

ARTICLE 8. FERTILIZER MATERIAL USE, DISTRIBUTION, AND RECORD KEEPING

Rule 1. General Provisions

355 IAC 8-1-1 Purpose

Authority: IC 15-16-2-44

Affected: IC 13-13-5-1; IC 15-16-2

Sec. 1. The purpose of this article is to:

(1) ensure fertilizer materials are distributed and used effectively and safely:

(A) as plant nutrients; and

(B) in a manner that protects water quality; and

(2) complement authorities granted to the Indiana department of environmental management under IC 13-13-5-1(1).

(State Chemist of the State of Indiana; 355 IAC 8-1-1; filed Feb 16, 2012, 11:50 a.m.: 20120314-IR-355110364FRA; errata filed Aug 7, 2012, 9:56 a.m.: 20120829-IR-355110364ACA; readopted filed Jul 5, 2018, 11:38 a.m.: 20180801-IR-355180129RFA)

355 IAC 8-1-2 Applicability

Authority: IC 15-16-2-44

Affected: IC 15-16-2

Sec. 2. (a) Except as provided in subsection (b), this article applies to any person that:

(1) uses; or

(2) distributes;

fertilizer material for the purposes of producing an agricultural crop.

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

(c) This article is in addition to 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 article, operations which have a confined feeding operation or NPDES permit approval must comply with the more stringent provision. Compliance with the more stringent provision will satisfy the similar requirement of this article. *(State Chemist of the State of Indiana; 355 IAC 8-1-2; filed Feb 16, 2012, 11:50 a.m.: 20120314-IR-355110364FRA; readopted filed Jul 5, 2018, 11:38 a.m.: 20180801-IR-355180129RFA)*

Rule 2. Definitions

355 IAC 8-2-1 Applicability

Authority: IC 15-16-2-44

Affected: IC 15-16-2

Sec. 1. The definitions in this rule apply throughout this article. *(State Chemist of the State of Indiana; 355 IAC 8-2-1; filed Feb 16, 2012, 11:50 a.m.: 20120314-IR-355110364FRA; readopted filed Jul 5, 2018, 11:38 a.m.: 20180801-IR-355180129RFA)*

355 IAC 8-2-2 "Agricultural crop" defined

Authority: IC 15-16-2-44

Affected: IC 15-16-2

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. For purposes of this article, the term does not include turf, trees, or ornamental plantings. *(State Chemist of the State of Indiana; 355 IAC 8-2-2; filed Feb 16, 2012, 11:50 a.m.: 20120314-IR-355110364FRA; readopted filed Jul 5, 2018,*

11:38 a.m.: 20180801-IR-355180129RFA)

355 IAC 8-2-3 "Agronomic rate" defined

Authority: IC 15-16-2-44

Affected: IC 15-16-2

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.

(*State Chemist of the State of Indiana; 355 IAC 8-2-3; filed Feb 16, 2012, 11:50 a.m.: 20120314-IR-355110364FRA; readopted filed Jul 5, 2018, 11:38 a.m.: 20180801-IR-355180129RFA*)

355 IAC 8-2-4 "Biosolid" defined

Authority: IC 15-16-2-44

Affected: IC 15-16-2

Sec. 4. (a) "Biosolid", as defined in 327 IAC 6.1-2-7, means solid, semisolid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Examples of biosolid include, but are not limited to, the following:

- (1) Scum or a solid 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 ash generated during the firing of biosolid in a biosolid incinerator or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works. (*State Chemist of the State of Indiana; 355 IAC 8-2-4; filed Feb 16, 2012, 11:50 a.m.: 20120314-IR-355110364FRA; readopted filed Jul 5, 2018, 11:38 a.m.: 20180801-IR-355180129RFA*)

355 IAC 8-2-5 "Certified applicator" defined

Authority: IC 15-16-2-44

Affected: IC 15-16-2

Sec. 5. "Certified applicator" means any individual who has been issued a certificate or licensing credential under 355 IAC 7 as evidence of the individual's qualifications to distribute or use fertilizer material. (*State Chemist of the State of Indiana; 355 IAC 8-2-5; filed Feb 16, 2012, 11:50 a.m.: 20120314-IR-355110364FRA; readopted filed Jul 5, 2018, 11:38 a.m.: 20180801-IR-355180129RFA*)

