

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

**PART 501
GENERAL PROVISIONS**

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Appendix A References to Previous Rules

AUTHORITY: Implementing and authorized by Sections 9, 12, 13, 21, 22 and 27 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 1009, 1012, 1013, 1021, 1022 and 1027).

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.

SUBPART A: AUTHORITY AND POLICY

Section 501.101 Authority

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.

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.** (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 15 Ill. Reg. 10075, effective July 1, 1991)

SUBPART B: DEFINITIONS AND INCORPORATIONS

Section 501.200 Incorporations by Reference

- a) The Board incorporates the following material by reference:
ASAE. Available from American Society of Agricultural Engineers, 2950 Niles

Road, St. Joseph, MI 49085-9659 (616-429-0300).

"Control of Manure Odors," ASAE EP379.1 (December 1986).

"Design of Anaerobic Lagoons for Animal Waste Management," ASAE EP403.1 (March 1990).

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

(Source: Added at 15 Ill. Reg. 10075, effective July 1, 1991)

SUBPART B: DEFINITIONS

Section 501.201 Definitions

Except as hereinafter stated and unless a different meaning of the term is clear from its context, the definitions of terms used in this Chapter shall be the same as those used in the Act and 35 Ill. Adm. Code: Subtitle C, Chapter I.

Section 501.205 Act

The Illinois Environmental Protection Act.

Section 501.210 Administrator

The Administrator of the United States Environmental Protection Agency or his designee.

Section 501.215 Air Pollution

The presence in the atmosphere of one or more contaminants 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.

Section 501.220 Agency

The Illinois Environmental Protection Agency.

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 deemed to be a single animal feeding operation if they are adjacent to each other or if they utilize a common area or system for the disposal of wastes.

(Source: Added at 2 Ill. Reg. 44, p. 137, effective October 30, 1978)

Section 501.230 Animal Unit

A unit of measurement for any animal feeding operation calculated by adding the following animal numbers:

- a) Brood cows and slaughter and feeder cattle multiplied by 1.0
- b) Milking dairy cows multiplied by 1.4
- c) Young dairy stock multiplied by 0.6
- d) Swine weighing over 55 pounds multiplied by 0.4
- e) Swine weighing under 55 pounds multiplied by 0.03
- f) Sheep, lambs or goats multiplied by 0.1
- g) Horses multiplied by 2.0
- h) Turkeys multiplied by 0.02
- i) Laying hens or broilers multiplied by 0.01 (if the facility has continuous overflow watering)
- j) Laying hens or broilers multiplied by 0.03 (if the facility has a liquid manure handling system)
- k) Ducks multiplied by 0.02

(Source: Added at 2 Ill. Reg. 44, p. 137, effective October 30, 1978)

Section 501.235 Board

The Illinois Pollution Control Board.

Section 501.240 Construction

Commencement of on-site fabrication, erection or installation.

Section 501.241 CWA

Federal Water Pollution Control Act (also known as the Clean Water Act), as amended, 33 U.S.C 1251 et seq., Public Law 92-500, enacted by the Congress October 18, 1972, as amended by Public Law 95-217, enacted December 27, 1977, as amended.

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 has commenced prior to the effective date of this Chapter.

Section 501.246 Expansion

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 the fixed capital cost of a comparable entirely new facility.

(Source: Added at 15 Ill. Reg. 10075, effective July 1, 1991)

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 include but are not limited to 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: Added at 15 Ill. Reg. 10075, effective July 1, 1991)

Section 501.250 Feedlot Runoff

Polluted liquid flowing from any animal feeding operation caused by precipitation or other water sources falling on or flowing onto an animal feeding operation.

(Source: Amended at 2 Ill. Reg. 44, p. 137, effective October 30, 1978)

Section 501.255 Holding Pond

Any excavated, diked or walled structure or combination of structures designed for the interception and temporary storage of feedlot runoff.

Section 501.260 Impermeable

Not permitting significant passage of fluids under the usual pressure differences found in constructed livestock waste-handling facilities.

Section 501.265 Lagoon

Any excavated, diked or walled structure or combination of structures designed for biological stabilization and storage of livestock wastes.

Section 501.270 Leachate

Waters containing materials removed from livestock waste.

Section 501.274 Liquid Livestock Waste

Livestock waste which can be spread with a conventional liquid manure spreader. This includes pit manures, lagoon manures, holding pond or tank manures, and any other livestock waste consisting of less than 20% solids concentration.

(Source: Added at 15 Ill. Reg. 10075, effective July 1, 1991)

Section 501.275 Liquid Manure-Holding Tank

Any fabricated structure, with or without a cover, either formed in place or transported to the site, used for containing liquid livestock wastes.

