



Reprinted
February 12, 2025

SENATE BILL No. 193

DIGEST OF SB 193 (Updated February 11, 2025 2:33 pm - DI 153)

Citations Affected: IC 13-11; IC 13-14; IC 13-18.

Synopsis: Inspection of CFOs. Requires the department of environmental management (department) to conduct an onsite inspection of a confined feeding operation (CFO) once within 45 days of an initial approval and once within 45 days of a renewal of an approval to verify compliance with certain requirements. Provides that additional onsite inspections of a CFO may be conducted if there is a substantial need for the inspection. Provides that an onsite inspection of a CFO must be conducted in compliance with certain rules and procedures. Makes conforming amendments.

Effective: July 1, 2025.

Niemeyer, Randolph Lonnie M

January 8, 2025, read first time and referred to Committee on Environmental Affairs.
February 4, 2025, amended, reported favorably — Do Pass.
February 6, 2025, read second time, ordered engrossed. Engrossed. Returned to second reading.
February 11, 2025, re-read second time, amended, ordered engrossed.

SB 193—LS 6570/DI 150



Reprinted
February 12, 2025

First Regular Session of the 124th General Assembly (2025)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2024 Regular Session of the General Assembly.

SENATE BILL No. 193

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

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

- 1 SECTION 1. IC 13-11-2-148, AS AMENDED BY P.L.176-2023,
2 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2025]: Sec. 148. (a) "Operator", for purposes of IC 13-18-10
4 **and IC 13-18-10.7**, means the person in direct or responsible charge
5 or control of one (1) or more confined feeding operations.
6 (b) "Operator", for purposes of IC 13-18-11 and environmental
7 management laws, means the person in direct or responsible charge and
8 supervising the operation of:
9 (1) a water treatment plant;
10 (2) a wastewater treatment plant; or
11 (3) a water distribution system.
12 (c) "Operator", for purposes of IC 13-20-6, means a corporation, a
13 limited liability company, a partnership, a business association, a unit,
14 or an individual who is a sole proprietor that is one (1) of the following:
15 (1) A broker.
16 (2) A person who manages the activities of a transfer station that
17 receives municipal waste.

SB 193—LS 6570/DI 150



- 1 (3) A transporter.
- 2 (d) "Operator", for purposes of IC 13-23, except as provided in
- 3 subsections (e), (g), and (h), means a person:
- 4 (1) in control of; or
- 5 (2) having responsibility for;
- 6 the daily operation of an underground storage tank or aboveground
- 7 storage tank.
- 8 (e) "Operator", for purposes of IC 13-23-13, does not include the
- 9 following:
- 10 (1) A person who:
- 11 (A) does not participate in the management of an underground
- 12 storage tank or aboveground storage tank;
- 13 (B) is otherwise not engaged in the:
- 14 (i) production;
- 15 (ii) refining; and
- 16 (iii) marketing;
- 17 of regulated substances; and
- 18 (C) holds evidence of ownership, primarily to protect the
- 19 owner's security interest in the tank.
- 20 (2) A person that is a lender that did not participate in
- 21 management of an underground storage tank or aboveground
- 22 storage tank before foreclosure, notwithstanding that the person:
- 23 (A) forecloses on the vessel or facility; and
- 24 (B) after foreclosure, sells, re-leases (in the case of a lease
- 25 finance transaction), or liquidates the underground storage
- 26 tank or aboveground storage tank, maintains business
- 27 activities, winds up operations, undertakes a response action
- 28 under Section 107(d)(1) of CERCLA (42 U.S.C. 9607(d)(1))
- 29 or under the direction of an on-scene coordinator appointed
- 30 under the National Contingency Plan with respect to the
- 31 underground storage tank or aboveground storage tank, or
- 32 takes any other measure to preserve, protect, or prepare the
- 33 underground storage tank or aboveground storage tank prior to
- 34 sale or disposition;
- 35 if the person seeks to sell, re-lease (in the case of a lease finance
- 36 transaction), or otherwise divest the person of the underground
- 37 storage tank or aboveground storage tank at the earliest
- 38 practicable, commercially reasonable time, on commercially
- 39 reasonable terms, taking into account market conditions and legal
- 40 and regulatory requirements.
- 41 (3) A person who:
- 42 (A) does not own or lease, directly or indirectly, the facility or



