



SRAP
Socially Responsible
Agriculture Project

Guide to Confronting Concentrated Animal Feeding Operations in

INDIANA



Guide to Confronting Concentrated Animal Feeding Operations in INDIANA

**A PROJECT BY SOCIALLY RESPONSIBLE AGRICULTURE PROJECT
WITH THE ASSISTANCE OF MIDWEST ENVIRONMENTAL ADVOCATES, INC.¹**

For more than 20 years, Socially Responsible Agriculture Project (SRAP) has served as a mobilizing force to help communities protect themselves from the damages caused by industrial livestock operations and to advocate for a food system built on regenerative practices, justice, democracy, and resilience. Our team includes technical experts, independent family farmers, and rural residents who have faced the threats of factory farms in their communities. When asked for help, SRAP offers free support, providing communities with the knowledge and skills to protect their right to clean water, air, and soil and to a healthy, just, and vibrant future. For more information, visit www.sraproject.org.

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¹ Midwest Environmental Advocates is a nonprofit environmental law center that works for healthy water, air, land, and government for this generation and the next. For more information, visit midwestadvocates.org.



CAFO Guide Overview

This guide outlines CAFO laws, regulatory processes, and useful resources for advocates. Below is an overview of actions communities can take if a CAFO is being built, expanding, or violating regulations.

EDUCATE YOURSELF

Learn how CAFOs harm communities at sraproject.org. Use this guide to find state agencies that regulate CAFOs; state permitting requirements for zoning, construction, etc.; and public open meetings and records laws. Use SRAP's Federal Guide to learn relevant federal laws like the Clean Water Act, Clean Air Act, and Endangered Species Act.

LOOK FOR PUBLIC NOTICES

Look for public notices of CAFOs in newspapers, state agency websites, and at government buildings. The window for public participation is often brief. Find rules and deadlines for public comment, hearing requests, and appeals. Respond before deadlines.

REQUEST AND REVIEW PUBLIC RECORDS

Search for public records related to the CAFO; if necessary, make a public records request.

NEW OR EXPANDING CAFOS

REVIEW ZONING ORDINANCES

Review municipal or county codes and zoning ordinances to determine if any requirements must be met at the local level.

REVIEW PERMIT APPLICATIONS

Determine if any local, state, or federal permit applications are required; review application materials to make sure all requirements are met.

COLLECT DATA

Test water before the CAFO siting or expansion to establish a baseline. This may show that new pollution came from the CAFO.

EXISTING CAFOS

REVIEW CAFO DOCUMENTS

Review permits, applications, manure management plans, nutrient management plans, monitoring reports, etc. Familiarize yourself with permit and plan provisions so you can spot violations.

COLLECT DATA

Conduct well, soil, water, and/or air testing to establish a connection between the facility and harmful pollution. Keep a log of odor and other impacts.

MONITOR CAFOS AND BUILD A RECORD

Submit complaints to regulators if you observe violations. Take photos and keep a log. Don't trespass!

FOLLOW UP ON AGENCY RESPONSE TO COMPLAINTS

Did the agency take action? If a state agency isn't complying with state or federal environmental laws, contact your U.S. EPA Regional Office.

ORGANIZE A COMMUNITY GROUP

Organize your group and develop a public presence.

Consider forming a nonprofit if you plan long-term advocacy.

SEEK LEGAL ADVICE

Consider contacting law firms or pro-bono clinics for help with legal matters related to CAFOs.

IDENTIFY IMPAIRED WATER BODIES

Determine if impaired waters may be impacted by discharge from the existing or proposed CAFO.

CONTACT STATE OR LOCAL HEALTH DEPARTMENT

The Health Department may monitor or oppose the CAFO due to public health impacts.

CHECK FOR PUBLIC FINANCING

If the CAFO received government-backed loans, see if an Environmental Assessment was conducted.

TRACK PUBLIC NOTICES

CAFO permits come up for renewal, so look for public notices and comment opportunities.

REVIEW STATE RIGHT-TO-FARM LAW

Find exceptions to the law's nuisance liability shield (e.g., compliance with laws and permits is often a prerequisite to nuisance claim protection).

AGENCIES & STATE DEFINITIONS

Familiarize yourself with your state's livestock operation definitions, and with the agencies that regulate the industry. (Definitions and relevant agencies vary by state.)

SEEK PROPERTY TAX ADJUSTMENT

Neighbors may be able to reduce their property taxes due to CAFOs' negative impact on property values.

ENGAGE IN RULEMAKING PROCESSES

Attend regulatory meetings and share your concerns. If your state allows it, develop local ordinances to protect communities.

INTRODUCTION: A BRIEF HISTORY OF CAFOs IN INDIANA

In 1971, Indiana became one of the first states to regulate livestock operations when it enacted a statute to govern confined feeding operations (CFOs).¹ As of 2007, approximately 620 out of the 2,260 CFOs in Indiana are concentrated animal feeding operations (CAFOs). The majority of CFOs in Indiana are swine farms, totaling 70% of the state's permitted CFOs.² The other top livestock categories are beef at 3.5%, chickens at 6.6%, and dairy at 8.1% of the state's total permitted CFOs.³

CFOs and CAFOs are becoming increasingly popular in Indiana; as of 2008, most counties had at least one CFO, and some counties had more than 50 CFOs, including Carroll, Dubois, and Wabash.⁴ Multiple agribusiness facilities in Indiana have directly discharged pollutants into the state's waterways.⁵ These facilities must be regulated to protect the health of Indiana's environment and residents from dangerous water pollution, especially given the state's seasonally high water tables and Karst terrain. (Karst is a landscape formed by soluble rocks, such as limestone, which makes groundwater particularly susceptible to contamination.⁶)

The Indiana Department of Environmental Management (IDEM) regulates CFOs and CAFOs within Indiana. IDEM issues both CFO Permits and permits for CAFOs under the National Pollutant Discharge Elimination System (NPDES). The regulatory and permit process are discussed at length below.

CAFOs: STATE DEFINITIONS & REGULATORY AGENCIES

What is a CAFO?

Indiana distinguishes between confined feeding operations (CFOs) and concentrated animal feeding operations (CAFOs) based on the number of animals

¹ Alan Sutton, et al., *What is a CFO, CAFO?*, PURDUE EXTENSION, p 1.

² Alan Sutton, et al., *What is a CFO, CAFO?*, PURDUE EXTENSION, p 2.

³ Alan Sutton, et al., *What is a CFO, CAFO?*, PURDUE EXTENSION, p 2.

⁴ Michael F. Thompson, *Major Livestock and Poultry Operations Across Indiana: A Census of CFOs and CAFOs*, In Context, Indiana Business Center, March 2008, <http://www.incontext.indiana.edu/2008/march/1.asp>.

⁵ John Rumpler, Environment America Research & Policy Center, *Corporate Agribusiness and the Fouling of America's Waterways*. 2016, p 30.

⁶ B.D. Lee, et al., *Karst Terrain and High Seasonal Water Tables: Their Importance for Siting Concentrated Animal Feeding Operations*, PURDUE EXTENSION, p 1.

at a particular operation. CFOs are feeding operations that will confine, feed, and maintain animals for 45 days or more during a year and do not have ground cover or vegetation present over at least half of the confinement area. CFOs have at least 300 cattle, 600 swine or sheep, 30,000 poultry, or 500 horses.⁷

CAFOs are CFOs that meet the following animal population thresholds:

Animal Type	CAFO Threshold Numbers
Mature dairy cow	700 or more
Veal calves	1,000 or more
Cattle other than mature dairy cows	1,000 or more
Swine (>55 lbs.)	2,500 or more
Swine (<55 lbs.)	10,000 or more
Horses	500 or more
Sheep or lambs	10,000 or more
Turkeys	55,000 or more
Laying hens or broilers with a liquid manure handling system	30,000 or more
Broilers with a solid manure handling system	125,000 or more
Laying hens with a solid manure handling system	82,000 or more
Ducks with a solid manure handling system	30,000 or more
Ducks with a liquid manure handling system	5,000 or more

CFOs and CAFOs are subject to regulation by the Indiana Department of Environmental Management (IDEM), which has authority over the Confined Feeding Program under the Confined Feeding Control Law, found at IC 13-18-10.

IDEM approval is required before construction of a new CFO or expansion of an existing CFO for animal population or manure storage capacity. Specifically, CFOs and CAFOs that do not discharge manure or pollutant water need approval under

⁷ IDEM, About Confined Feeding Operations and Concentrated Animal Feeding Operations, <https://www.in.gov/idem/cfo/about-confined-feeding-operations-and-concentrated-animal-feeding-operations/>.

327 IAC 19, each having separate requirements. CFOs and CAFOs that do discharge manure or pollutant water to waters of the state need a NPDES CAFO Individual Permit under 327 IAC 15-16. CFOs are required to have one of these two permits.⁸

In Indiana, “Waters” for purposes of water pollution laws means:

1. The accumulations of water, surface and underground, natural and artificial, public and private; or
2. A part of the accumulations of water; that are wholly or partially within, flow through, or border upon Indiana.

This definition does not include:

1. An exempt isolated wetland;
2. A private pond; or
3. An off-stream pond, reservoir, wetland, or other facility built for reduction or control of pollution or cooling of water before discharge.⁹

Responsible Regulatory Agencies

When confronting a new or expanding operation, it’s helpful to know the state agencies that regulate these facilities. Note that some agencies are more involved than others.

State Natural Resources Agencies

[Indiana Department of Environmental Management \(IDEM\)](https://www.in.gov/idem/) implements “federal and state regulations to protect human health and the environment while allowing environmentally sound operations of industrial, agricultural, commercial and government activities vital to a prosperous economy.”¹⁰ IDEM issues no-discharge permits and permits to discharge pollutants to waters of the state. First, the Permit Staff reviews applications for CFO Approvals and NPDES CAFO individual permits. Second, the Compliance Staff conducts inspections to ensure compliance with the

⁸ IDEM, About Confined Feeding Operations and Concentrations Animal Feeding Operations, <https://www.in.gov/idem/cfo/about-confined-feeding-operations-and-concentrated-animal-feeding-operations/>; see also Alan Sutton, et al., *What is a CFO, CAFO?*, PURDUE EXTENSION, PURDUE EXTENSION, p 1.

⁹ IC 13-11-2-265. See also 327 IAC 19-2-49.

¹⁰ IDEM, IDEM’s Mission Statement, <https://www.in.gov/idem/about/idems-mission-statement/> .

confined feeding rules. The Enforcement Section Staff enacts enforcement if a CFO violates the confined feeding rules.¹¹

[Natural Resources Conservation Service of Indiana](#) offers programmatic resources to farmers.¹²

[Indiana Office of Water Quality \(OWQ\)](#) has responsibility over the NPDES program.¹³

State Agricultural Agencies

[Indiana State Department of Agriculture](#) is not involved with NPDES CAFO permitting or compliance.¹⁴

[The Indiana State Board of Animal Health \(BOAH\)](#) “monitors the overall health of Indiana’s livestock population, develops animal care standards, and operates the Meat and Poultry Inspection Program in line with the USDA Food Safety Inspection Service.”¹⁵

State Department of Health

The Indiana State Board of Health (ISBH) and Stream Pollution Control Board previously controlled Indiana’s NPDES program until 1986.¹⁶ While the [Department of Health](#) and local health boards do not regulate animal operations, they may be a resource since they collect health-related information and provide information on services like well testing.

¹¹ IDEM, About Confined Feeding Operations and Concentrations Animal Feeding Operations, <https://www.in.gov/idem/cfo/about-confined-feeding-operations-and-concentrated-animal-feeding-operations/>.

¹² Natural Resource Conservation Service Indiana, Environmental Quality Incentives Program, <https://www.nrcs.usda.gov/programs-initiatives/eqip-environmental-quality-incentives/indiana/environmental-quality-incentives> .

¹³ IDEM, National Pollutant Discharge Elimination System (NPDES), <http://www.in.gov/idem/cleanwater/2429.htm>.

¹⁴ U.S. Environmental Protection Agency, State Compendium: Program and Regulatory Activities Related to Animal Feeding Operations, <https://www3.epa.gov/npdes/pubs/statecom.pdf> .

¹⁵ PURDUE EXTENSION, *County Regulation of Confined Feeding Operations in Indiana: An Overview*, January 2016, p 3, <https://www.cdext.purdue.edu/wp-content/uploads/2016/03/CFO-Final-Report-Overview-January-2016.pdf>; see also 327 IAC 19-4-1(b)(5).

¹⁶ IDEM, National Pollutant Discharge Elimination System (NPDES), <http://www.in.gov/idem/cleanwater/2429.htm> (last visited Jul. 15, 2016).

Local Conservation Districts

Indiana has 92 Soil and Water Conservation Districts (SWCDs). The [Indiana Association of Soil and Water Conservation Districts \(IASWCD\)](#) promotes and enhances state-level conservation through legislative advocacy, public outreach, and member support. “IASWCD represents the interests of local Districts as one voice, and assists their leadership through coordination and education for the wise use and management of our natural resources.”¹⁷

Since conservation districts have useful local knowledge and expertise, consider contacting them for information. Find their contact information [online](#).¹⁸

U.S. EPA Region 5 Contacts

[Region 5 of the Environmental Protection Agency \(U.S. EPA\)](#) has oversight authority over Indiana’s NPDES program.¹⁹ Find a description of the Region 5 NPDES program, along with contact information, on the [Program’s website](#).²⁰ Like most states, Indiana has authority to issue water pollution permits to regulated industries in the state. However, U.S. EPA retains oversight authority to take enforcement action when states aren’t meeting minimal federal requirements such as those outlined in the Clean Water Act. Therefore, U.S. EPA CAFO contacts are important if you’re tracking specific CAFOs or have questions about a state CAFO program’s compliance with federal laws. See the Federal Guide for more information on the interplay between states and the U.S. EPA.

WATER

Indiana Pollutant Discharge Elimination System Program

Discharging versus “no discharge” CAFOs

¹⁷ Indiana Association of Soil and Conservation Districts, <http://iaswcd.org/> (last visited Jul. 15, 2016).

¹⁸ Indiana Association of Soil and Conservation Districts, Contact Your Local SWCD,

<http://iaswcd.org/contact-your-local-swcd/> (last visited Jul. 15, 2016).

<http://wordpress.iaswcd.org/?p=290>

¹⁹ IDEM, National Pollutant Discharge Elimination System (NPDES),

<https://www.in.gov/idem/cleanwater/wastewater-permitting/national-pollutant-discharge-elimination-system-npdes/>.

²⁰ U.S. Environmental Protection Agency, Region 5 National Pollutant Discharge Elimination System (NPDES), <https://www.epa.gov/npdes>

One of the first determinations a resident should make if concerned about a particular livestock operation is the type of permit with which the operation must comply. Feeding operations must receive approval from IDEM before construction, expansion, or operation of the facility.²¹ IDEM issues two types of permits: The CFO no-discharge permit and the National Pollutant Discharge Elimination System (NPDES) CAFO Individual Permit. CFOs that “will not be discharging manure or pollutant-bearing water” can apply for a CFO no-discharge permit.²² CFOs and CAFO-sized confined feeding operations that “will be discharging manure or pollutant-bearing water to waters of the state must apply for an NPDES CAFO Individual Permit.”²³

Any CFO or CAFO in Indiana must obtain one of these permits, but not both. When a feeding operation does not intend to discharge manure or pollutant-bearing water, it must receive CFO Approval under 327 IAC 19. A CFO or CAFO must obtain an NPDES permit if it has significant pollution discharge or plans to treat manure and discharge-treated effluent that meets state water quality standards.²⁴ These feeding operations must receive an NPDES CAFO Individual Permit under 327 IAC 15-16. CAFOs in Indiana must acquire an NPDES permit for discharges or potential discharges of water contamination.²⁵ This CAFO rule incorporates the federal NPDES CAFO regulations.

The NPDES program controls point source discharges of pollutants, “such that the quality of the water of the State is maintained in accordance with the standards contained in 327 IAC 2.” Under 327 IAC 5-2-2, “any discharge of pollutants into waters of the State as a point source discharge, except for exclusions made in 327 IAC 5-2-4, is prohibited unless in conformity with a valid NPDES permit obtained prior to discharge.”²⁶

Wetlands

In some cases, impacts on wetlands from a new or expanding CAFO may provide another way to review, comment on, and potentially decrease the environmental impacts of the operation.

²¹ IC 13-18-10-1.

²² IDEM, CFO Permit Requirements, <https://www.in.gov/idem/cfo/cfo-permit-requirements/>.

²³ IDEM, CFO Permit Requirements, <https://www.in.gov/idem/cfo/cfo-permit-requirements/>

²⁴ Alan Sutton, et al., *What is a CFO, CAFO?*, PURDUE EXTENSION, PURDUE EXTENSION, p 1.

²⁵ Alan Sutton, et al., *What is a CFO, CAFO?*, PURDUE EXTENSION, PURDUE EXTENSION, p 1.

²⁶ IDEM, National Pollutant Discharge Elimination System (NPDES), <http://www.in.gov/idem/cleanwater/2429.htm> (last visited Jul. 15, 2016).

The Clean Water Act authorizes states to issue a State Water Quality Certification (401 Certification) for any activity or project that may result in a discharge into waters of the United States.²⁷ Projects subject to 401 Certification most commonly include irrigation or filling of wetlands. 401 Certification requires the state to determine that a project will not violate surface water quality standards or harm impaired waters, and that a project complies with applicable state regulations. If a wetland or stream will be impacted by a confinement operation, IDEM must issue a 401 Water Quality Certification before the federal permit or license can be granted.²⁸ If the project involved dredge or fill of wetlands, the operator must also obtain a 404 permit from the U.S. Army Corps of Engineers. Find more information and [401 certification requirements](#) on the in.gov website, under [Wetlands, Lakes, and Streams](#).²⁹

Water Quantity

Indiana CAFOs that use large quantities of water may need to comply with water use regulations in addition to the water pollution requirements above. Water quantity reporting and permitting provides another opportunity to direct questions and report violations to state authorities.

A significant water withdrawal facility (SWWF) is the “water withdrawal facilities of a person that, in the aggregate from all sources and by all methods, has the capability of withdrawing more than one hundred thousand (100,000) gallons of ground water, surface water, or ground and surface water combined in one (1) day.”³⁰ SWWFs must register with the Natural Resource Commission according to IC 14-25-7-15© and report annual water usage to the Commission within three months after the end of a year. The Commission must maintain an inventory of these significant water uses.³¹ For more detail, see IC 14-25-3.

²⁷ Clean Water Act, 33 U.S.C. § 1341 (West 2016).

²⁸ IDEM, Section 401 Water Quality Certification, <https://www.in.gov/idem/wetlands/information-about/section-401-water-quality-certification/>

²⁹ IDEM, Section 401 Water Quality Certification, <http://www.in.gov/idem/wetlands/2344.htm> (last visited Jul. 28, 2016); IDEM, Wetlands, Lakes and Streams Regulation, <http://www.in.gov/idem/wetlands/index.htm> (last visited Jul. 28, 2016).

³⁰ IC 14-25-7-15

³¹ IDEM, Significant Water Withdrawal Facility (SWWF) Registration – Indiana Code 14-25-7-15, <http://www.in.gov/dnr/water/4847.htm> (last visited Jul. 27, 2016).

Find SWWF registration instructions and forms [online](#),³² and find data for existing Indiana SWWFs in the [SWWF Database](#).³³

Water Quality

Impaired Water Bodies

A main goal of the Clean Water Act is to keep clean waters clean and to improve the quality of polluted—also known as impaired—waters. Every two years, OWQ creates Indiana’s 303(d) List of Impaired Waters in conjunction with Indiana’s Integrated Water Monitoring and Assessment Report. This report is submitted to the U.S. EPA as required by the Clean Water Act.³⁴ Waters are considered impaired and must be placed on the 303(d) list when they “do not or are not expected to meet applicable state water quality standards with federal technology-based standards alone.”³⁵

The most recent report, submitted to U.S. EPA in April 2016, noted that about 68% of assessed streams can fully support aquatic life, 27% of streams can fully support full body contact recreational use, and 0% of shoreline waters can support full body contact recreational use.³⁶ This means that many of Indiana’s waters are impaired. Both U.S. EPA and IDEM have public databases you can use to determine whether a specific water body is impaired, and the likely source of impairment.³⁷

Considerations for CAFOs with discharge permits

The quality of the water into which a CAFO, or any permitted facility, discharges is important because the Clean Water Act requires water pollution permits to include limits that incorporate and protect water quality standards.³⁸ These considerations are complex, so if you’re reviewing a water pollution permit and have specific concerns about water quality standards, consider contacting scientific experts for

³² IDEM, Significant Water Withdrawal Facility (SWWF) Registration – Indiana Code 14-25-7-15, <http://www.in.gov/dnr/water/4847.htm> (last visited Jul. 27, 2016).

³³ IDEM, Significant Water Withdrawal Facility Data, <http://www.in.gov/dnr/water/4841.htm> (last visited Jul. 27, 2016).

³⁴ IDEM, Section 303(d) List of Impaired Waters, <http://in.gov/ideM/nps/2647.htm> (last visited Jul. 15, 2016).

³⁵ IDEM, Section 303(d) List of Impaired Waters, <http://in.gov/ideM/nps/2647.htm> (last visited Jul. 15, 2016).

³⁶ IDEM, Indiana Integrated Water Monitoring and Assessment Report to the U.S. EPA, (2022) https://www.in.gov/ideM/nps/files/ir_2022_report.pdf.

³⁷ IDEM, Impaired Waters (E303d) Tutorial, <http://in.gov/ideM/nps/3474.htm>.

³⁸ See 33 U.S.C. §§ 1311(a), 1342(a) (West 2016); see also 40 C.F.R. § 131.10(b) (West 2015).

help. State organizations listed at the end of this guide may be able to offer information about technical experts and other assistance.

Considerations for other livestock operations

If you're concerned about a new or expanding livestock operation, determine whether it will be in a watershed with projects funded by U.S. EPA to address nonpoint pollution such as runoff from agricultural fields.

Indiana receives federal funding for projects that support watershed work.³⁹ Under the federal Clean Water Act, 319 funding supports projects designed to reduce nonpoint source water pollution. This funding is for conducting assessments, developing total daily maximum loads (TMDLS), and demonstrating new technology. Find details on current 319 projects, how to apply for new 319 grants, and other details about the national 319 grant program on the [program's website](#).⁴⁰

Under the Farm Bill, the Environmental Quality Incentives Program (EQIP) promotes agricultural production and environmental quality, providing farmers and ranchers with "financial and technical assistance to implement structural and management conservation practices that optimize environmental benefits on working agricultural land."⁴¹ Find details on the national program and an Indiana factsheet on the [program's website](#).⁴²

The contribution of agricultural and other nonpoint source pollution is a significant factor in defining priority watersheds. As such, you should argue that it's an inefficient use of taxpayer dollars to allow unregulated water pollution from CAFOs, particularly in these priority areas.

³⁹ IDEM, Funding, <http://www.in.gov/idem/nps/2350.htm> (last visited Jul. 15, 2016).

⁴⁰ IDEM, Clean Water Act Section 319(h) Grants, <http://www.in.gov/idem/nps/2524.htm> (last visited Jul. 15, 2016).

⁴¹ Natural Resource Conservation Service, Environmental Quality Incentives Program – Indiana, <https://www.nrcs.usda.gov/programs-initiatives/eqip-environmental-quality-incentives/indiana/environmental-quality-incentives>

⁴² Natural Resource Conservation Service, Environmental Quality Incentives Program – Indiana, <https://www.nrcs.usda.gov/programs-initiatives/eqip-environmental-quality-incentives/indiana/environmental-quality-incentives>

CAFO Construction

IDEM approval is required before any CFO can be constructed, operated, or expanded for increased animal capacity or manure containment capacity.⁴³ CFO construction may begin within five years of IDEM approval for operations that were approved on or after July 1, 2014. The approval may be renewed to complete construction. (Operations approved before this date must begin construction within two years and complete construction within four years.) If a CFO's approval expired within this two- and four-year schedule, they can request an approval amendment and renew approval according to IC 13-18-10-2©.⁴⁴

Regulations for construction of new liquid and solid manure waste management storage systems are found in 327 IAC 15-16-8-1. For example, these waste management systems may not be constructed in karst areas, floodways, 100-year flood plains, or soils with seasonal high water tables.⁴⁵

CAFO Inspections

To comply with production area effluent limitations and other requirements, permitted CAFOs must conduct weekly inspections. These inspections cover storm water diversion devices, runoff diversion devices, devices channeling contaminated storm water to other areas, and manure and process wastewater impoundments. They must also conduct daily inspection of water lines coming into contact with manure, litter, or process wastewater near the production area.⁴⁶

IDEM conducts inspections of construction of new buildings and manure storage structures.⁴⁷ IDEM may conduct random inspections during construction to ensure that construction is consistent with the approved plans. Inspections include structure location, grades of reinforcement steel, etc. IDEM takes enforcement action if the construction notification is not provided as required.⁴⁸

⁴³ IDEM, [CFO Permit Requirements](https://www.in.gov/idem/cfo/cfo-permit-requirements/), <https://www.in.gov/idem/cfo/cfo-permit-requirements/>; see also IC 13-18-10-1.

⁴⁴ IC 13-18-10-2, <https://iga.in.gov/legislative/laws/2015/ic/titles/013/articles/018/chapters/010/>

⁴⁵ B.D. Lee, et al., *Karst Terrain and High Seasonal Water Tables: Their Importance for Siting Concentrated Animal Feeding Operations*, PURDUE EXTENSION, p 1.

⁴⁶ 327 IAC 15-16-7(f).

⁴⁷ IDEM, [CFO Permit Requirements](https://www.in.gov/idem/cfo/cfo-permit-requirements/), https://www.in.gov/idem/cfo/cfo-permit-requirements

⁴⁸ IDEM, [CFO Permit Requirements](https://www.in.gov/idem/cfo/cfo-permit-requirements/), https://www.in.gov/idem/cfo/cfo-permit-requirements; see also 327 IAC 19-12-4(r).

Inspection and complaint information could be useful if you need monitoring and related data when considering legal or related action against an operation. See the Federal Guide for more information on data and other necessary precursors to Clean Water Act citizen suits.

Review permit(s) for any facility of concern and understand the owner's obligation with respect to government monitoring and site visits. Check the IDEM website for publicly available state monitoring and inspection information to save yourself the time and expense of submitting open records requests for data.

For more information on inspections and compliance, see 327 IAC 19, 327 IAC, 15-16, IC 13-18-4-5, IC 13-30-2-1, IC 13-18-10-2.1, 327 IAC 2-1-6, 327 IAC 2-6.1, IC 13-18-10-1, IC 13-18-10-2.1(d).

AIR

Indiana must monitor and limit certain air pollutants to comply with the federal Clean Air Act.⁴⁹ IDEM's Office of Air Quality (OAQ) is responsible for regular air monitoring and analysis. OAQ focusses on criteria pollutants, such as carbon monoxide, lead, and sulfur dioxide.⁵⁰ Many emissions from CAFOs can be very dangerous to public health, including hydrogen sulfide, ammonia, and organic dust.⁵¹ However, as in many states, air pollution statutes and regulations in Indiana are not structured to address air quality impacts from large-scale agricultural operations.

OAQ allows burning of waste in emergency situations, as long as there is prior approval. Emergency burning of "clean wood waste, vegetation, or animal remains after floods, high winds, tornadoes, or other natural disasters" is sometimes authorized by IDEM.⁵²

Excessive odors are regulated through manure application setbacks. Land application sites and bordering areas must be monitored based on color, flow,

⁴⁹ IDEM, Air Quality in Indiana, <http://www.in.gov/idem/airquality/index.htm> (last visited Jul. 15, 2016).

⁵⁰ IDEM, Air Toxics Program, <http://www.in.gov/idem/toxic/> (last visited Jul. 15, 2016).

⁵¹ Samantha K. Wall, et al., *CAFOs and Public Health: Emissions and the Respiratory Health of Neighbors*, <https://www.extension.purdue.edu/extmedia/ID/cafo/ID-358-W.pdf> (last visited Jul 15, 2016).

⁵² IDEM, Open Burning that Requires IDEM's Prior Approval, <https://www.in.gov/idem/openburning/open-burning-that-requires-idems-prior-approval/>

volume, and odor or change in odor. Land application must cease immediately if “there is evidence of manure or process wastewater discharging from the field tile outlet.”⁵³ Note that IDEM does not regulate odors from farms, but offers farmers guidance on best management practices to reduce odors.⁵⁴

The inapplicability of air pollution laws and regulations to CAFOs is understandably concerning for residents who are impacted by odors, air pollution, and related nuisance from these operations. However, if an operation is reliant upon a manure processing plant or similar facility that accepts CAFO waste, these facilities may be subject to the state’s air pollution statutes and regulations. You should also confirm these facilities are in compliance with hazardous substances emissions limits.

For pollutant thresholds that apply under the federal Clean Air Act, see the Federal Guide.⁵⁵

ZONING

Since local governments are often the first to know of proposals for CAFOs to locate or expand in the community, it’s crucial to know your local elected officials and establish working relationships with them.

Local governments in Indiana have jurisdiction over zoning and development issues, such as issues with property values, road traffic, and odors.⁵⁶ As such, you can work with local government to address zoning laws and land use.⁵⁷ As of 2015, 64 counties (out of a total of 81 counties with zoning ordinances) in Indiana have specific CFOs

⁵³ 327 IAC 19-14-6.

⁵⁴ IDEM, Environmental Benefits and Impacts, <http://www.in.gov/idem/cfo/2343.htm> (last visited Jul. 15, 2016).

⁵⁵ See also http://environmentalintegrity.org/pdf/publications/CAFOAirEmissions_white_paper.pdf

⁵⁶ PURDUE EXTENSION, *County Regulation of Confined Feeding Operations in Indiana: An Overview*, January 2016, p 2, <https://www.cdext.purdue.edu/wp-content/uploads/2016/03/CFO-Final-Report-Overview-January-2016.pdf>.

⁵⁷ PURDUE EXTENSION, *County Regulation of Confined Feeding Operations in Indiana: An Overview*, January 2016, p 2, <https://www.cdext.purdue.edu/wp-content/uploads/2016/03/CFO-Final-Report-Overview-January-2016.pdf>.

zoning ordinances.⁵⁸ The ordinances may “designate districts in which a CFO is allowed, define buffers or separation distances from other uses such as residences or schools, or in some cases, protect the CFO or other agricultural business from the impact of other types of development.”⁵⁹

For more information on local zoning rules, see Purdue Extension’s [County Regulation of Confined Feeding Operations in Indiana](#).⁶⁰

In sum, local government decision-making is crucial, particularly for protecting local public health and safety, which are “traditional” areas of local control. Learn more about your local government here:

- **Counties:** <http://www.indianacounties.org/>
- **Cities and Towns:** <http://www.in.gov/core/mylocal/>

PERMITTING & PUBLIC PARTICIPATION

Permitting of Liquid Waste Management Systems

CFOs and CAFOs must receive approval from IDEM under 327 IAC 19 if they do not discharge manure or pollutant-bearing water. This approval is called a Confined Feeding Operation Permit or CFO Approval.⁶¹ The purpose of 327 IAC 19 is to “impose construction and operational requirements for CFOs in order to implement IC 13-18-10; and protect human health and the environment from threats to water quality.”⁶² Approval is required before construction or expansion of a CFO is permitted.⁶³

⁵⁸ PURDUE EXTENSION, *County Regulation of Confined Feeding Operations in Indiana: An Overview*, January 2016, p 2, <https://www.cdext.purdue.edu/wp-content/uploads/2016/03/CFO-Final-Report-Overview-January-2016.pdf>.

⁵⁹ PURDUE EXTENSION, *County Regulation of Confined Feeding Operations in Indiana: An Overview*, January 2016, p 4, <https://www.cdext.purdue.edu/wp-content/uploads/2016/03/CFO-Final-Report-Overview-January-2016.pdf>.

⁶⁰ PURDUE EXTENSION, *County Regulation of Confined Feeding Operations in Indiana: An Overview*, January 2016, <https://www.cdext.purdue.edu/wp-content/uploads/2016/03/CFO-Final-Report-Overview-January-2016.pdf>.

⁶¹ IDEM, [CFO Permit Requirements](https://www.in.gov/ide/cfo/cfo-permit-requirements), <https://www.in.gov/ide/cfo/cfo-permit-requirements>

⁶² 327 IAC 19-1-1.

⁶³ 327 IAC 19-1-2.

Approved CFOs must submit a manure management plan to the commissioner, with specific requirements listed in 327 IAC 19-14-5. These CFOs must also comply with manure application requirements listed in 327 IAC 19-14.⁶⁴

CFO permit application requirements are found in 327 IAC 19-7-1. Approved permits are effective for a fixed term that does not exceed five years.⁶⁵ CFO Approval may be “amended, revoked and reissued, or revoked for causing or threatening to cause harm to the environment.”⁶⁶ Instructions for permit renewals are found in 327 IAC 19-8-2. Instructions for approval amendments and notification are found in 327 IAC 19-8-3.

Permitting for “Discharging” CAFOs

CFOs and CAFOs must receive approval from IDEM under 327 IAC 15-16 to discharge manure or pollutant-bearing waters to the waters of Indiana. This approval is under a NPDES CAFO Individual Permit.⁶⁷ 327 IAC 15-16 incorporates the federal NPDES regulations for CAFOs.⁶⁸ Any CAFO that intends to discharge to waters of the state must receive prior approval from IDEM before construction or operation.⁶⁹

327 IAC 15-16-7 explains specific performance standards and effluent limitations for process wastewater and manure handling. 327 IAC 15-16-9 explains requirements for nutrient management plans.

Find application requirements for a CAFO NPDES permit in 327 IAC 15-16-5. CAFO NPDES permits are effective for a five-year period after issuance. Find instructions to renew a permit in 327 IAC 15-16-6.

Public Notices

327 IAC 19-8-7 sets guidelines for public comment periods and notification for CFO permit and CAFO NPDES applications. An applicant must make a reasonable effort to provide public notice within 10 days after applying to construct or expand a CFO.⁷⁰ Notice must be given to the respective county executive, and to each landowner or

⁶⁴ 327 IAC 19-6-1(b).

⁶⁵ 327 IAC 19-8-1.

⁶⁶ 327 IAC 19-4-1(b)(3).

⁶⁷ IDEM, [CFO Permit Requirements](https://www.in.gov/idem/cfo/cfo-permit-requirements/), <https://www.in.gov/idem/cfo/cfo-permit-requirements/>.

⁶⁸ 327 IAC 15-16-1.

⁶⁹ 327 IAC 15-16-1.

⁷⁰ 327 IAC 19-8-7.

occupants which are one-half mile or less from (1) the proposed footprint of CFO location's livestock production structure or manure storage facility and (2) the proposed footprint of CFO expansion's livestock production structure or the expanded area of a livestock production structure.⁷¹ Find instructions for submitting notice in 327 IAC 19-8-7(a).

IDEM must accept written comments for 33-days after public notice is given or mailed.⁷² The commissioner has discretion to hold a public meeting on the approval application in cases where environmental concerns are raised regarding relevant laws.⁷³

For NPDES CAFO Individual Permits, the commissioner must make draft general permits available for public comment for at least 30 days.⁷⁴ When applying to expand a CAFO to increase animal or manure containment capacity, the operator must comply with the public notice and comment requirements in 327 IAS 19-8-7, explained above.⁷⁵ Per 40 CFR 122.42(e), IDEM must public notice substantial changes to a CAFO's nutrient manage plan for seven days. Then, the owner may not implement the changes until the public comment period ends and IDEM approves the changes.⁷⁶

Draft Permits

327 IAC 15-2-2.3 governs the public notice and comment process for draft permitting decisions regarding the NPDES CAFO Program. Per Section 402 of the Clean Water Act, the "commissioner shall make draft general permits available for public comment for not less than 30 days."⁷⁷

For guidance on submitting comments and participating in a public hearing, see the Federal Guide and Community Organizing Guide.

⁷¹ 327 IAC 19-8-7(a).

⁷² 327 IAC 19-8-7(b).

⁷³ 327 IAC 19-8-7(c).

⁷⁴ 327 IAC 15-2-2.3.

⁷⁵ 327 IAC 15-16-5.

⁷⁶ 327 IAC 15-16-9(j).

⁷⁷ 327 IAC 15-2-2.3.

Permit Appeals

327 IAC 19-1-2 explains how to appeal IDEM decisions. The commissioner's final decision to "approve, deny, revoke, amend, require an approval, or impose additional requirements under this article is appealable under IC 4-21.5."⁷⁸ An appeal must be filed in writing with the Office of Environmental Adjudication within 18 days of the decision's mailing date.⁷⁹ The documentation of the commissioner's decision will include information on appeal rights.⁸⁰ Learn more about filing permit appeals on IDEM's Permit Appeals Procedures website.⁸¹

Submitting Complaints to IDEM

If a CFO or CAFO is already operating, it's often up to community members to hold the facility accountable and build a record of non-compliance issues. Therefore, it's important to understand what's required of the operation and where to report violations. IDEM's Complaint Coordinator accepts complaints, including those regarding manure handling and storage, wetland activities, and storm water run-off. You can submit complaints to IDEM via phone, online complaint forms, and mail. IDEM should take action within 30 days of receiving a complaint.

Find instructions for filing complaints with IDEM, submission forms, and guidance on information to include when filing a complaint on IDEM's ["File a Complaint" website](#).⁸² Also, see the Federal Guide and Community Organizing Guide.

RIGHT TO FARM & NUISANCE LAWS

The purpose of the Indiana Right to Farm Law is to "reduce the loss to the state of its agricultural resources by limiting the circumstances under which agricultural operations may be deemed to be a nuisance."⁸³ The practical impact of the Law is to make it very difficult for residents to file private nuisance lawsuits against agricultural operations. For example, you may be able to file a private nuisance lawsuit for

⁷⁸ 327 IAC 19-1-3.

⁷⁹ IDEM, [CFO Permit Requirements](https://www.in.gov/idem/cfo/cfo-permit-requirements/), <https://www.in.gov/idem/cfo/cfo-permit-requirements/>.

⁸⁰ 327 IAC 19-1-3.

⁸¹ IDEM, Permit Appeals Procedures, <http://www.in.gov/idem/cleanwater/2481.htm> (last visited Jul. 15, 2016).

⁸² IDEM, File A Complaint, <http://www.in.gov/idem/5274.htm>.

⁸³ IC 32-30-6-9-b.

unpleasant odors from a facility that burns garbage, but the same sort of lawsuit is not legally feasible against a large-scale farm.

Under Indiana's Right to Farm Law, an agricultural operation does not become a public or private nuisance by any changed conditions near the locality when it has continuously operated in the location for more than one year and the following conditions exist:

- No significant change in the type of operation, not including conversion to another type of agricultural operation, change in size or ownership, or enrollment or removal from a government program.
- The operation would not have been a nuisance at the time it began at that location.⁸⁴

The legal result of the Right to Farm Law is to discourage residents from working with private attorneys to bring nuisance claims against neighboring farms for threats to use and enjoyment of property, such as air pollution. For example, in 2003, the Indiana Court of Appeals held that the Right to Farm Law barred a CAFO neighbor's claims that the "operation produced offensive odors, devalued their property, and caused discomfort, inconvenience, and personal injury."⁸⁵ Until the Right to Farm Law is successfully legally challenged or changed by the Indiana Legislature, alternatives to a nuisance claim against an agricultural operation are more likely to afford restitution to concerned residents.

ENFORCEMENT

For the most recent review of IDEM's enforcement program, see U.S. EPA Region 5's 2005 report.⁸⁶

⁸⁴ IC 32-30-6-9-d.

⁸⁵ *Parker v. Obert's Legacy Dairy, LLC*, 998 NE2d 319 (Ind. Ct. App. 2013).

⁸⁶ U.S. Environmental Protection Agency, Region 5 Review of Indiana DEM Enforcement Program Federal Fiscal Year 2005, September 2006, <https://www.epa.gov/sites/production/files/2013-09/documents/srf-rd1-rev-in.pdf>.

Fines/Penalties

IDEM determines fines and penalties based “on the magnitude of the violation, the potential harm to human health and the environment, the economic benefit gained by the violator by not complying, and the violator’s efforts to achieve compliance.”⁸⁷

IDEM assesses civil penalties in accordance with its [Civil Penalty Policy](#), under IC 13-30-4.⁸⁸

PUBLIC INFORMATION LAWS

Freedom of information is given under the Indiana Access to Public Records Act and the Indiana Open Door Law.⁸⁹ The Indiana Access to Public Records Act is a list of laws with the purpose of guaranteeing that “all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees.”⁹⁰

The intent of the Indiana Open Door Law is that “the official action of public agencies be conducted and taken openly, unless otherwise expressly provided by statute, in order that the people may be fully informed.”⁹¹

The National Freedom of Information Coalition has state-specific resources for Indiana, including a sample records request, which shows how to request a waiver of fees for processing an open records request when the request is for public interest purposes.⁹²

Note that although public entities like municipalities must comply with FOIA, each local government may have a unique way of accepting and providing public records. Contact local government officers for more information, keeping in mind

⁸⁷ IDEM, Enforcement, <https://www.in.gov/idem/legal/enforcement/>

⁸⁸ IDEM, Nonrule Policy Document, [Civil Penalty Policy](#), April 5, 1999, <https://www.in.gov/idem/oe/nrp/civil.html>

⁸⁹ U.S. Legal, Indiana Freedom of Information, <http://freedomofinformationacts.uslegal.com/state-freedom-of-information-acts/indiana/> (last visited Jul. 15, 2016).

⁹⁰ IC 5-14-3.

⁹¹ IC 5-14-1.5.

⁹² National Freedom of Information Coalition, Indiana FOIA Laws, <http://www.nfoic.org/indiana-foia-laws> (last visited Jul. 15, 2016); see also National Freedom of Information Coalition, Indiana Sample FOIA Request, <http://www.nfoic.org/indiana-sample-foia-request> (last visited Jul. 15, 2016).

that absent a specific exception, the presumption of almost all open records laws is to provide information and provide reasonable accommodations when doing so.

IDEM

The Indiana Office of Records Management (ORM) manages and maintains the agency's files and is responsible for responding to public records requests made to IDEM. The ORM website provides contact information and directions for requesting records from IDEM's [Virtual Filing Cabinet](#) (VFC).⁹³

EPA Region 5

Each EPA Regional Office has a FOIA officer who acts as a first point of contact for FOIA Requests.⁹⁴ Contact information for the EPA Region 5 FOIA Officer is:

Region 5 (States: IL, IN, MI, MN, OH, WI)

Regional Freedom of Information Officer

U.S. EPA, Region 5

77 West Jackson Boulevard (MI-9J)

Chicago, IL 60604-3590

(312) 886-6686

[Learn more about Region 5 FOIA Requests on its website.](#)⁹⁵

See the Federal Guide for more information on FOIA. Several EPA websites also have useful summaries of the FOIA request process, response time guidance, and other information.⁹⁶ Note that you're potentially entitled to a waiver of fees if requesting information that is "likely to contribute significantly to public understanding of the operations and activities of the government and is not primarily in the commercial

⁹³ IDEM, Virtual Filing Cabinet, <https://www.in.gov/idem/legal/public-records/virtual-file-cabinet/>.

⁹⁴ U.S. Environmental Protection Agency, Freedom of Information: Contact Us, <https://www.epa.gov/foia/forms/contact-us-about-freedom-information-act-and-foia-requests#r5> (last visited Jul. 15, 2016).

⁹⁵ U.S. Environmental Protection Agency, Freedom of Information: FOIA Library: Information that is Specific to EPA Region 5, <https://www.epa.gov/foia/foia-library-information-specific-epa-region-5> (last visited Jul. 15, 2016).

⁹⁶ See, e.g., U.S. Environmental Protection Agency, The FOIA Request Process, <https://www.epa.gov/foia/foia-request-process> (last visited Jun. 16, 2016).

interest of the requester.”⁹⁷ EPA will only consider waiver requests submitted at the same time as the corresponding FOIA request.⁹⁸

CAFO PROPERTY TAX APPEAL GUIDELINES

Neighbors of CAFOs may also be harmed if local government fails to account for the harmful presence of a CAFO when assessing property for tax purposes. Without knowing how to challenge an uninformed assessment, individuals can pay too much in property taxes on top of the other issues they face. However, Indiana law prescribes two avenues of relief for aggrieved property owners to contest the assessed value of their property.⁹⁹

First, taxpayers may file a subjective appeal if they believe the assessed value of their property is incorrect. This appeal is based on the taxpayer’s judgement of the property’s correct market value. To file a subjective appeal, a taxpayer must notify in writing the local assessing officer and request an informal conference. Only the current year’s valuation may be reviewed. Then, the assessor will make a recommendation to approve or deny the appeal. A taxpayer may appeal a denial decision to the Indiana Board of Tax review.¹⁰⁰ Find a helpful flowchart of the appeals process, including timeframes and required forms, [here](#).¹⁰¹ This [Property Tax Assessment Appeals Factsheet](#) provides links to filing forms and additional details on the appeals process.¹⁰²

Taxpayers may also file an objective appeal over factual matters. These objective matters may include taxes that are illegal, a math error on the assessment, or the taxpayer was not given credit for an exemption or deduction as permitted by law,

⁹⁷ U.S. Environmental Protection Agency, Fee Waivers, <https://www.epa.gov/foia/foia-request-process#wivers> (last visited Jul. 15, 2016).

⁹⁸ U.S. Environmental Protection Agency, Fee Waivers, <https://www.epa.gov/foia/foia-request-process#wivers> (last visited Jul. 15, 2016).

⁹⁹ Department of Local Government Finance, Property Tax Appeals Process, <http://www.in.gov/dlgf/2508.htm> (last visited Jul 15, 2016).

¹⁰⁰ Department of Local Government Finance, Property Tax Appeals Process, <http://www.in.gov/dlgf/2508.htm> (last visited Jul 15, 2016).

¹⁰¹ Department of Local Government Finance, Procedure for Appeal of Assessment, <https://www.in.gov/dlgf/files/Flowchart-for-Appeals-181001.pdf>.

¹⁰² Department of Local Government Finance, Property Tax Assessment Appeals, <https://www.in.gov/dlgf/files/Flowchart-for-Appeals-181001.pdf>.

through error of omission of a state officer. Claims may be made for up to three years of assessments.¹⁰³

For more about filing property tax appeals, see [Indiana Board of Tax Review](#),¹⁰⁴ [Indiana Tax Court](#),¹⁰⁵ and the [Department of Local Government Finance Property Tax Appeals Process](#).¹⁰⁶

OTHER RESOURCES

Protecting your community from factory farms is difficult. Avoid working alone by building relationships in your community, consulting with experts, and collaborating with groups working on similar issues.

Socially Responsible Agriculture Project (SRAP)

SRAP provides free advice and technical assistance to communities throughout the U.S. facing factory farms. Find additional resources at www.sraproject.org, and contact SRAP for support at 503-632-8303 or through our [website](#).¹⁰⁷

State Organizations

[Environmental Law & Policy Center, Indiana](#)

[Hoosier Environmental Council](#)

[Conservation Law Center](#)

State Pro-Bono Clinics

Indiana University's McKinney School of Law hosts a public interest Conservation Law Clinic, which works with many environmental organizations, such as the Sierra Club and the Nature Conservancy.¹⁰⁸

¹⁰³ Department of Local Government Finance, Property Tax Appeals Process, <http://www.in.gov/dlgf/2508.htm> (last visited Jul 15, 2016). <http://www.in.gov/dlgf/2508.htm>

¹⁰⁴ Indiana Board of Tax Review, IBTR Home, <http://www.in.gov/ibtr/> (last visited Jul. 15, 2016).

¹⁰⁵ Indiana Judicial Branch: Indiana Tax Court, About the Tax Court, <http://www.in.gov/judiciary/tax/> (last visited Jul. 15, 2016).

¹⁰⁶ Department of Local Government Finance, Property Tax Appeals Process, <http://www.in.gov/dlgf/2508.htm> (last visited Jul 15, 2016). <http://www.in.gov/dlgf/2508.htm>

¹⁰⁷ Contact, SOCIALLY RESPONSIBLE AGRICULTURE PROJECT, <http://www.sraproject.org/contact/>

¹⁰⁸ Indiana University, Robert H. McKinney School of Law, Conservation law Clinic, <https://law.indiana.edu/academics/experiential-education/clinics/conservation.html>.

CAFO Research Resources

- The Indiana NRCS offers the [Environmental Quality Incentives Program \(EQIP\)](#) to provide farmers with resources, such as cost-sharing funds for approved management practices.¹⁰⁹
- The [Purdue Extension](#) offers many agricultural research and agricultural programs.¹¹⁰
- Indiana Department of Natural Resources: [Floodplain Mapping](#) maps floodplains throughout the state.¹¹¹
- [IDEM Wellhead Protection Program](#)¹¹²
- [Indiana Geological Survey: Karst in Indiana](#)¹¹³

LIST OF STATUTES & REGULATIONS

Below are relevant statutes and regulations, most of which are discussed in this Guide. This is a starting point for additional research on environmental authority in Indiana.

Statutes

The complete Indiana Code is publicly available at:

<http://iga.in.gov/legislative/laws/2016/ic/>

- IC 4-21.5, Administrative Orders and Procedures
- Indiana Access to Public Records Act, IC 5-14-3
- Indiana Open Door Law, IC 5-14-1.5
- IC 13-11-2, Definitions
- IC 13-13-5-1, Designation of department as agency
- IC 13-14-1, Duties of Department
- IC 13-18, Water Pollution Control
- Indiana Confined Feeding Control Law, IC 13-18-10

¹⁰⁹ Natural Resource Conservation Service Indiana, Environmental Quality Incentives Program, <https://www.nrcs.usda.gov/programs-initiatives/eqip-environmental-quality-incentives/indiana/environmental-quality-incentives> .

¹¹⁰ Purdue Extension, <https://extension.purdue.edu/>

¹¹¹ <http://www.in.gov/dnr/water/5647.htm>

¹¹² IDEM, Wellhead Protection Program, <https://www.in.gov/idem/cleanwater/information-about/groundwater-monitoring-and-source-water-protection/wellhead-protection-program/>

¹¹³ Indiana University, Indiana Geological & Water Survey, <https://igws.indiana.edu/Bedrock/Karst>

- IC 13-30-2, Prohibited Acts
- IC 32-30-6-9, Indiana Right to Farm Law

The complete Indiana Administrative Code is available at:

http://www.in.gov/legislative/iac/iac_title?iact=327

- 327 IAC 2-1-6, Minimum surface water quality standards
- 327 IAC 2-6.1, Spills, Reporting, Containment, and Response
- 327 IAC 5-2-2, Requirement to have a permit
 - 327 IAC 15-2-2.3, Public notice and comment
- Indiana Concentration Animal Feeding Operations (CAFO) Rule, 327 IAC 15-16
 - 327 IAC 15-16-5, Application requirements
 - 327 IAC 15-16-6, Permit term and renewal
 - 327 IAC 15-16-7(f), Performance standards and effluent limitations
 - 327 IAC 15-16-8-1, Design, construction, and operational requirements
 - 327 IAC 15-16-9, Nutrient management requirements
- Indiana Confined Feeding Operations (CFO) Rule, 327 IAC 19
 - 327 IAC 19-1-1, Purpose
 - 327 IAC 19-1-2, Applicability
 - 327 IAC 19-4-1, Approval conditions
 - 327 IAC 19-6-1, Existing confined feeding operations
 - 327 IAC 19-7-1, Application requirements
 - 327 IAC 19-8, Approval Process
 - 327 IAC 19-8-2, Approval renewals
 - 327 IAC 19-8-3, Amendments and notifications
 - 327 IAC 19-8-7, Public comment periods and notifications
 - 327 IAC 19-12-4(r), Storage capacity and design requirements
 - 327 IAC 19-14, Land Application of Manure
 - 327 IAC 19-14-5, Spray irrigation
 - 327 IAC 19-14-6, Manure application setbacks

APPENDIX: INDIANA CAFO DATABASE AND MAPPING GUIDE

This appendix provides instructions on how to navigate Indiana CAFO databases, find pending CAFO permit applications, find past CAFO violations, create custom aerial maps of CAFOs, and more. If you have any questions or comments, please contact: WaterRangers@sraproject.org

Indiana CAFO Database and Virtual File Cabinet¹¹⁴

Use the spreadsheets on this site to find livestock permit applications in Indiana. Use the Virtual File Cabinet to access permit documents for each facility.

To see a list of pending CAFO permit applications and/or currently issued CAFO permits:

- Click "Pending CFO and CAFO Permits" or "CFO and CAFO Permits Issued"
- A Microsoft Excel spreadsheet will automatically download to your computer
- To sort from newest to oldest in the Excel spreadsheet:
 - Click "Data" from the top menu
 - Click "Sort"
 - Next to "Sort by," choose "Date Received," "Values," and "Newest to Oldest"
 - Click "Ok"

To view CAFO permit applications:

- Click "Virtual File Cabinet" at the bottom of your screen under the "Online Services" menu
- Click the blue "Virtual File Cabinet" button
- To search by facility:
 - Click "Facility Search" in the top menu
 - Enter the facility name in the box next to "Primary Name"
 - If you don't have the facility name, use any of the other search boxes to search by address, city, and/or county
 - Click the blue "Search" button to the right of the facility name
 - Click the blue 8-digit number next to a document you want to view
 - Download any documents
- To search by document type:

¹¹⁴ <https://www.in.gov/idem/cfo/resources/pending-and-issued-cfo-permits/>

- Click “Document Search” at the top of the menu bar
- Select “Program” from the drop-down menu (e.g., “Confined Feeding”)
- Select “Document Type” from the drop-down menu (e.g., “Enforcement”)
- Click “Search”

Indiana Enforcement Database¹¹⁵

Use this site to find past CAFO enforcement documents (spills, violations, complaints...)

To view CAFO enforcement documents:

- Use the search boxes to search for company name, case number, and county
 - Note: If you don’t have specific information, just choose a county
- Under “Media of Interest” choose “All”
- Under “Type of Actions/Orders” choose “All”
- Choose the start and end dates that are relevant to your search
 - Records go back to 1/1/1995
- Click “Search”
- Click the Blue Case Number next to the company you’re interested in to view a document
 - **Note:** Some Enforcement documents are duplicated in the system.

NEPAssist¹¹⁶

Use this tool to map CAFOs and impaired waterways

- Click “Launch the NEPAssist Tool” on right
- Type the address/city/location you want to view on the top left
- Go to the drop-down menu under “Basemap” on the top menu. Click “Bing Maps Hybrid” to add a satellite image base map
- Use the “Select Map Contents” section on the right to add layers to the map
- To make an impaired waterway map:
 - Click the + sign next to “Water”
 - Click “Impaired Streams”

¹¹⁵ https://www.in.gov/apps/idem/oe/ide_order

¹¹⁶ <https://www.epa.gov/nepa/nepassist>

- Click “Impaired Waterbodies”
 - Print or save map
- You can add more layers by clicking each + beside other map layer items to make maps with more/different information.

Enviromapper¹¹⁷

Use this tool to map impaired waterways and find impaired waterway reports indicating the reason for impairment.

- Enter a location such as address, zip, city, county, waterbody, park name, etc. (e.g., 22207; Arlington, VA; Jones Creek; etc.)
- Click “More Data” at top
- Click “Additional Data Layers”
- Click “Water Features”
- Click “Impaired Streams”
- Click “Impaired Waterbodies”
- If you click the red impairment line, you’ll get a text box
- Click “MORE INFO” next to the “WaterbodyReportLink”
- This will give you the cause of impairment on the right side of your screen
- Print or save.

FWS Wetland Mapper¹¹⁸

Use this site to identify wetlands near CAFOs.

- Click the “Wetlands Mapper” link at the bottom of the page to launch the map
- On the left, there will be two drop-down boxes:
 - Base Maps Includes:
 - Streets
 - Satellite
 - Hybrid
 - Topo
 - Terrain

¹¹⁷ <https://enviro.epa.gov/enviro/em4ef.home>

¹¹⁸ <https://www.fws.gov/wetlands/Data/Mapper.html>

- Gray
 - Open Street Map
 - NATGEO
 - USGS Topo
 - NAT'L MAP
- Map Layers Includes:
 - Wetlands
 - Riparian
 - Riparian Mapping Areas
 - Areas of Interest
 - FWS Managed Lands
 - Historic Wetland Data
- Choose your preferred basemap, then click all boxes under Map Layers
 - The USGS Topo basemap provides a topographic map with waterways; the Satellite basemap shows an aerial view of the land
- Type an address or coordinates
- Zoom in or out to adjust picture
- Wetlands will be shown on the map
- Take your arrow and click on wetland
 - A box will open to give total acreage of wetland and a description
- To measure the distance from a wetland to a CAFO:
 - Click "Measure" in the upper left corner
 - Click the ruler with arrows going left and right above it
 - Click your cursor on the map and drag it to the location to which you want to measure
 - View the distance in the gray box
- To measure the acreage of an area:
 - Click "Measure" in the upper left corner
 - Select the ruler icon with a green shape behind it
 - Select points on the map to measure the acreage of an area
 - De-select the ruler icon to exit the tool
- Click Print on the map to create a physical copy

Water Quality Standards by State¹¹⁹

Use this site to find your state's water quality standards

- Scroll down to the colorful map of the United States
- Click the state for which you want to find water quality standards
- Use the links under "State Standards in Effect for CWA Purposes" to find water quality standards in the state.

¹¹⁹ <https://www.epa.gov/wqs-tech/state-specific-water-quality-standards-effective-under-clean-water-act-cwa>