

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE E: AGRICULTURE RELATED WATER POLLUTION
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 580
PROCEDURES FOR REPORTING RELEASES OF LIVESTOCK WASTE

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AUTHORITY: Implementing and authorized by Section 18 of the Livestock Management Facilities Act [510 ILCS 77/18] (see P.A. 91-0110, effective July 13, 1999); and Section 4(h) of the Environmental Protection Act [415 ILCS 5/4(h)].

SOURCE: Adopted at 22 Ill. Reg. 21863, effective December 4, 1998; amended at 24 Ill. Reg. 15415, effective October 6, 2000.

Section 580.100 Introduction

This Part 580 contains Illinois Environmental Protection Agency (Illinois EPA or Agency) rules for the procedure that owners or operators of livestock waste handling facilities that release livestock waste from the livestock waste handling facility or transportation equipment must follow to satisfy their obligation under Section 18(a) of the Livestock Management Facilities Act [510 ILCS 77/18(a)] and Section 4(h) of the Environmental Protection Act [415 ILCS 5/4(h)], and the procedure that the Illinois EPA will follow to distribute or provide access to that information.

(Source: Amended at 24 Ill. Reg. 15415, effective October 6, 2000)

Section 580.101 Scope

This Part 580 contains the procedures for reporting releases and the procedures for distribution of that information. These regulations are cumulative with conditions, effluent limitations and other requirements established under the Illinois Environmental Protection Act [415 ILCS 5], regulations of the Illinois Pollution Control Board, the federal Water Pollution Control Act (33 U.S.C. 1251), as now or hereafter amended, and regulations pursuant thereto, including terms and conditions of National Pollutant Discharge Elimination System (NPDES) permits issued by the Agency and penalties under Title XII of the Environmental Protection Act [415 ILCS 5/Title XII].

Section 580.102 Applicability

The regulations in this Part 580 apply to the owners or operators of livestock waste handling facilities that release livestock waste from the livestock waste handling facility or transportation equipment as those terms are defined in Section 580.104, subject to the provisions of Section 580.105(b).

(Source: Amended at 24 Ill. Reg. 15415, effective October 6, 2000)

Section 580.103 Purpose

The purpose of this Part 580 is to promote the prompt and effective notification of releases of livestock waste to minimize damage to the environment and to protect the health of our citizens.

(Source: Amended at 24 Ill. Reg. 15415, effective October 6, 2000)

Section 580.104 Definitions

Terms used in this Part have the meaning specified in the Livestock Management Facilities Act [510 ILCS 77] or the Environmental Protection Act [415 ILCS 5]. The following terms have the meanings specified:

"Agency" means the Illinois Environmental Protection Agency.

"Controlled and recovered release" means any release that:

does not result in a discharge to waters of the State; and

has been controlled by diking or berming, or has been otherwise restricted in flow or extent; and

has been recovered so that the unrecovered portion of the released livestock waste is less than or equal to the agronomic application rate of the crop or vegetation grown at the site of the release.

"Department" means the Illinois Department of Agriculture.

"Livestock management facility" means any animal feeding operation, livestock shelter, or on-farm milking and accompanying milk-handling area. Two or more livestock management facilities under common ownership, where the facilities are not separated by a minimum distance of 1/4 mile, and that share a common livestock waste handling facility shall be considered a single livestock management facility. A livestock management facility at education institutions, livestock pasture operations where animals are housed on a temporary basis such as county and state fairs, livestock shows, race tracks, and horse breeding and foaling farms, and market holding facilities are not subject to this Part. [510 ILCS 77/10.30]

"Livestock waste" means livestock excreta and associated feed losses, bedding, 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. [510 ILCS 77/10.35]

"Livestock waste handling facility" means individually or collectively those immovable constructions or devices, except sewers, used for collecting, pumping, treating, or disposing of livestock waste or for the recovery of by-products from the livestock waste. Two or more livestock waste handling facilities under common ownership, and where the facilities are not separated by a minimum

distance of 1/4 mile, shall be considered a single livestock waste handling facility. [510 ILCS 77/10.40]

"Owner or Operator" means any person who owns, leases, controls, or supervises a livestock management facility or livestock waste-handling facility. [510 ILCS 77/10.50]

"Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, State agency, or any other legal entity or their legal representative, agent, or assigns. [510 ILCS 77/10.55]

"Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, or dumping of livestock waste into the environment. For purposes of this Part, a release does not include the normal application of fertilizer such as the application of livestock waste to crop land at agronomic rates established by guidelines of the Agency, regulations of the Illinois Pollution Control Board or in a waste management plan developed pursuant to the Livestock Management Facilities Act [510 ILCS 77] and regulations promulgated thereunder for the crop grown. A release is not application to a grassed area under 35 Ill. Adm. Code 506.303(r) or use of a runoff field application system under 35 Ill. Adm. Code 501.404(d). Air emissions are not releases under this Part.

