

Comparing:
Agency Proposed vs. JCAR r01

~~ILLINOIS REGISTER~~

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~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE E: AGRICULTURE RELATED POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

PART 501
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AUTHORITY: Implementing and authorized by Sections 9, 12, 13, 21, 22 and 27 of the Environmental Protection Act [415 ILCS 5/9, 12, 13, 21, 22 and 27].

SOURCE: Filed and effective January 1, 1978; amended at 2 Ill. Reg. 444, p. 137, effective October 30, 1978; codified at 7 Ill. Reg. 10592; amended in R90-7 at 15 Ill. Reg. 10075, effective July 1, 1991; amended in R12-23 at 38 Ill. Reg. 17661, effective August 11, 2014; amended in R18-25 at 47 Ill. Reg. _____, effective _____.

SUBPART A: AUTHORITY AND POLICY

Section 501.101 Authority (Repealed)

~~Pursuant to authority granted by Sections 9, 12, 13, 21 and 22 of the Environmental Protection Act, which empowers the Board to designate equipment or facilities capable of causing or contributing to air and water pollution and to set standards for the issuance of permits for the~~

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~~construction, installation and operation and for the inspection of said equipment or facilities; and to adopt regulations to promote the purpose of the Act which prohibits the deposit of any contaminants upon the land in such a place and manner as to create a water pollution hazard; and to set standards limiting the amounts or concentrations of contaminants that may be discharged into the waters; and to set standards for the disposal of any refuse and to set procedures for monitoring and reporting contaminant discharges at their source; and which directs the Board to adopt requirements, standards and procedures which will enable the State to implement and participate in the National Pollutant Discharge Elimination System (NPDES) established by the Federal Water Pollution Control Act Amendments of 1972 and 1977 also called the Clean Water Act (CWA) (12 U.S.C. 24; 15 U.S.C. 633 and 636; 31 U.S.C. 711; 33 U.S.C. 1251 et seq.), the Board adopts the following rules and regulations:~~

(Source: Repealed at 47 Ill. Reg. _____, effective _____)

Section 501.102 Policy

- a) It is the purpose of the General Assembly in adopting the Environmental Protection Act to restore, maintain and enhance the purity of the air and waters of Illinois ~~in order~~ to protect health, welfare, property and the quality of life. An adequate supply of healthy livestock is essential to the well-being of Illinois citizens and the nation. They provide the daily source of meat, milk and eggs. Their efficient, economic production must be the concern of both producers and consumers if we are to have a continued abundance of high quality, wholesome food and of other livestock products at reasonable prices. The policy ~~must~~shall be ~~to~~must establish regulations that will provide a balance between a wholesome environment and the efficient production of adequate livestock products.
- b) Livestock produce wastes which, when properly used, supply nutrients and organic matter to soils. The mere presence of livestock waste in a given location does not denote pollution, but may, when improperly stored, transported or disposed of, undesirably affect the environment.
- c) It is ~~hereby~~ determined that the construction, establishment and operation of specified ~~certain~~ livestock management facilities and livestock waste-handling facilities without environmental planning and safeguards or the use of specified ~~certain~~ livestock wastes for agricultural purposes causes, threatens or allows the discharge of contaminants into the air or waters of Illinois so as to cause or threaten to cause pollution or to render those ~~such~~ waters harmful to public health, safety or welfare or to domestic, commercial, industrial, agricultural and recreational uses or to man, livestock, wild animals, birds or fish or other aquatic life.

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- d) It is ~~hereby~~ determined that the construction, establishment and operation of livestock management facilities and livestock waste-handling facilities without environmental planning and safeguards or the use of livestock wastes for agricultural purposes causes, threatens or allows air pollution; *The discharge of contaminants into the air of Illinois in sufficient quantities and of such characteristics and duration as to be injurious to human, plant, or animal life, to health, or to property, or to unreasonably interfere with the enjoyment of life or property.* [415 ILCS 5/3.115] ~~THE DISCHARGE OF CONTAMINANTS INTO THE AIR OF ILLINOIS IN SUFFICIENT QUANTITIES AND OF SUCH CHARACTERISTICS AND DURATION AS TO BE INJURIOUS TO HUMAN, PLANT OR ANIMAL LIFE, TO HEALTH, OR TO PROPERTY, OR TO UNREASONABLY INTERFERE WITH THE ENJOYMENT OF LIFE OR PROPERTY. (Ill. Rev. Stat. ch. 111 1/2 par. 1003.2)~~ It is recognized that the presence of odor is an inherent characteristic of livestock management facilities and livestock waste-handling facilities, and that the detection of that ~~such~~ odor is ~~does~~ not per se ~~constitute~~ air pollution.

