the employer or the applicator.

Sec. 58. "Private applicator recertification program" and "PARP" mean a private applicator recertification program of fertilizer material related instruction or training that has been evaluated and approved by the state chemist.

Sec. 59. "Processed manure" means manure that has undergone at least one (1) step of physical or chemical processing to change the characteristics of the manure, including manure that is composted, digested, mechanically separated, or pelletized. The term does not include manure marketed for consideration without a guaranteed analysis.

Sec.[59.5. (a) "Production area" means the part of an AFO that includes the following:

(1) An animal confinement area.

(2) A manure storage area.

(3) A raw materials storage area.

(4) A waste containment area.

(5) An egg washing or egg processing facility.

(6) An area used in the:

(A) storage;

(B) handling;

(C) treatment; or

(D) disposal;

of mortalities.

(b) For purposes of subsection (a), an animal confinement area includes the following:

(1) An open lot.

(2) A housed lot.

(3) A feedlot.

(4) A confinement house.

(5) A stall barn.

(6) Free stall barns.

(7) A milkroom.

(8) A milking center.
(9) Cow yards.
(10) Barnyards.
(11) A medication pen.
(12) A walker.
(13) An animal walkway.
(14) A stable.

(c) For purposes of subsection (a), a manure storage area includes the following:
(1) A lagoon.
(2) A runoff pond.
(3) A storage shed.
(4) A stockpile.
(5) An under-house or pit storage.
(6) A liquid impoundment.
(7) A static pile.
(8) A composting pile.

(d) For purposes of subsection (a), a raw materials storage area includes the following:
(1) A feed silo.
(2) A silage bunker.
(3) Bedding materials.

(e) For purposes of subsection (a), a waste containment area includes the following:
(1) A settling basin.
(2) An area within berms and diversions that separates uncontaminated storm water.

Sec.] **60. "Public water supply surface intake structure" means any structure used for the purpose of providing water through a public water supply system.**

Sec. 61. "Public water supply well" means any well that provides water to the public through a water distribution system that:

(1) serves at least twenty-five (25) persons per day for:
(A) drinking;
(B) domestic use; or
(C) other purposes; or
(2) has at least fifteen (15) service connections.

Sec. 62. "Registrant" means a person that registers:
(1) commercial fertilizer under IC 15-16-2; or
(2) manure based fertilizer under IC 15-16-3.5.

Sec. 63."Saturated ground" means soil soaked with moisture

so that the soil cannot absorb any more liquid.

Sec. 64. "Secondary containment" means any structure, including a dike, used to contain fertilizer discharges from bulk storage containers and prevent runoff or leaching.

Sec. 65. "Sell" or "sale" includes exchange.

Sec. 66. "Sinkhole" means a natural depression in the surface of the land caused by the collapse of the roof of a cavern or subterranean passage.

Sec. 67. "Specialty fertilizer" means a commercial fertilizer distributed for nonfarm use.

Sec. 68. "Spill" means any unexpected, unintended, abnormal, or unapproved liquid or dry dumping, leakage, drainage, seepage, or other loss of fertilizer. The term does not include releases to impermeable surfaces when the fertilizer does not migrate off the surface or penetrate the surface and enter the soil.

Sec. 69. "Staging" means the placement of fertilizer material gathered in a pile to be used for field application within ~~<ninety>~~[one hundred and twenty] (~~<90>~~[120]) days.

Sec. 70. "State chemist" means the Indiana state chemist or an agent appointed by the state chemist.

Sec. 71. "Storage" means the storage of bulk fertilizer or manure based fertilizer by a person that:

(1) manufactures or distributes bulk fertilizer or manure based fertilizer; or

(2) stores bulk fertilizer or manure based fertilizer for personal use.

Sec. 72. (a) "Storage container" means the following:

(1) A container used for the storage of fluid bulk fertilizer.

(2) A rail car, nurse tank, or other mobile container used for the storage of fluid bulk fertilizer.

(b) The term does not include the following:

(1) A mobile container storing fluid bulk fertilizer at a storage facility for less than fifteen (15) days, if this storage is incidental to the loading or unloading of a storage container at the storage facility.

(2) A mobile container located other than on property owned, operated, or controlled by an owner or operator of a storage facility.

(3) A container used solely for emergency storage of leaking fertilizer containers.

Sec. 73. "Storage facility" means a location at which:

(1) fluid bulk fertilizer in undivided quantities in excess of:

(A) two thousand five hundred (2,500) gallons; or

(B) a total capacity of seven thousand five hundred (7,500) gallons; or

(2) dry bulk fertilizer in undivided quantities exceeding twelve (12) tons;

is held in storage.

Sec. 74. "Storage facility location registry" means the annual listing of all storage facilities at any location in Indiana by the state chemist that is compiled from the written notification received from the storage facility.

Sec. 75. "Surface application" means the placement of fertilizer material by spraying or spreading onto the land surface.

Sec. 76. (a) "Surface water" means waters, as defined in IC 13-11-2-265, that are present on the surface of the earth, including the following:

(1) Streams.

(2) Lakes.

(3) Ponds.

(4) Rivers.

(5) Swamps.

(6) Marshes.

(7) Wetlands.

(b) The term does not include the following:

(1) Temporary ponding in an agricultural crop growing area.

(2) Temporary puddles.

(3) Farmed wetlands.

(4) Private ponds that:

(A) are under the care, custody, and control of the person applying or ordering the application of fertilizer material; and

(B) do not have an outfall to other surface waters.

Sec. 77. "Tank mixed liquid fertilizer" means a fluid mixture of commercial fertilizer and water in which the total nutrient content of the mixture does not exceed the amount determined by the state chemist under IC 15-16-3-21.

Sec. 78. "Ton" means a net weight of two thousand (2,000) pounds avoirdupois.

Sec. 79. "Trained employee" means any individual who:

(1) is operating as an employee, agent, or contractor of a certified applicator; and

(2) has received training required under IC 15-16-2.5-5(b) to use fertilizer material under the supervision of the certified

applicator.

Sec. 80. (a) "Use", except as provided in subsection (b), means the placement or usage of fertilizer materials on a targeted growing area.

(b) "Use", for purposes of IC 15-16-2.7, means the:

(1) application of fertilizer material on an agricultural crop growing area;

(2) handling of fertilizer materials; or

(3) transportation of fertilizer materials.

SECTION 3. IC 15-16-2-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 0.5. Nothing in this chapter impairs any authority granted to the Indiana department of environmental management under IC 13-13-5-1(1).**

SECTION 4. IC 15-16-2-1.5 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 1.5. (a) As used in this section, "manure based fertilizer" means processed manure based commercial fertilizer with a manure content of at least seventy-five percent (75%).~~

~~(b) Except as provided in subsection (c) and sections 35 and 36 of this chapter, this chapter does not apply to manure based fertilizer.~~

~~(c) The state chemist shall adopt rules under IC 4-22-2:~~

~~(1) regulating the distribution of manure based fertilizer; and~~

~~(2) establishing fees for the distribution of manure based fertilizer.~~

SECTION 5. IC 15-16-2-2.5 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 2.5. As used in this chapter, "ammonium nitrate" means the ammonium salt of nitric acid, which must contain not less than thirty-three percent (33%) nitrogen, fifty percent (50%) of which is in the ammonium form and fifty percent (50%) of which is in the nitrate form.~~

SECTION 6. IC 15-16-2-3 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 3. As used in this chapter, "blender" means a person or system engaged in the business of blending commercial fertilizer.~~

SECTION 7. IC 15-16-2-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 3.5. (a) Except as provided in subsection (b), this chapter applies to any person that:**

(1) uses fertilizer material for hire on the property of another person for purposes of producing an agricultural crop;

(2) uses organic fertilizer from a confined feeding operation for purposes of producing an agricultural crop; or

(3) distributes fertilizer material directly to any person

described in this subsection.

(b) This chapter does not apply to any person that:

(1) uses or distributes less than ten (10) cubic yards or four thousand (4,000) gallons of organic fertilizer obtained from a confined feeding operation in a calendar year;

(2) uses biosolids on land in Indiana that complies with 327 IAC 6.1; or

(3) distributes inorganic fertilizer to retail facilities.

SECTION 8. IC 15-16-2-4 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 4. As used in this chapter, "blending" means the physical mixing or combining:~~

~~(1) of one (1) or more commercial fertilizers and one (1) or more filler materials;~~

~~(2) of two (2) or more commercial fertilizers; or~~

~~(3) of two (2) or more commercial fertilizers and filler materials;~~

~~including mixing through the simultaneous or sequential application of any of the combinations referred to in subdivision (1), (2), or (3) to produce a uniform mixture.~~

SECTION 9. IC 15-16-2-5 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 5. As used in this chapter, "board" refers to the Indiana fertilizer advisory board established by section 25 of this chapter.~~

SECTION 10. IC 15-16-2-6 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 6. As used in this chapter, "brand" means a term, design, or trademark used in connection with at least one (1) grade of commercial fertilizer.~~

SECTION 11. IC 15-16-2-7 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 7. As used in this chapter, "bulk fertilizer" means a commercial fertilizer distributed in nonpackaged form.~~

SECTION 12. IC 15-16-2-8 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 8. As used in this chapter, "commercial fertilizer" means mixed fertilizer or fertilizer materials. The term does not include nonprocessed manure, marl, lime, wood ashes, or plaster.~~

SECTION 13. IC 15-16-2-9 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 9. As used in this chapter, "custom blend" means a commercial fertilizer blended:~~

~~(1) according to specifications provided to a blender in a soil test nutrient recommendation; or~~

~~(2) to meet specific requests of a consumer (who is the end user) before blending.~~

SECTION 14. IC 15-16-2-10 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 10. As used in this chapter, "distributor" means a person who:~~

~~(1) offers for sale;~~
~~(2) sells;~~
~~(3) barters; or~~
~~(4) supplies;~~
~~commercial fertilizers.~~

SECTION 15. IC 15-16-2-11 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 11. As used in this chapter, "fertilizer material" means any substance containing nitrogen, phosphate, potash, or any recognized plant nutrient that:~~
~~(1) is used for the plant nutrient content; and~~
~~(2) has nutrient value in promoting plant growth.~~
~~The term includes unmanipulated animal and vegetable manures.~~

SECTION 16. IC 15-16-2-12 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 12. As used in this chapter, "grade" means the minimum percentages of the following elements stated in the following order:~~
~~(1) Total nitrogen (N).~~
~~(2) Available phosphate (P_2O_5).~~
~~(3) Soluble potash (K_2O).~~

SECTION 17. IC 15-16-2-13 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 13. As used in this chapter, "mixed fertilizer" means any combination or mixture of commercial fertilizers:~~
~~(1) designed for use; or~~
~~(2) claimed to have nutrient value;~~
~~in promoting plant growth.~~

SECTION 18. IC 15-16-2-14 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 14. As used in this chapter, "official sample" means any sample of commercial fertilizer taken by the state chemist or the state chemist's agent.~~

SECTION 19. IC 15-16-2-15 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 15. As used in this chapter, "permit" refers to a permit issued under section 34 of this chapter to report the tonnage of commercial fertilizer sold.~~

SECTION 20. IC 15-16-2-16 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 16. As used in this chapter, "percent" or "percentage" means the percentage by weight.~~

SECTION 21. IC 15-16-2-17 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 17. As used in this chapter, "person" means:~~
~~(1) an individual;~~
~~(2) a partnership;~~
~~(3) an association;~~
~~(4) a firm;~~
~~(5) a limited liability company; or~~

~~(6) a corporation.~~

SECTION 22. IC 15-16-2-18 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 18. As used in this chapter, "registrant" means a person who registers commercial fertilizer under this chapter.~~

SECTION 23. IC 15-16-2-19 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 19. As used in this chapter, "sell" or "sale" includes exchange.~~

SECTION 24. IC 15-16-2-20 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 20. As used in this chapter, "specialty fertilizer" means a commercial fertilizer distributed for nonfarm use.~~

SECTION 25. IC 15-16-2-21 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 21. As used in this chapter, "storage" means the storage of bulk fertilizer by a person who:~~

~~(1) manufactures or distributes bulk fertilizer; or~~

~~(2) stores bulk fertilizer for personal use.~~

SECTION 26. IC 15-16-2-22 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 22. As used in this chapter, "ton" means a net weight of two thousand (2,000) pounds avoirdupois.~~

SECTION 27. IC 15-16-2-23 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 23. As used in this chapter, "use" means the placement or usage of fertilizer materials on a targeted growing area.~~

SECTION 28. IC 15-16-2-25, AS AMENDED BY P.L.81-2009, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 25. (a) The Indiana fertilizer advisory board is established to:

(1) study the regulation of fertilizer material; ~~and~~

(2) **recommend changes to the schedule of civil penalties; and**

(3) advise the state chemist on the administration of this chapter.

