

**From:** [McGill, Richard](#)  
**To:** [Brown, Don](#)  
**Cc:** [Leoni, Carlie M.](#); [Bilbruck, Shannon O.](#)  
**Subject:** FW: First Notice Documents from JCAR  
**Date:** Friday, March 10, 2023 11:38:51 AM  
**Attachments:** [Econ State Mandate.docx](#)  
[35-501NT-P JCAR.docx](#)  
[35-501RG-P r01 \(47-10\).pdf](#)  
[Litera Compare Redline - 35-501RG-P Agency and 35-501RG-P r01 \(47-10\).pdf](#)  
[image001.png](#)

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Good morning, DB:

Please docket in R18-25 this forwarded email and attachments from JCAR.

Thank you.

Richard R. McGill, Jr.  
Senior Attorney for Research & Writing  
Illinois Pollution Control Board  
60 E. Van Buren St., Suite 630  
Chicago, Illinois 60605  
[richard.mcgill@illinois.gov](mailto:richard.mcgill@illinois.gov) (312) 814-6983



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**From:** Knudson, Cheryl J. <CherylK@ilga.gov>  
**Sent:** Friday, March 10, 2023 9:31 AM  
**To:** McGill, Richard <Richard.McGill@illinois.gov>  
**Cc:** Eastvold, Jonathan C. <JonathanE@ilga.gov>  
**Subject:** [External] RE: First Notice Documents from JCAR

First Notice documents are attached for your review:

- ECON State Mandate Letter
- Notice Page – (formatted)
- First Notice – Line Numbered Version (r01) – Please use this document to draft First Notice changes.
- Redline - Comparing: Agency Proposed vs. JCAR r01

If you have any questions or concerns, please contact Jonathan Eastvold @ 217-524- 9010.

Thank you,  
Cheryl

Cheryl Knudson  
Joint Committee on Administrative Rules

Illinois General Assembly  
700 Stratton Building  
Springfield, IL 62706

217.785.8993  
[cherylk@ilga.gov](mailto:cherylk@ilga.gov)

State of Illinois - CONFIDENTIALITY NOTICE: The information contained in this communication is confidential, may be attorney-client privileged or attorney work product, may constitute inside information or internal deliberative staff communication, and is intended only for the use of the addressee. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify the sender immediately by return e-mail and destroy this communication and all copies thereof, including all attachments. Receipt by an unintended recipient does not waive attorney-client privilege, attorney work product privilege, or any other exemption from disclosure.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 501
- 3) 

| <u>Section Numbers:</u> | <u>Proposed Actions:</u> |
|-------------------------|--------------------------|
| 501.101                 | Repealed                 |
| 501.102                 | Amendment                |
| 501.104                 | Amendment                |
| 501.200                 | Amendment                |
| 501.201                 | Amendment                |
| 501.223                 | Amendment                |
| 501.225                 | Amendment                |
| 501.238                 | Amendment                |
| 501.240                 | Amendment                |
| 501.245                 | Amendment                |
| 501.246                 | Amendment                |
| 501.248                 | Amendment                |
| 501.290                 | Amendment                |
| 501.295                 | Amendment                |
| 501.300                 | Amendment                |
| 501.313                 | Amendment                |
| 501.317                 | Amendment                |
| 501.320                 | Amendment                |
| 501.330                 | Amendment                |
| 501.333                 | Amendment                |
| 501.335                 | Amendment                |
| 501.340                 | Amendment                |
| 501.359                 | Amendment                |
| 501.363                 | Amendment                |
| 501.365                 | Amendment                |
| 501.370                 | Amendment                |
| 501.377                 | Amendment                |
| 501.379                 | Amendment                |
| 501.380                 | Amendment                |
| 501.401                 | Amendment                |
| 501.402                 | Amendment                |
| 501.403                 | Amendment                |
| 501.404                 | Amendment                |
| 501.405                 | Amendment                |
| 501.406                 | Amendment                |

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

501.APPENDIX A                      Repealed

- 4) Statutory 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].
- 5) A Complete Description of the Subjects and Issues Involved: In 2016, the Board began reviewing its rules to identify obsolete, repetitive, confusing, or otherwise unnecessary language. On January 10, 2018, the Illinois Environmental Protection Agency (IEPA) filed a proposal to update provisions within 35 Ill. Adm. Code Subpart E. IEPA's proposal arose from Executive Order 2016-13, which required agencies to identify outdated, repetitive, confusing, or unnecessary rules and then amend or repeal them. These proposed amendments to Part 501 include those submitted by IEPA and those identified separately by the Board. Both IEPA and the Board intend the amendments to be non-substantive clarifications.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: No
- 7) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? Yes

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.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

"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 <https://hdsc.nws.noaa.gov/hdsc/pfds/doc/NA14Vol2.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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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.

