

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Energy and Environmental Affairs, to which was referred Senate Bill No. 202, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

1 Page 3, between lines 6 and 7, begin a new paragraph and insert:
2 "SECTION 5. IC 13-11-2-79.5 IS ADDED TO THE INDIANA
3 CODE AS A NEW SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2011]: **Sec. 79.5. "Fertilizer material" for**
5 **purposes of IC 13-18-4-5 has the meaning set forth in**
6 **IC 15-16-2-11."**

7 Page 3, line 13, delete "coal, petroleum coke, and".
8 Page 6, line 22, after "material" delete "that" and insert "**contained**
9 **in:**
10 **(1) runoff from a storm event; or**
11 **(2) irrigation return flow;**
12 **entering the waters of Indiana as a result of land application of**
13 **fertilizer material in compliance with rules adopted by the state**
14 **chemist under IC 15-16-2-44."**

15 Page 6, delete lines 23 through 34, begin a new paragraph and
16 insert:

17 **"(c) The department shall request documentation of compliance**
18 **with subsection (b) before a notice of violation can be issued.**

19 **(d) A person has thirty (30) days to submit documentation after**
20 **receiving a request under subsection (c).**

21 **(e) The department may issue a notice of violation for failure to**
22 **comply with subsection (d). No notice of violation can be issued if**

1 **the department determines that a person complied with subsection**
2 **(b).**

3 **(f) Before the rules for land application of fertilizer materials**
4 **adopted under IC 15-16-2-44 by the state chemist take effect, a**
5 **person may meet the requirements under subsection (b) if the**
6 **person maintains documentation of compliance with:**

7 **(1) the conditions for land application of manure**
8 **requirements under IC 13-18-10; or**

9 **(2) the National Resources Conservation Services land**
10 **application standards."**

11 Page 6, line 35, delete "(d)" and insert "(g)".

12 Page 8, line 21, delete "January" insert "**July**".

13 Page 8, line 21, delete "staging" and insert "**staging,**
14 **management,**".

15 Page 8, line 21, delete "use of organic" and insert "**land application**
16 **of**".

17 Renumber all SECTIONS consecutively.

(Reference is to SB 202 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

Gard

Chairperson