(b) The board consists of the following members:

(1) Two (2) representatives of the retail fertilizer industry.

(2) One (1) representative of fertilizer manufacturing, distributing, or manufacturing and distributing.

(3) Two (2) representatives of producers of agricultural crops.

(4) One (1) representative of the lawn care industry.

(5) One (1) representative of the Purdue School of Agriculture.

(6) One (1) representative of a public conservation organization.

(7) One (1) representative of the livestock industry.

(8) The president of the Indiana Plant Food and Agricultural Chemicals Association, who serves as a nonvoting member.

(9) One (1) representative of the department of environmental management, who serves as a nonvoting member.

(10) The fertilizer administrator for the office of the state

chemist, who serves as a nonvoting member.

(11) The engineer specialist for the office of the state chemist, who serves as a nonvoting member.

(12) One (1) representative of the Indiana state department of agriculture, who shall serve as a nonvoting member.

(c) The state chemist shall appoint the voting members of the board, who serve for terms of four (4) years.

(d) Voting members of the board may be appointed for successive terms at the discretion of the state chemist.

SECTION 29. IC 15-16-2-31.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 31.5. (a) Additional plant nutrients besides nitrogen (N), phosphate (P_2O_5), and soluble potash (K_2O), when mentioned or claimed on the:**

(1) tag or label;

(2) container; or

(3) written or printed statement that accompanies delivery; must be registered and guaranteed under section 31 of this chapter. Guarantees must be made on the elemental basis. The source of each guaranteed element must be included on the application for registration.

(b) When a claim for an additional plant nutrient is made on the label, container, or application for registration, the minimum percentages that will be accepted for registration are as follows:

Element	Percentage
Calcium (Ca)	1.00
Magnesium (Mg)	0.50
Sulfur (S)	1.00
Boron (B)	0.02
Chlorine (Cl)	0.10
Cobalt (Co)	0.0005
Copper (Cu)	0.05
Iron (Fe)	0.10
Manganese (Mn)	0.05
Molybdenum (Mo)	0.0005
Nickel (Ni)	0.0010
Sodium (Na)	0.10
Zinc (Zn)	0.05

(c) Except as provided in subsection (e), the guarantees or claims for the additional plant nutrients listed in subsection (b) are the only ones that will be accepted. Proposed labels and directions for use of the fertilizer must be furnished with the application for

registration upon request. Any element listed in subsection (b) that is guaranteed must appear in the order listed, immediately following the guarantees for the primary nutrients, nitrogen, phosphorus, and potassium.

(d) A warning or caution statement is required on the label for any product that contains at least:

(1) three-hundredths percent (0.03%) of boron in a water soluble form; or

(2) one-thousandth percent (0.001%) of molybdenum.

(e) When any compound of boron is incorporated into a commercial fertilizer, a special warning tag or statement must be furnished to the purchaser and must contain the following:

(1) The word "WARNING" in letters at least three-fourths (3/4) inch in height.

(2) A statement describing the crops for which the fertilizer is to be used.

(3) A statement declaring use of the fertilizer on any other crops or under conditions other than those recommended may result in serious injury to the crops.

The tag or statement must be attached to or printed on the bag or other container in which the fertilizer is sold. For bulk fertilizers, the statement must be placed on the invoice or other document that must accompany delivery and be supplied to the purchaser at the time of delivery as provided in section 32 of this chapter.

(f) Except for the additional plant nutrients listed in subsection (b), additional plant food elements or other additives that are determinable by chemical methods may be guaranteed only by permission of the state chemist. The state chemist shall grant permission only if the state chemist determines, with the advice of the dean of agriculture of Purdue University or the dean's designee, that the guarantee would not constitute a misrepresentation and is correct. Additional plant foods that are guaranteed:

(1) must be included in the guarantee in the form of the element; and

(2) are subject to inspection and analysis in accordance with the methods that the state chemist prescribes.

SECTION 30. IC 15-16-2-31.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 31.7. (a) When an insecticide, a herbicide, or any other additive for pest control is added to fertilizer the product must be registered and guaranteed with**

respect to the kind and percentage of each insecticide, herbicide, and additive and each plant food element.

(b) The label on the bag or other container of a product described in subsection (a) must prominently state:

(1) the crops for which the product is to be used; and

(2) that the use of the product on any other crops or under conditions other than those recommended may result in serious injury to crops.

SECTION 31. IC 15-16-2-32, AS AMENDED BY P.L.81-2009, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 32. (a) The bag or other container in which any commercial fertilizer is offered for sale, sold, or distributed in Indiana must have a written or printed statement of the net weight and the information required by section 31 of this chapter directly on or affixed to the package.

(b) If the commercial fertilizer is distributed in bulk, the written or printed statement required by section 31 of this chapter must:

(1) accompany the commercial fertilizer at delivery; and

(2) be supplied to the purchaser at time of delivery.

(c) Any additional information, including printed materials or a design, that is attached to, appears on, or is associated with the commercial fertilizer may not conflict with the information required under this section.

SECTION 32. IC 15-16-2-36, AS AMENDED BY P.L.29-2024, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 36. (a) Notwithstanding any other law, all excess funds accumulated from the fees collected by:

(1) the state chemist, under this chapter, IC 15-15-2,↔[ ]**IC 15-16-2.5,**↔[ ]IC 15-16-4, IC 15-16-5, and IC 15-19-7; and

(2) the state seed commissioner under IC 15-15-1 and IC 15-15-13;

shall be paid to the treasurer of Purdue University. The funds shall be administered by the board of trustees of Purdue University.

(b) On approval of the governor and the budget agency, and upon review of the budget committee, the board of trustees may spend the excess funds for the construction, operation, rehabilitation, and repair of buildings, structures, or other facilities used for:

(1) carrying out the purposes of those chapters referred to in subsection (a) under which the fees are collected; or

(2) the agricultural programs authorized by law and in support of the purposes of the chapters referred to in subsection (a).

SECTION 33. IC 15-16-2-38, AS AMENDED BY P.L.99-2012,

SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 38. (a) The state chemist shall:

(1) sample, inspect, make analysis of, and test commercial fertilizers distributed within Indiana; and

(2) inspect the storage of bulk fertilizers in Indiana at a time and place and to such an extent as necessary to determine whether the bulk fertilizers and their storage are in compliance with this chapter.

(b) The state chemist may enter upon any public or private premises during regular business hours in order to have access to:

(1) fertilizer materials; and

(2) plans and records relating to the transportation, storage, sale, and use of fertilizer materials;

subject to this chapter and the rules adopted under this chapter.

(c) The state chemist shall ~~adopt~~ **use the** methods of sampling and analysis for commercial fertilizers ~~from sources~~ that ~~may include~~ **are adopted by** AOAC International. In cases of dispute, AOAC International's methods prevail if AOAC International's methods are available. **However, in cases not covered by AOAC International's methods, or in cases where methods are available in which improved applicability has been demonstrated, the state chemist may adopt appropriate methods from other sources.**

(d) The state chemist shall determine for administrative purposes whether a commercial fertilizer is deficient in plant foods using only the official sample obtained and analyzed as provided in subsection (c).

(e) The state chemist may request a court to issue subpoenas to compel:

(1) the attendance of witnesses; or

(2) the production of books, documents, and records;

as part of an authorized investigation or a hearing located in Indiana affecting the authority or privilege granted by a license, certificate, application, registration, or permit issued under this chapter.

SECTION 34. IC 15-16-2-44, AS AMENDED BY P.L.189-2011, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 44. (a) The state chemist may adopt rules under IC 4-22-2 concerning the following:

(1) The distribution and use of fertilizer material, including standards to protect waters of the state.

(2) The distribution and storage of bulk fertilizers, including standards for the storage of bulk fertilizers to protect the waters of the state.

~~(b) The state chemist shall adopt rules under IC 4-22-2 concerning~~

~~the following:~~

~~(1) Subject to subsection (c), the establishment of certification and educational programs, as determined by the state chemist, relating to the application of fertilizer material, the transportation of fertilizer material, or both for the following:~~

~~(A) Persons who apply fertilizer material for hire, transport fertilizer material for hire, or both.~~

~~(B) Persons who apply fertilizer material, transport fertilizer material, or both from the following:~~

~~(i) Confined feeding operations (as defined in IC 13-11-2-40).~~

~~(ii) Operations outside Indiana that would be confined feeding operations (as defined in IC 13-11-2-40) if they were located in Indiana.~~

~~(2) The establishment of fees for the certification and education programs established under subdivision (1).~~

~~(c)~~ **(b)** The state chemist shall adopt rules under IC 4-22-2 ~~before July 1, 2012,~~ concerning the staging, management, and land application of fertilizer material.

~~(d) Any fees collected for a certification and educational programs under subsection (b)(1) shall be collected by the state chemist and deposited and administered under section 44.5 of this chapter.~~

~~(e) The state chemist may waive all or part of the certification requirements established under subsection (b)(1) on a reciprocal basis with any state agency or federal agency that has substantially the same certification standards.~~

SECTION 35. IC 15-16-2-44.5, AS AMENDED BY P.L.29-2024, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 44.5. (a) The state chemist shall pay to the treasurer of Purdue University all certification and educational program fees collected under ~~section 44 of this chapter.~~ ~~<~~~~>~~~~[ ]~~**IC 15-16-2.5-14.**

(b) Certification and educational program fees collected under ~~<~~~~>~~~~[ ]~~~~section 44 of this chapter~~ ~~<~~~~>~~~~[ ]~~**IC 15-16-2.5-14** must be used to pay all necessary expenses incurred in carrying out and administering the certification and educational programs.

(c) The dean of agriculture of Purdue University shall make an annual classified report to the:

(1) governor;

(2) legislative council; and

(3) budget committee;

showing the total receipts and expenditures of all fees received under this section. The budget committee shall review this report annually.

SECTION 36. IC 15-16-2-44.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 44.7. The state chemist shall deposit all money collected for civil penalties under this chapter into an account for the Purdue Pesticide Programs for the purpose of providing education about fertilizers.**

SECTION 37. IC 15-16-2-49.5, AS AMENDED BY P.L.81-2009, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 49.5. (a) If a person violates this chapter or a rule adopted under this chapter, the state chemist may:

(1) warn, issue a citation to, or impose a civil penalty on the person; ~~or~~

(2) deny, suspend, revoke, or amend the person's registration under this chapter;

(3) refer the person for criminal prosecution; or

(4) refer the person to another appropriate governmental agency.

However, nothing in this chapter requires the state chemist to impose a civil penalty for a violation.

(b) The state chemist shall ~~adopt by rule, under IC 4-22-2, a schedule of civil penalties that may be imposed under subsection (a). The state chemist may~~ impose a civil penalty only according to ~~a~~ **the** schedule of civil penalties ~~recommended by the board.~~ **in section 49.6 of this chapter.**

(c) A person who knowingly or intentionally violates this chapter commits a Class A misdemeanor.

SECTION 38. IC 15-16-2-49.6 IS ADDED TO THE INDIANA CODE A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 49.6. The schedule of civil penalties for violations of this chapter are as follows:**

(1) Each penalty for each violation, if the violation is of a continuing nature, shall not be imposed for more than one hundred eighty (180) days when assessed on a per day basis.

(2) Each penalty for each violation, if the violation is of an identical repetitive nature, may not be imposed for more than one hundred eighty (180) incidents when assessed on a per incident basis.