- e) It is the purpose of this Chapter to prevent pollution of the air and waters of Illinois caused by failure to plan ~~with regard to~~ regarding proper environmental safeguards the construction, location and operation of specified ~~certain~~ livestock management facilities and livestock waste-handling facilities. A permit system is established to ensure that those ~~such~~ activities take account of environmental considerations and to meet the requirements for federal approval, as established by the CWA. It is also the purpose of these regulations to prevent pollution from the numerous point and non-point discharges, both continuous and fluctuating, which are present in specified ~~certain~~ livestock management facilities or livestock waste-handling facilities. To this end, procedural safeguards are required, in addition to compliance with the CWA, NPDES filing requirements and the feedlot category of point source effluent guidelines.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 501.104 Severability

If any provision of this Part is adjudged invalid, or if the application of this Part to any person or in any circumstance is adjudged invalid, that invalidity ~~will~~shall~~will~~ not affect the validity of this Chapter as a whole, or of any Part, Subpart, sentence or clause ~~of this Part~~ not adjudged invalid.

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(Source: Amended at 47 Ill. Reg. , effective
)

SUBPART B: DEFINITIONS AND INCORPORATIONS

Section 501.200 Incorporations by Reference

- a) The Board incorporates the following material by reference:

ASABE. American Society of Agricultural and Biological Engineers, 2950 Niles Road, St. Joseph, MI 49085 (269-429-0300), fax 269-429-3852,
~~hq@asabe.org~~hq@asabe.org

"Management of Manure Odors"; ASABE, EP379.4 (January 2007).

"Design of Anaerobic Lagoons for Animal Waste Management"; ASABE, EP403.4 (R2011)

"Illinois Agronomy Handbook, 24th Edition"; University of Illinois, College of Agriculture, Consumer and Environmental Sciences. Urbana, IL, July 2009. Available from University of Illinois, Office of Extension and Outreach, 111 Mumford Hall (MC-710), 1301 W. Gregory Dr., Urbana, IL 61801 (217) 333-5900.

MWPS. Available from MidWest Plan Service, 122 Davidson Hall, Iowa State University, Ames, IA 50011-3080 (515) 294-4337.

"Livestock Waste Facilities Handbook, Third Edition"; MWPS-18. MidWest Plan Service. April 1993.

"Manure Characteristics"; Section 1. Second Edition MWPS-18-S1. MidWest Plan Service. 2004.

"Recommended Chemical Soil Test Procedures for the North Central Region"; North Central Regional Publication No. 221, Missouri Agricultural Experiment Station Bulletin SB 1001 (January 1998). Available from North Central Region-University of Missouri Soil Testing Lab, 23 Mumford Hall, University of Missouri, Columbia, MO 65211 (573) 884-4288.

"Average Crop, Pasture, and Forestry Productivity Ratings for Illinois Soils; Bulletin No. 810"; University of Illinois, College of Agricultural, Consumer and

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Environmental Sciences, Office of Research (2000), revised January 15, 2011 to amend Table 2 for B810. Available from University of Illinois, College of Agricultural, Consumer, and Environmental Sciences, Office of Research, 228 Mumford Hall, 1301 W. Gregory Dr., Urbana IL 61801 (217) 333-0240.

"Optimum Crop Productivity Ratings for Illinois Soils; Bulletin 811," University of Illinois, College of Agricultural, Consumer and Environmental Sciences, Office of Research (2000), revised January 15, 2011 to amend Table S2 for B811. Available from University of Illinois, College of Agricultural, Consumer, and Environmental Sciences, Office of Research, 228 Mumford Hall, 1301 W. Gregory Dr., Urbana IL 61801 (217) 333-0240.

