

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

PART 501  
GENERAL PROVISIONS

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**501.APPENDIX A References to Previous Rules**

**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. 44, 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 at \_\_ 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**Section 501.101 Authority (Repealed)**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 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.~~

(Repealed: Repealed at \_\_ Ill.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 shall be to 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 certain livestock management facilities and livestock waste-handling facilities without environmental planning and safeguards or the use of 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 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.
- 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 such odor 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 proper environmental safeguards the construction, location and operation of certain livestock management facilities and livestock waste-handling facilities. A permit system is established to ensure that 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 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 \_\_ 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](mailto: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 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 [http://www.nws.noaa.gov/oh/hdsc/PF\\_documents/Atlas14\\_Volume2.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 (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>).

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.

(Source: Amended at \_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **SUBPART C: OPERATIONAL RULES**

#### **Section 501.403 Protection of Livestock Management Facilities and Livestock Waste-Handling Facilities**

- a) Existing livestock management facilities and livestock waste-handling facilities shall 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 shall 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, 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 shall 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 category.~~

(Source: Amended at \_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 501. APPENDIX A                      References to Previous Rules**

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

<del>Rule 101</del>	<del>Section 501.101</del>
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