Legal Citation	**General Description of Violation**	**Violation Number**			**Violation Assessment**
		1	**2**	**3 and subsequent**	

IC 15-16-2-43 and IC 15-16-2.5-9	**Use fraud in applying for license, permit, or registration.**	**$250**	**$500**	**$1,000**	**Per incident**
IC 15-16-2-46	**Sell, use, or remove without permission a product placed under a stop sale, use, or removal order.**	**$250**	**$500**	**$1,000**	**Per incident**
The preceding penalty amounts for a violation of IC 15-16-2-46 are not eligible for a potential mitigation under section 49.8 of this chapter.					
IC 15-16-2.5-2 and IC 15-15-2.5-3	**Engage in business for hire without a business license.**	**$250**	**$500**	**$1,000**	**Per day**
IC 15-16-2.5-2 and IC 15-16-2.5-3	**Use fertilizer material without certification.**	**$100**	**$200**	**$300**	**Per day**
IC 15-16-2.5-4	**Distribute fertilizer material without a business license.**	**$250**	**$500**	**$1,000**	**Per day**
IC 15-16-2.5-4	**Distribute fertilizer material to an unlicensed user.**	**$100**	**$200**	**$300**	**Per incident**
IC 15-16-2.5-5	**Fail to train**	**$100**	**$200**	**$300**	**Per incident**

employees.					
IC 15-16-2.5-5(d)	**Fail to properly supervise employee.**	**$125**	**$250**	**$500**	**Per day**
IC 15-16-2.7-2(1) and IC 15-16-2.7-2(2)	**Fail to develop or follow a fertilizer application plan.**	**$100**	**$250**	**$500**	**Per incident**
IC 15-16-2.7-2(3)	**Apply fertilizer material directly to surface water.**	**$100**	**$250**	**$500**	**Per incident**
IC 15-16-2.7-2(4)	**Apply fertilizer material to saturated ground.**	**$100**	**$250**	**$500**	**Per incident**
IC 15-16-2.7-2(5)	**Apply fertilizer material from a public road.**	**$100**	**$250**	**$500**	**Per incident**
The preceding penalty amounts for a violation of IC 15-16-2.7-2(5) are not eligible for a potential mitigation under section 49.8 of this chapter.					
IC 15-16-2.7-3	**Fail to follow proper unmanipulated organic fertilizer application setback or incorporation requirements.**	**$250**	**$500**	**$1,000**	**Per incident**
IC 15-16-2.7-4	**Improper application of unmanipulated**	**$250**	**$500**	**$1,000**	**Per incident**

		organic fertilizer to highly erodible land.				
	IC 15-16-2.7-5	**Improper application of unmanipulated organic fertilizer to frozen or snow covered ground.**	**$250**	**$500**	**$1,000**	**Per incident**
	IC 15-16-2.7-6	**Fail to properly monitor organic fertilizer application.**	**$100**	**$250**	**$500**	**Per day**
	IC 15-16-2.7-7	**Fail to properly stage inorganic fertilizer.**	**$250**	**$500**	**$1,000**	**Per incident and per day**
	IC 15-16-2.7-8	**Fail to properly stage organic fertilizer.**	**$250**	**$500**	**$1,000**	**Per incident and per day**
	IC 15-16-2.7-9	**Fail to keep proper distribution records.**	**$25**	**$50**	**$75**	**Per day**
	IC 15-16-2.7-10	**Fail to keep proper application records.**	**$25**	**$50**	**$75**	**Per day**
	IC 15-16-2.7-9 and IC 15-16-2.7-10	**Make false records.**	**$250**	**$500**	**$1,000**	**Per incident**

The preceding penalty amounts for a violation of IC 15-16-2.7-9 or IC 15-16-2.7-10 are not eligible for a potential mitigation under

section 49.8 of this chapter.					
IC 15-16-2.7-11	**Fail to make records available.**	**$100**	**$250**	**$500**	**Per incident**
The preceding penalty amounts for a violation of IC 15-16-2.7-11 are not eligible for a potential mitigation under section 49.8 of this chapter.					
IC 15-16-3.3-1(e)	**Operate storage containers or appurtenances with an improper design.**	**$100**	**$200**	**$300**	**Per incident**
IC 15-16-3.3-2	**Store a fertilizer in an underground bulk container.**	**$250**	**$500**	**$1,000**	**Per day**
IC 15-16-3.3-3	**Abandon a bulk storage container improperly.**	**$250**	**$500**	**$1,000**	**Per incident**
IC 15-16-3.3-1 and IC 15-16-3.3-4	**Store a fertilizer in a bulk container made of improper design or materials.**	**$100**	**$200**	**$300**	**Per incident**
IC 15-16-3.3-5(a)	**Fail to anchor bulk storage containers properly.**	**$100**	**$250**	**$500**	**Per incident**
IC 15-16-3.3-6	**Fail to provide bulk container security.**	**$100**	**$250**	**$500**	**Per incident**
IC 15-16-3.3-7	**Fill bulk container beyond**	**$100**	**$200**	**$300**	**Per incident**

intended capacity.					
IC 15-16-3.3-8	**Fail to support or contain appurtenances.**	**$50**	**$50**	**$50**	**Per day**
IC 15-16-3.3-9	**Fail to provide a liquid level device or secure liquid level gauge.**	**$50**	**$100**	**$150**	**Per incident**
IC 15-16-3.3-10	**Fail to properly label bulk container.**	**$25**	**$50**	**$100**	**Per incident**
IC 15-16-3.3-11	**Fail to maintain bulk container or appurtenance.**	**$100**	**$200**	**$300**	**Per day**
IC 15-16-3.3-12(b)	**Fail to carry out operational area activities within contained area.**	**$250**	**$500**	**$1,000**	**Per incident**
IC 15-16-3.3-12(c)	**Operate operational area containment with improper design, construction, or capacity.**	**$100**	**$200**	**$300**	**Per day**
IC 15-16-3.3-12(e)	**Operate operational area with a valve, or improper pump.**	**$100**	**$200**	**$300**	**Per day**
IC 15-16-3.3-12(f)	**Fail to remove liquids promptly from operational area containment.**	**$100**	**$200**	**$300**	**Per incident**

IC 15-16-3.3-12(g)	**Fail to protect storage containers and appurtenances from damage by vehicles.**	**$100**	**$200**	**$300**	**Per incident**
IC 15-16-3.3-12(i)	**Fail to maintain operational area containment.**	**$100**	**$200**	**$300**	**Per day**
IC 15-16-3.3-13(a)	**Store a bulk container outside of secondary containment.**	**$250**	**$500**	**$1,000**	**Per day**
IC 15-16-3.3-13(b)	**Fail to separate fertilizer secondary containment from other materials.**	**$100**	**$200**	**$300**	**Per day**
IC 15-16-3.3-13(c) and IC 15-16-3.3-22(b)	**Fail to maintain required capacity for secondary containment.**	**$100**	**$200**	**$300**	**Per day**
IC 15-16-3.3-13(f)	**Operate secondary containment with tile drainage within or under the containment.**	**$100**	**$200**	**$300**	**Per day**
IC 15-16-3.3-14(a)	**Operate secondary containment with improperly constructed or sealed walls.**	**$100**	**$200**	**$300**	**Per day**
IC 15-16-3.3-15,	**Operate secondary**	**$100**	**$200**	**$300**	**Per day**

IC 15-16-3.3-16, IC 15-16-3.3-17, IC 15-16-3.3-18, or IC 15-16-3.3-19	**containment with improperly constructed or sealed base.**					
IC 15-16-3.3-21	**Operate an improperly designed, constructed, or maintained elephant ring.**	**$100**	**$200**	**$300**	**Per day**	
IC 15-16-3.3-22(a)	**Operate secondary containment with a relief outlet, valve, or improper pump.**	**$100**	**$200**	**$300**	**Per day**	
IC 15-16-3.3-23(a)	**Fail to maintain secondary containment.**	**$100**	**$200**	**$300**	**Per day**	
IC 15-16-3.3-23(b)	**Fail to maintain secondary containment free of debris and foreign matter.**	**$25**	**$50**	**$100**	**Per day**	
IC 15-16-3.3-24(a)	**Store dry bulk fertilizer in an unsound manner.**	**$250**	**$500**	**$1,000**	**Per day**	
IC 15-16-3.3-24(b)	**Fail to provide a dry fertilizer operations pad.**	**$250**	**$500**	**$1,000**	**Per incident**	

IC 15-16-3.3-25	**Fail to notify the state chemist annually of the bulk storage facility location and status.**	**$50**	**$100**	**$150**	**Per year**
355 IAC 7-3-4	**Supervise more than 10 employees.**	**$100**	**$100**	**$100**	**Per day and per person**

SECTION 39. IC 15-16-2-49.7 IS ADDED TO THE INDIANA CODE A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 49.7. For purposes of imposing civil penalties under this chapter, the state chemist shall comply with the following when determining the violation number and the count of violations:**

(1) Only violations committed within the immediate past five (5) years of the date of the violation being addressed will be considered.

(2) A person's violation numbers shall accumulate as first, second, third, and so on independently for each violation listed on the schedule.

(3) When multiple different but similar or related violations are committed by a single distinguishable act or failure to act, only one (1) of those violations may be subject to a civil penalty for that act. This subdivision is intended to avoid duplicating civil penalty assessment for violation of multiple provisions of the statute or rule that may be essentially the same or closely related. This subdivision is not intended to limit in any way civil penalty assessment for violations that are the result of more than one (1) distinguishable unrelated act or failure to act or a violation of a continuing or repetitive nature.

(4) When civil penalty assessment procedures outlined in subdivision (3) are being followed, the state chemist shall use the appropriate violation with the highest penalty listed on the schedule.

SECTION 40. IC 15-16-2-49.8 IS ADDED TO THE INDIANA CODE A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 49.8. (a) Except as provided in section 49.6 of this chapter, the amount of a civil penalty in section 49.6 of this**

chapter may be adjusted downward to reflect particular mitigating factors. Some factors that may be considered are the following:

(1) Good faith efforts of the violator to comply.

(2) Cooperation by the violator with the state chemist during the investigation process.

(3) The violator's history of compliance.

(4) The potential for damage.

(5) Remedial or corrective action taken by the violator.

(b) The state chemist may subject the violator to the full amount of the nonmitigated civil penalty if the violator fails to pay the full amount of any previously mitigated civil penalty by the date prescribed by the state chemist.

SECTION 41. IC 15-16-2-50, AS AMENDED BY P.L.81-2009, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 50. (a) Except as provided in subsection (b), a political subdivision (as defined in IC 36-1-2-13) does not have authority to regulate by ordinance the storage or use of fertilizer material.

(b) A political subdivision may, by resolution, petition the state chemist for a hearing to allow a waiver to adopt an ordinance because of special circumstances relating to the storage or use of fertilizer material. If a petition is received, the state chemist shall hold a public hearing to consider allowing the waiver requested. The public hearing must be conducted in an informal manner. IC 4-21.5 does not apply to a public hearing under this section.

(c) The petitioner in the public hearing must present evidence that supports the request for a waiver to adopt an ordinance. All evidence shall be received fourteen (14) days prior to the hearing date. The petitioner has the burden of showing the need for the requested waiver. The evidence must include the following:

(1) A clear, detailed statement of the problem being addressed.

(2) The special circumstances that exist that warrant a waiver.

(3) The specific political entity that will be covered by the request.

(4) Any resources of the state that would be protected by the request, including a specific stream, river, lake, or pond.

(5) Current site specific scientific data, including applicable soil and water tests, that support the request.

(6) Previous mitigation methods or steps implemented.

(7) Educational efforts undertaken to address the concern.

(8) A copy of the proposed ordinance.

(d) In reaching a decision to approve or deny the waiver, the state chemist shall consider the following:

(1) Whether the scientific evidence supports the claims being made in the petition.

(2) Whether the measures proposed in the petition will likely correct the purported problem or significantly reduce environmental impacts.

(3) Whether the proposed ordinance corrects the problem in the narrowest scope possible.

(4) Whether the ordinance will impose an undue burden upon the persons regulated.

(5) Whether scientifically based maintenance levels of nutrient applications would still be allowed by the ordinance.

(6) Acceptable fertilizer management practices.

(e) The state chemist may not consider the following factors in making a decision on whether to approve or deny the waiver:

(1) The economic impact.

(2) The odor.