355 IAC 8-2-6 "Drainage inlet"

Authority: IC 15-16-2-44

Affected: IC 15-16-2

Sec. 6. "Drainage inlet" means any surficial opening to an underground agricultural tile drainage system that drains surface waters. For purposes of this article, the term includes water and sediment control basins. (*State Chemist of the State of Indiana; 355 IAC 8-2-6; filed Feb 16, 2012, 11:50 a.m.: 20120314-IR-355110364FRA; readopted filed Jul 5, 2018, 11:38 a.m.: 20180801-IR-355180129RFA*)

355 IAC 8-2-7 "Distribute" defined

Authority: IC 15-16-2-44

Affected: IC 15-16-2

Sec. 7. "Distribute" means to:

- (1) offer for sale;
- (2) sell;
- (3) exchange;
- (4) barter;
- (5) supply; or
- (6) offer to supply;

fertilizer material. (*State Chemist of the State of Indiana; 355 IAC 8-2-7; filed Feb 16, 2012, 11:50 a.m.: 20120314-IR-355110364FRA; readopted filed Jul 5, 2018, 11:38 a.m.: 20180801-IR-355180129RFA*)

355 IAC 8-2-8 "Fertilizer application plan" defined

Authority: IC 15-16-2-44

Affected: IC 15-16-2

Sec. 8. "Fertilizer application plan" means a written annual or multi-year plan for nutrient application at agronomic rates for producing an agricultural crop. (*State Chemist of the State of Indiana; 355 IAC 8-2-8; filed Feb 16, 2012, 11:50 a.m.: 20120314-IR-355110364FRA; readopted filed Jul 5, 2018, 11:38 a.m.: 20180801-IR-355180129RFA*)

355 IAC 8-2-9 "Fertilizer material" defined

Authority: IC 15-16-2-44

Affected: IC 15-16-2-11

Sec. 9. "Fertilizer material", as defined in IC 15-16-2-11, 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. (*State Chemist of the State of Indiana; 355 IAC 8-2-9; filed Feb 16, 2012, 11:50 a.m.: 20120314-IR-355110364FRA; readopted filed Jul 5, 2018, 11:38 a.m.: 20180801-IR-355180129RFA*)

355 IAC 8-2-10 "Filter strip" defined

Authority: IC 15-16-2-44

Affected: IC 15-16-2-11

Sec. 10. "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. (*State Chemist of the State of Indiana; 355 IAC 8-2-10; filed Feb 16, 2012, 11:50 a.m.: 20120314-IR-355110364FRA; readopted filed Jul 5, 2018, 11:38 a.m.: 20180801-IR-355180129RFA*)

355 IAC 8-2-11 "Floodway" defined

Authority: IC 15-16-2-44

Affected: IC 15-16-2

Sec. 11. "Floodway" means the channel of a river or stream and those portions of the floodplain adjoining the channel that are reasonably required to efficiently carry and discharge the peak flood flow of a one hundred (100) year flood as determined by 312 IAC 10. (*State Chemist of the State of Indiana; 355 IAC 8-2-11; filed Feb 16, 2012, 11:50 a.m.: 20120314-IR-355110364FRA*;

readopted filed Jul 5, 2018, 11:38 a.m.: 20180801-IR-355180129RFA)

355 IAC 8-2-12 "Gradient barrier" defined

Authority: IC 15-16-2-44

Affected: IC 15-16-2

Sec. 12. "Gradient barrier" means a structure or feature that prevents runoff from entering surface waters. (*State Chemist of the State of Indiana; 355 IAC 8-2-12; filed Feb 16, 2012, 11:50 a.m.: 20120314-IR-355110364FRA; readopted filed Jul 5, 2018, 11:38 a.m.: 20180801-IR-355180129RFA*)

355 IAC 8-2-13 "Highly erodible land" defined

Authority: IC 15-16-2-44

Affected: IC 15-16-2

Sec. 13. "Highly erodible land" means soil that has a high potential to erode based on site-specific characteristics, such as:

