

STATE/FEDERAL REGULATION OF LIVESTOCK OPERATIONS IN INDIANA

Category of operation	<u>Animal Feeding Operation</u> (Confined animals but fewer than CFO threshold)	<u>Confined Feeding Operation</u> (At least 300 cattle, 600 swine or sheep, 30,000 poultry or 500 horses in confinement)	<u>Concentrated Animal Feeding Operation</u> (At least 700 dairy cows, 1,000 veal calves, 1,000 cattle, 2,500 swine, 10,000 sheep/lambs, 55,000 turkeys, 82,000 hens, 125,000 broilers, 5,000 ducks in confinement)
Number operating in Indiana	-Unknown #	~ 1,300	~ 690 (3 subject to federal law)
Odors	Not regulated	Not regulated	Not regulated
Air Pollutants (hydrogen sulfide, ammonia, particulate matter)	Not regulated	Not regulated	Not regulated
Rodents/Flies	Not regulated	Not regulated	Not regulated
Groundwater contamination (pathogens / nitrates)	Not regulated unless from manure spill	State regulated if from manure storage structures or production areas, but not from farm field run-off*	State regulated if from manure storage structures or production areas, but not from farm field run-off. Federally regulated facilities must comply with NPDES permits which may have groundwater monitoring requirements.*
Groundwater use	Not regulated	Not regulated	Not regulated
Surface water contamination (pathogens / nutrients / sediments)	Not regulated unless from manure spill	State regulated if from manure storage structures or production areas, but not from farm field run-off*	State regulated if from manure storage structures or production areas, but not from farm field run-off. Federally regulated facilities must comply with manure management and storm-water management plans.*
Where a livestock operation can locate	Not regulated	Not regulated	Not regulated
Truck traffic	Not regulated	Not regulated	Not regulated
Property values	Not regulated	Not regulated	Not regulated

* For more detail, see HEC chart on Federal and State Regulation of Discharges From Indiana Livestock Operations

**FEDERAL AND STATE REGULATION OF DISCHARGES
FROM INDIANA LIVESTOCK OPERATIONS**

	Animal Feeding Operations	Confined Feeding Operations	Concentrated Animal Feeding Operations
Type of permit	IDEM permit not required	Must obtain State “CFO Approval” from IDEM	CAFOs that discharge must obtain a federal NPDES permit; CAFOs that don’t discharge may obtain either an NPDES permit or a “CFO Approval” from IDEM [†] (327 IAC 15-16-1)
Public notice of permit application for new facility or expansion	IDEM permit not required.	Must make “reasonable effort” to notify landowners within ½ mile of facility. Notice in newspaper not required (327 IAC 19-8-7).	Must notify all “potentially affected persons” and all adjoining landowners. Also, public notice in local newspaper required. (40 CFR 122.23)
Public participation in permit application process	IDEM permit not required	33-day public comment period; public “informational meeting” may be held at IDEM discretion; no requirement for IDEM to respond to comments. (327 IAC 19-8-7)	30-day (or longer, if necessary) public comment period. Public hearing may be held and IDEM must consider and respond to comments. (40 CFR 124.11 – 124.17)
Groundwater monitoring	No requirements	GWM may be required at IDEM discretion. If required, CFO owner/operator conducts sampling and reports only if statistically significant increase over background levels. (327 IAC 19-10-1)	Same as CFO rule.
Stormwater management	No requirements	“Good housekeeping” BMPs for storm water management and erosion/sediment control. (327 IAC 19-11-2)	Must meet storm water requirements in 40 CFR 122.23(e) and 40 CFR 122.42(e)(1) through 40 CFR 122.42(e)(2).
Manure storage structures – capacity & design requirements	None	180-day storage capacity and 2 feet freeboard required; must be designed to prevent surface water discharge; owner / operator inspection once a week (327 IAC 19-12-4; 327 IAC 19-13-1).	Same as CFO rule. However, existing CAFOs with 120-day capacity (per prior rule) can obtain variance.
Site restrictions for manure storage structures	None	Cannot be built in floodways or over mines. Can be built in karst terrain, 100-year flood plains and soil types expected to have a seasonal high water table. (327 IAC 19-12-2)	Same as CFO rule.

[†] Of the 690 CAFOs in Indiana, all but 3 are deemed not to have discharges and have elected to be subject to the State’s “CFO Approval” requirements – none elected to stay in the federal NPDES program.

Setbacks for manure storage structures	None	1,000 ft. - public wells and intake structures; 300 ft. - surface water, drainage inlets, sinkholes, off-site wells; 100 ft. - on-site wells, property lines, public roads; 400 ft. - off-site residences and public buildings. (327 IAC 19-12-3)	Same as CFO rule.
Land application of manure	No requirements	Land must be owned/controlled by owner/operator (327 IAC 19-14-2); Application rates for P and N; No application on saturated, frozen or snow covered ground except in emergency situations or “case-by-case” basis with approval from IDEM (327 IAC 19-14-4); application setbacks in accordance with Ind. NRCS conservation practice standard 633 (327 IAC 19-14-6).	Must develop and follow a nutrient management plan that is enforceable and subject to public notice and comment requirements. (40 CFR 122.42(e))
Emergency Response	Must comply with “Spill Rule” (327 IAC 2-6.1)	Owner/operator must develop an Emergency Response Plan. Spill must be reported within 2 hours of discovery. (327 IAC 19-13-4). Spill from field run-off or land application done in accordance with rule is not a violation. (327 IAC 19-14-4)	Same as CFO rule.
Disposal of dead animals	May bury on premises at a depth of 4 feet, compost, or store until pick-up by licensed disposal service. (345 IAC 7-7-3)	Must comply with 345 IAC 7-7 and ensure dead animals or liquids from dead animals do not come in contact with ground and surface waters. (IDEM: 327 IAC 19-7-6)	Same as CFO rule.
Enforcement	State only	State only	State and Federal