(f) In reaching a decision on whether to approve or deny the waiver, the state chemist may consult, in addition to the material received from the petitioner, the following:

(1) The board.

(2) Scientifically based materials provided by the College of Agriculture at Purdue University.

(3) Other sources deemed necessary by the state chemist.

The state chemist shall prepare a written decision, with stated reasons, either allowing or denying the waiver within ninety (90) days after review.

SECTION 42. IC 15-16-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]:

Chapter 2.5. Distributors and Users of Fertilizer Material

Sec. 1. (a) Except as provided in subsection (b), this chapter applies to any person that:

(1) uses fertilizer material for hire on the property of another person for purposes of producing an agricultural crop;

(2) uses organic fertilizer from a confined feeding operation for purposes of producing an agricultural crop; or

(3) distributes fertilizer material directly to any person described in this subsection.

(b) This chapter does not apply to any person that:

(1) uses or distributes less than ten (10) cubic yards or four

thousand (4,000) gallons of organic fertilizer obtained from a confined feeding operation in a calendar year;

(2) uses biosolids[, industrial waste products, and pollutant-bearing water] on land in Indiana that comply with 327 IAC 6.1; or

(3) distributes inorganic fertilizer to retail facilities.

Sec. 2. Fertilizer material used for hire on the property of another person for purposes of producing an agricultural crop must be used by:

(1) an individual who has a valid commercial applicator license; or

(2) an individual who:

(A) is a trained employee; and

(B) is operating under the supervision of a certified applicator.

Sec. 3. Organic fertilizer from a confined feeding operation used for purposes of producing an agricultural crop must be used by:

(1) an individual who has a valid:

(A) commercial applicator license; or

(B) private applicator certification; or

(2) an individual who:

(A) is a trained employee; and

(B) is operating under the supervision of a certified applicator.

Sec. 4. Fertilizer material distributed for the purpose of producing an agricultural crop must be distributed:

(1) by a person that has a valid fertilizer business license; and

(2) to a person that has a valid:

(A) fertilizer business license;

(B) commercial applicator license; or

(C) private applicator certification.

Sec. 5. (a) Fertilizer materials covered by IC 15-16-2 and this chapter may be used by a noncertified trained employee who is working under the supervision of a certified applicator affiliated with the person performing the use or distribution.

(b) The training required in this section must be:

(1) identified and approved by the state chemist; and

(2) repeated by the noncertified trained employee when that individual moves from one employer to a different employer.

(c) The supervising certified applicator is responsible for the following:

(1) Ensuring that the noncertified employee has received the

training required in this section.

(2) Keeping a record of the employee training required in this section.

(3) Providing the supervised noncertified trained employee with the means and instructions to:

(A) establish direct voice communication during the use or distribution of fertilizer material; and

(B) immediately contact the Indiana department of environmental management to report any fertilizer material spill that may threaten waters of the state.

(4) Making work assignments to the supervised noncertified trained employee.

(5) Knowing the status of the work assignments made to supervised trained employee.

(d) A certified applicator may not supervise more than ten (10) noncertified trained employees at any time.

Sec. 6. (a) An individual may become eligible to be a certified applicator by passing the certification examination described in subsection (b).

(b) The certification examination must be a written, closed book examination developed by the state chemist. The minimum passing score for the examination is seventy-five percent (75%) unless another minimum passing score has been established by the state chemist after consideration of the recommendations of the standards committee described in subsection (c).

(c) The state chemist shall appoint a standards committee to develop certification subject matter and standards for the certified applicator certification examination. Members of the committee include, at a minimum, individuals representing the following:

(1) The state chemist.

(2) The Purdue University cooperative extension service.

(3) The inorganic fertilizer industry.

(4) The organic fertilizer industry.

(d) A certified applicator's certification eligibility remains in force from the date of completing the requirements in subsection (a) through December 31 of the fourth year following the year during which the requirements were met.

(e) The state chemist shall specify examination procedures that must be followed by any individual taking an examination under this section. Failure to comply with these procedures or any unauthorized assistance provided by or received by an individual during the examining period shall be cause for immediate

termination of the examining process for all involved individuals and the involved individuals may not take the certified applicator examination for five (5) years.

Sec. 7. (a) An individual may become eligible for certified applicator certification renewal by completing one (1) of the following:

(1) Passing the written examination for initial certification under section 6 of this chapter.

(2) Accumulating at least three (3) fertilizer material continuing certification hours (CCHs) before the expiration of the individual's certification period.

(3) Attending at least three (3) fertilizer material private applicator recertification programs (PARPs) before the expiration of the individual's certification period.

(b) An individual may accumulate CCHs or PARPs only after the individual is certified.

(c) An individual may accumulate a maximum of two (2) fertilizer material CCH or PARP credits in any one (1) year of the individual's five (5) year certification period.

(d) Credit for accumulating in excess of three (3) fertilizer material CCH or PARP credits do not carry forward to the next certification period.

(e) Eligibility for renewed certified applicator certification remains in force through December 31 of the fifth year following renewal unless the individual's certification is revoked or suspended before that date.

Sec. 8. (a) The state chemist is responsible for evaluating all instruction and training opportunities submitted for consideration of approval for CCH and PARP credits.

(b) Training and instruction may be evaluated and approved for both CCH and PARP credits.

(c) All requests for CCH or PARP approval by the state chemist must be submitted as follows:

(1) At least twenty-one (21) days before the date that the instruction or training event will occur.

(2) In a format determined by the state chemist.

(3) By an individual directly responsible for the CCH instruction or training event.

(4) By the county extension educator with the Purdue Cooperative Extension Service for the PARP instruction or training.

(d) The state chemist shall use the following criteria to evaluate

and approve the instruction and training events for CCH and PARP:

(1) The event must be open to all certified applicators.

(2) Except as provided in subdivision (3), any costs or participation fees to cover expenses incurred by the training providers must be the same for all certified applicators attending.

(3) Professional educational organizations claiming Internal Revenue Service 501(c) status and governmental organizations may charge variable participation fees.

(4) The event may not be in-house training.

(5) The venue must be large enough to accommodate a reasonable number of certified applicators from outside the immediate organization facilitating the instruction or training.

(6) The event must be open without fee or charge to the state chemist for monitoring.

(7) The event must have an effective mechanism for the person responsible for the training to verify participation of each certified applicator from the start to the conclusion of the CCH or PARP event.

(8) The event must include at least one (1) state chemist approved regulatory topic.

(9) Subject matter and content must include at least one (1) of the following:

(A) Fertilizer material storage.

(B) Fertilizer material chemistry.

(C) Fertilizer material equipment calibration and maintenance.

(D) Fertilizer material use.

(E) Fertilizer material transportation.

(F) Fertilizer material application development and implementation.

(G) Spill response procedures.

(H) Public and customer safety.

(I) Public and customer concerns.

(J) Applicator safety.

(K) Environmental safety.

(L) Environmental issues.

(M) Employee training.

(N) Associated state and federal laws or regulations affecting fertilizer materials or fertilizer material

applicators.

(10) Subject matter and content may not include any of the following:

(A) Product or service sales or promotions.

(B) Employee hiring or retention.

(C) General business practices.

Sec. 9. (a) A certified applicator who makes a false or fraudulent report or in any way misrepresents the applicator's participation in the certification renewal process is subject to the following:

(1) Revocation of all accumulated CCH and PARP credits to date.

(2) The penalties allowed under IC 15-16-2-49.5.

(b) A person who makes a false or fraudulent report or in any way misrepresents information that is part of the certification renewal process is subject to the following:

(1) Revocation of authority and privilege to participate in any future CCH or PARP events.

(2) The penalties allowed under IC 15-16-2-49.5.

Sec. 10. (a) A person applying for a fertilizer business license must submit the following:

(1) An application to the state chemist on a form provided by the state chemist.

(2) Except for a person that has paid a pesticide fee under IC 15-16-5-48 for the current year, a fee of forty-five dollars ($45) to the state chemist.

(b) An individual applying for a commercial applicator license must do the following:

(1) Meet the certification standards described in section 6(a) of this chapter.

(2) Submit an application to the state chemist on a form provided by the state chemist.

(3) Except for a person who has paid a pesticide commercial applicator license fee under IC 15-16-5-52 for the current year, submit a fee of forty-five dollars ($45) to the state chemist.

(c) An individual applying for a private applicator certification credential must do the following:

(1) Meet the certification standards described in section 6(a) of this chapter.

(2) Submit an application to the state chemist on a form provided by the state chemist.

(3) Except for a person who has paid a pesticide private

applicator permit fee under IC 15-16-5-54 for the current certification period, submit a fee of twenty dollars ($20) to the state chemist.

(d) If the state chemist does not issue a license or certification to a person who applied for a license or certification described under this chapter, the state chemist shall inform the person in writing of the reason the license or certification was not issued.

(e) A person who has been issued a license or certification under this chapter:

(1) shall notify the state chemist in writing within ten (10) days after a change in or termination of the person's employment or status as a licensed or certified applicator; and

(2) may apply to the state chemist to transfer or amend the person's license or certification by submitting an updated application form described in this section.

(f) A license issued under subsection (a) or (b) expires on January 1 of each year.

(g) A certification issued under subsection (c) expires on January 1 of the fifth year following the year of issuance.

Sec. 11. A person who:

(1) is required to pay a fee under this chapter to the state chemist; and

(2) does not pay the fee by the date the fee is due;

shall pay a penalty fee to the state chemist equal to one hundred percent (100%) of the required fee at the time the person pays the required fee.

Sec. 12. The state chemist may adopt rules under IC 4-22-2 concerning the following:

(1) Subject to section 13 of this chapter, the establishment of certification and educational programs, as determined by the state chemist, relating to the application of fertilizer material, the transportation of fertilizer material, or both for the following:

(A) Persons who apply fertilizer material for hire, transport fertilizer material for hire, or both.

(B) Persons who apply fertilizer material, transport fertilizer material, or both from confined feeding operations.

(2) The establishment of fees for the certification and educational programs established under subdivision (1).

Sec. 13. The state chemist may waive all or part of the licensure

and certification requirements established under section 10 of this chapter on a reciprocal basis with any state agency or federal agency that has substantially the same certification standards.

Sec. 14. (a) Any fees collected for certification or educational programs under this chapter shall be collected by the state chemist and deposited with the treasurer of Purdue University and must be used to pay all necessary expenses incurred in carrying out and administering the certification and educational programs.

(b) The fees deposited under this section must be included in the annual report prepared under IC 15-16-2-44.5(c).

SECTION 43. IC 15-16-2.7 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]:

Chapter 2.7. Distributors and Users of Fertilizer Material for Agricultural Crops

Sec. 1. (a) Nothing in this chapter impairs any authority granted to the Indiana department of environmental management under IC 13-13-5-1(1).

(b) Except as provided in subsection (c), this chapter applies to any person that:

(1) uses; or

(2) distributes;

fertilizer material for the purposes of producing an agricultural crop.

(c) This chapter does not apply to any person that uses or distributes less than ten (10) cubic yards or four thousand (4,000) gallons of fertilizer material in a calendar year.

(d) This chapter is in addition to any rules passed by the water pollution control board regulating confined feeding operations. To the extent that provisions of those rules require conditions or actions that are more stringent than any of the provisions in this chapter, operations that have a confined feeding operation or a National Pollutant Discharge Elimination System (NPDES) permit approval must comply with the more stringent provision. Compliance with the more stringent provision satisfies the similar requirement of this chapter.

Sec. 2. A person applying fertilizer material for the purposes of producing an agricultural crop shall:

(1) develop a fertilizer application plan before applying fertilizer material;

(2) apply fertilizer material in accordance with the fertilizer application plan for the target application site;

(3) not apply fertilizer material directly to surface water;

(4) not apply fertilizer material to saturated ground; and

(5) not apply fertilizer material from a public road.

