

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6015**

**BILL NUMBER: SB 25**

**NOTE PREPARED: Oct 9, 2007**

**BILL AMENDED:**

**SUBJECT:** Ordinances Regulating Confined Feeding.

**FIRST AUTHOR:** Sen. Jackman

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:**     **GENERAL**  
                              **DEDICATED**  
                              **FEDERAL**

**IMPACT:** Local

**Summary of Legislation:** The bill provides that local ordinances adopted after April 15, 2008, regulating concentrated animal feeding operations or confined feeding operations may not exceed the requirements of confined feeding control statutes and rules.

**Effective Date:** Upon passage.

**Explanation of State Expenditures:**

**Explanation of State Revenues:**

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:** *Summary-* The bill could impact future local ordinances regulating confined feeding operations (CFOs) or concentrated animal feeding operations (CAFOs), including the imposition of fees and assessment of penalties.

**Background Information:**

*Confined Feeding Operations* - Confined feeding is defined in the Indiana Administrative Code as animal feeding of at least 300 cattle, 600 sheep, 600 swine, or 30,000 fowl for a minimum of 45 days during a 12-month period where vegetation covers less than 50% of land in operation. Additionally, an animal feeding operation is considered to be "confined" if it violates water pollution control laws or Water Pollution Control Board rules. A feeding operation not meeting this defined criteria may voluntarily elect to be

regulated as a CFO or CAFO. As of October 2007, approximately 2,242 regulated farms have a Department of Environmental Management (IDEM) confined feeding approval permit to conduct business as either a CFO or CAFO.

*State Rules Regarding CFOs and CAFOs-* IDEM regulates CFOs and CAFOs in part on the distance or "setback" a proposed CFO's or CAFO's manure application would be from a water source. The maximum water setback under current rule is 500 feet.

*County Ordinances-* County ordinances concern the compatibility of a CFO or CAFO with other property types. Reviewed ordinances of three counties indicate that CFOs and CAFOs maintaining manure waste must operate at a minimum distance of approximately 1,300-1,320 feet from adjacent residential property lines or actual residential structure. If a county has an ordinance regulating land use, generally an applicant for a startup feeding operation will seek operation approval through the county planning or zoning board before applying to IDEM for a permit to operate as a CFO or CAFO.

*Local Fees and Fines-* At least one county collects a filing fee (plus public notification costs) when an applicant appeals to the zoning board for a special exemption to operate a CFO or CAFO. There is a county with an animal waste ordinance that allows for civil penalties to be assessed on violators.

**State Agencies Affected:**

**Local Agencies Affected:** Counties, municipalities.

**Information Sources:** Amy Dillon, Executive Director, Shelby County Plan Commission, 317-392-6338; William MacDaniel, Fayette County Area Plan Commission, 765-825-9808; David Neuman, Decatur County Area Plan Commission, 317-232-2554; Sandra Flum, IDEM, 233-9479; [www.indianaeconomicdigest.net](http://www.indianaeconomicdigest.net).

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