



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB2998

Introduced 2/5/2020, by Sen. David Koehler

SYNOPSIS AS INTRODUCED:

510 ILCS 77/20

Amends the Livestock Management Facilities Act. Provides that the owner or operator of a livestock management facility of less than 1,000 animal units shall be (rather than shall not be) required to prepare and maintain a waste management plan. Requires the owner or operator of an existing livestock management facility that has or will exceed more than 5,000 animal units to file its waste management plan with the Illinois Environmental Protection Agency and the Department of Agriculture (rather than only the Department of Agriculture). Provides that a waste management plan shall be submitted electronically to both the Illinois Environmental Protection Agency and the Department of Agriculture. Provides that any person who is issued a warning from the Department for failure to submit a waste management plan shall have 15 working days (rather than 30 working days) to prepare a waste management plan. Provides that following the second violation, the Department shall (rather than may) issue an operational cease and desist order until compliance is attained.

LRB101 19766 CMG 69276 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 20 as follows:

6 (510 ILCS 77/20)

7 Sec. 20. Handling, storing and disposing of livestock
8 waste.

9 (a) The livestock management facility owner or operator
10 shall comply with the requirements for handling, storing, and
11 disposing of livestock wastes as set forth in the rules adopted
12 pursuant to the Illinois Environmental Protection Act
13 concerning agriculture related pollution.

14 (b) The livestock management facility owner or operator at
15 a facility of less than 1,000 animal units shall ~~not~~ be
16 required to prepare and maintain a waste management plan. The
17 waste management plan shall be filed electronically with the
18 Agency and the Department and a paper copy shall be made
19 available for inspection during normal business hours by
20 Department personnel.

21 (c) The livestock management facility owner or operator at
22 a facility of 1,000 or greater animal units but less than 5,000
23 animal units shall prepare and maintain on file at the

1 livestock management facility a general waste management plan.
2 Notwithstanding this requirement, a livestock management
3 facility subject to this subsection may be operated on an
4 interim basis but not to exceed 6 months after the effective
5 date of the rules promulgated pursuant to this Act to allow for
6 the owner or operator of the facility to develop a waste
7 management plan. The waste management plan shall be filed
8 electronically with the Agency and the Department and a paper
9 copy shall be made available for inspection during normal
10 business hours by Department personnel.

11 (d) The livestock management facility owner or operator at
12 a facility of 5,000 or greater animal units shall prepare,
13 maintain, and submit to the Department the waste management
14 plan for approval. Approval of the waste management plan shall
15 be predicated on compliance with provisions of subsection (f).
16 The waste management plan shall be approved by the Department
17 before operation of the facility or in the case of an existing
18 facility, the waste management plan shall be submitted within
19 60 working days after the effective date of the rules
20 promulgated pursuant to this Act.

21 The owner or operator of an existing livestock management
22 facility that through growth meets or exceeds 5,000 animal
23 units shall file its waste management plan with the Agency the
24 Department within 60 working days after reaching the stated
25 animal units.

26 The owner or operator of a livestock management facility

1 that is subject to this subsection (d) shall file within 60
2 working days with the Department and the Agency a revised waste
3 management plan when there is a change as provided in
4 subsection (e) of this Section that will materially affect
5 compliance with the waste management plan.

6 (d-5) The owner or operator of multiple livestock
7 management facilities under common facility ownership where
8 the cumulative animal units of the facilities are equal to or
9 greater than the animal unit numbers provided for in subsection
10 (c) of this Section shall prepare and keep on file at each
11 facility a waste management plan in accordance with the
12 requirements of subsection (c). The owner or operator of
13 multiple livestock management facilities that are under common
14 facility ownership where the cumulative animal units of the
15 facilities are equal to or greater than the animal unit numbers
16 provided for in subsection (d) of this Section shall prepare
17 and file with the Department a waste management plan in
18 accordance with the provisions of subsection (d). Cumulative
19 animal units shall be determined by combining the animal units
20 of multiple livestock management facilities under the common
21 facility ownership based upon the design capacity of each
22 facility. For the purposes of this subsection (d-5), "under
23 common facility ownership" means the same person or persons
24 own, directly or indirectly, through majority owned business
25 entities at least 51% of any person or persons (as defined by
26 Section 10.55) that own or operate the livestock management

1 facility or livestock waste handling facility located in the
2 State of Illinois.

3 (e) The owner or operator of a livestock management
4 facility shall update the waste management plan when there is a
5 change in values shown in the plan under item (1) of subsection
6 (f) of this Section. The waste management plan and records of
7 livestock waste disposal shall be kept on file for three years.