- 10) Are there any proposed rulemakings to this Part pending? No
- 11) Statement of Statewide Policy Objectives: This proposed amendment does not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comments on this proposal for a period of at least 45 days after the date of publication in the *Illinois Register*. Public comments should refer to Docket R18-25 and be filed electronically through the Clerk's Office On-Line (COOL) on the Board's website at [pcb.illinois.gov](http://pcb.illinois.gov). Public comments may be addressed to:

Clerk's Office  
Illinois Pollution Control Board  
100 W. Randolph St., Suite 11-500  
Chicago, IL 60601

Interested persons may download copies of the Board's opinions and orders in R18-25 from the Board's Web site at [pcb.illinois.gov](http://pcb.illinois.gov) and may also request copies by calling the Clerk's office at 312-814-3620.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: The proposed amendments in this rulemaking will not themselves require recordkeeping or reporting procedures for compliance.
- C) Types of Professional skills necessary for compliance: None

# First Notice

JCAR350501-2303159r01

1 TITLE 35: ENVIRONMENTAL PROTECTION  
2 SUBTITLE E: AGRICULTURE RELATED POLLUTION  
3 CHAPTER I: POLLUTION CONTROL BOARD  
4

5 PART 501  
6 GENERAL PROVISIONS  
7

8 SUBPART A: AUTHORITY AND POLICY  
9

|    |         |  |
|----|---------|--|
| 10 | Section |  |
| 11 | 501.101 | Authority ( <a href="#">Repealed</a> ) |
| 12 | 501.102 | Policy                                 |
| 13 | 501.103 | Organization of this Chapter           |
| 14 | 501.104 | Severability                           |

15  
16 SUBPART B: DEFINITIONS AND INCORPORATIONS  
17

|    |         |  |
|----|---------|--|
| 18 | Section |  |
| 19 | 501.200 | Incorporations by Reference  |
| 20 | 501.201 | Definitions  |
| 21 | 501.205 | Act  |
| 22 | 501.210 | Administrator  |
| 23 | 501.215 | Air Pollution  |
| 24 | 501.220 | Agency   |
| 25 | 501.223 | Animal Confinement Area  |
| 26 | 501.225 | Animal Feeding Operation   |
| 27 | 501.230 | Animal Unit  |
| 28 | 501.235 | Board  |
| 29 | 501.236 | Chemicals and Other Contaminants   |
| 30 | 501.238 | Concentrated Animal Feeding Operation (CAFO)                                 |
| 31 | 501.240 | Construction   |
| 32 | 501.241 | CWA  |
| 33 | 501.242 | Dry Lot  |
| 34 | 501.244 | Erosion Factor T   |
| 35 | 501.245 | Existing Livestock Management Facility and Livestock Waste-Handling Facility |
| 36 | 501.246 | Expansion  |
| 37 | 501.248 | Farm Residence   |
| 38 | 501.250 | Feedlot Runoff   |
| 39 | 501.252 | Frozen Ground  |
| 40 | 501.253 | Grassed Waterway   |
| 41 | 501.254 | Groundwater  |
| 42 | 501.255 | Holding Pond   |
| 43 | 501.260 | Impermeable  |