"NOAA Atlas 14: Precipitation Frequency Atlas of the United States," United States Department of Commerce, National Oceanic and Atmospheric Administration, National Weather Service, Volume 2, Version 3.0 (2004), revised 2006. Available from NOAA, NWS, Office of Hydrologic Development, 1325 East West Highway, Silver Spring MD 20910 (Available online at <https://hdsc.nws.noaa.gov/hdsc/pfds/doc/NA14Vol2.pdf> http://www.nws.noaa.gov/oh/hdsc/PF_documents/Atlas14_Volume2.pdf).

Code of Federal Regulations. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20401 (202) 783-3238:

40 CFR 412.46(a)(1)(ii) (2008), New Source Performance Standards (NSPS).

40 CFR 412.46(a)(1)(vi) (2008), New Source Performance ~~Standard~~Standards (NSPS).

"Agricultural Waste Management Field Handbook," United States Department of Agriculture, Natural Resources Conservation Service (2009). Available from USDA, NRCS, 1400 Independence Ave., S.W., Washington, DC 20250. (Available online at <http://directives.sc.egov.usda.gov/viewerFS.aspx?hid=21430> <http://directives.sc.egov.usda.gov/viewerFS.aspx?hid=21430>).

~~"Design of Anaerobic Lagoons for Animal Waste Management", as incorporated by reference at Section 501.200.~~

- b) This Section incorporates no later editions or amendments.

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(Source: Amended at 47 Ill. Reg. , effective)

~~SUBPART B: DEFINITIONS~~

Section 501.201 Definitions

- a) Except as otherwise stated in this Part, and unless a different meaning of the term is clear from its context, the definitions of terms used in this Chapter are ~~shall be~~ the same as those used in the Act and 35 Ill. Adm. Code: Subtitle C, Chapter I.
- b) The definitions contained in this Subpart apply ~~are applicable~~ to 35 Ill. Adm. Code 501, 502 and 503.

(Source: Amended at 47 Ill. Reg. , effective)

Section 501.223 Animal Confinement Area

Animal confinement area includes, ~~but is not limited to,~~ open lots, housed lots, feedlots, confinement houses, stall barns, free stall barns, milkrooms, milking centers, cowyards, barnyards, medication pens, walkers, animal walkways and stables.

(Source: Amended at 47 Ill. Reg. , effective)

Section 501.225 Animal Feeding Operation

- a) A lot or facility (other than an aquatic animal production facility) where the following conditions are met:
 - 1) Animals have been, are or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and
 - 2) Crops, vegetation, forage growth or post-harvest residues that are grown in place are not sustained in the normal growing season over any portion of the lot or facility.
- b) Two or more animal feeding operations under common ownership are considered ~~deemed~~ to be a single animal feeding operation if they are adjacent to each other or if they use ~~utilize~~ a common area or system to dispose ~~for the disposal~~ of

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wastes.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 501.238 Concentrated Animal Feeding Operation (CAFO)

An Animal Feeding Operation (AFO) that is defined as a Large CAFO ~~underpursuant to~~under 35 Ill. Adm. Code 502.103 or as a medium CAFO ~~underpursuant to~~under 35 Ill. Adm. Code 502.104, or that is designated as a CAFO ~~underpursuant to~~under 35 Ill. Adm. Code 502.106.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 501.240 Construction

Start ~~Commencement~~ of on-site fabrication, erection or installation.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 501.245 Existing Livestock Management Facility and Livestock Waste-Handling Facility

Any livestock management facility and livestock waste-handling facility, the construction or modification ~~of~~ which started before ~~has commenced prior to~~ the effective date of this Chapter.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 501.246 Expansion

Start ~~Commencement~~ of construction at a livestock management facility or livestock waste-handling facility where the fixed capital cost of the new components constructed within a 2-year period exceeds 50% of a comparable entirely new ~~facility's~~the facility's fixed capital cost ~~of a comparable entirely new facility~~.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 501.248 Farm Residence

Any residence on a farm owned or occupied by the farm owners, operators, tenants or seasonal or year-round hired workers. For ~~purposes of~~ this definition, a "farm" is the land, buildings, and machinery used in the commercial production of farm products, and "farm products" are those plants and animals and their products which are produced or raised for commercial purposes and

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include ~~Pa~~-forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, fruits, vegetables, flowers, seeds, grasses, trees, fish, honey and other similar products, or any other plant, animal, or plant or animal product which supplies people with food, feed, fiber, or fur.