Sec. 3. (a) Unless there is a gradient barrier and a minimum setback of ten (10) feet or a filter strip with a minimum width of fifty (50) feet located between the application site and any of the known features in the following table, a person shall apply unmanipulated organic fertilizer according to the setback distances as follows:

Unmanipulated Organic Fertilizer Application Setback Distances (in feet)

Known Feature	Liquid – Injection or Single Pass Incorporation (liquid/solid)	Liquid – Incorporation; Surface Application (solid or Surface Application to Pasture	Liquid – Surface Application < 6% Slope; or Residue Cover compost); or	Application >6% Slope
Public Water Supply Wells and Surface Intake	500	500	500	500
Surface Waters	25	50	100	200
Sinkholes	200	25	50	100
Water Wells	50	50	100	200
Drainage Inlets	5	50	100	200
Property Lines and Public Roads	0	10	50	50

(b) All setback distances described in the table under subsection (a) shall be measured from the edge of the area of actual

application of unmanipulated organic fertilizer on the ground.

(c) The term "liquid incorporation", as used in the table under subsection (a), means only unmanipulated organic fertilizer that has been incorporated into the soil within twenty-four (24) hours of application.

Sec. 4. A person may not apply unmanipulated organic fertilizer to highly erodible land, unless the land has:

(1) at least forty percent (40%) crop residue; or

(2) a vegetative cover crop.

Sec. 5. (a) Except as provided in subsection (b), a person may not apply unmanipulated organic fertilizer to frozen or snow covered ground as follows:

(1) Within two hundred (200) feet of surface water.

(2) Within a floodway.

(3) In an amount that exceeds fifty percent (50%) of the agronomic rate for the planned crop.

(4) With greater than two percent (2%) slope unless the ground has:

(A) at least forty percent (40%) crop residue; or

(B) a vegetative cover crop.

(b) A person is not prohibited from applying unmanipulated organic fertilizer under this section if the unmanipulated organic fertilizer is applied by means of injection or same day incorporation.

Sec. 6. A person who applies unmanipulated organic fertilizer shall do the following:

(1) For the twenty-four (24) hour period immediately before the application, monitor application site soil conditions and the weather forecast for predicted rain events to ensure that fertilizer runoff does not occur.

(2) During and immediately following the application, monitor the application site effluent from field tile outlets and surface water conveyance channels for a change of:

(A) color;

(B) flow; or

(C) volume.

(3) If there is a change to the effluent caused by the application:

(A) stop the application immediately;

(B) stop or capture the effluent; and

(C) land apply or store the effluent.

Sec. 7. A person may not stage inorganic fertilizer as follows:

(1) Within three hundred (300) feet of:

(A) surface waters;

(B) drainage inlets; or

(C) water wells.

(2) In standing water, a waterway (as defined in IC 13-11-2-265.2), or a floodway.

(3) For more than seventy-two (72) hours unless the fertilizer is as follows:

(A) Covered with a tarpaulin or other suitable covering.

(B) Applied to a target field within thirty (30) days.

Sec. 8. (a) A person may not stage organic fertilizer:

(1) within three hundred (300) feet of surface waters, drainage inlets, or water wells unless there is a:

(A) cover; or

(B) gradient barrier that contains or directs any organic fertilizer away from the surface waters, drainage inlets, and water wells;

(2) on an area with a slope greater than six percent (6%) unless run-on and runoff are controlled; or

(3) on any standing water, waterway (as defined in IC 13-11-2-265.2), or floodway.

(b) Organic fertilizer that is staged for more than seventy-two (72) hours must be:

(1) protected by a:

(A) cover; or

(B) gradient barrier;

(2) applied within ninety (90) days;

(3) set back from property lines one hundred (100) feet;

(4) set back from public roads one hundred (100) feet; and

(5) set back from residential buildings four hundred (400) feet.

Sec. 9. (a) A person required to be licensed under IC 15-16-2.5 that distributes organic fertilizer material as described in IC 15-16-2.5-4 shall keep and maintain records of each distribution.

(b) The records required under subsection (a) include the following:

(1) The name of the certified applicator accepting receipt of the organic fertilizer.

(2) The certification number of the certified applicator.

(3) The amount of fertilizer distributed.

(4) The representative nutrient value or values of the organic

fertilizer.

(5) The month, day, and year of distribution.

Sec. 10. (a) A person required to be licensed under IC 15-16-2.5 who applies:

(1) fertilizer material as described in IC 15-16-2.5-2; or

(2) organic fertilizer as described in IC 15-16-2.5-3;

must keep and maintain records of all fertilizer material and organic fertilizer applications.

(b) The records required under subsection (a) must include the following:

(1) The address or location description of the application site.

(2) The name of the certified applicator making or supervising the application.

(3) The certification number of the certified applicator.

(4) The rate applied.

(5) The representative nutrient value or values of the fertilizer material.

(6) The type of fertilizer material applied.

(7) The method of fertilizer application.

(8) The month, date, and year of application.

Sec. 11. All records required under this chapter must be:

(1) kept and maintained for two (2) years; and

(2) made available for inspection or copying within thirty (30) days of written or oral request by the state chemist.

SECTION 44. IC 15-16-3-2, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. The definitions in ~~IC 15-16-2~~[ ]**IC 15-16-1.5**[ ]apply throughout this chapter.

SECTION 45. IC 15-16-3-3 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 3. As used in this chapter, "label" means:~~

~~(1) written material;~~

~~(2) printed material;~~

~~(3) graphic material; or~~

~~(4) any other statement;~~

~~accompanying a fertilizer.~~

SECTION 46. IC 15-16-3-4 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 4. As used in this chapter, "lawn care service" means service provided to private, institutional, or commercial entities for compensation to maintain and nourish:~~

~~(1) turf;~~

~~(2) shrubbery;~~

~~(3) trees; and~~

~~(4) other plants;~~

~~commonly associated with private, institutional, or commercial lawns. The term includes the application of commercial fertilizer individually or in combination with a pesticide (as defined in IC 15-16-4-30).~~

SECTION 47. IC 15-16-3-5 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 5. As used in this chapter, "licensee" means a person who has been issued a license under this chapter.~~

SECTION 48. IC 15-16-3-6 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 6. As used in this chapter, "tank mixed liquid fertilizer" means a fluid mixture of commercial fertilizer and water in which the total nutrient content of the mixture does not exceed the amount determined under rules adopted by the state chemist under IC 4-22-2 in accordance with current practices of the lawn care service industry.~~

SECTION 49. IC 15-16-3-21 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 21. In accordance with current practices of the lawn care service industry, the state chemist may adopt rules under IC 4-22-2 to determine the maximum total nutrient content of mixed liquid fertilizer.**

SECTION 50. IC 15-16-3.3 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]:

Chapter 3.3. Storage and Containment

Sec. 1. (a) Storage containers and appurtenances must be constructed, installed, and maintained to prevent the discharge or spill of fluid fertilizer.

(b) Storage containers and appurtenances must be constructed of materials that are resistant to corrosion, puncture, or cracking.

(c) Materials used in the construction or repair of storage containers and appurtenances may not be of a type that react chemically or electrolytically with stored fluid fertilizer in a way that may weaken the storage container or appurtenances or create a risk of discharge or spill.

(d) Metals used for valves, fittings, and repairs on metal containers must be compatible with the metals used in the construction of the storage container so that the combination of metals does not cause or increase corrosion that may weaken the storage container or its appurtenances or create a risk of discharge or spill.

(e) Storage containers and appurtenances must be designed to handle all operating stresses, taking into account static head, pressure buildup from pumps and compressors, and any other

mechanical stresses to which the storage containers and appurtenances may be subject in the foreseeable course of operations.

Sec. 2. A person may not store fluid fertilizer in an underground or lined pit storage container. This prohibition does not apply to the following:

(1) A watertight catch basin used for the temporary collection of runoff or rinsate from transfer and loading areas.

(2) Storage in:

(A) a "316" or "317" stainless steel storage container; or

(B) a container approved by the state chemist, if:

(i) the storage container is enclosed within an approved liner; and

(ii) an approved program of ground water monitoring to detect leakage is established.

Sec. 3. (a) A storage container and other containers used at a storage facility to hold liquid bulk fertilizer or fertilizer rinsate are considered abandoned if the container has been out of service for more than six (6) months because of a weakness or leak or has been out of service for any reason for more than two (2) years.

(b) An abandoned underground container, including an abandoned underground catch basin, must be thoroughly cleaned and removed from the ground or thoroughly cleaned and filled with an inert solid. All connections and vents must be disconnected and sealed. A record of the catch basin size, location, and method of closing must be maintained at the storage facility or as otherwise provided for in this chapter.

(c) An abandoned aboveground container must be thoroughly cleaned. All hatches on the containers must be left open, and all valves or connections must be severed and left open.

(d) A secondary containment facility is not considered abandoned because there have been no discharges into the secondary containment facility.

Sec. 4. (a) Storage containers and appurtenances may not be constructed of copper, brass, zinc, or copper base alloys.

(b) A storage container and appurtenances used for the storage of fluid fertilizers containing phosphates or chlorides may not be constructed of aluminum or aluminum alloys.

(c) A storage container and appurtenances used for the storage of low (less than five (5)) pH fluid fertilizers may not be constructed of ferrous materials other than "316" or "317" stainless steel unless the materials are coated or treated with a

protective substance that is adequate to inhibit corrosion.

(d) A storage container and appurtenances used for the storage of low pressure nitrogen solutions may not be constructed of mild steel, fiberglass, polyolefins, or plastic. However, this prohibition does not extend to nonpressure nitrogen solutions, commonly referred to as twenty-eight percent (28%), thirty percent (30%), or thirty-two percent (32%) nitrogen solutions. The prohibition against the use of mild steel does not extend to aqua ammonia.

(e) A storage container and appurtenances used for the storage of phosphoric acid may not be constructed of ferrous materials other than "316" or "317" stainless steel unless the container is lined with a suitable substance to prevent corrosion.

(f) A storage container and appurtenances used for the storage of fluid fertilizers containing potassium chloride (muriate of potash) may not be constructed of ferrous materials other than stainless steel unless the container and appurtenances are:

(1) coated or treated with a protective substance that is adequate to inhibit corrosion; or

(2) used for storage periods of not more than six (6) months each and are completely emptied between storage periods, cleaned, and inspected for leaks before being refilled for any subsequent period.

Sec. 5. (a) A storage container must be anchored, as necessary, to prevent flotation or instability that may occur as a result of liquid accumulations within a secondary containment facility constructed in accordance with this chapter.

(b) In addition to other means approved by the state chemist, a container is assumed to be anchored if product is contained and maintained within the storage container at least to the height of the secondary containment walls.

Sec. 6. (a) A storage container and appurtenances must be secured to provide reasonable protection from wildlife, vandalism, and unauthorized access. The security must be provided by fencing, lighting, or other means approved by the state chemist.

(b) Except for valves on empty containers or when a person responsible for facility security is present at the facility:

(1) valves on storage containers; and

(2) valves on mobile fertilizer containers at a storage facility;

must be locked or secured.

Sec. 7. A storage container may not be filled beyond the capacity for which the container is designed, taking into account the density of the fluid being stored and thermal expansion during storage.

Sec. 8. Pipes and fittings must be adequately supported to prevent sagging and possible breakage because of gravity and other forces that may be encountered in the ordinary course of operations. Except for an American National Standards Institute (ANSI) Schedule 80 pipe or a pipe with a greater wall thickness or hoses and piping made of stainless steel, all hoses and piping must be located in a contained area or double sleeved. Underground piping is permitted if the piping is:

(1) made of stainless steel;

(2) enclosed in secondary containment (a pipe within a pipe); or

(3) hydrostatically tested annually.

Sec. 9. (a) Every storage container must be equipped with a liquid level gauging device by which the level of fluid in the storage container can be readily and safely determined.

(b) A liquid level gauging device is not required if the level of fluid in a storage container can be readily and reliably measured by other means approved by the state chemist.

(c) Liquid level gauging devices must be designed, installed, and secured, in a safe manner, to protect against breakage or vandalism that may result in a discharge or spill.

(d) External sight gauges are prohibited unless the gauge is securely attached against the container wall and provided with a manually operated shut off valve which is locked in the shut off position at all times the level of fluid is not being measured.

Sec. 10. Except for the net weight of contents, every storage container must be clearly and prominently labeled to identify the container's fertilizer contents as provided in IC 15-16-2-32.

Sec. 11. Storage containers and appurtenances must be maintained to minimize the risk of a discharge or spill.