- (1) slope length and steepness;
- (2) soil erodibility; and
- (3) rainfall;

as defined by the United States Department of Agriculture Natural Resources Conservation Services and Farm Service Agency maps. (*State Chemist of the State of Indiana; 355 IAC 8-2-13; filed Feb 16, 2012, 11:50 a.m.: 20120314-IR-355110364FRA; readopted filed Jul 5, 2018, 11:38 a.m.: 20180801-IR-355180129RFA*)

355 IAC 8-2-14 "Incorporation" defined

Authority: IC 15-16-2-44

Affected: IC 15-16-2

Sec. 14. "Incorporation" means the mixing of fertilizer material with the surface soil using standard agricultural practices, such as tillage. (*State Chemist of the State of Indiana; 355 IAC 8-2-14; filed Feb 16, 2012, 11:50 a.m.: 20120314-IR-355110364FRA; readopted filed Jul 5, 2018, 11:38 a.m.: 20180801-IR-355180129RFA*)

355 IAC 8-2-15 "Injection" defined

Authority: IC 15-16-2-44

Affected: IC 15-16-2

Sec. 15. "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. (*State Chemist of the State of Indiana; 355 IAC 8-2-15; filed Feb 16, 2012, 11:50 a.m.: 20120314-IR-355110364FRA; readopted filed Jul 5, 2018, 11:38 a.m.: 20180801-IR-355180129RFA*)

355 IAC 8-2-16 "Inorganic fertilizer" defined

Authority: IC 15-16-2-44

Affected: IC 15-16-2

Sec. 16. "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.

For purposes of this article, urea is considered to be an inorganic fertilizer, not an organic fertilizer. (*State Chemist of the State of Indiana; 355 IAC 8-2-16; filed Feb 16, 2012, 11:50 a.m.: 20120314-IR-355110364FRA; readopted filed Jul 5, 2018, 11:38 a.m.: 20180801-IR-355180129RFA*)

355 IAC 8-2-17 "Manipulated organic fertilizer" defined

Authority: IC 15-16-2-44

Affected: IC 15-16-2

Sec. 17. "Manipulated organic fertilizer" means any organic fertilizer that is not included in the definition of manure as defined in 355 IAC 8-2-18 [section 18 of this rule]. (*State Chemist of the State of Indiana; 355 IAC 8-2-17; filed Feb 16, 2012, 11:50 a.m.: 20120314-IR-355110364FRA; readopted filed Jul 5, 2018, 11:38 a.m.: 20180801-IR-355180129RFA*)

355 IAC 8-2-18 "Manure" defined

Authority: IC 15-16-2-44

Affected: IC 15-16-2

Sec. 18. "Manure" means any of the following:

- (1) Liquid or solid animal excreta.
- (2) Waste liquid generated at a livestock or poultry production area, including the following:
 - (A) Excess drinking water.
 - (B) Cleanup water.
 - (C) Contaminated livestock truck or trailer washwater.
 - (D) Milking parlor wastewater.
 - (E) Milk house washwater.
 - (F) Egg washwater.
 - (G) Silage leachate.
- (3) Any precipitation or surface water that has come into contact with the following:
 - (A) Liquid or solid animal excreta.
 - (B) Used bedding.
 - (C) Litter.
 - (D) Liquid described in subdivision (4).
- (4) Any other materials generated at a livestock or poultry production area commingled with the materials listed in subdivisions (1) through (3).

(*State Chemist of the State of Indiana; 355 IAC 8-2-18; filed Feb 16, 2012, 11:50 a.m.: 20120314-IR-355110364FRA; readopted filed Jul 5, 2018, 11:38 a.m.: 20180801-IR-355180129RFA*)

355 IAC 8-2-19 "Organic fertilizer" defined

Authority: IC 15-16-2-44

Affected: IC 15-16-2

Sec. 19. "Organic fertilizer" means any fertilizer material derived from either plant or animal products or manures containing one (1) or more nutrients that are essential for plant growth. For purposes of this article, the term does not include biosolids. (*State Chemist of the State of Indiana; 355 IAC 8-2-19; filed Feb 16, 2012, 11:50 a.m.: 20120314-IR-355110364FRA; readopted filed Jul 5, 2018, 11:38 a.m.: 20180801-IR-355180129RFA*)

355 IAC 8-2-20 "Person" defined

Authority: IC 15-16-2-44

Affected: IC 15-16-2-17

Sec. 20. "Person", as defined in IC 15-16-2-17, means:

- (1) an individual;
- (2) a partnership;
- (3) an association;

- (4) a firm;
- (5) a limited liability company; or
- (6) a corporation.