|    |         |   |
|----|---------|---|
| 44 | 501.261 | Incorporation   |
| 45 | 501.263 | Injection   |
| 46 | 501.265 | Lagoon  |
| 47 | 501.267 | Land Application Area   |
| 48 | 501.270 | Leachate  |
| 49 | 501.274 | Liquid Livestock Waste  |
| 50 | 501.275 | Liquid Manure-Holding Tank  |
| 51 | 501.280 | Livestock   |
| 52 | 501.285 | Livestock Management Facility   |
| 53 | 501.290 | Livestock Shelter   |
| 54 | 501.295 | Livestock Waste   |
| 55 | 501.300 | Livestock Waste-Handling Facility   |
| 56 | 501.305 | Man-made  |
| 57 | 501.310 | Man-made Ditch  |
| 58 | 501.312 | Manure  |
| 59 | 501.313 | Manure Storage Area   |
| 60 | 501.315 | Manure Storage Structure  |
| 61 | 501.317 | Maximum Feasible Location   |
| 62 | 501.320 | Modification  |
| 63 | 501.325 | Navigable Waters (Repealed)   |
| 64 | 501.330 | New Livestock Management Facility and New Livestock Waste-Handling Facility |
| 65 | 501.333 | New Source  |
| 66 | 501.335 | NPDES   |
| 67 | 501.340 | NPDES Permit  |
| 68 | 501.342 | Non-farm Residence  |
| 69 | 501.343 | Overflow  |
| 70 | 501.345 | Owner/Operator  |
| 71 | 501.350 | Person  |
| 72 | 501.355 | Pollutant   |
| 73 | 501.356 | Populated Area  |
| 74 | 501.357 | Process Wastewater  |
| 75 | 501.358 | Production Area   |
| 76 | 501.359 | Raw Materials Storage Area  |
| 77 | 501.360 | Revised Universal Soil Loss Equation (RUSLE2)                               |
| 78 | 501.361 | Saturated   |
| 79 | 501.363 | Setbacks  |
| 80 | 501.365 | Silvicultural Point Source  |
| 81 | 501.370 | Standard of Performance   |
| 82 | 501.372 | Supernatant   |
| 83 | 501.373 | Surface Land Application  |
| 84 | 501.375 | Temporary Manure Stack  |
| 85 | 501.377 | Vegetative Buffer   |
| 86 | 501.378 | Vegetative Fence Row  |





~~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~~ 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.
- 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*

173 property. [415 ILCS 5/3.115], ~~The discharge of contaminants into the air of~~  
174 ~~Illinois in sufficient quantities and of such characteristics and duration as to be~~  
175 ~~injurious to human, plant, or animal life, to health, or to property, or to~~  
176 ~~unreasonably interfere with the enjoyment of life or property. [415 ILCS~~  
177 ~~5/3.115]the discharge of contaminants into the air of Illinois in sufficient~~  
178 ~~quantities and of such characteristics and duration as to be injurious to human,~~  
179 ~~plant or animal life, to health, or to property, or to unreasonably interfere with~~  
180 ~~the enjoyment of life or property. (Ill. Rev. Stat. ch. 111 ½ par. 1003.2) It is~~  
181 recognized that the presence of odor is an inherent characteristic of livestock  
182 management facilities and livestock waste-handling facilities, and that the  
183 detection of ~~that~~such odor ~~is~~does not per se ~~constitute~~air pollution.

- 184  
185 e) It is the purpose of this Chapter to prevent pollution of the air and waters of  
186 Illinois caused by failure to plan ~~regarding~~with regard to proper environmental  
187 safeguards the construction, location and operation of ~~specified~~ertain livestock  
188 management facilities and livestock waste-handling facilities. A permit system is  
189 established to ensure that ~~those~~such activities take account of environmental  
190 considerations and to meet the requirements for federal approval, as established  
191 by the CWA. It is also the purpose of these regulations to prevent pollution from  
192 the numerous point and non-point discharges, both continuous and fluctuating,  
193 which are present in ~~specified~~ertain livestock management facilities or livestock  
194 waste-handling facilities. To this end, procedural safeguards are required, in  
195 addition to compliance with the CWA, NPDES filing requirements and the feedlot  
196 category of point source effluent guidelines.

197  
198 (Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
199

200 **Section 501.104 Severability**

201  
202 If any provision of this Part is adjudged invalid, or if the application of this Part to any person or  
203 in any circumstance is adjudged invalid, that invalidity ~~will~~shall not affect the validity of this  
204 Chapter as a whole, or of any Part, Subpart, sentence or clause ~~of this Part~~not adjudged invalid.

205  
206 (Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
207

208 **SUBPART B: DEFINITIONS AND INCORPORATIONS**

209  
210 **Section 501.200 Incorporations by Reference**

- 211  
212 a) The Board incorporates the following material by reference:

213  
214 [ASABE. American Society of Agricultural and Biological Engineers, 2950 Niles](#)  
215 [Road, St. Joseph, MI 49085 \(269-429-0300\), fax 269-429-3852, \[hq@asabe.org\]\(mailto:hq@asabe.org\)](#)

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

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

"Illinois Agronomy Handbook, 24<sup>th</sup> 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.

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"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.