(Source: Amended at 47 Ill. Reg. , effective)

Section 501.290 Livestock Shelter

Any covered structure, including ~~but not limited to~~ livestock houses or barns, in which livestock are enclosed at any time.

(Source: Amended at 47 Ill. Reg. , effective)

Section 501.295 Livestock Waste

Manure, litter, process wastewater, overflow from watering systems, wash waters, sprinkling waters from livestock cooling, precipitation polluted by falling on or flowing onto an Animal Feeding Operation and other materials polluted by livestock, including ~~but not limited to~~ soils and sludges removed from livestock waste storage structures. Livestock waste does not include agricultural stormwater discharge.

(Source: Amended at 47 Ill. Reg. , effective)

Section 501.300 Livestock Waste-Handling Facility

Individually or collectively those constructions or devices, except sewers, used for collecting, pumping, treating or disposing of livestock waste or for the recovery of by-products from ~~such~~ livestock waste. The ~~Such a~~ facility includes acceptable disposal areas, such as pasture or other suitable agricultural land, which can serve as an adequate filtering device to settle out and assimilate pollutants from livestock waste before the clarified water reaches a stream or other body of surface water or groundwater.

(Source: Amended at 47 Ill. Reg. , effective)

Section 501.313 Manure Storage Area

Includes ~~but is not limited to~~ lagoons, runoff ponds, storage sheds, stockpiles, under-the-house or pit storages, liquid impoundments, static piles, and composting piles.

(Source: Amended at 47 Ill. Reg. , effective)

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Section 501.317 Maximum Feasible Location

Any location ~~for establishing~~ ~~the establishment of~~ a new livestock management facility or new livestock waste-handling facility where one of the following conditions exists:

- a) The site is located closer to the livestock owner's or operator's residence than to a neighboring farm or non-farm residence or populated area; or
- b) The site is adjacent to an existing livestock management facility or livestock waste-handling facility, or is farther away from a neighboring farm or non-farm residence or populated area than the existing livestock management facility or livestock waste-handling facility, when the livestock owner or operator does not reside on the farm where the livestock are to be kept or raised; or
- c) The site is accessible to roads, water and electricity and is at the farthest location from a neighboring farm or non-farm residence or populated area; there is no existing livestock management facility or livestock waste-handling facility on the site, and the livestock owner or operator does not reside on the farm where the livestock are to be kept or raised.

(Source: Amended at 47 Ill. Reg. , effective)

Section 501.320 Modification

The ~~Such~~ physical change in or alteration in the method of operation of any livestock management facility or livestock waste-handling facility which increases the ~~amount of~~ livestock waste amount over the level authorized by the NPDES permit.

(Source: Amended at 47 Ill. Reg. , effective)

Section 501.330 New Livestock Management Facility and New Livestock Waste-Handling Facility

Any livestock management facility or livestock waste-handling facility the construction or modification of which is started after December 31, ~~1977~~ ~~commenced on or after January 1~~ 1978 1977.