Sec. 12. (a) This section does not apply to mobile containers used to nurse field operations when at a field unloading site.

(b) An area used for the loading of fluid fertilizer into a storage container or for unloading fluid fertilizer from a storage container into a mobile container must be curbed and paved with reinforced concrete or other suitable material that provides an impervious surface and is approved by the state chemist. All activities at the fluid fertilizer storage facility must be carried out within this area.

(c) The operational area containment must be constructed and reinforced to support at least the foreseeable maximum gross load, including the following:

(1) The product.

(2) Equipment that utilizes the operational area.

(3) The mobile container.

(4) The motor vehicle.

The curbed and paved area must have a minimum width of ten (10) feet, a minimum length of twenty (20) feet, and a minimum capacity of at least seven hundred fifty (750) gallons of discharged fluids. Any fill or unloading point of the mobile container must be positioned over the paved area during loading or unloading.

(d) With the exception of secondary containment areas lined with synthetic or soil liners, and wherever sufficient capacity required in section 13(c) of this chapter and this chapter are complied with, the secondary containment area described in sections 13 though 23 of this chapter may be designed for and jointly used instead of a separate operational area containment.

(e) An operational area may not have a relief outlet or valve. The base must slope to a collecting spot where liquid can be discharged, by a manually activated pump, for use in the blending process or for proper disposal in accordance with all applicable regulations.

(f) All liquids must be promptly removed or recovered from the operational area containment so that the capacity required in subsection (c) is available at all times when operations are taking place.

(g) Storage containers and appurtenances must be protected against reasonably foreseeable risks of damage by vehicles operating in the area.

(h) Alternative means, including portable operational area containment systems meeting the capacity requirement, may be permitted with prior approval by the state chemist.

(i) Operational area containment must be maintained, as necessary, to assure compliance with this chapter.

Sec. 13. (a) Fluid fertilizer storage containers must be located within secondary containment constructed with a base, perimeter wall, and sloped floor. However, an exception for the sloped floor requirement may be granted by the state chemist.

(b) The containment area must be separate from a secondary containment area for other materials and used only for containment of fluid fertilizer containers or other fertilizer related equipment. This subsection does not prohibit the storage within the diked area of anhydrous ammonia when stored in compliance with rules adopted under IC 15-16-1. Adjoining secondary containment areas may share common walls.

(c) Secondary containment not protected from rainfall must at all times have a minimum capacity of one hundred percent (100%) of the volume of the largest storage container within the contained area plus the volume displaced by all the other tanks, equipment, and appurtenances in the area up to the safe design level of the containment structure plus a freeboard of six (6) inches.

(d) Secondary containment protected from rainfall is not required to have the freeboard required in subsection (c) but must comply with all other requirements of this chapter.

(e) A secondary containment constructed before July 6, 1991, and having a capacity of a minimum of one hundred ten percent (110%) of the volume of the largest storage container within the contained area plus the volume displaced by all the other tanks in the area up to the safe design level of the containment structure are deemed to be in compliance with this chapter. Any such storage facility that alters the secondary containment area or increases in storage container volume must be brought into full compliance within ninety (90) days of an alteration to the secondary containment area or increase in the storage container volume.

(f) Tile drainage is not be permitted within or under secondary containment.

(g) Alternative means of secondary containment, with prior approval of the state chemist, may be permitted.

Sec. 14. (a) The walls of a secondary containment facility must be:

(1) constructed of earth, steel, concrete (precasted modules or poured), or solid masonry; and

(2) designed to withstand a full hydrostatic head of any discharged liquid and weight load of material used in construction.

(b) Cracks and seams must be sealed to prevent leakage.

(c) Walls constructed of earth or other permeable materials must be lined as provided under sections 15 through 19 of this chapter.

(d) Earthen walls must have a horizontal-to-vertical slope consistent with good engineering practice. All interior slopes must be protected with:

(1) flat road stone or a similar crushed stone material; or

(2) a minimum of six (6) inches of vegetative soils planted and maintained with shallow rooted grasses.

(e) The top of earthen walls must be no less than two and one-half (2.5) feet wide.

(f) Walls may not exceed six (6) feet in height above interior grade unless provisions are made for:

(1) normal access and necessary emergency access to storage containers, valves, and other equipment; and

(2) safe exit from secondary containment.

(g) Walls constructed of concrete or solid masonry must rest upon:

(1) a floating base of concrete prepared to conform with section 16 of this chapter; or

(2) suitable concrete footings that extend below the average frost depth.

Joints between walls and base must be made watertight.

Sec. 15. The base of a secondary containment facility and any earthen walls must be lined with:

(1) concrete;

(2) steel;

(3) a synthetic liner approved by the state chemist; or

(4) a clay soil liner.

Sec. 16. Concrete liners must be designed according to good engineering practices to withstand any foreseeable loading conditions, including a full hydrostatic head of discharged fluid and static loads of storage containers, including appurtenances, equipment, and contents. Cracks and seams must be sealed.

Sec. 17. Steel plates may be used for wall and base liners. Installation plans must be approved by the state chemist, who shall require that the plates are protected against corrosion and are joined in a manner as to provide watertight joints.

Sec. 18. (a) Synthetic liners and installation plans must be approved by the state chemist. The installation plan must address proposed protection of the synthetic liner from mechanical damage, vandalism, wildlife, and deterioration from exposure to the sun according to the manufacturer's recommendations. A synthetic liner may not be approved by the state chemist until the manufacturer of the liner provides a written confirmation of compatibility and estimate of the life of the liner.

(b) Synthetic liners must have a minimum thickness of thirty (30) mils (eight-tenths (0.8) millimeters) and be chemically compatible with the materials being stored within the containment areas.

(c) Synthetic liners must be installed under the supervision of a qualified representative of the manufacturer, and all field constructed seams must be tested and repaired according to the

manufacturer's recommendations.

Sec. 19. Before a soil liner is installed, the surface soil must be sealed, including the berm of an earthen dike, with a sealing agent such as sodium bentonite, attapulgite, or a similar cohesive material, including clay. The soil liner must be constructed in accordance with reliable engineering recommendations to establish a barrier layer that results in a downward water movement of not greater than one-millionth of one centimeter per second (1.0 × 10-6 cm/sec) at construction and maintained at one hundred thousandth of a centimeter per second (1.0 × 10-5 cm/sec) with a thickness of not less than six (6) inches. The soil liner must be protected based upon reliable engineering practices to maintain its integrity and performance. If heavy mechanized equipment is to be moved over the walls or floor liner, protection to the secondary containment must be provided.

Sec. 20. (a) A liner is not required to be installed directly under a storage container having a capacity of one hundred thousand (100,000) gallons or more that has been constructed onsite and put into use before July 6, 1991, if one (1) of the following alternative procedures are complied with, certified to in writing by an official of the company that owns the container, and the certificate is filed with the state chemist:

(1) Alternative 1 must meet the following requirements:

(A) A second bottom made of steel must be constructed for the storage container and placed over the original bottom and a layer of smooth, fine gravel or coarse sand having a minimum thickness of six (6) inches.

(B) The original bottom of the storage container must be tested for leaks before the sand layer or second bottom is installed. A record of the test must be kept on file at the storage facility.

(C) The newly constructed bottom must be tested for leaks before any fluid fertilizer is stored on the newly constructed bottom. A record of the test must be kept on file at the storage facility or at the nearest local office from which the storage facility is administered.

(D) There must be a method by which leaks from the newly constructed bottom into the sand layer may readily be detected.

(E) The newly constructed bottom must be tested at least once every five (5) years for leaks. A record of the tests must be kept at the storage facility.

(2) Alternative 2 must meet the following requirements:

(A) The container must be emptied, cleaned, and tested for leaks. The walls and floor of the container must be tested to assure that welds and thickness of steel plates are sound and adequate to contain the fertilizers. A record of the inspection, test results, and any repairs made must be submitted to the state chemist and maintained by the owner or operator.

(B) The interior floor and at least twelve (12) inches of the wall areas of the container above the floor must be coated with a liner approved by the state chemist to inhibit corrosion. A record of this procedure must be submitted to the state chemist and maintained by the owner or operator.

(C) A test for leaks, approved by the state chemist, must be conducted every five (5) years thereafter. A record of the test findings and indicated repairs and maintenance must be maintained by the owner or operator.

(3) Alternative 3 must meet the following requirements:

(A) Monitoring devices must be installed in angled borings in the unsaturated earth materials under each tank. These monitoring devices must constitute a leak detection system for each tank in advance of the point at which any leak would reach ground water.

(B) The number, length, and depth of each boring must be determined on the basis of site characteristics. The array of monitoring devices under each tank must constitute the best practical early warning detection system for tank leakage.

(C) Each monitoring plan under this alternative must be implemented only upon review and approval of the state chemist.

(b) The secondary containment requirements under this chapter do not apply to rail cars that are periodically moved to and from the storage facility.

(c) The state chemist may recognize other methods that provide equivalent protection to the requirements under this chapter.

Sec. 21. (a) Individual storage containers not exceeding three thousand (3,000) gallons may be contained within a secondary storage container elephant ring instead of a diked containment area.

(b) Both the primary storage container and the elephant ring must be fabricated of material compatible with:

(1) each other; and

(2) the fertilizer being stored.

(c) The height of the elephant ring wall may not exceed four (4) feet. The volume contained within the secondary storage walls up to the working height of the elephant ring must be sufficient to contain a volume equal to the volume contained in the primary storage container plus the volume displaced by any equipment, including pumps and meters, placed within the secondary containment vessel up to the safe storage level of the elephant ring, plus a freeboard of six (6) inches, which freeboard is exempted if the containment system is protected from rainfall.

(d) The elephant ring must be free of leaks and structural defects. The base must be:

(1) protected from corrosion, both from inside and outside; and

(2) designed according to good engineering practices.

(e) All piping connections to the primary storage container must be:

(1) made over the wall of the elephant ring; and

(2) adequately supported and braced.

Pumps and other fixtures, if located within the elephant ring containment structure, must be placed on an elevated platform.

(f) Accumulations of liquids must be drained from the elephant ring over the wall of the container by means of a manually operated pump for use in the blending process or for proper disposal in accordance with all applicable laws.

(g) An elephant ring must be maintained as necessary to assure compliance with this chapter.

Sec. 22. (a) A secondary containment area may not have a relief outlet or valve. The base must slope to a collecting spot where liquid can be discharged, by a manually activated pump, for use in the blending process or for proper disposal in accordance with all applicable laws.

(b) Accumulated liquids in the secondary containment area must be promptly removed from the secondary containment area.

Sec. 23. (a) Secondary containment must be maintained as necessary to assure compliance with this chapter.

(b) All secondary containment areas must be maintained free of debris and foreign matter.

Sec. 24. (a) Dry bulk fertilizer, stored indoors, must be in a sound structure having a cover or roof top, sidewalls, and an impervious base sufficient to prevent contact with precipitation

and surface waters. Temporary outdoor storage must be allowed for a maximum of thirty (30) days. However, material must be covered with a tarpaulin, or other suitable covering, to prevent seepage of runoff.

(b) All loading, unloading, mixing, and handling of dry bulk fertilizer must be performed over an impervious surface that allows for recovery of discharged product unless performed at a field unloading site. Fertilizer that is discharged must be promptly recovered.

Sec. 25. The storage facility must notify the state chemist each year of the facility's location and status. Notice must include the following:

(1) Facility's mailing address.

(2) Owner or manager.

(3) Type of facility.

(4) Rated or calculated capacity of all bulk tanks and dry storage units.

(5) Facility's physical location.

Notice must be made upon forms furnished by the state chemist.

SECTION 51. IC 15-16-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]:

Chapter 3.5. Manure Based Fertilizer

Sec. 1. This chapter applies to any person that distributes manure based fertilizers:

(1) in a bulk nonpackaged form and with a guaranteed analysis;

(2) with a total nitrogen (N) content less than five percent (5%); and

(3) with the summation of total nitrogen (N), available phosphate (P_2O_5), and soluble potash (K_2O) content less than ten percent (10%).

Sec. 2. (a) Before distributing manure based fertilizer in Indiana for consideration, the person that is the guarantor of each brand and grade of the manure based fertilizer must submit to the state chemist:

(1) an application for registration on a form furnished by the state chemist; and

(2) a filing fee of twenty dollars ($20).