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"NOAA Atlas 14: Precipitation Frequency Atlas of the United States", United States Department of Commerce, National Oceanic and Atmospheric

259 Administration, National Weather Service, Volume 2, Version 3.0 (2004), revised  
260 2006. Available from NOAA, NWS, Office of Hydrologic Development, 1325  
261 East West Highway, Silver Spring MD 20910 (Available online at  
262 <https://hdsc.nws.noaa.gov/hdsc/pfds/doc/NA14Vol2.pdf>  
263 [http://www.nws.noaa.gov/oh/hdsc/PF\\_documents/Atlas14\\_Volume2.pdf](http://www.nws.noaa.gov/oh/hdsc/PF_documents/Atlas14_Volume2.pdf)).

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

267  
268 40 CFR 412.46(a)(1)(ii) (2008), New Source Performance Standards  
269 (NSPS).

270  
271 40 CFR 412.46(a)(1)(vi) (2008), New Source Performance Standards  
272 (NSPS).

273  
274 "Agricultural Waste Management Field Handbook", United States Department of  
275 Agriculture, Natural Resources Conservation Service (2009). Available from  
276 USDA, NRCS, 1400 Independence Ave., S.W., Washington, DC 20250.  
277 (Available online at  
278 <http://directives.sc.egov.usda.gov/viewerFS.aspx?hid=21430>).

279  
280 b) This Section incorporates no later editions or amendments.

281  
282 (Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### 283 284 **Section 501.201 Definitions**

285  
286 a) Except as otherwise stated in this Part, and unless a different meaning of the term  
287 is clear from its context, the definitions of terms used in this Chapter ~~are~~**shall be**  
288 the same as those used in the Act and 35 Ill. Adm. Code: Subtitle C, Chapter I.

289  
290 b) The definitions contained in this Subpart ~~apply~~**are applicable** to 35 Ill. Adm. Code  
291 501, 502 and 503.

292  
293 (Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### 294 295 **Section 501.223 Animal Confinement Area**

296  
297 Animal confinement area includes, ~~but is not limited to,~~ open lots, housed lots, feedlots,  
298 confinement houses, stall barns, free stall barns, milkrooms, milking centers, cowyards,  
299 barnyards, medication pens, walkers, animal walkways and stables.

300  
301 (Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**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 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 under~~pursuant to~~ 35 Ill. Adm. Code 502.103 or as a medium CAFO under~~pursuant to~~ 35 Ill. Adm. Code 502.104, or that is designated as a CAFO under~~pursuant to~~ 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**

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

349  
350 (Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
351

352 **Section 501.248 Farm Residence**  
353

354 Any residence on a farm owned or occupied by the farm owners, operators, tenants or seasonal  
355 or year-round hired workers. For ~~purposes of~~ this definition, a "farm" is the land, buildings, and  
356 machinery used in the commercial production of farm products, and "farm products" are those  
357 plants and animals and their products which are produced or raised for commercial purposes and  
358 include ~~but are not limited to~~ forages and sod crops, grains and feed crops, dairy and dairy  
359 products, poultry and poultry products, livestock, fruits, vegetables, flowers, seeds, grasses, trees,  
360 fish, honey and other similar products, or any other plant, animal, or plant or animal product  
361 which supplies people with food, feed, fiber, or fur.

362  
363 (Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
364

365 **Section 501.290 Livestock Shelter**  
366

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

369  
370 (Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
371

372 **Section 501.295 Livestock Waste**  
373

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

379  
380 (Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
381

382 **Section 501.300 Livestock Waste-Handling Facility**  
383

384 Individually or collectively those constructions or devices, except sewers, used for collecting,  
385 pumping, treating or disposing of livestock waste or for the recovery of by-products from ~~such~~  
386 livestock waste. The~~Such a~~ facility includes acceptable disposal areas, such as pasture or other  
387 suitable agricultural land, which can serve as an adequate filtering device to settle out and



388 assimilate pollutants from livestock waste before the clarified water reaches a stream or other  
389 body of surface water or groundwater.

390 (Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
391

392  
393 **Section 501.313 Manure Storage Area**

394  
395 Includes ~~but is not limited to~~ lagoons, runoff ponds, storage sheds, stockpiles, under-the-house or  
396 pit storages, liquid impoundments, static piles, and composting piles.