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(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 501.333 New Source

Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which started ~~commenced~~ after either of the following dates:

- a) after promulgation of standards of performance under section 306 of the Clean Water Act that apply ~~are applicable~~ to the source; or
- b) after proposal of standards of performance in compliance ~~accordance~~ with section 306 of the Clean Water Act that apply ~~are applicable~~ to the source, but only if the standards are promulgated in compliance ~~accordance~~ with section 306 within 120 days after their proposal.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 501.335 NPDES

The National Pollutant Discharge Elimination System for issuing, establishing conditions for and denying permits under Section 402 of the CWA. All terms used regarding ~~in connection with~~ NPDES which have been defined in the CWA or regulations adopted ~~thereunder shall~~ have the meanings specified in the CWA or regulations ~~therein~~, unless specifically noted otherwise.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 501.340 NPDES Permit

A permit issued ~~underpursuant to~~ under the NPDES.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 501.359 Raw Materials Storage Area

Includes ~~, but is not limited to,~~ feed silos, silage bunkers, and bedding materials stacks.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 501.363 Setbacks

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A specified distance from surface waters or potential conduits to surface waters where livestock waste may not be land applied. Examples of conduits to surface waters include, ~~but are not limited to,~~ open tile intake structures, sinkholes, and agriculture well heads.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 501.365 Silvicultural Point Source

Any discernible, confined and discrete conveyance related to rock crushing, gravel washing, log sorting or log storage facilities which are operated for ~~in connection with~~ silvicultural activities and from which pollutants are discharged into navigable waters.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 501.370 Standard of Performance

A standard for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through applying ~~application of~~ the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants, as defined in Section 306 of CWA.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 501.377 Vegetative Buffer

Narrow, permanent strip of dense perennial vegetation established parallel to the land contours ~~of the land~~ and perpendicular to the field's dominant slope ~~of the field~~ for ~~the purposes of~~ slowing water runoff, enhancing water infiltration, and minimizing the risk of any potential nutrients or pollutants from leaving the field and reaching surface waters.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 501.379 Waste Containment Area

Includes, ~~but is not limited to,~~ settling basins, and areas within berms and diversions that separate uncontaminated stormwater from livestock waste.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

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Section 501.380 Water Pollution

The ~~Such~~ alteration of the physical, thermal, chemical, biological or radioactive properties of any waters of the State, or the ~~such~~ discharge of any contaminant into any waters of the State, as will or is likely to create a nuisance or render the ~~such~~ waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses, or to man, livestock, wild animals, birds or fish or other aquatic life.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

SUBPART C: OPERATIONAL RULES FOR ALL LIVESTOCK MANAGEMENT FACILITIES AND LIVESTOCK WASTE-HANDLING FACILITIES

Section 501.401 Purpose and Scope of Operational Rules for Livestock Management Facilities and Livestock Waste-Handling Facilities

- a) Besides the regulations contained within this Chapter, every person ~~must~~shallmust also comply with ~~provisions of~~ the Act and other Board regulations.
- b) The owner or operator of any livestock management facility or livestock waste-handling facility ~~must~~shallmust comply with the CWA, NPDES filing requirements and the feedlot category of point source effluent guidelines. All livestock management facilities and livestock waste-handling facilities must determine ~~have the obligation to make a site specific determination of~~ whether the facility is subject to NPDES permit requirements and to follow those requirements when and where they apply ~~are applicable~~. CAFOs are subject to additional requirements applicable under 35 Ill. Adm. Code 502.
- c) This Subpart applies ~~shall apply~~ to stockyards and similar operations where animals are held briefly, as well as to conventional livestock operations.
- d) The transportation of livestock wastes ~~must~~shallmust be planned and conducted so as not to cause, threaten, or allow any violation of the Act and applicable regulations.
- e) Any runoff or overflow from a livestock management facility or a livestock ~~waste handling~~waste-handling facility ~~must~~shallmust not cause a water quality violation ~~under~~pursuant tounder the Act or 35 Ill. Adm. Code Subtitle C: Water Pollution.

