

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 221 be amended to read as follows:

- 1 Page 6, delete lines 18 through 42, begin a new paragraph and
2 insert:
3 "SECTION 7. IC 13-18-10-2 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) Application for
5 approval **under section 1 of this chapter** of the construction **or**
6 **expansion** of a confined feeding operation must be made on a form
7 provided by the department. An applicant must submit the completed
8 application form to the department together with the following:
9 (1) Plans and specifications for the design and operation of
10 manure treatment and control facilities.
11 (2) A manure management plan that outlines procedures for the
12 following:
13 (A) Soil testing.
14 (B) Manure testing.
15 (3) Maps of manure application areas.
16 (4) Supplemental information that the department requires,
17 including the following:
18 (A) General features of topography.
19 (B) Soil types.
20 (C) Drainage course.
21 (D) Identification of nearest streams, ditches, and lakes.
22 (E) Location of field tiles.
23 (F) Location of land application areas.
24 (G) Location of manure treatment facilities.

1 (H) Farmstead plan, including the location of water wells on
2 the site.

3 (5) A fee of one hundred dollars (\$100). The department shall
4 refund the fee if the department does not make a determination in
5 accordance with the time period established under section 2.1 of
6 this chapter.

7 (b) An applicant who applies for approval **under section 1 of this**
8 **chapter** to construct **or expand** a confined feeding operation on land
9 ~~that is undeveloped~~ or for which a valid existing approval has not been
10 issued shall make a reasonable effort to provide notice **not more than**
11 **ten (10) working days after submitting an application:**

12 **(1) to the county executive of the county in which the confined**
13 **feeding operation is to be located or expanded;**

14 ~~(1)~~ **(2) subject to subsection (c), to**

15 ~~(A)~~ **each person to whom notice is not required to be**
16 **provided under subdivision (3) and** who owns land that
17 adjoins the land on which the confined feeding operation is to
18 be located **or expanded; or**

19 ~~(B)~~ **if a person who owns land that adjoins the land on which**
20 **the confined feeding operation is to be located or expanded**
21 **does not occupy the land; all occupants of the land; and**

22 **(2) to the county executive of the county in which the confined**
23 **feeding operation is to be located;**

24 **(3) subject to subsection (c), to each person to whom notice is**
25 **not required to be provided under subdivision (2) and who**
26 **owns land of which any part of the boundary is one-half (1/2)**
27 **mile or less from the following:**

28 **(A) Any part of the proposed footprint of one (1) or more**
29 **of the following to be located on the land on which the**
30 **confined feeding operation is to be located:**

31 **(i) A livestock or poultry production structure.**

32 **(ii) A permanent manure storage facility.**

33 **(B) Any part of the proposed footprint of one (1) or more**
34 **of the following to be located on the land on which the**
35 **confined feeding operation is to be expanded:**

36 **(i) A livestock or poultry production structure.**

37 **(ii) A permanent manure storage facility.**

38 **(iii) The expanded area of a livestock or poultry**
39 **production structure.**

40 **(iv) The expanded area of a permanent manure storage**
41 **facility.**

42 ~~not more than ten (10) working days after submitting an application.~~
43 The notice must be sent by mail, be in writing, include the date on
44 which the application was submitted to the department, and include a
45 brief description of the subject of the application. The applicant shall
46 pay the cost of complying with this subsection. The applicant shall

1 submit an affidavit to the department that certifies that the applicant
2 has complied with this subsection.

3 **(c) If a person referred to in subsection (b)(2) or (b)(3) does not**
4 **occupy the land, the applicant referred to in subsection (b):**

5 **(1) is not required to provide the notice referred to in**
6 **subsection (b) to that person; and**

7 **(2) shall make a reasonable effort to provide the notice**
8 **referred to in subsection (b) to all occupants of the land not**
9 **more than ten (10) working days after submitting an**
10 **application.**

11 ~~(c)~~ **(d)** Plans and specifications for manure treatment or control
12 facilities for a confined feeding operation must secure the approval of
13 the department. The department shall approve the construction **or**
14 **expansion** and **the** operation of the manure management system of the
15 confined feeding operation if the commissioner determines that the
16 applicant meets the requirements of:

17 (1) this chapter;

18 (2) rules adopted under this chapter;

19 (3) the water pollution control laws;

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

21 (5) policies and statements adopted under IC 13-14-1-11.5
22 relative to confined feeding operations."

23 Delete page 7.

24 Page 8, delete lines 1 through 9.

(Reference is to ESB 221 as printed March 20, 2009.)

Representative Cheatham