397  
398 (Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
399

400 **Section 501.317 Maximum Feasible Location**

401  
402 Any location ~~establishing for the establishment of~~ a new livestock management facility or new  
403 livestock waste-handling facility where one of the following conditions ~~exists~~exist:

404  
405 a) The site is located closer to the livestock owner's or operator's residence than to a  
406 neighboring farm or non-farm residence or populated area; or

407  
408 b) The site is adjacent to an existing livestock management facility or livestock  
409 waste-handling facility, or is farther away from a neighboring farm or non-farm  
410 residence or populated area than the existing livestock management facility or  
411 livestock waste-handling facility, when the livestock owner or operator does not  
412 reside on the farm where the livestock are to be kept or raised; or

413  
414 c) The site is accessible to roads, water and electricity and is at the farthest location  
415 from a neighboring farm or non-farm residence or populated area; there is no  
416 existing livestock management facility or livestock waste-handling facility on the  
417 site, and the livestock owner or operator does not reside on the farm where the  
418 livestock are to be kept or raised.

419  
420 (Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
421

422 **Section 501.320 Modification**

423  
424 ~~The~~Such physical change in or alteration in the method of operation of any livestock  
425 management facility or livestock waste-handling facility which increases the ~~amount of~~ livestock  
426 waste amount over the level authorized by the NPDES permit.

427  
428 (Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
429

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



431 **Facility**

432  
433 Any livestock management facility or livestock waste-handling facility the construction or  
434 modification of which is started after December 31, 1977~~commenced on or after January 1,~~  
435 ~~1978.~~

436  
437 (Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

438  
439 **Section 501.333 New Source**

440  
441 Any building, structure, facility, or installation from which there is or may be a discharge of  
442 pollutants, the construction of which started~~commenced~~ after either of the following dates:

443  
444 a) after promulgation of standards of performance under section 306 of the Clean  
445 Water Act that apply~~are applicable~~ to the source; or

446  
447 b) after proposal of standards of performance in compliance~~accordance~~ with section  
448 306 of the Clean Water Act that apply~~are applicable~~ to the source, but only if the  
449 standards are promulgated in compliance~~accordance~~ with section 306 within 120  
450 days after their proposal.

451  
452 (Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

453  
454 **Section 501.335 NPDES**

455  
456 The National Pollutant Discharge Elimination System for issuing, establishing conditions for and  
457 denying permits under Section 402 of the CWA. All terms used regarding~~in connection with~~  
458 NPDES which have been defined in the CWA or regulations adopted ~~thereunder shall~~ have the  
459 meanings specified in the CWA or regulations~~therein~~, unless specifically noted otherwise.

460  
461 (Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

462  
463 **Section 501.340 NPDES Permit**

464  
465 A permit issued under~~pursuant to~~ the NPDES.

466  
467 (Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

468  
469 **Section 501.359 Raw Materials Storage Area**

470  
471 Includes,~~but is not limited to,~~ feed silos, silage bunkers, and bedding materials stacks.

472  
473 (Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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516

**Section 501.363 Setbacks**

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 \_\_\_\_\_)

517 **Section 501.380 Water Pollution**

518

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

524

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

526

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

529

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

532

533 a) Besides the regulations contained within this Chapter, every person ~~must~~~~shall~~ also  
534 comply with ~~provisions of~~ the Act and other Board regulations.

535

536 b) The owner or operator of any livestock management facility or livestock waste-  
537 handling facility ~~must~~~~shall~~ comply with the CWA, NPDES filing requirements  
538 and the feedlot category of point source effluent guidelines. All livestock  
539 management facilities and livestock waste-handling facilities ~~must determine~~~~have~~  
540 ~~the obligation to make a site specific determination of~~ whether the facility is  
541 subject to NPDES permit requirements and to follow those requirements when  
542 and where they ~~apply~~~~are applicable~~. CAFOs are subject to additional  
543 requirements applicable under 35 Ill. Adm. Code 502.

544

545 c) This Subpart ~~applies~~~~shall apply~~ to stockyards and similar operations where  
546 animals are held briefly, as well as to conventional livestock operations.

547

548 d) The transportation of livestock wastes ~~must~~~~shall~~ be planned and conducted so as  
549 not to cause, threaten, or allow any violation of the Act and applicable  
550 regulations.

551

552 e) Any runoff or overflow from a livestock management facility or a livestock  
553 waste-handling facility ~~must~~~~shall~~ not cause a water quality violation  
554 ~~under~~~~pursuant to~~ the Act or 35 Ill. Adm. Code Subtitle C: Water Pollution.