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(Source: Amended at 47 Ill. Reg. ~~_____~~ _____, effective _____)

Section 501.402 Location of New Livestock Management Facilities and New Livestock Waste-Handling Facilities

- a) No new livestock management facility or new livestock waste-handling facility ~~can~~shall~~can~~ contain within its boundaries any stream or other surface waters except small temporary accumulations of water occurring as a direct result of precipitation.
- b) New livestock management facilities and new livestock waste-handling facilities located within a 10-year flood height as recorded by the United States Geological Survey or as officially estimated by the Illinois State Water Survey ~~must~~shall~~must~~ be protected against that ~~such~~ flood.
- c) Limitations Effective July 15, 1991
 - 1) Upon July 15, 1991, new or expanded livestock management facilities and new or expanded livestock waste-handling facilities ~~must~~shall~~must~~ not be located within ½ mile of a populated area or within ¼ mile of a non-farm residence.
 - 2) For ~~purposes of this~~ subsection (c), the following ~~must~~shall~~must~~ not be considered location of a new or expanded livestock management or waste-handling facility:
 - A) Start ~~Commencement~~ of operations at an idle facility which has livestock shelters left intact, and that has been operated as a livestock management facility or livestock waste-handling facility for four consecutive months at any time within the 10 previous years;
 - B) Start ~~Commencement~~ of operations at a facility reconstructed after partial or total destruction due to natural causes, i.e., tornado, fire, or earthquake.
 - 3) Adequate odor control methods and technology ~~must~~shall~~must~~ be practiced by operators of new and existing livestock management facilities and livestock waste-handling facilities so as not to cause air pollution.

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- d) The setback requirements of subsection (c) do ~~shall~~ not apply to any livestock management facility or livestock waste-handling facility that meets any of the following conditions:
- 1) The facility is located in an agricultural area, so designated under ~~as such pursuant to~~ the Agricultural Areas Conservation and Protection Act, [505 ILCS 5];
 - 2) The facility undergoes expansion, and the ~~owner of the~~ facility owner certifies and notifies the Agency in writing that the facility was operating as a livestock management facility or livestock waste-handling facility for at least one year before ~~prior to~~ the existence of any non-farm residence within ¼ mile of the facility or of a populated area within ½ mile of the facility; or
 - 3) The use of the facility as a livestock management or livestock waste handling facility is allowed by local zoning or municipal ordinance. If no local zoning or municipal ordinance exists that covers that use, the facility is ~~shall be~~ exempt if the livestock are not raised or kept at the facility primarily for hire or the raising or keeping of livestock at the facility does not have financial profit as a primary aim.
- e) A new livestock management facility or new livestock waste-handling facility that locates within ¼ mile of a neighboring farm residence ~~must shall~~ must locate at the maximum feasible location from that residence.
- f) A new livestock management facility or new livestock waste-handling facility that locates within ¼ mile of a non-farm residence or within ½ mile of a populated area, as allowed by subsection (d), ~~must shall~~ must locate at the maximum feasible location from the residence or populated area.
- g) New livestock management facilities or new livestock waste-handling facilities located on soil types or geological formations where the deposition of livestock waste is likely to cause groundwater pollution ~~must shall~~ must be constructed in such a way that pollution will be prevented, or supplementary measures ~~must shall~~ must be adopted that will prevent pollution.

(Source: Amended at 47 Ill. Reg. , effective)

Section 501.403 Protection of Livestock Management Facilities and Livestock

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Waste-Handling Facilities

- a) Existing livestock management facilities and livestock waste-handling facilities ~~must~~shall~~must~~ have adequate diversion dikes, walls or curbs that will prevent excessive outside surface waters from flowing through the animal feeding operation and will direct runoff to an appropriate disposal, holding or storage area. The diversions are required on all aforementioned structures unless there is negligible outside surface water which can flow through the facility or the runoff is tributary to an acceptable disposal area or a livestock waste-handling facility. If inadequate diversions cause or threaten to cause a violation of the Act or applicable regulations, the Agency may require corrective measures.

- b) New livestock management facilities and livestock waste-handling facilities ~~must~~shall~~must~~ have adequate diversions, dikes, walls or curbs that will prevent excessive outside surface runoff waters from flowing through the animal feeding operation and will direct runoff to an appropriate disposal, holding or storage area. The diversions are required on all aforementioned structures unless there is negligible outside surface water which can flow through the facility or the runoff is tributary to an acceptable disposal area or a livestock waste-handling facility. A holding pond must be capable of storing a volume equal to or exceeding the ~~area of the~~ animal feeding operation's ~~area~~operation, plus any tributary area not a part of the animal feeding operation (including roof area if tributary to the facility), multiplied by 12 inches for runoff from earthen areas or 15 inches for runoff from concrete areas unless the operator has justifiable reasons substantiating that a lesser storage volume is adequate. If inadequate storage volumes cause or threaten to cause a violation of the Act or applicable regulations, the Agency may require corrective measures. In no case ~~will~~shall~~will~~ the storage volume of the containment facility be less than the 25-year 24-hour storm effluent guidelines as required by the new source performance standards of the U.S. Environmental Protection Agency in 40 ~~C.F.R. 412~~for the feedlot point source categoryCFR 412.

