

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 13 as follows:

6 (510 ILCS 77/13)

7 Sec. 13. Livestock waste handling facilities other than
8 earthen livestock waste lagoons; construction standards;
9 certification; inspection; removal-from-service requirements.

10 (a) After the effective date of this amendatory Act of
11 1999, livestock waste handling facilities other than earthen
12 livestock waste lagoons used for the storage of livestock waste
13 shall be constructed in accordance with this Section.

14 (1) Livestock waste handling facilities constructed of
15 concrete shall meet the strength and load factors set forth
16 in the Midwest Plan Service's Concrete Manure Storage
17 Handbook (MWPS-36) and future updates. In addition, those
18 structures shall meet the following requirements:

19 (A) Waterstops shall be incorporated into the
20 design of the storage structure when consistent with
21 the requirements of paragraph (1) of this subsection;

22 (B) Storage structures that handle waste in a
23 liquid form shall be designed to contain a volume of

1 not less than the amount of waste generated during 150
2 days of facility operation at design capacity; the
3 owner or operator of a livestock waste handling
4 facility constructed with concrete with a design
5 capacity of less than 300 animal units may demonstrate
6 to the Department that a reduced storage volume, not
7 less than 60 days, is feasible due to (i) the
8 availability of land application areas that can
9 receive manure at agronomic rates or (ii) another
10 manure disposal method is proposed that will allow for
11 the reduced manure storage design capacity; the
12 Department shall evaluate the proposal and determine
13 whether a reduced manure storage design capacity is
14 appropriate for the site; and

15 (C) Storage structures not covered or otherwise
16 protected from precipitation shall, in addition to the
17 waste storage volume requirements of subparagraph (B)
18 of paragraph (1) of this subsection, include a 2-foot
19 freeboard.

20 (2) A livestock waste handling facility in a
21 prefabricated form shall meet the strength, load, and
22 compatibility factors for its intended use. Those factors
23 shall be verified by the manufacturer's specifications.

24 (3) Livestock waste handling facilities holding
25 semi-solid livestock waste, including but not limited to
26 picket dam structures, shall be constructed according to

1 the requirements set forth in the Midwest Plan Service's
2 Livestock Waste Facilities Handbook (MWPS-18) and future
3 updates or similar standards used by the Natural Resources
4 Conservation Service of the United States Department of
5 Agriculture.

6 (4) Livestock waste handling facilities holding solid
7 livestock waste shall be constructed according to the
8 requirements set forth in the Midwest Plan Service's
9 Livestock Waste Facilities Handbook (MWPS-18) and future
10 updates or similar standards used by the Natural Resources
11 Conservation Service of the United States Department of
12 Agriculture. In addition, solid livestock waste stacking
13 structures shall be sized to store not less than the amount
14 of waste generated during 6 months of facility operation at
15 design capacity. The owner or operator of a livestock waste
16 handling facility holding solid livestock waste with a
17 design capacity of less than 300 animal units may
18 demonstrate to the Department that a reduced storage
19 volume, not less than 2 months, is feasible due to (i) the
20 availability of land application areas that can receive
21 manure at agronomic rates or (ii) another manure disposal
22 method is proposed that will allow for the reduced storage
23 design capacity. The Department shall evaluate the
24 proposal and determine whether a reduced manure storage
25 design capacity is appropriate for the site.

26 (5) Holding ponds used for the temporary storage of

1 livestock feedlot run-off shall be constructed according
2 to the requirements set forth in the Midwest Plan Service's
3 Livestock Waste Facilities Handbook (MWPS-18) and future
4 updates or similar standards used by the Natural Resources
5 Conservation Service of the United States Department of
6 Agriculture.

7 (b) New livestock management facilities and livestock
8 waste handling facilities constructed after the effective date
9 of this amendatory Act of 1999 shall be subject to the
10 additional construction requirements and siting prohibitions
11 provided in this subsection (b).

12 (1) No new non-lagoon livestock management facility or
13 livestock waste handling facility may be constructed
14 within the floodway of a 100-year floodplain. A new
15 livestock management facility or livestock waste handling
16 facility may be constructed within the portion of a
17 100-year floodplain that is within the flood fringe and
18 outside the floodway provided that the facility is designed
19 and constructed to be protected from flooding and meets the
20 requirements set forth in the Rivers, Lakes, and Streams
21 Act, Section 5-40001 of the Counties Code, and Executive
22 Order Number 4 (1979). The delineation of floodplains,
23 floodways, and flood fringes shall be in compliance with
24 the National Flood Insurance Program. Protection from
25 flooding shall be consistent with the National Flood
26 Insurance Program and shall be designed so that stored

1 livestock waste is not readily removed.

2 (2) A new non-lagoon livestock waste handling facility
3 constructed in a karst area shall be designed to prevent
4 seepage of the stored material into groundwater in
5 accordance with ASAE 393.2 or future updates. Owners or
6 operators of proposed facilities should consult with the
7 local soil and water conservation district, the University
8 of Illinois Cooperative Extension Service, or other local,
9 county, or State resources relative to determining the
10 possible presence or absence of such areas.
11 Notwithstanding the other provisions of this paragraph
12 (2), after the effective date of this amendatory Act of
13 1999, no non-lagoon livestock waste handling facility may
14 be constructed within 400 feet of any natural depression in
15 a karst area formed as a result of subsurface removal of
16 soil or rock materials that has caused the formation of a
17 collapse feature that exhibits internal drainage. For the
18 purposes of this paragraph (2), the existence of such a
19 natural depression in a karst area shall be indicated by
20 the uppermost closed depression contour lines on a USGS 7
21 1/2 minute quadrangle topographic map or as determined by
22 Department field investigation in a karst area.