555

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

557

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

- 560  
 561 a) No new livestock management facility or new livestock waste-handling facility  
 562 ~~can~~~~shall~~ contain within its boundaries any stream or other surface waters except  
 563 small temporary accumulations of water occurring as a direct result of  
 564 precipitation.  
 565
- 566 b) New livestock management facilities and new livestock waste-handling facilities  
 567 located within a 10-year flood height as recorded by the United States Geological  
 568 Survey or as officially estimated by the Illinois State Water Survey ~~must~~~~shall~~ be  
 569 protected against ~~that~~~~such~~ flood.  
 570
- 571 c) Limitations Effective July 15, 1991  
 572
- 573 1) Upon July 15, 1991, new or expanded livestock management facilities and  
 574 new or expanded livestock waste-handling facilities ~~must~~~~shall~~ not be  
 575 located within ½ mile of a populated area or within ¼ mile of a non-farm  
 576 residence.  
 577
- 578 2) For ~~purposes of this~~-subsection (c), the following ~~must~~~~shall~~ not be  
 579 considered location of a new or expanded livestock management or waste-  
 580 handling facility:  
 581
- 582 A) ~~Start~~~~Commencement~~ of operations at an idle facility which has  
 583 livestock shelters left intact, and that has been operated as a  
 584 livestock management facility or livestock waste-handling facility  
 585 for four consecutive months at any time within the 10 previous  
 586 years;  
 587
- 588 B) ~~Start~~~~Commencement~~ of operations at a facility reconstructed after  
 589 partial or total destruction due to natural causes, i.e., tornado, fire,  
 590 or earthquake.  
 591
- 592 3) Adequate odor control methods and technology ~~must~~~~shall~~ be practiced by  
 593 operators of new and existing livestock management facilities and  
 594 livestock waste-handling facilities so as not to cause air pollution.  
 595
- 596 d) The setback requirements of subsection (c) ~~do~~~~shall~~ not apply to any livestock  
 597 management facility or livestock waste-handling facility that meets any of the  
 598 following conditions:  
 599
- 600 1) The facility is located in an agricultural area, ~~so~~ designated ~~under~~~~as such~~  
 601 ~~pursuant to~~ the Agricultural Areas Conservation and Protection Act, [505  
 602 ILCS 5];

- 603  
604 2) The facility undergoes expansion, and the ~~owner of the~~ facility owner  
605 certifies and notifies the Agency in writing that the facility was operating  
606 as a livestock management facility or livestock waste-handling facility for  
607 at least one year ~~before~~prior to the existence of any non-farm residence  
608 within ¼ mile of the facility or of a populated area within ½ mile of the  
609 facility; or  
610  
611 3) The use of the facility as a livestock management or livestock waste  
612 handling facility is allowed by local zoning or municipal ordinance. If no  
613 local zoning or municipal ordinance exists that covers that use, the facility  
614 ~~is~~shall be exempt if the livestock are not raised or kept at the facility  
615 primarily for hire or the raising or keeping of livestock at the facility does  
616 not have financial profit as a primary aim.  
617  
618 e) A new livestock management facility or new livestock waste-handling facility that  
619 locates within ¼ mile of a neighboring farm residence ~~must~~shall locate at the  
620 maximum feasible location from that residence.  
621  
622 f) A new livestock management facility or new livestock waste-handling facility that  
623 locates within ¼ mile of a non-farm residence or within ½ mile of a populated  
624 area, as allowed by subsection (d), ~~must~~shall locate at the maximum feasible  
625 location from the residence or populated area.  
626  
627 g) New livestock management facilities or new livestock waste-handling facilities  
628 located on soil types or geological formations where the deposition of livestock  
629 waste is likely to cause groundwater pollution ~~must~~shall be constructed in such a  
630 way that pollution will be prevented, or supplementary measures ~~must~~shall be  
631 adopted that will prevent pollution.  
632

633 (Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
634

635 **Section 501.403 Protection of Livestock Management Facilities and Livestock Waste-**  
636 **Handling Facilities**  
637

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

646 applicable regulations, the Agency may require corrective measures.