Section 501.280 Livestock

Farm animals kept or raised for food, profit, use or pleasure to include the species fowl, ovine, caprine, bovine, porcine, equine and other commercially produced animals and operations such as mink, rabbit, etc.

Section 501.285 Livestock Management Facility

Any animal feeding operation, livestock shelter or on-farm milking and accompanying milk-handling area.

(Source: Amended at 2 Ill. Reg. 44, p. 137, effective October 30, 1978)

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.

Section 501.295 Livestock Waste

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.

(Source: Amended at 2 Ill. Reg. 44, p. 137, effective October 30, 1978)

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. 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.

Section 501.305 Man-made

Constructed by man and used for the purpose of transporting waste.

(Source: Added at 2 Ill. Reg. 44, p. 137, effective October 30, 1978)

Section 501.310 Man-made Ditch

A discrete fissure or channel excavated in the earth for the purpose of transporting livestock waste directly to navigable waters. This is not to be confused with a vegetative filter or acceptable disposal area which is a treatment device and may take the form of a man-made terrace or grass waterway system.

(Source: Added at 2 Ill. Reg. 44, p. 137, effective October 30, 1978)

Section 501.315 Manure Storage Structure

Any permanent area or structure which is impermeable and is used for stacking, storing or containment of livestock waste.

Section 501.317 Maximum Feasible Location

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

- 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: Added at 15 Ill. Reg. 10075, effective July 1, 1991)

Section 501.320 Modification

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 over the level authorized by the NPDES permit.

Section 501.325 Navigable Waters

All waters of the United States as defined in Criteria and Standards for the National Pollutant Discharge Elimination System (40 CFR 125.1(p)):

- a) All navigable waters of the United States;
- b) Tributaries of navigable water of the United States;
- c) Interstate waters;
- d) Intrastate lakes, rivers and streams which are utilized by interstate travelers for recreational or other purposes;
- e) Intrastate lakes, rivers and streams from which fish or shellfish are taken and sold in interstate commerce; and
- f) Intrastate lakes, rivers and streams which are utilized for industrial purposes by industries in interstate commerce.

(Source: Added at 2 Ill. Reg. 44, p. 137, effective October 30, 1978)

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 commenced on or after January 1, 1978.

(Source: Amended at 15 Ill. Reg. 10075, effective July 1, 1991)

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 in connection with NPDES which have been defined in the CWA or regulations adopted thereunder shall have the meanings specified therein, unless specifically noted otherwise.

Section 501.340 NPDES Permit

A permit issued pursuant to the NPDES.

Section 501.342 Non-farm Residence

Any residence which is not a farm residence.

(Source: Added at 15 Ill. Reg. 10075, effective July 1, 1991)

Section 501.345 Owner or Operator

Any person who owns, leases, controls or supervises a livestock management facility or livestock waste-handling facility.

Section 501.350 Person

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.

Section 501.355 Pollutant

Dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water, as defined in CWA.

Section 501.356 Populated Area

Any area where at least ten (10) inhabited non-farm residences or at least fifty (50) persons frequenting a common place of assembly or a non-farm business at least once per week.

(Source: Added at 15 Ill. Reg. 10075, effective July 1, 1991)

Section 501.360 Settling Basin

Any excavated, diked or walled structure or combination of structures designed as part of a livestock waste-handling facility to detain feedlot runoff for a sufficient time to permit solids to settle for later removal.

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 in connection with silvicultural activities and from which pollutants are discharged into navigable waters.

(Source: Added at 2 Ill. Reg. 44, p. 137, effective October 30, 1978)

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 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.

Section 501.372 Supernatant

The liquid portion of the livestock waste that overlies deposited or settled solids that are stored in a tank or lagoon.

(Source: Added at 15 Ill. Reg. 10075, effective July 1, 1991)

Section 501.375 Temporary Manure Stack

Any mound or stack resulting from the emergency or seasonal piling of livestock wastes.

Section 501.380 Water Pollution

Such alteration of the physical, thermal, chemical, biological or radioactive properties of any waters of the State, or such discharge of any contaminant into any waters of the State, as will or is likely to create a nuisance or render 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.

SUBPART C: OPERATIONAL RULES

Section 501.401 General Criteria

- a) Besides the regulations contained within this Chapter, every person shall also comply with provisions of the Act and Board regulations.
- b) The owner or operator of any livestock management facility or livestock waste-handling facility shall comply with the CWA, NPDES filing requirements and the feedlot category of point source effluent guidelines.
- c) These regulations 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 shall be planned and conducted so as not to cause, threaten, or allow any violation of the Act and applicable regulations.