(Source: Amended at 47 Ill. Reg. , effective)

Section 501.404 Handling and Storage of Livestock Waste

- a) Any livestock waste stored in excess of six months ~~must~~shall~~must~~ be contained in a manure storage structure.

- b) Temporary Manure Stacks

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- 1) A temporary manure stack is a potential secondary source, as defined by the Act. As a potential secondary source, a temporary manure stack is subject to the minimum setback zones established in Title IV of the Act.
 - 2) A temporary manure stack ~~must~~shall~~must~~ not be located within 75 feet from any water well, except monitoring wells.
 - 3) A temporary manure stack ~~must~~shall~~be~~must be constructed or established and maintained in a manner to prevent runoff and leachate from entering surface waters or groundwaters. A cover and pad or other control ~~must~~ be provided to prevent runoff and leachate from entering surface waters and groundwater.
- c) Livestock Waste-Holding Facilities
- 1) Liquid manure-holding tanks ~~must~~shall~~must~~ be impermeable and capable of withstanding pressures and loadings to which those tanks ~~such a tank~~ may be subjected.
 - 2) Holding ponds and lagoons ~~must~~shall~~must~~ be impermeable or so sealed as to prevent groundwater or surface water pollution.
 - 3) For livestock management facilities and livestock waste handling facilities that are not required to obtain an NPDES permit, the contents of livestock waste-handling facilities ~~must~~shall~~must~~ be kept at levels such that there is adequate storage capacity so that an overflow does not occur except in the case of precipitation exceeding ~~in excess of~~ a 25-year 24-hour storm.
 - 4) Liquid Livestock Waste
 - A) Existing livestock management facilities that handle the waste in a liquid form ~~must~~shall~~must~~ have adequate storage capacity in a liquid manure-holding tank, lagoon, holding pond, or any combination ~~thereof~~ so as not to cause air or water pollution as defined in the Act or applicable regulations. If inadequate storage time causes or threatens to cause a violation of the Act or applicable regulations, the Agency may require that additional storage time be provided. In those ~~such~~ cases, interim pollution prevention measures may be required by the Agency.

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- B) New livestock waste-handling facilities that handle the waste in a liquid form ~~must~~~~shall~~must provide a minimum of 120-day storage with a liquid manure-holding tank, lagoon, holding pond, or any combination ~~thereof~~ unless the operator has justifiable reasons substantiating that a lesser storage volume is adequate. If inadequate storage volumes cause or threaten to cause a violation of the Act or applicable regulations, the Agency may require corrective measures.
- d) **Runoff Field Application Systems**
Any livestock management facility not meeting the definition of a CAFO in Section 501.238 may construct and operate a runoff field application system for treating ~~the treatment of~~ livestock waste from fewer than 300 animal units, complying with ~~meeting the requirements of~~ 35 Ill. Adm. Code 570, in lieu of utilizing liquid manure-holding tanks, holding ponds, or lagoons in compliance with subsection (c), or other livestock waste-handling systems that would assure compliance with the Act and this Subtitle E.
- e) Subsections (a) through (d) does ~~shall~~ not apply to livestock management facilities with fifty (50) or fewer animal units if, ~~provided that~~ the following conditions exist:
- 1) The ~~location of the~~ facility location relative to waters of the State is such that there is no discharge of livestock waste into waters of the State, in violation of Section 12 of the Act;
 - 2) There is no discharge of livestock waste into waters of the State through ~~by means of~~ a man-made ditch, flushing system or other similar man-made device, in violation of Section 12 of the Act; and
 - 3) The facility is managed so that livestock waste is not allowed to accumulate to an extent that threatens to cause a discharge to waters of the State, in violation of Section 12 of the Act.