647  
 648 b) New livestock management facilities and livestock waste-handling facilities must  
 649 ~~shall~~ have adequate diversions, dikes, walls or curbs that will prevent excessive  
 650 outside surface runoff waters from flowing through the animal feeding operation  
 651 and will direct runoff to an appropriate disposal, holding or storage area. The  
 652 diversions are required on all aforementioned structures unless there is negligible  
 653 outside surface water which can flow through the facility or the runoff is tributary  
 654 to an acceptable disposal area or a livestock waste-handling facility. A holding  
 655 pond must be capable of storing a volume equal to or exceeding the ~~area of the~~  
 656 animal feeding ~~operation's area~~ operation, plus any tributary area not a part of the  
 657 animal feeding operation (including roof area if tributary to the facility),  
 658 multiplied by 12 inches for runoff from earthen areas or 15 inches for runoff from  
 659 concrete areas unless the operator has justifiable reasons substantiating that a  
 660 lesser storage volume is adequate. If inadequate storage volumes cause or threaten  
 661 to cause a violation of the Act or applicable regulations, the Agency may require  
 662 corrective measures. In no case will~~shall~~ the storage volume of the containment  
 663 facility be less than the 25-year 24-hour storm effluent guidelines as required by  
 664 the new source performance standards of the U.S. Environmental Protection  
 665 Agency in 40 CFR 412~~for the feedlot point source category~~.

666  
 667 (Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

668  
 669 **Section 501.404 Handling and Storage of Livestock Waste**

- 670
- 671 a) Any livestock waste stored in excess of six months must~~shall~~ be contained in a  
 672 manure storage structure.
  - 673
  - 674 b) Temporary Manure Stacks
  - 675
  - 676 1) A temporary manure stack is a potential secondary source, as defined by  
 677 the Act. As a potential secondary source, a temporary manure stack is  
 678 subject to the minimum setback zones established in Title IV of the Act.
  - 679
  - 680 2) A temporary manure stack must~~shall~~ not be located within 75 feet from  
 681 any water well, except monitoring wells.
  - 682
  - 683 3) A temporary manure stack must~~shall~~ be constructed or established and  
 684 maintained in a manner to prevent runoff and leachate from entering  
 685 surface waters or groundwaters. A cover and pad or other control must be  
 686 provided to prevent runoff and leachate from entering surface waters and  
 687 groundwater.
  - 688

- 689 c) Livestock Waste-Holding Facilities  
 690  
 691 1) Liquid manure-holding tanks ~~must~~shall be impermeable and capable of  
 692 withstanding pressures and loadings to which ~~those tanks~~such a tank may  
 693 be subjected.  
 694  
 695 2) Holding ponds and lagoons ~~must~~shall be impermeable or so sealed as to  
 696 prevent groundwater or surface water pollution.  
 697  
 698 3) For livestock management facilities and livestock waste handling facilities  
 699 that are not required to obtain an NPDES permit, the contents of livestock  
 700 waste-handling facilities ~~must~~shall be kept at levels such that there is  
 701 adequate storage capacity so that an overflow does not occur except in the  
 702 case of precipitation ~~exceeding~~in excess of a 25-year 24-hour storm.  
 703  
 704 4) Liquid Livestock Waste  
 705  
 706 A) Existing livestock management facilities that handle the waste in a  
 707 liquid form ~~must~~shall have adequate storage capacity in a liquid  
 708 manure-holding tank, lagoon, holding pond, or any combination  
 709 ~~thereof~~ so as not to cause air or water pollution as defined in the  
 710 Act or applicable regulations. If inadequate storage time causes or  
 711 threatens to cause a violation of the Act or applicable regulations,  
 712 the Agency may require that additional storage time be provided.  
 713 In ~~those~~such cases, interim pollution prevention measures may be  
 714 required by the Agency.  
 715  
 716 B) New livestock waste-handling facilities that handle the waste in a  
 717 liquid form ~~must~~shall provide a minimum of 120-day storage with  
 718 a liquid manure-holding tank, lagoon, holding pond, or any  
 719 combination ~~thereof~~ unless the operator has justifiable reasons  
 720 substantiating that a lesser storage volume is adequate. If  
 721 inadequate storage volumes cause or threaten to cause a violation  
 722 of the Act or applicable regulations, the Agency may require  
 723 corrective measures.  
 724  
 725 d) Runoff Field Application Systems  
 726 Any livestock management facility not meeting the definition of a CAFO in  
 727 Section 501.238 may construct and operate a runoff field application system for  
 728 ~~treating the treatment of~~ livestock waste from fewer than 300 animal units,  
 729 ~~complying with~~meeting the requirements of 35 Ill. Adm. Code 570, in lieu of  
 730 utilizing liquid manure-holding tanks, holding ponds, or lagoons in compliance  
 731 with subsection (c), or other livestock waste-handling systems that would assure