(Source: Amended at 2 Ill. Reg. 44, p. 137, effective October 30, 1978)

**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 shall 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 shall be protected against such flood.
- c)
 - 1) Upon July 15, 1991, new or expanded livestock management facilities and new or expanded livestock waste-handling facilities shall not be located within 1/2 mile of a populated area or within 1/4 mile of a non-farm residence.
 - 2) For purposes of this subsection (c), the following shall not be considered location of a new or expanded livestock management or waste handling facility:
 - A) Commencement of operations at an idle facility which has livestock shelters left intact, and which has been operated as a livestock management facility or livestock waste-handling facility for four consecutive months at any time within the ten (10) previous years;
 - B) 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 shall be practiced by operators of new and existing livestock management facilities and livestock waste-handling facilities so as not to cause air pollution.
- d) The setback requirements of subsection (c) shall not apply to any livestock management facility or livestock waste-handling facility which meets any of the following conditions:

- 1) The facility is located in an Agricultural Area, designated as such pursuant to the Agricultural Areas Conservation and Protection Act, Ill. Rev. Stat. 1989, ch. 5, para. 1001 et seq.;
 - 2) The facility undergoes expansion, and the owner of the facility certifies and notifies the Agency in writing as such that the facility was operating as a livestock management facility or livestock waste-handling facility for at least one year prior to the existence of any non-farm residence within 1/4 mile of the facility or of a populated area within 1/2 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 such use, the facility 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 which locates within 1/4 mile of a neighboring farm residence shall locate at the maximum feasible location from such residence.
 - f) A new livestock management facility or new livestock waste-handling facility which locates within 1/4 mile of a non-farm residence or within 1/2 mile of a populated area, pursuant to subsection (d), shall locate at the maximum feasible location from such 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 shall be constructed in such a way that pollution will be prevented, or supplementary measures shall be adopted which will prevent pollution.

(Source: Amended at 15 Ill. Reg. 10075, effective July 1, 1991)

**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 for the feedlot point source category.

(Source: Amended at 2 Ill. Reg. 44, p. 137, effective October 30, 1978)

Section 501.404 Handling and Storage of Livestock Waste

- a) Any livestock waste stored in excess of six months shall be contained in a manure storage structure.
- b) Temporary Manure Stacks
 - 1) Temporary manure stacks shall be constructed or established and maintained in a manner to prevent runoff and leachate from entering surface or groundwaters.
 - 2) No temporary manure stack shall be constructed within 100 feet of a water well.
- c) Livestock Waste-Holding Facilities

- 1) Liquid manure-holding tanks shall be impermeable and capable of withstanding pressures and loadings to which such a tank may be subjected.
 - 2) Holding ponds and lagoons shall be impermeable or so sealed as to prevent groundwater or surface water pollution.
 - 3) The contents of livestock waste-handling facilities shall be kept at levels such that there is adequate storage capacity so that an overflow does not occur except in the case of precipitation in excess of a 25-year 24-hour storm.
 - 4) Liquid Livestock Waste
 - A) Existing livestock management facilities which handle the waste in a liquid form shall 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 such cases, interim pollution prevention measures may be required by the Agency.
 - B) New livestock waste-handling facilities which handle the waste in a liquid form shall 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 may construct and operate a runoff field application system for the treatment of livestock waste from fewer than 300 animal units, 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 which would assure compliance with the Act and 35 Ill. Adm. Code.Subtitle E.

- e) Subsections (a) through (d) shall not apply to livestock management facilities with fifty (50) or fewer animal units, provided that the following conditions exist:
- 1) The location of the facility 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 (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1012);
 - 2) There is no discharge of livestock waste into waters of the State by means of a man-made ditch, flushing system or other similar man-made device, in violation of Section 12 of the Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1012); and
 - 3) The facility is managed so that livestock waste is not allowed to accumulate to an extent which threatens to cause a discharge to waters of the State, in violation of Section 12 of the Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1012).

(Source: Amended at 15 Ill. Reg. 10075, effective July 1, 1991)

Section 501.405 Field Application of Livestock Waste

- a) The quantity of livestock waste applied on soils shall not exceed a practical limit as determined by soil type, especially its permeability, the 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 pursuant to Section 502.305, unless otherwise provided for by Board regulations.
- b) Operators of livestock waste handling facilities shall 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 which is used for irrigation purposes has been stored in a livestock waste lagoon system which 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 "Control of Manure Odors", as incorporated by reference at Section 501.200.

(Source: Amended at 15 Ill. Reg. 10075, effective July 1, 1991)

Section 501.406 Inspections and Disease Prevention

- a) The Agency 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 accordance with constitutional limitations, except that no representative of the Agency shall 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, are 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.

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

Rule 101	Section 501.101
Rule 102	Section 501.102
Rule 103	Section 501.201 <u>et seq.</u>

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