(Source: Amended at 47 Ill. Reg. ~~_____~~ _____, effective _____)

Section 501.405 Field Application of Livestock Waste

- a) For livestock management facilities and livestock waste handling facilities that are not required to obtain an NPDES permit, the quantity of livestock waste

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applied on soils ~~must~~shall~~must~~ not exceed a practical limit as determined by soil type, especially its permeability, the soil condition (frozen or unfrozen)~~-of the soil~~, the percent slope of the land, cover mulch, proximity to surface waters and likelihood of reaching groundwater, and other relevant considerations. These livestock waste application guidelines will be adopted ~~underpursuant to~~under 35 Ill. Adm. Code 502.305, unless otherwise provided for by Board regulations. Facilities required to obtain an NPDES permit are subject to the requirements in 35 Ill. Adm. Code 502.Subpart F. Unpermitted Large CAFOs claiming an agricultural stormwater exemption must comply with 35 Ill. Adm. Code 502.102 and the practices listed in Section 502.510(b) to qualify for the exemption.

b) Operators of livestock waste handling facilities ~~must~~shall~~must~~ practice odor control methods during ~~the course of~~ manure removal and field application so as not to affect a neighboring farm or non-farm residence or populated area by causing air pollution as described in Section 501.102(d). Odor control methods include, ~~but are not limited to:~~

- 1) Soil injection or other methods of incorporation of waste into the soil, including disking or plowing;
- 2) Consideration of climatic conditions, including wind direction and inversions;
- 3) For liquid livestock waste: whether supernatant used for irrigation purposes has been stored in a livestock waste lagoon system that complies ~~is designed and operated in accordance~~ with "Design of Anaerobic Lagoons for Animal Waste Management", as incorporated by reference at Section 501.200.
- 4) Other methods as described in "Management of Manure Odor", as incorporated by reference at Section 501.200.

(Source: Amended at 47 Ill. Reg. , effective)

Section 501.406 Inspections and Disease Prevention

a) The Agency has ~~shall have~~ the authority to enter at all reasonable times upon any private or public property for ~~the purpose of~~ inspecting and investigating to ascertain possible violations of the Act or regulations ~~thereunder, in~~ compliance~~accordance~~, in compliance with constitutional limitations, except that

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a ~~no~~-representative of the Agency must ~~not~~shall~~not~~ enter a livestock management facility or livestock waste-handling facility unless sanitized footwear and sanitized outer garments provided by the Agency are used (unless waived by the farm owner or operator) and any other reasonable disease prevention procedures or equipment, as provided by the ~~owner or operator of the~~ facility owner or operator, are used~~utilized~~.

- b) The activities of inspecting and investigating include:
- 1) Having access to and the right to copy any records required to be kept under the terms of the permit; and
 - 2) Having access to, sampling and monitoring any discharge of pollutants to ground and surface waters.

(Source: Amended at 47 Ill. Reg. ~~_____~~ _____, effective ~~_____~~ _____)

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Section 501.APPENDIX A References to Previous Rules (Repealed)

~~The following table is provided to aid in referencing old Board rule numbers to section numbers pursuant to codification.~~

~~Chapter 5: Agriculture Related Pollution 35 Ill. Admin. Code 501~~

~~Part I, General Provisions~~

Rule 101	Section 501.101
Rule 102	Section 501.102
Rule 103	Section 501.201 et seq.
Rule 104(a)	Section 501.401
Rule 104(b)	Section 501.402
Rule 104(c)	Section 501.403
Rule 104(d)	Section 501.404
Rule 104(e)	Section 501.405
Rule 105	Section 502.305
Rule 106	Section 501.406

~~(Source: Repealed at 47 Ill. Reg. _____, effective
_____)~~

Summary report:	
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Delete	233
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<u>Move To</u>	0
<u>Table Insert</u>	0
Table Delete	1
<u>Table moves to</u>	0
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