"Transportation equipment" means all structures and devices including but not limited to pipes, pumps, tanks, or containers, both mobile and non-mobile, used for conveying livestock waste to or from a livestock management facility or livestock waste handling facility.

"Waters" means all accumulations of water, surface and underground, natural, and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon this State. [415 ILCS 5/3.56] *For purposes of this Part, waters of the State do not include small temporary accumulations of surface water from precipitation or irrigation systems.* [510 ILCS 77/18]

(Source: Amended at 24 Ill. Reg. 15415, effective October 6, 2000)

Section 580.105 Method of Reporting a Release of Livestock Waste

- a) An owner or operator of a livestock waste handling facility shall report any release of livestock waste from the livestock waste handling facility or from the transport of livestock waste by means of transportation equipment within 24 hours after the discovery of the release. Reports of releases to surface waters, including to sinkholes, drain inlets, broken subsurface drains or other conduits to groundwater or surface waters, shall be made upon discovery of the release, except when such immediate notification will impede the owner's or operator's response to correct the cause of the release or to contain the livestock waste, in which case the report shall be made as soon as possible but no later than 24 hours after discovery.
- b) *Reporting shall not be required in the case of a release of less than 25 gallons that is not released to the waters of the State or from a controlled and recovered release during field application. [510 ILCS 77/18(a)]*
- c) The report required under subsection (a) shall be given to the Illinois Environmental Protection Agency through the Illinois Emergency Management Agency by calling:

1-800-782-7860

1-217-782-7860

(if calling from outside Illinois).

(Source: Amended at 24 Ill. Reg. 15415, effective October 6, 2000)

Section 580.106 Contents of Report

The report required under Section 580.105(a) must include, as a minimum, each of the following to the extent that it is known at the time of the report:

- a) name and telephone number of the person reporting the release;
- b) county, distance and direction from nearest town, village or municipality of the release;
- c) an estimate of the quantity in gallons that was released, and an estimate of the flow rate if the release is ongoing;
- d) area into which the release occurred (field, ditch, stream, or other description) and apparent environmental impacts of the release;
- e) time and duration of the release;
- f) the names and telephone numbers of persons who may be contacted for further information;
- g) dangers to health or the environment resulting from the release;
- h) actions taken to respond to, contain and mitigate the release; and
- i) name of facility and mailing address.

Section 580.107 Reporting of Releases to Groundwater

If an owner or operator of a lagoon required to implement groundwater monitoring under 35 Ill. Adm. Code 506.204(d) submits a report to the Department of a proposed response action required under 35 Ill. Adm. Code 506.206(g)(2), the owner or operator will submit that report to the Agency at the same time.

Section 580.200 Distribution of Information

- a) Reports under this Part are required by Section 18(a) of the Livestock Management Facilities Act [510 ILCS 77/18(a)] and Section 4(h) of the Environmental Protection Act [415 ILCS 5/4(h)], and are therefore not privileged under Section 52.2(h)(1) of the Environmental Protection Act [415 ILCS 5/52.2(h)(1)].
- b) All reports under Sections 580.105 and 580.300 will be forwarded to the Department by the Agency.
- c) All reports under this Part indicating, or with respect to which subsequent investigations reveal, releases to surface waters will be forwarded by the Agency to the Illinois Department of Natural Resources and to the health department of the county in which the release occurred.
- d) All reports under this Part indicating, or with respect to which subsequent investigations reveal, releases to groundwater will be forwarded by the Agency to the health department of the county in which the release occurred.
- e) All reports under this Part are accessible from the Illinois EPA through the Freedom of Information Act [5 ILCS 140] and Agency regulations at 2 Ill. Adm. Code 1826.

(Source: Amended at 24 Ill. Reg. 15415, effective October 6, 2000)

Section 580.300 Follow-up Written Report

An owner or operator of a livestock waste handling facility who reports by telephone any release of livestock waste shall provide a follow-up written report of the release within 5 days after the discovery of the release. The report shall confirm and update the information provided by telephone pursuant to Section 580.106. Written reports shall be addressed to:

Illinois Environmental Protection Agency
Bureau of Water
Compliance Assurance Section
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

(Source: Amended at 24 Ill. Reg. 15415, effective October 6, 2000)