(b) Upon approval of the application, the state chemist shall furnish a copy of the registration to the applicant.

(c) All registrations expire on June 30 each year.

(d) In addition to the filing fee set forth in subsection (a), a late filing fee equal to one hundred percent (100%) of the appropriate filing fee is assessed when:

(1) an application to renew the registration of a manure based fertilizer under this section is received after July 31; or

(2) a product that must be registered under this section is found to be in distribution before registration.

(e) An application under subsection (a) must include the following information:

(1) The name and address of the registrant.

(2) The brand and grade.

(3) The guaranteed analysis showing the minimum percentage of plant food claimed in the following order and form:

(A) Total nitrogen (N) _____ percent.

(B) Available phosphate (P_2O_5) _____ percent.

(C) Soluble potash (K_2O) _____ percent.

(f) Additional plant food elements or other additives that are determinable by chemical methods may be guaranteed only by permission of the state chemist. The state chemist shall grant permission only if the state chemist determines that the guarantee would not constitute a misrepresentation and is correct. Additional plant foods that are guaranteed:

(1) must be included in the guarantee in the form of the element; and

(2) are subject to inspection and analysis in accordance with the methods that the state chemist prescribes.

Sec. 3. Manure based fertilizer must be distributed with a written or printed statement with the guaranteed analysis that:

(1) accompanies the manure based fertilizer at delivery; and

(2) is supplied to the purchaser at time of delivery.

Sec. 4. (a) A person that distributes manure based fertilizers in Indiana to a person that is not a registrant or permit holder under this chapter shall pay to the state chemist an inspection fee computed under subsection (b).

(b) The inspection fee charged under subsection (a) is as follows:

(1) One hundred dollars ($100) for zero (0) tons up to one thousand two hundred fifty (1,250) tons distributed per reporting period.

(2) Five hundred dollars ($500) for more than one thousand two hundred fifty (1,250) tons up to five thousand (5,000) tons per reporting period.

(3) One thousand dollars ($1,000) for more than five thousand

(5,000) tons distributed per reporting period.

(c) Sales or exchanges between importers, manufacturers, distributors, or registrants are exempt from the inspection fee.

Sec. 5. (a) Each registrant shall apply to the state chemist for a permit to report the tonnage of manure based fertilizer sold and pay the inspection fee as specified in section 4 of this chapter. In making the application for the permit, the registrant must agree to the following:

(1) To keep records that indicate accurately the tonnage and kinds of manure based fertilizers sold in Indiana.

(2) To grant the state chemist permission to:

(A) examine the records required in subdivision (1); and

(B) verify the registrant's statement of tonnage.

(3) To report under oath to the state chemist on forms furnished by the state chemist the tonnage of manure based fertilizer sold during the period covered.

(b) The state chemist:

(1) may grant the permit to report tonnage if the state chemist determines that the application of the permit to report tonnage of manure based fertilizer described in subsection (a) will lead to efficient enforcement of this chapter; and

(2) may revoke the permit to report tonnage at any time if it appears to the state chemist that the registrant is not complying with:

(A) the terms of the agreement entered into at the time of the issuance of the permit; or

(B) this chapter.

(c) The report of tonnage is due and the inspection fees are payable semiannually on the last day of the month following the end of the semiannual period.

(d) The state chemist may revoke the registrant's permit for any of the following reasons:

(1) The report of tonnage is not filed and the inspection fee is not paid by the fifteenth day following the due date.

(2) The report of tonnage is false.

(3) The permit holder has not complied with labeling requirements of this chapter.

(e) If the inspection fee is unpaid after the fifteen (15) day grace period described in subsection (d), a penalty must be assessed in the amount of:

(1) fifty dollars ($50); or

(2) ten percent (10%) of the amount due;

whichever is greater, in addition to the amount due.

Sec. 6. (a) The state chemist shall publish at least annually, in a form that the state chemist considers proper, information concerning the following:

(1) The sales of manure based fertilizers, including any data on sales that the state chemist considers advisable.

(2) The results of the analyses conducted under this chapter based on official samples of manure based fertilizers sold within Indiana compared with the analysis guaranteed under section 2 of this chapter.

(b) The information published by the state chemist concerning the sale of manure based fertilizers:

(1) must show separately the fall season and spring season of each year; and

(2) may not disclose the operations of any person.

Sec. 7. (a) The state chemist may:

(1) sample, inspect, make analysis of, and test manure based fertilizers distributed within Indiana; and

(2) inspect the storage of manure based fertilizers in Indiana at a time and place and to such an extent as necessary to determine whether the manure based fertilizers and their storage are in compliance with this chapter.

(b) The state chemist may enter upon any public or private premises during regular business hours in order to have access to:

(1) manure based fertilizer materials; and

(2) plans and records relating to the transportation, storage, sale, and use of fertilizer materials;

subject to this chapter.

(c) The methods of sampling and analysis for manure based fertilizers may be based on sources that include AOAC International. In cases of dispute, AOAC International's methods prevail if AOAC International's methods are available.

(d) The state chemist shall determine for administrative purposes whether a manure based fertilizer is deficient in plant foods using only the official sample obtained and analyzed as provided in subsection (c).

(e) The state chemist may request a court to issue subpoenas to compel:

(1) the attendance of witnesses; or

(2) the production of books, documents, and records;

as part of an authorized investigation or a hearing located in Indiana affecting the authority or privilege granted by a license,

certificate, application, registration, or permit issued under this chapter.

Sec. 8. (a) If an official manure based fertilizer analysis conducted by the state chemist under this chapter results in a determination that the registrant of a manure based fertilizer is subject to a penalty or other legal action under this chapter, the state chemist shall forward a report of the results of the analysis to the registrant at least thirty (30) days before the report is submitted to the purchaser of the manure based fertilizer. However, if the manure based fertilizer analysis was requested by a person other than the state chemist, the results of the analysis must be forwarded to the registrant and purchaser immediately. If, during the thirty (30) day period, the state chemist does not receive adequate evidence contesting the results in the report, the report becomes an official report at the end of the thirty (30) day period.

(b) Upon the registrant's request, the state chemist shall furnish to the registrant part of the manure based fertilizer sample analyzed by the state chemist that was used to determine that the registrant was subject to a penalty or other legal action under this chapter.

Sec. 9. (a) If an analysis conducted under this chapter indicates that a manure based fertilizer fails in any respect to meet the guaranteed analysis filed by a registrant under section 2 of this chapter, the state chemist may require the payment of a refund to the purchaser equal to the difference between:

(1) the price the purchaser paid for the manure based fertilizer; and

(2) the current value of the manure based fertilizer after the state chemist's analysis.

(b) The registrant must forward receipts for payment of refunds required under subsection (a) promptly to the state chemist. If the purchaser cannot be found, the registrant shall pay the refund to a local charitable or educational organization of the registrant's choice and forward the receipts promptly to the state chemist.

(c) This section does not prevent the appeal of the imposition of any penalty assessed by the state chemist under this chapter to a court with jurisdiction.

Sec. 10. Manure based fertilizers must be stored in a manner that:

(1) minimizes the release of manure based fertilizer; and

(2) protects the waters of the state.

Sec. 11. (a) In addition to any applicable standards required under sections 13 and 14 of this chapter, a storage structure must be designed as follows:

(1) The bottom of the storage structure is at least two (2) feet above bedrock.

(2) The bottom of the storage structure must be above the seasonal high water table, unless lowered in accordance with subsection (c).

(3) Test holes to obtain soil and water table information for the design must be obtained as follows:

(A) The number of test holes must be sufficient to adequately characterize the seasonal water table and soil underneath the storage structure.

(B) Test holes must be:

(i) evenly distributed throughout the storage structure;

(ii) at least two (2) feet below the base of the storage structure for concrete structures in karst and nonkarst areas;

(iii) at least five (5) feet below the base of the storage structure for earthen structures in nonkarst areas; and

(iv) placed to the shallower of either bedrock or ten (10) feet below the lowest point of the proposed processed manure storage structure;

in areas of karst terrain.

(C) Testing must be conducted by:

(i) a soil scientist registered under IC 25-31.5;

(ii) a professional geologist certified in Indiana under IC 25-17.6; or

(iii) a professional engineer registered under IC 25-31.

(b) Plastic, fiberglass, and aboveground steel tanks must:

(1) have sufficient strength to withstand design loads;

(2) be watertight;

(3) be cleaned to remove any traces of previously stored substances prior to addition of manure to the tank if the tank is used to store any objectionable or hazardous substances;

(4) be installed to ensure the seasonal high water table is maintained below the tank or the tank must be anchored to prevent flotation; and

(5) have protected shut off valves for all inlet and outlet pipes.

(c) Any drainage system to lower the seasonal water table around the base of a storage structure must be designed and installed to:

(1) effectively collect and drain the ground water;

(2) be of adequate size, proper slopes, and proper distance from the storage structure;

(3) if applicable, be provided with:

(A) sumps;

(B) pumps, including a backup pump; and

(C) electricity supply;

(4) if applicable, have a surface outlet that is at least fifty (50) feet away from the storage structure and at least:

(A) fifty (50) feet from the property line in soils with a permeability of one-half (1/2) inch per hour or less; or

(B) twenty (20) feet from the property line in soils with a permeability greater than one-half (1/2) inch per hour;

(5) have a shut off valve or equivalent; and

(6) have an access point for sampling within fifty (50) feet of the storage structure.

(d) A concrete storage structure must be constructed according to the Indiana NRCS Construction Specification, Concrete Construction, May 2015 and designed to either of the following design standards:

(1) MWPS-36: Rectangular Concrete Manure Storages, Second Edition, 2005.

(2) TR-9: Circular Concrete Manure Tanks, March 1998.

(e) A storage structure must not:

(1) have a discharge pipe or conveyance that would allow for a release or discharge of processed manure or water contaminated by processed manure; or

(2) be an underground steel storage tank.

Sec. 12. (a) The soil or foundation of an earthen storage structure must have a maximum specific discharge permeability of one-sixteenth (1/16) in3/in2/day, 1.8x10-6cm3/cm2/sec. This requirement may be satisfied by soil testing that shows a minimum of three (3) feet of in situ soils that:

(1) meet the maximum specific discharge permeability criteria;

(2) are over excavated a minimum of six (6) inches; and

(3) are recompacted to break up the existing macropore structure.

(b) If there is not at least three (3) feet of in situ soils that meet the maximum specific discharge criteria in subsection (a), a liner must be used. Except for clay liners described in subsection (c), liners used in a storage structure must meet the following design

standards as applicable:

(1) Indiana NRCS Conservation Practice Standard Code 521A: POND SEALING OR LINING – GEOMEMBRANE OR GEOSYNTHETIC CLAY LINER, November 2018.

(2) Indiana NRCS Conservation Practice Standard Code 520: POND SEALING OR LINING – COMPACTED SOIL TREATMENT, October 2016.

(3) Indiana NRCS Conservation Practice Standard Code 522: POND SEALING OR LINING – CONCRETE, October 2016.

(c) Clay liners must be a minimum of one (1) foot thick and have a maximum specific discharge of one-sixteenth (1/16) in3/in2/day, 1.8x10-6cm3/cm2/sec.

Sec. 13. In addition to the requirements under section 11 of this chapter, a storage structure that contains solid processed manure must be designed according to the following:

(1) The storage structure must:

(A) be covered to prevent rainwater from contacting the processed manure; or

(B) have storm water run-on and run-off controls.

(2) The storage structure must not be constructed in sand or gravel soils, Unified Soil Classification of Pt, GW, GP, GM, GC, SW, SP, SM, as described in ASTM D2488-09a Standard Practice for Description and Identification of Soils (Visual-Manual Procedure), unless specially designed with a liner approved by the state chemist, in accordance with section 12 of this chapter.

(3) Test holes for an earthen storage structure storing solid processed manure must be placed at a rate of two (2) holes for the first acre of storage and one (1) additional hole for each additional one-half (1/2) acre of storage.

Sec. 14. (a) In addition to the requirements under section 11 of this chapter, a storage structure that contains liquid processed manure must be designed according to the Indiana NRCS Conservation Practice Standard Code 313: Waste Storage Structure, October 2016.