(State Chemist of the State of Indiana; 355 IAC 8-2-20; filed Feb 16, 2012, 11:50 a.m.: 20120314-IR-355110364FRA; readopted filed Jul 5, 2018, 11:38 a.m.: 20180801-IR-355180129RFA)

355 IAC 8-2-21 "Public water supply surface intake structure" defined

Authority: IC 15-16-2-44

Affected: IC 15-16-2

Sec. 21. "Public water supply surface intake structure" means any structure used for the purpose of providing water through a public water supply system. *(State Chemist of the State of Indiana; 355 IAC 8-2-21; filed Feb 16, 2012, 11:50 a.m.: 20120314-IR-355110364FRA; readopted filed Jul 5, 2018, 11:38 a.m.: 20180801-IR-355180129RFA)*

355 IAC 8-2-22 "Public water supply well" defined

Authority: IC 15-16-2-44

Affected: IC 15-16-2

Sec. 22. "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.

(State Chemist of the State of Indiana; 355 IAC 8-2-22; filed Feb 16, 2012, 11:50 a.m.: 20120314-IR-355110364FRA; readopted filed Jul 5, 2018, 11:38 a.m.: 20180801-IR-355180129RFA)

355 IAC 8-2-23 "Saturated ground" defined

Authority: IC 15-16-2-44

Affected: IC 15-16-2

Sec. 23. "Saturated ground" means soil soaked with moisture so that it cannot absorb any more liquid. *(State Chemist of the State of Indiana; 355 IAC 8-2-23; filed Feb 16, 2012, 11:50 a.m.: 20120314-IR-355110364FRA; readopted filed Jul 5, 2018, 11:38 a.m.: 20180801-IR-355180129RFA)*

355 IAC 8-2-24 "Sinkhole" defined

Authority: IC 15-16-2-44

Affected: IC 15-16-2

Sec. 24. "Sinkhole" means a natural depression in the surface of the land caused by the collapse of the roof of a cavern or subterranean passage. *(State Chemist of the State of Indiana; 355 IAC 8-2-24; filed Feb 16, 2012, 11:50 a.m.: 20120314-IR-355110364FRA; readopted filed Jul 5, 2018, 11:38 a.m.: 20180801-IR-355180129RFA)*

355 IAC 8-2-25 "Staging" defined

Authority: IC 15-16-2-44

Affected: IC 15-16-2

Sec. 25. "Staging" means the temporary placement of fertilizer material in a pile to be used for field application. *(State Chemist of the State of Indiana; 355 IAC 8-2-25; filed Feb 16, 2012, 11:50 a.m.: 20120314-IR-355110364FRA; readopted filed Jul 5, 2018, 11:38 a.m.: 20180801-IR-355180129RFA)*

Jul 5, 2018, 11:38 a.m.: 20180801-IR-355180129RFA)

355 IAC 8-2-26 "State chemist" defined

Authority: IC 15-16-2-44

Affected: IC 15-16-2

Sec. 26. "State chemist" means the Indiana state chemist or an appointed agent. (*State Chemist of the State of Indiana; 355 IAC 8-2-26; filed Feb 16, 2012, 11:50 a.m.: 20120314-IR-355110364FRA; readopted filed Jul 5, 2018, 11:38 a.m.: 20180801-IR-355180129RFA)*

355 IAC 8-2-27 "Surface application" defined

Authority: IC 15-16-2-44

Affected: IC 15-16-2

Sec. 27. "Surface application" means the placement of fertilizer material by spraying or spreading onto the land surface. (*State Chemist of the State of Indiana; 355 IAC 8-2-27; filed Feb 16, 2012, 11:50 a.m.: 20120314-IR-355110364FRA; readopted filed Jul 5, 2018, 11:38 a.m.: 20180801-IR-355180129RFA)*

355 IAC 8-2-28 "Surface water" defined

Authority: IC 15-16-2-44

Affected: IC 13-11-2-265; IC 15-16-2

Sec. 28. (a) "Surface water" means waters of the state, as described in IC 13-11-2-265, 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.

(*State Chemist of the State of Indiana; 355 IAC 8-2-28; filed Feb 16, 2012, 11:50 a.m.: 20120314-IR-355110364FRA; readopted filed Jul 5, 2018, 11:38 a.m.: 20180801-IR-355180129RFA)*

355 IAC 8-2-29 "Use" defined

Authority: IC 15-16-2-44

Affected: IC 15-16-2-23

Sec. 29. "Use" means the:

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

(2) handling of fertilizer materials; or

(3) transportation of fertilizer materials.

(State Chemist of the State of Indiana; 355 IAC 8-2-29; filed Feb 16, 2012, 11:50 a.m.: 20120314-IR-355110364FRA; readopted filed Jul 5, 2018, 11:38 a.m.: 20180801-IR-355180129RFA)

Rule 3. Fertilizer Material Application

355 IAC 8-3-1 Application of fertilizer material

Authority: IC 15-16-2-44

Affected: IC 15-16-2

Sec. 1. A person applying fertilizer material for the purposes of producing an agricultural crop shall:

- (1) develop a fertilizer application plan prior to application;
- (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.

(State Chemist of the State of Indiana; 355 IAC 8-3-1; filed Feb 16, 2012, 11:50 a.m.: 20120314-IR-355110364FRA; readopted filed Jul 5, 2018, 11:38 a.m.: 20180801-IR-355180129RFA)

355 IAC 8-3-2 Application of unmanipulated organic fertilizer

Authority: IC 15-16-2-44

Affected: IC 15-16-2

Sec. 2. 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 Table 1, a person shall apply unmanipulated organic fertilizer according to the setback distances in the following table:

Table 1 – Unmanipulated Organic Fertilizer Application Setback Distances (in feet)

(1) All setback distances shall be measured from the edge of the area of actual application of unmanipulated organic fertilizer on the ground.

Table 1 – Unmanipulated Organic Fertilizer Application Setback Distances (in feet)				
Known Feature	Liquid – Injection or Single Pass Incorporation (liquid/solid)	Liquid – Incorporation; Surface Application (solid or compost); or Surface Application to Pasture	Liquid – Surface Application	
			< 6% Slope; or Residue Cover	> 6% Slope
Public Water Supply Wells and Surface Intake	500	500	500	500
Surface Waters	25	50	100	200
Sinkholes	25	50	100	200
Water Wells	50	50	100	200
Drainage Inlets	5	50	100	200
Property Lines and Public Roads	0	10	50	50

(2) Liquid incorporation in Table 1 means only unmanipulated organic fertilizer that has been incorporated into the soil within twenty-four (24) hours of application.

(State Chemist of the State of Indiana; 355 IAC 8-3-2; filed Feb 16, 2012, 11:50 a.m.: 20120314-IR-355110364FRA; errata filed Aug 7, 2012, 9:56 a.m.: 20120829-IR-355110364ACA; readopted filed Jul 5, 2018, 11:38 a.m.: 20180801-IR-355180129RFA)

355 IAC 8-3-3 Application of unmanipulated organic fertilizer to highly erodible land

Authority: IC 15-16-2-44

Affected: IC 15-16-2

Sec. 3. A person shall 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.

(State Chemist of the State of Indiana; 355 IAC 8-3-3; filed Feb 16, 2012, 11:50 a.m.: 20120314-IR-355110364FRA; readopted filed Jul 5, 2018, 11:38 a.m.: 20180801-IR-355180129RFA)

355 IAC 8-3-4 Application of unmanipulated organic fertilizer to frozen or snow covered ground

Authority: IC 15-16-2-44

Affected: IC 15-16-2

Sec. 4. (a) Except as provided in subsection (b), a person shall 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) Unmanipulated organic fertilizer applied by means of injection or same day incorporation means the ground is not considered frozen or snow covered. *(State Chemist of the State of Indiana; 355 IAC 8-3-4; filed Feb 16, 2012, 11:50 a.m.: 20120314-IR-355110364FRA; readopted filed Jul 5, 2018, 11:38 a.m.: 20180801-IR-355180129RFA)*

355 IAC 8-3-5 Unmanipulated organic fertilizer application monitoring

Authority: IC 15-16-2-44

Affected: IC 15-16-2

Sec. 5. 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.

(State Chemist of the State of Indiana; 355 IAC 8-3-5; filed Feb 16, 2012, 11:50 a.m.: 20120314-IR-355110364FRA; readopted filed Jul 5, 2018, 11:38 a.m.: 20180801-IR-355180129RFA)

Rule 4. Staging of Fertilizer Material

355 IAC 8-4-1 Staging restrictions for inorganic fertilizer

Authority: IC 15-16-2-44

Affected: IC 15-16-2

Sec. 1. A person shall 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, 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.

(State Chemist of the State of Indiana; 355 IAC 8-4-1; filed Feb 16, 2012, 11:50 a.m.: 20120314-IR-355110364FRA; readopted filed Jul 5, 2018, 11:38 a.m.: 20180801-IR-355180129RFA)

355 IAC 8-4-2 Staging restrictions for organic fertilizer

Authority: IC 15-16-2-44

Affected: IC 15-16-2

Sec. 2. (a) A person shall not stage organic fertilizer as follows:

- (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, or water wells.
- (2) On an area with a slope greater than six percent (6%) unless run-on and runoff are controlled.
- (3) On any standing water or waterway or floodway.
- (b) Organic fertilizer that is staged for more than seventy-two (72) hours shall be as follows:
 - (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.
 - (5) Set back from residential buildings four hundred (400) feet.

(State Chemist of the State of Indiana; 355 IAC 8-4-2; filed Feb 16, 2012, 11:50 a.m.: 20120314-IR-355110364FRA; readopted filed Jul 5, 2018, 11:38 a.m.: 20180801-IR-355180129RFA)

Rule 5. Fertilizer Material Use Record Keeping

355 IAC 8-5-1 Organic fertilizer distribution records

Authority: IC 15-16-2-44

Affected: IC 15-16-2

Sec. 1. (a) All persons required to be licensed under 355 IAC 7 who distribute organic fertilizer material as described in 355 IAC 7-3-3 shall keep and maintain records of such distribution.

- (b) The records required under subsection (a) shall 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.

(State Chemist of the State of Indiana; 355 IAC 8-5-1; filed Feb 16, 2012, 11:50 a.m.: 20120314-IR-355110364FRA; readopted filed Jul 5, 2018, 11:38 a.m.: 20180801-IR-355180129RFA)

355 IAC 8-5-2 Fertilizer material application records

Authority: IC 15-16-2-44

Affected: IC 15-16-2

Sec. 2. (a) All persons required to be licensed under 355 IAC 7 who apply:

- (1) fertilizer material as described in 355 IAC 7-3-1; or
- (2) organic fertilizer as described in 355 IAC 7-3-2;

shall keep and maintain records of all such applications.

(b) The records required under subsection (a) shall 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.

(State Chemist of the State of Indiana; 355 IAC 8-5-2; filed Feb 16, 2012, 11:50 a.m.: 20120314-IR-355110364FRA; readopted filed Jul 5, 2018, 11:38 a.m.: 20180801-IR-355180129RFA)

355 IAC 8-5-3 Record keeping period; inspection

Authority: IC 15-16-2-44

Affected: IC 15-16-2

Sec. 3. All records required under this rule shall be as follows:

- (1) Kept and maintained for a period of two (2) years.
- (2) Made available for inspection or copying within thirty (30) days of written or oral request by the state chemist.

(State Chemist of the State of Indiana; 355 IAC 8-5-3; filed Feb 16, 2012, 11:50 a.m.: 20120314-IR-355110364FRA; readopted filed Jul 5, 2018, 11:38 a.m.: 20180801-IR-355180129RFA)

Rule 6. Effective Date

355 IAC 8-6-1 Compliance with effective date of article

Authority: IC 15-16-2-44

Affected: IC 15-16-2

Sec. 1. Full compliance by persons affected by this article shall be required no later than one (1) year following adoption.

(State Chemist of the State of Indiana; 355 IAC 8-6-1; filed Feb 16, 2012, 11:50 a.m.: 20120314-IR-355110364FRA; readopted filed Jul 5, 2018, 11:38 a.m.: 20180801-IR-355180129RFA)

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