732 compliance with the Act and this Subtitle E.  
 733

734 e) Subsections (a) through (d) ~~does~~shall not apply to livestock management facilities  
 735 with fifty (50) or fewer animal units ~~if, provided that~~ the following conditions  
 736 exist:  
 737

- 738 1) The ~~location of the~~ facility location relative to waters of the State is such  
 739 that there is no discharge of livestock waste into waters of the State, in  
 740 violation of Section 12 of the Act;
- 741 2) There is no discharge of livestock waste into waters of the State ~~through~~by  
 742 ~~means of~~ a man-made ditch, flushing system or other similar man-made  
 743 device, in violation of Section 12 of the Act; and
- 744 3) The facility is managed so that livestock waste is not allowed to  
 745 accumulate to an extent that threatens to cause a discharge to waters of the  
 746 State, in violation of Section 12 of the Act.  
 747  
 748

749 (Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
 750

751 **Section 501.405 Field Application of Livestock Waste**  
 752

753 a) For livestock management facilities and livestock waste handling facilities that  
 754 are not required to obtain an NPDES permit, the quantity of livestock waste  
 755 applied on soils ~~must~~shall not exceed a practical limit as determined by soil type,  
 756 especially its permeability, the soil condition (frozen or unfrozen) ~~of the soil~~, the  
 757 percent slope of the land, cover mulch, proximity to surface waters and likelihood  
 758 of reaching groundwater, and other relevant considerations. These livestock  
 759 waste application guidelines will be adopted ~~under~~pursuant to 35 Ill. Adm. Code  
 760 502.305, unless otherwise provided for by Board regulations. Facilities required  
 761 to obtain an NPDES permit are subject to the requirements in 35 Ill. Adm. Code  
 762 502.Subpart F. Unpermitted Large CAFOs claiming an agricultural stormwater  
 763 exemption must comply with 35 Ill. Adm. Code 502.102 and the practices listed  
 764 in Section 502.510(b) to qualify for the exemption.  
 765

766 b) Operators of livestock waste handling facilities ~~must~~shall practice odor control  
 767 methods during ~~the course of~~ manure removal and field application so as not to  
 768 affect a neighboring farm or non-farm residence or populated area by causing air  
 769 pollution as described in Section 501.102(d). Odor control methods include, ~~but~~  
 770 ~~are not limited to~~:  
 771

- 772 1) Soil injection or other methods of incorporation of waste into the soil,  
 773 including disking or plowing;  
 774



- 775
- 776 2) Consideration of climatic conditions, including wind direction and
- 777 inversions;
- 778
- 779 3) For liquid livestock waste: whether supernatant used for irrigation
- 780 purposes has been stored in a livestock waste lagoon system that complies
- 781 ~~is designed and operated in accordance~~ with "Design of Anaerobic
- 782 Lagoons for Animal Waste Management", as incorporated by reference at
- 783 Section 501.200.
- 784
- 785 4) Other methods as described in "Management of Manure Odor", as
- 786 incorporated by reference at Section 501.200.
- 787

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

**Section 501.406 Inspections and Disease Prevention**

- 790
- 791
- 792 a) The Agency ~~has~~shall have the authority to enter at all reasonable times upon any
- 793 private or public property for ~~the purpose of~~ inspecting and investigating to
- 794 ascertain possible violations of the Act or regulations ~~thereunder~~, in
- 795 compliance~~accordance~~ with constitutional limitations, except that ~~a~~ no
- 796 representative of the Agency must not~~shall~~ enter a livestock management facility
- 797 or livestock waste-handling facility unless sanitized footwear and sanitized outer
- 798 garments provided by the Agency are used (unless waived by the farm owner or
- 799 operator) and any other reasonable disease prevention procedures or equipment,
- 800 as provided by ~~the owner or operator of~~ the facility owner or operator, are
- 801 used~~utilized~~.
- 802
- 803 b) The activities of inspecting and investigating include:
- 804
- 805 1) Having access to and the right to copy any records required to be kept
- 806 under the terms of the permit; and
- 807
- 808 2) Having access to, sampling and monitoring any discharge of pollutants to
- 809 ground and surface waters.
- 810

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

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

814

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

817

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

~~Part I, General Provisions~~

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

818

819 (Source: Repealed at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 14) Small Business Impact Analysis: The Board does not expect that the proposed rules will impact small business.
- 15) Regulatory Agenda on which this rulemaking was summarized: January 2022

The full text of the Proposed Amendments begins on the next page: