



Rep. Michael W. Tryon

Filed: 4/10/2013

09800HB2034ham001

LRB098 06286 JDS 44201 a

1 AMENDMENT TO HOUSE BILL 2034

2 AMENDMENT NO. _____. Amend House Bill 2034 by replacing
3 everything after the enacting clause with the following.

4 "Section 1. Short title. This Act may be cited as the
5 Agricultural Non-Point Source Nutrient Pollution Reduction for
6 Clean Water Act.

7 Section 5. Definitions. As used in this Act:

8 "Agency" means the Illinois Environmental Protection
9 Agency.

10 "Agricultural non-point source" means an agricultural
11 source of water pollution that does not meet the legal
12 definition of "point source" in the Federal Water Pollution
13 Control Act.

14 "Fertilizer" means any substance containing nitrogen or
15 phosphorus, which is used for its plant nutrient content.

16 "Nutrient" includes, but is not limited to, total

1 phosphorus, nitrate, and ammonia.

2 Section 10. Legislative findings. The General Assembly
3 finds that:

4 (1) agricultural storm water runoff and tile drainage can
5 cause pollution of the waters of the State, degrade public
6 drinking water supplies, produce nuisance algal blooms,
7 diminish aquatic recreational opportunities, and threaten
8 public health by carrying pollutants from agricultural fields
9 into lakes, ponds, rivers, streams, and wetlands;

10 (2) crop production, agriculture, animal feeding
11 operations, and livestock are consistently cited as among the
12 top potential sources of surface water quality impairment in
13 the Agency's biennial Illinois Integrated Water Quality
14 Reports;

15 (3) several Illinois drinking water utilities that source
16 water from surface waters in agricultural watersheds have had
17 to purchase nitrate removal technologies to meet drinking water
18 standards;

19 (4) eutrophication due to nutrient pollution can cause
20 taste and odor problems in lakes;

21 (5) aesthetic impairment due to algal blooms can lower
22 waterfront property values;

23 (6) nitrate pollution can be toxic to people;

24 (7) nutrient pollution may adversely affect stream animal
25 communities;

1 (8) several studies show that adopting nutrient
2 conservation practices or ceasing certain fertilizer
3 application practices can minimize the negative impacts of
4 agricultural non-point source pollution on surface waters.

5 Section 15. Agency report. By August 1, 2014, the Illinois
6 Environmental Protection Agency, in consultation with a
7 stakeholder advisory workgroup that consists of the Illinois
8 Department of Agriculture, the Association of Illinois Soil and
9 Water Conservation Districts, the Illinois State Office of the
10 Natural Resources Conservation Service, university
11 researchers, environmental organizations, agricultural
12 organizations, and other interested parties that the Agency
13 deems appropriate to include, shall submit to the General
14 Assembly and the Governor a report that reviews the latest
15 available scientific research, regulatory frameworks, and
16 institutional knowledge to evaluate and document the
17 following:

18 (1) the nature and extent of agricultural non-point
19 source nutrient pollution impacts on surface water quality
20 in Illinois;

21 (2) the nature and extent of agricultural non-point
22 source nutrient pollution impacts on drinking water
23 utilities that source water from surface waters in
24 Illinois;

25 (3) the effectiveness of practices and prohibitions to

1 reduce agricultural non-point source nutrient pollution,
2 including at least:

3 (A) prohibitions on the application of fertilizer
4 on top of frozen, ice-covered, or snow-covered ground;

5 (B) prohibitions on the application of fertilizer
6 until the soil temperature is less than 50° F.

7 (C) prohibitions on the application of phosphorous
8 fertilizer when soil test phosphorus exceeds crop
9 needs;

10 (D) subsurface placement of phosphorus fertilizer;

11 (E) riparian buffers;

12 (F) livestock exclusion from surface waters;

13 (G) split-application of fertilizer; and

14 (H) fertilizer application setbacks from surface
15 waters;

16 (4) the costs and benefits of the practices and
17 prohibitions evaluated pursuant to paragraph (3);

18 (5) existing agricultural non-point source nutrient
19 pollution regulations in Illinois and other states;

20 (6) the feasibility of integrating new agricultural
21 non-point source nutrient pollution regulations with
22 existing water pollution regulatory programs in Illinois;
23 and

24 (7) findings and recommendations for adopting
25 regulations to reduce agricultural non-point source
26 nutrient pollution in Illinois.

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".