(b) An uncovered storage structure containing liquid processed manure must be designed with a minimum freeboard of two (2) feet unless an alternate design is approved by the state chemist.

(c) Test holes for an earthen storage structure storing liquid processed manure must be placed at a rate of two (2) holes for the first one-half (1/2) acre of storage and one (1) additional hole for each additional one-half (1/2) acre of storage.

(d) Pipelines must be constructed according to the Indiana NRCS Conservation Practice Standard Code 634: Waste Transfer, October 2015.

(e) The storage structure must be certified upon completion by a registered professional engineer. The engineer's certification must be kept in the operating record and submitted to the state chemist before introducing processed manure.

Sec. 15. The state chemist shall post on the website of the office of the state chemist information concerning where design standards referenced in sections 11, 12, 13, and 21 of this chapter may be:

(1) obtained; and

(2) reviewed and copied.

Sec. 16. (a) An owner or operator may propose an alternative to a design, construction, or operational requirement specified in this chapter, provided the owner or operator can prove to the satisfaction of the state chemist that any alternative will provide equivalent or greater environmental protection than the requirements specified in this chapter.

(b) A proposed alternative must be submitted to the state chemist and accompanied by documentation that demonstrates equivalent or greater environmental protection than the standard for which an alternative is being requested.

(c) An owner or operator may not implement an alternative without prior approval by the state chemist.

(d) The state chemist shall provide written documentation describing the basis for any determination on an alternative request submitted under this section.

Sec. 17. (a) The owner or operator shall notify the state chemist in writing at least two (2) days before the scheduled construction of a storage structure. Multiple notices, that identify the parts of the storage structure that are completed at the time the notice is submitted, are required if an owner or operator performs partial construction of an approved structure and plans to use that portion before completing construction of the entire storage structure.

(b) Any field tiles or drainage outlets encountered during construction must be blocked or rerouted in accordance with any applicable local approval requirements and must be cut back at least fifty (50) feet from the edge of any:

(1) berm;

(2) concrete pit; or

(3) earthen storage structure.

(c) The applicant shall execute and send to the state chemist a notarized affidavit, under penalty of perjury, that a storage structure was constructed, and will be operated, according to the requirements of this chapter, as follows:

(1) The affidavit must be submitted:

(A) on a form provided by the state chemist;

(B) within thirty (30) days after the date construction is completed; and

(C) before the introduction of any processed manure.

(2) The affidavit must include identification of the parts of the storage structure that are completed at the time the affidavit is submitted.

(3) If an owner or operator performs partial construction of an approved storage structure and plans to use that portion before completing construction of the entire storage structure, a separate affidavit must be submitted for each portion of construction.

(d) The certification required by section 14(e) of this chapter must be completed before the introduction of processed manure.

Sec. 18. (a) A storage structure must be maintained and operated to meet the requirements of this chapter.

(b) The owner or operator shall:

(1) inspect the storage structure for compliance with this chapter at least one (1) time each month; and

(2) document any maintenance activities in the operating record.

(c) An uncovered storage structure storing liquid manure must:

(1) be maintained, with a minimum freeboard of two (2) feet, unless otherwise specified in the processed manure storage structure permit; and

(2) have clear identified markers to indicate manure levels relative to the approved freeboard elevation.

(d) An earthen berm for a storage structure must be:

(1) stabilized with vegetation or alternative erosion control measures;

(2) maintained to prevent growth of trees and shrubs; and

(3) maintained to allow for visual inspection.

Sec. 19. (a) The owner or operator of a storage structure must keep an operating record that includes the following:

(1) The complete application.

(2) The storage structure site plan.

(3) Notification of construction required by section 17(a) of

this chapter.

(4) The notarized affidavit required by section 17(c) of this chapter.

(5) Certification by a registered professional engineer required by section 14(e) of this chapter.

(6) The current emergency response plan described in section 20(a) of this chapter.

(7) Documentation of any spill response described in section 20(b) of this chapter.

(8) Documentation of maintenance activities on the storage structure.

(9) Copies of any written waivers related to reduction of the setback distances.

(10) All processed manure storage structure permits, modifications, renewals, and notifications applicable to the storage structure.

(b) The operating record described in:

(1) subsection (a)(3), (a)(6), (a)(7), (a)(8), and (a)(10) must be kept on site for the duration of the processed manure storage structure permit term; and

(2) subsection (a)(1), (a)(2), (a)(4), (a)(5), and (a)(9) must be kept on site for the life of the facility.

However, if the operator is unable to keep the operating record on site, it must be kept at the operator's address listed in the processed manure storage structure permit.

(c) If the record in subsection (a) is unable to be kept on site to be made available for inspection, the operator must submit a copy of the record to the state chemist within thirty (30) days of the state chemist's request.

Sec. 20. (a) The owner or operator of a storage structure shall develop an emergency response plan to be kept in the operating record. The plan must contain the following:

(1) Procedures for the following:

(A) Containing a processed manure release to prevent the manure from reaching waters of the state.

(B) Locating the source of a processed manure release and stopping the flow of manure.

(C) Returning released manure to the storage structure or an approved waste management system.

(D) Contacting the following:

(i) The owner or operator.

(ii) Any applicable local emergency or health authorities.

(2) The names and telephone numbers of each person who is identified by the owner or operator as responsible for implementing the emergency response plan.

(3) Identification of areas where potential manure releases could occur and their accompanying drainage points.

(4) Identification of equipment and cleanup materials to be used in the event of a manure release.

(b) The owner or operator shall implement the emergency response plan any time a processed manure release occurs. If manure from the storage structure reaches waters of the state, the owner or operator must do the following:

(1) Provide notification in accordance with the following:

(A) As soon as possible, but within two (2) hours of discovery, communicate a spill report to the Indiana department of environmental management, office of land quality, emergency response section.

(B) If new or updated spill report information becomes known that indicates a significant increase in the likelihood of damage to the waters of the state, the responsible party shall notify the Indiana department of environmental management as soon as possible, but within two (2) hours of the time the new or updated information becomes known.

(2) If requested by the Indiana department of environmental management, submit a written copy of the spill report to the Indiana department of environmental management, office of land quality, emergency response section.

(3) Except from modes of transportation other than pipelines, exercise due diligence and document attempts to notify the following:

(A) For processed manure releases or spills to surface water, the nearest affected downstream water user located within ten (10) miles of the spill and in Indiana.

(B) For processed manure releases or spills to soil outside the storage structure property boundary, each affected property owner, operator, and occupant.

Sec. 21. (a) The owner or operator of a processed manure storage structure that plans to decommission a processed manure storage structure shall do the following:

(1) Continue to maintain the processed manure storage structure in accordance with the requirements of this chapter until the manure is removed.

(2) Follow the requirements in the Indiana NRCS Conservation Practice Standard Code 360, Closure of Waste Impoundments, November 2012, if applicable.

(3) Have all associated appurtenances and conveyance structures removed from uncovered processed manure storage facilities.

(4) Notify the Indiana department of environmental management:

(A) before demolishing or converting the use of any processed manure storage structure; and

(B) of the intended future use of the processed manure storage structure, if the processed manure storage structure is to be converted to another use.

(b) The owner or operator shall submit a certification to the commissioner of the Indiana department of environmental management within thirty (30) days after completing the requirements in this section that certifies compliance with the requirements in this section.

(c) If deemed necessary to protect human health or the environment, the state chemist may require additional decommissioning activities based on:

(1) surface or ground water contamination;

(2) evidence of:

(A) leakage;

(B) seepage;

(C) manure releases; or

(D) spills; or

(3) other criteria related to protection of human health or the environment.

(d) The commissioner of the Indiana department of environmental management shall provide written documentation describing the basis for any required additional activities.

Sec. 22. The state chemist shall adopt rules under IC 4-22-2:

(1) regulating the distribution of manure based fertilizer; and

(2) establishing fees for the distribution of manure based fertilizer.

Sec. 23. (a) A person may not distribute a misbranded manure based fertilizer. A manure based fertilizer is misbranded if:

(1) the manure based fertilizer carries any false or misleading statement; or

(2) false or misleading statements concerning the manure based fertilizer's nutrient value are made in any advertising

media accompanying or associated with the manure based fertilizer.

(b) A person may not distribute an adulterated manure based fertilizer. A manure based fertilizer is adulterated if:

(1) the manure based fertilizer contains any deleterious or harmful substance in a sufficient amount to render the manure based fertilizer injurious to beneficial plant life, animals, humans, aquatic life, soil, or water when applied in accordance with directions for use on the label; or

(2) the label of the manure based fertilizer does not include adequate warning statements or directions for use that may be necessary to protect plant life, animals, humans, aquatic life, soil, or water.

Sec. 24. (a) The state chemist may:

(1) cancel the registration of any brand of manure based fertilizer; or

(2) refuse to register any brand of manure based fertilizer under this chapter;

if the state chemist receives satisfactory evidence that the registrant has used fraudulent or deceptive practices in the evasion or attempted evasion of this chapter.

(b) The state chemist may not revoke or refuse a registration under subsection (a) until the registrant receives notice and has the opportunity to appear for a hearing.

Sec. 25. (a) If the state chemist determines that a manure based fertilizer is being offered for sale in violation of this chapter, the state chemist may issue to and enforce upon the owner or custodian:

(1) a written or printed stop sale, use, or removal order; and

(2) a written or printed order to hold the manure based fertilizer at a designated place until:

(A) the owner or custodian complies with this chapter;

(B) the state chemist releases the manure based fertilizer in writing; or

(C) the violation is legally disposed of by written authority.

(b) The state chemist shall release manure based fertilizer withdrawn under subsection (a) when:

(1) the owner or custodian complies with this chapter; and

(2) all costs and expenses incurred in connection with the withdrawal have been paid.

Sec. 26. (a) Any manure based fertilizer not in compliance with this chapter is subject to seizure based on a complaint of the state

chemist filed in a court with jurisdiction in the area in which the manure based fertilizer is located.

(b) Subject to subsection (a), if the court finds the manure based fertilizer is in violation of this chapter and orders the condemnation of the manure based fertilizer, the manure based fertilizer must be disposed of in any manner consistent with the quality of the manure based fertilizer and all applicable laws.

Sec. 27. The state chemist may apply for a temporary or permanent injunction restraining any person from violating or continuing to violate this chapter. The remedies under this section are supplemental to other remedies allowed under this chapter or other law.

Sec. 28. (a) If a person violates this chapter, the state chemist may:

(1) warn, issue a citation to, or impose a civil penalty on the person; or

(2) deny, suspend, revoke, or amend the person's registration under this chapter.

(b) A person who knowingly or intentionally violates this chapter commits a Class A misdemeanor.

SECTION 52. IC 15-16-5-13.5, AS ADDED BY P.L.29-2024, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 13.5. As used in this chapter, "fertilizer material" has the meaning set forth in ~~IC 15-16-2-11.~~ <> [ ] **IC 15-16-1.5-28.**

SECTION 53. IC 15-16-5-46, AS AMENDED BY P.L.29-2024, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 46. A person ~~required to be certified under this chapter or IC 15-16-2-44(b)(1)(A)~~ **that applies fertilizer material for hire, transports fertilizer material for hire, or both** may not:

(1) use or supervise the use of any restricted use pesticide or use a general use pesticide or fertilizer material for hire; or

(2) make diagnostic inspections or reports to determine infestations of wood destroying pests;

unless the person complies with the certification requirements under this chapter and any other requirements determined by the state chemist to be necessary to prevent unreasonable adverse effects on the environment.

SECTION 54. IC 35-52-15-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 6.5. IC 15-16-3.5-28 defines a crime concerning manure based fertilizer.**

SECTION 55. [EFFECTIVE JULY 1, 2026] **(a) The following**

rules are void:

(1) 355 IAC 2.

(2) 355 IAC 7.

(3) 355 IAC 8.

(4) 355 IAC 9.

(5) 355 IAC 10.

(b) The publisher of the Indiana Administrative Code and the Indiana Register shall remove the rules in subsection (a) from the Indiana Administrative Code.

(c) This SECTION expires July 1, 2027.[

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