- 1 business at which the underground storage tank or
 2 aboveground storage tank is located;
 3 (B) does not participate in the management of the facility or
 4 business described in clause (A); and
 5 (C) is engaged only in:
 6 (i) filling;
 7 (ii) gauging; or
 8 (iii) filling and gauging;
 9 the product level in the course of delivering fuel to an
 10 underground storage tank or aboveground storage tank.
- 11 (4) A political subdivision (as defined in IC 36-1-2-13) or unit of
 12 federal or state government that:
 13 (A) acquires ownership or control of an underground storage
 14 tank or aboveground storage tank on a brownfield because of:
 15 (i) bankruptcy;
 16 (ii) foreclosure;
 17 (iii) tax delinquency, including an acquisition under
 18 IC 6-1.1-24 or IC 6-1.1-25;
 19 (iv) abandonment;
 20 (v) the exercise of eminent domain, including any purchase
 21 of property once an offer to purchase has been tendered
 22 under IC 32-24-1-5;
 23 (vi) receivership;
 24 (vii) transfer from another political subdivision or unit of
 25 federal or state government;
 26 (viii) acquiring an area needing redevelopment (as defined
 27 in IC 36-7-1-3) or conducting redevelopment activities,
 28 specifically under IC 36-7-14-22.2, IC 36-7-14-22.5,
 29 IC 36-7-15.1-15.1, IC 36-7-15.1-15.2, and
 30 IC 36-7-15.1-15.5;
 31 (ix) other circumstances in which the political subdivision
 32 or unit of federal or state government involuntarily acquired
 33 an interest in the property because of the political
 34 subdivision's or unit's function as sovereign; or
 35 (x) any other means to conduct remedial actions on a
 36 brownfield; and
 37 (B) is engaged only in activities in conjunction with:
 38 (i) investigation or remediation of hazardous substances,
 39 petroleum, and other pollutants associated with a
 40 brownfield, including complying with land use restrictions
 41 and institutional controls; or
 42 (ii) monitoring or closure of an underground storage tank or



1 aboveground storage tank;
 2 unless existing contamination on the brownfield is exacerbated
 3 due to gross negligence or intentional misconduct by the
 4 political subdivision or unit of federal or state government.

5 (f) For purposes of subsection (e)(4)(B), reckless, willful, or wanton
 6 misconduct constitutes gross negligence.

7 (g) "Operator" does not include a person that after June 30, 2009,
 8 meets, for purposes of the determination under IC 13-23-13 of liability
 9 for a release from an underground storage tank or aboveground storage
 10 tank, the exemption criteria under Section 107(q) of CERCLA (42
 11 U.S.C. 9607(q)) that apply for purposes of the determination of liability
 12 for a release of a hazardous substance.

13 (h) "Operator" does not include a person that meets, for purposes of
 14 the determination under IC 13-23-13 of liability for a release from an
 15 underground storage tank or aboveground storage tank, the exemption
 16 criteria under Section 107(r) of CERCLA (42 U.S.C. 9607(r)) that
 17 apply for purposes of the determination of liability for a release of a
 18 hazardous substance, except that the person acquires ownership of the
 19 facility after June 30, 2009.

20 SECTION 2. IC 13-14-2-2, AS AMENDED BY P.L.133-2012,
 21 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2025]: Sec. 2. The department may have a designated agent,
 23 upon presentation of proper credentials, enter upon private or public
 24 property to inspect for and investigate possible violations of any of the
 25 following:

- 26 (1) Air pollution control laws.
 27 (2) Water pollution control laws.
 28 (3) Environmental management laws.
 29 (4) IC 13-18-9.
 30 (5) IC 13-18-10.
 31 **(6) IC 13-18-10.7.**
 32 ~~(7) IC 13-19-3.~~
 33 ~~(7) (8) Any rule adopted by the board.~~

