



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB2251

Introduced 4/12/2019, by Sen. David Koehler

SYNOPSIS AS INTRODUCED:

510 ILCS 77/12

Amends the Livestock Management Facilities Act. Provides that within 7 days after receiving a form giving notice of intent to construct (1) a new livestock management facility or livestock waste handling facility serving 1,000 or more animal units that does not propose to utilize a lagoon, (2) a livestock waste management facility or livestock waste handling facility that does propose to utilize a lagoon, or (3) any livestock management facility or livestock waste handling facility that proposes to increase its animal unit capacity or waste handling facility capacity to serve additional animal units, the Department of Agriculture shall send a copy of the notice form to the county board of the county in which the facility is to be located and any municipalities located within 1.5 miles of the facility and shall publish a public notice in a newspaper of general circulation within the county. Provides that after receiving a copy of the notice form from the Department, the county board or a municipality located within 1.5 miles of the facility may, at its discretion and within 30 days after receipt of the notice, request that the Department conduct an informational meeting concerning the proposed construction. Provides that if a county does not request a meeting, but multiple municipal entities do, the location of the meeting shall be determined by the Department to be conducive to all interested entities. Makes conforming changes.

LRB101 12030 SLF 59428 b

1 AN ACT concerning animals.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Livestock Management Facilities Act is
5 amended by changing Section 12 as follows:

6 (510 ILCS 77/12)

7 Sec. 12. Public informational meeting; lagoons and
8 non-lagoon structures.

9 (a) Beginning on the effective date of this amendatory Act
10 of 1999, within 7 days after receiving a form giving notice of
11 intent to construct (i) a new livestock management facility or
12 livestock waste handling facility serving 1,000 or more animal
13 units that does not propose to utilize a lagoon, ~~or~~ (ii) a
14 livestock waste management facility or livestock waste
15 handling facility that does propose to utilize a lagoon, or
16 (iii) any livestock management facility or livestock waste
17 handling facility that proposes to increase its animal unit
18 capacity or waste handling facility capacity to serve
19 additional animal units, the Department shall send a copy of
20 the notice form to the county board of the county in which the
21 facility is to be located and any municipalities located within
22 1.5 miles of the facility and shall publish a public notice in
23 a newspaper of general circulation within the county. After

1 receiving a copy of the notice form from the Department, the
2 county board or a municipality located within 1.5 miles of the
3 facility may, at its discretion and within 30 days after
4 receipt of the notice, request that the Department conduct an
5 informational meeting concerning the proposed construction
6 that is subject to this Section. In addition, during the
7 county's or municipality's 30-day review period, county or
8 municipal residents may petition the county board of the county
9 where the proposed new facility will be located or the
10 municipality located within 1.5 miles of where the proposed
11 facility will be located to request that the Department conduct
12 an informational meeting. When petitioned by 75 or more of the
13 county's or municipality's residents who are registered
14 voters, the county board or municipality shall request that the
15 Department conduct an informational meeting. If the county
16 board or municipality requests that the Department conduct the
17 informational meeting, the Department shall conduct the
18 informational meeting within 15 days of the county board's or
19 municipality's request. If the Department conducts such a
20 meeting, it shall cause notice of the meeting to be published
21 in a newspaper of general circulation in the county and any
22 municipality located within 1.5 miles of where the proposed
23 facility will be located and in the State newspaper and shall
24 send a copy of the notice to the County Board and any
25 municipality located within 1.5 miles of the proposed facility.
26 Upon receipt of the notice, the County Board or municipality

1 shall post the notice on the public informational board at the
2 county courthouse at least 10 days before the meeting. The
3 owner or operator who submitted the notice of intent to
4 construct to the Department shall appear at the meeting. At the
5 meeting, the Department shall afford members of the public an
6 opportunity to ask questions and present oral or written
7 comments concerning the proposed construction. If a county and
8 municipality both request informational meetings, one meeting
9 shall be held at the county. If a county does not request a
10 meeting, but multiple municipal entities do, the location of
11 the meeting shall be determined by the Department to be
12 conducive to all interested entities.

13 (b) The county board shall submit at the informational
14 meeting or within 30 days following the meeting an advisory,
15 non-binding recommendation to the Department about the
16 proposed new facility's construction in accordance with the
17 applicable requirements of this Act. The advisory, non-binding
18 recommendation shall contain at a minimum:

19 (1) a statement of whether the proposed facility
20 achieves or fails to achieve each of the 8 siting criteria
21 as outlined in subsection (d); and

22 (2) a statement of the information and criteria used by
23 the county board in determining that the proposed facility
24 met or failed to meet any of the criteria described in
25 subsection (d).

26 (c) When the county board requests an informational

1 meeting, construction shall not begin until after the
2 informational meeting has been held, the Department has
3 reviewed the county board's recommendation and replied to the
4 recommendation indicating if the proposed new livestock
5 management facility or the new livestock waste handling
6 facility is or will be in compliance with the requirements of
7 the Act, and the owner, operator, or certified manager and
8 operator has received the Department's notice that the setbacks
9 and all applicable requirements of this Act have been met.

10 (d) At the informational meeting for the proposed facility,
11 the Department of Agriculture shall receive evidence by
12 testimony or otherwise on the following subjects:

13 (1) Whether registration and livestock waste
14 management plan certification requirements, if required,
15 are met by the notice of intent to construct.

16 (2) Whether the design, location, or proposed
17 operation will protect the environment by being consistent
18 with this Act.

19 (3) Whether the location minimizes any incompatibility
20 with the surrounding area's character by being located in
21 any area zoned for agriculture where the county has zoning
22 or where the county is not zoned, the setback requirements
23 established by this Act are complied with.

24 (4) Whether the facility is located within a 100-year
25 floodplain or an otherwise environmentally sensitive area
26 (defined as an area of karst area or with aquifer material

1 within 5 feet of the bottom of the livestock waste handling
2 facility) and whether construction standards set forth in
3 the notice of intent to construct are consistent with the
4 goal of protecting the safety of the area.

5 (5) Whether the owner or operator has submitted plans
6 for operation that minimize the likelihood of any
7 environmental damage to the surrounding area from spills,
8 runoff, and leaching.

9 (6) Whether odor control plans are reasonable and
10 incorporate reasonable or innovative odor reduction
11 technologies given the current state of such technologies.

12 (7) Whether traffic patterns minimize the effect on
13 existing traffic flows.

14 (8) Whether construction or modification of a new
15 facility is consistent with existing community growth,
16 tourism, recreation, or economic development or with
17 specific projects involving community growth, tourism,
18 recreation, or economic development that have been
19 identified by government action for development or
20 operation within one year through compliance with
21 applicable zoning and setback requirements for populated
22 areas as established by this Act.

23 (Source: P.A. 91-110, eff. 7-13-99.)