8 (f) The application of livestock waste to the land is an
9 acceptable, recommended, and established practice in Illinois.
10 However, when livestock waste is not applied in a responsible
11 manner, it may create pollutional problems. It should be
12 recognized that research relative to livestock waste
13 application based on livestock waste nutrient content is
14 currently ongoing. The Dean of the College of Agricultural,
15 Consumer and Environmental Sciences at the University of
16 Illinois, or his or her designee, shall annually report to the
17 Advisory Committee on the status of phosphorus research,
18 including research that has been supported in whole or in part
19 by the Illinois Council on Food and Agricultural Research. The
20 Advisory Committee may also consult with other appropriate
21 research entities on the status of phosphorus research. It is
22 considered acceptable to prepare and implement a waste
23 management plan based on a nitrogen rate, unless otherwise
24 restricted by this Section. The waste management plan shall
25 include the following:

26 (1) An estimate of the volume of livestock waste to be

1 disposed of annually, which shall be obtained by
2 multiplying the design capacity of the facility by the
3 appropriate amount of waste generated by the animals. The
4 values showing the amount of waste generated in Table 2-1,
5 Midwest Plan Service's, MWPS-18, Livestock Waste
6 Management Facilities Handbook or Design Criteria for the
7 field application of livestock waste adopted by the Agency
8 may be used.

9 (2) The number of acres available for disposal of the
10 waste, whether they are owned by the owner or operator of
11 the livestock waste management facility or are shown to be
12 contracted with another person or persons for disposal of
13 waste.

14 (3) An estimate of the nutrient value of the waste. The
15 owner or operator may prepare a plan based on an average of
16 the minimum and maximum numbers in the table values derived
17 from Midwest Plan Service's, MWPS-18, Livestock Waste
18 Facilities Handbook, the Agency's Agriculture Related
19 Pollution regulations, or the results of analysis
20 performed on samples of waste. For the purposes of
21 compliance with this subsection, the nutrient values of
22 livestock waste may vary as indicated in the source table.
23 In the case of laboratory analytical results, the nutrient
24 values may vary with the accuracy of the analytical method.

25 (3.5) Results of the Bray P1 or Mehlich test for soil
26 phosphorus reported in pounds of elemental phosphorus per

1 acre. Soil samples shall be obtained and analyzed from the
2 livestock waste application fields on land owned or under
3 the control of the owner or operator where applications are
4 planned. Fields where livestock waste is applied shall be
5 sampled every 3 years. Sampling procedures, such as the
6 number of samples and the depth of sampling, as outlined in
7 the current edition of the Illinois Agronomy Handbook shall
8 be followed when soil samples are obtained.

9 (3.6) If the average Bray P1 or Mehlich test result for
10 soil phosphorus calculated from samples obtained from the
11 application field is 300 pounds or less of elemental
12 phosphorus per acre, livestock waste may continue to be
13 applied to that field in accordance with subsection (f) of
14 this Section. If the average Bray P1 or Mehlich test result
15 for soil phosphorus for an application field is greater
16 than 300 pounds of elemental phosphorus per acre, the owner
17 or operator shall apply livestock waste at the phosphorus
18 rate to the field until the average Bray P1 or Mehlich test
19 for soil phosphorus indicates there is less than 300 pounds
20 of elemental phosphorus per acre. Upon the development of a
21 phosphorus index that is approved subject to the provisions
22 established in Section 55 of this Act, the owner or
23 operator shall use such index in lieu of the 300 pounds of
24 elemental phosphorus per acre.

25 (4) An indication that the livestock waste will be
26 applied at rates not to exceed the agronomic nitrogen

1 demand of the crops to be grown when averaged over a 5-year
2 period.

3 (5) A provision that livestock waste applied within 1/4
4 mile of any residence not part of the facility shall be
5 injected or incorporated on the day of application.
6 However, livestock management facilities and livestock
7 waste handling facilities that have irrigation systems in
8 operation prior to the effective date of this Act or
9 existing facilities applying waste on frozen ground are not
10 subject to the provisions of this item (5).

11 (6) A provision that livestock waste may not be applied
12 within 200 feet of surface water unless the water is
13 upgrade or there is adequate diking, and waste will not be
14 applied within 150 feet of potable water supply wells.

15 (7) A provision that livestock waste may not be applied
16 in a 10-year flood plain unless the injection or
17 incorporation method of application is used.

18 (8) A provision that livestock waste may not be applied
19 in waterways.

20 (9) A provision that if waste is spread on frozen or
21 snow-covered land, the application will be limited to land
22 areas on which:

23 (A) land slopes are 5% or less, or

24 (B) adequate erosion control practices exist.

25 (10) Methods for disposal of animal waste.

26 (g) Any person who is required to prepare and maintain a

1 waste management plan and who fails to do so shall be issued a
2 warning letter by the Department for the first violation and
3 shall be given 15 ~~30~~ working days to prepare a waste management
4 plan. For failure to prepare and maintain a waste management
5 plan, the person shall be fined an administrative penalty of up
6 to \$1,000 by the Department and shall be required to enter into
7 an agreement of compliance to prepare and maintain a waste
8 management plan within 15 ~~30~~ working days. For failure to
9 prepare and maintain a waste management plan after the second
10 15 ~~30~~ day period or for failure to enter into a compliance
11 agreement, the Department shall ~~may~~ issue an operational cease
12 and desist order until compliance is attained.

13 (Source: P.A. 91-110, eff. 7-13-99; 92-16, eff. 6-28-01.)