34 SECTION 3. IC 13-18-10.7 IS ADDED TO THE INDIANA CODE
 35 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2025]:

37 **Chapter 10.7. Inspection of Confined Feeding Operations**

38 **Sec. 1. (a) The department shall conduct an onsite inspection of**
 39 **a confined feeding operation:**

- 40 **(1) once within forty-five (45) days of an initial approval**
 41 **under IC 13-18-10; and**
 42 **(2) once within forty-five (45) days of a renewal of an**



1 **approval under IC 13-18-10;**
2 **to verify compliance with the terms and conditions of the approval.**
3 **The department may conduct additional onsite inspections if the**
4 **department determines that there is a substantial need for the**
5 **inspection.**

6 **(b) The department shall notify the operator of a confined**
7 **feeding operation of the date on which the department intends to**
8 **conduct an onsite inspection under this section. The department**
9 **shall provide notification under this subsection at least thirty (30)**
10 **days before the intended date of the inspection.**

11 **(c) Upon arriving at a confined feeding operation to conduct an**
12 **onsite inspection, the officer, employee, or authorized**
13 **representative of the department shall, if possible, present the**
14 **credentials of the officer, employee, or authorized representative**
15 **for inspection by the operator of the confined feeding operation or**
16 **an employee or agent of the operator.**

17 **(d) An onsite inspection of a confined feeding operation must be**
18 **conducted in compliance with 327 IAC 19-4-1 and any biosecurity**
19 **procedures developed by the department in consultation with:**

20 **(1) the Indiana state board of animal health; or**

21 **(2) the operator of the confined feeding operation.**

22 **Sec. 2. Before January 1, 2026, the board shall adopt rules**
23 **under IC 4-22-2 and IC 13-14-9 to implement this chapter.**



COMMITTEE REPORT

Mr. President: The Senate Committee on Environmental Affairs, to which was referred Senate Bill No. 193, 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:

Page 4, delete lines 20 through 35.

Page 5, delete lines 11 through 12, begin a new paragraph and insert:

"Chapter 10.7. Inspection of Confined Feeding Operations".

Page 5, delete lines 13 through 31.

Page 5, line 32, delete "Sec. 3." and insert "**Sec. 1.**".

Page 5, line 32, delete "After receiving a report required by section 1 of this".

Page 5, line 33, delete "chapter concerning a confined feeding operation, the" and insert "**The**".

Page 5, line 34, after "shall" insert ", **at least twice during the period beginning July 1, 2025, and ending June 30, 2030, and at least twice during each five (5) year period thereafter,**".

Page 5, line 34, delete "the confined" and insert "**a confined**".

Page 5, line 35, delete "and any satellite manure storage structure associated with the".

Page 5, line 36, delete "confined feeding operation".

Page 5, line 36, delete "the information contained in".

Page 5, line 37, delete "the report." and insert "**compliance with the terms and conditions of the approval obtained for the confined feeding operation under IC 13-18-10.**".

Page 6, line 8, after "with" insert "**327 IAC 19-4-1 and**".

Page 6, delete lines 12 through 33.

Page 6, line 34, delete "Sec. 4. (a)" and insert "**Sec. 2.**".

Page 6, delete lines 36 through 42.

Delete page 7.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 193 as introduced.)

NIEMEYER, Chairperson

Committee Vote: Yeas 9, Nays 1.

SB 193—LS 6570/DI 150



SENATE MOTION

Mr. President: I move that Engrossed Senate Bill 193, which is eligible for third reading, be returned to second reading for purposes of amendment.

NIEMEYER

SENATE MOTION

Mr. President: I move that Senate Bill 193 be amended to read as follows:

Page 4, delete lines 38 through 42.

Page 5, delete line 1, begin a new paragraph and insert:

"Sec. 1. (a) The department shall conduct an onsite inspection of a confined feeding operation:

(1) once within forty-five (45) days of an initial approval under IC 13-18-10; and

(2) once within forty-five (45) days of a renewal of an approval under IC 13-18-10;

to verify compliance with the terms and conditions of the approval. The department may conduct additional onsite inspections if the department determines that there is a substantial need for the inspection."

(Reference is to SB 193 as printed February 5, 2025.)

NIEMEYER