23 (3) A new non-lagoon livestock waste handling facility
24 constructed in an area where aquifer material is present
25 within 5 feet of the bottom of the facility shall be
26 designed to ensure the structural integrity of the

1 containment structure and to prevent seepage of the stored
2 material to groundwater. Footings and underlying structure
3 support shall be incorporated into the design standards of
4 the storage structure in accordance with the requirements
5 of Section 4.1 of the American Society of Agricultural
6 Engineers (ASAE) EP 393.2 or future updates.

7 (c) A livestock waste handling facility owner may rely on
8 guidance from the local soil and water conservation district,
9 the Natural Resources Conservation Service of the United States
10 Department of Agriculture, or the University of Illinois
11 Cooperative Extension Service for soil type and associated
12 information.

13 (d) The standards in subsections (a) and (b) shall serve as
14 interim construction standards until such time as permanent
15 rules promulgated pursuant to Section 55 of this Act become
16 effective. In addition, the Department and the Board shall
17 utilize the interim standards in subsections (a) and (b) as a
18 basis for the development of such permanent rules.

19 (e) The owner or operator of a livestock management
20 facility or livestock waste handling facility may, with the
21 approval of the Department, elect to exceed the strength and
22 load requirements as set forth in this Section.

23 (f) The owner or operator of a livestock management
24 facility or livestock waste handling facility shall send, by
25 certified mail or in person, to the Department a certification
26 of compliance together with copies of verification documents

1 upon completion of construction. In the case of structures
2 constructed with the design standards used by the Natural
3 Resources Conservation Service of the United States Department
4 of Agriculture, copies of the design standards and a statement
5 of verification signed by a representative of the United States
6 Department of Agriculture shall accompany the owner's or
7 operator's certification of compliance. The certification
8 shall state that the structure meets or exceeds the
9 requirements in subsection (a) of this Section. A \$250 filing
10 fee shall accompany the statement.

11 (g) The Department shall inspect the construction site
12 prior to construction, during construction, and within 10
13 business days following receipt of the certification of
14 compliance to determine compliance with the construction
15 standards.

16 (h) The Department shall require modification when
17 necessary to bring the construction into compliance with the
18 standards set forth in this Section. The person making the
19 inspection shall discuss with the owner, operator, or certified
20 livestock manager an evaluation of the livestock waste handling
21 facility construction and shall (i) provide on-site written
22 recommendations to the owner, operator, or certified livestock
23 manager of what modifications are necessary or (ii) inform the
24 owner, operator, or certified livestock manager that the
25 facility meets the standards set forth in this Section. On the
26 day of the inspection, the person making the inspection shall

1 give the owner, operator, or certified livestock manager a
2 written report of findings based on the inspection together
3 with an explanation of remedial measures necessary to enable
4 the livestock waste handling facility to meet the standards set
5 forth in this Section. The Department shall, within 5 business
6 days of the date of inspection, send an official written notice
7 to the owner or operator of the livestock waste handling
8 facility by certified mail, return receipt requested,
9 indicating that the facility meets the standards set forth in
10 this Section or identifying the remedial measures necessary to
11 enable the livestock waste handling facility to meet the
12 standards set forth in this Section. The owner or operator
13 shall, within 10 business days of receipt of an official
14 written notice of deficiencies, contact the Department to
15 develop the principles of an agreement of compliance. The owner
16 or operator and the Department shall enter into an agreement of
17 compliance setting forth the specific changes to be made to
18 bring the construction into compliance with the standards
19 required under this Section. If an agreement of compliance
20 cannot be achieved, the Department shall issue a compliance
21 order to the owner or operator outlining the specific changes
22 to be made to bring the construction into compliance with the
23 standards required under this Section. The owner or operator
24 can request an administrative hearing to contest the provisions
25 of the Department's compliance order.

26 (j) If any owner or operator operates in violation of an

1 agreement of compliance, the Department shall seek an
2 injunction in circuit court to prohibit the operation of the
3 facility until construction and certification of the livestock
4 waste handling facility are in compliance with the provisions
5 of this Section.

6 (k) When any livestock management facility not using an
7 earthen livestock waste lagoon is removed from service, the
8 accumulated livestock waste remaining within the facility
9 shall be removed and applied to land at rates consistent with a
10 waste management plan for the facility. Removal of the waste
11 shall occur within 12 months after the date livestock
12 production at the facility ceases. In addition, the owner or
13 operator shall make provisions to prevent the accumulation of
14 precipitation within the livestock waste handling facility.
15 Upon completion of the removal of manure, the owner or operator
16 of the facility shall notify the Department that the facility
17 is being removed from service and the remaining manure has been
18 removed. The Department shall conduct an inspection of the
19 livestock waste handling facility and inform the owner or
20 operator in writing that the requirements imposed under this
21 subsection (k) have been met or that additional actions are
22 necessary. Commencement of operations at a facility that has
23 livestock shelters left intact and that has completed the
24 requirements imposed under this subsection (k) and that has
25 been operated as a livestock management facility or livestock
26 waste handling facility for 4 consecutive months at any time

1 within the previous 10 years shall not be considered a new or
2 expanded livestock management or waste handling facility. A new
3 facility constructed after May 21, 1996 that has been removed
4 from service for a period of 2 or more years shall not be
5 placed back into service prior to an inspection of the
6 livestock waste handling facility and receipt of written
7 approval by the Department.

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