**Section 900.802 Scope and Applicability**

a) A waste management plan shall be prepared according to the requirements contained in Section 20 of the Livestock Management Facilities Act [510 ILCS 77/20] and in this Subpart. *The application of livestock waste to the land is an acceptable, recommended, and established practice in Illinois. However, when livestock waste is not applied in a responsible manner, it may create pollutional problems. It is considered acceptable to prepare and implement a waste management plan based on a nitrogen rate, unless otherwise restricted by* Section 20 of the Livestock Management Facilities Act and this Part. [510 ILCS 77/20(f)]

b) *The livestock management facility owner or operator at a facility of less than 1,000 animal units shall not be required to prepare and maintain a waste management plan.* [510 ILCS 77/20(b)]

c) *The livestock management facility owner or operator at a facility of 1,000 or greater animal units but less than 5,000 animal units shall prepare, maintain* and implement a waste management plan and comply with the following:

1) For facilities which commence operations or reach or exceed 1,000 animal units after January 1, 2001, the owner or operator shall prepare, maintain, and implement a waste management plan within 60 working days after commencing operations or exceeding 1,000 animal units;

2) Prior to the expiration of the waste management plan preparation period, the owner or operator shall submit to the Department a form certifying that a waste management plan has been prepared. The form shall list the animal unit capacity of the facility and the location of the plan;

3) The waste management plan and records of livestock waste disposal shall be kept on file at the facility for a period of three years and shall be available for inspection by Department personnel during normal business hours; and

4) *Notwithstanding* the provisions of this subsection (c), *a livestock management facility subject to this subsection (c) may be operated on an interim basis but not to exceed 6 months after the effective date of* this Part *to allow for the owner or operator of the facility to develop a waste management plan.* [510 ILCS 77/20(c)]

d) *The livestock management facility owner or operator at a facility of 5,000 or greater animal units shall prepare, maintain, implement, and submit to the Department the waste management plan for approval* [510 ILCS 77/20(d)] and comply with the following:

1) For facilities which commence operations after January 1, 2001, the owner or operator shall submit a waste management plan to the Department. The facility shall not commence operation before the Department approves the plan;

2) For existing facilities that reach or exceed 5,000 animal units through expansion, the owner or operator shall submit for approval by the Department a waste management plan within 60 working days after reaching or exceeding 5,000 animal units; and

3) The waste management plan and records of livestock waste disposal shall be kept on file at the facility for a period of three years and shall be available for inspection by Department personnel during normal business hours.

e) *The owner or operator of multiple livestock management facilities under common facility ownership where the cumulative animal units of the facilities are equal to or greater than the animal unit numbers provided for in subsection (c) of this Section shall prepare and keep on file at each facility a waste management plan in accordance with the requirements of subsection (c)* of this Section. *The owner or operator of multiple livestock management facilities that are under common facility ownership where the cumulative animal units of the facilities are equal to or greater than the animal unit numbers provided for in subsection (d) of this section shall prepare and file with the Department a waste management plan in accordance with the provisions of subsection (d)* of this Section. *Cumulative animal units shall be determined by combining the animal units of multiple livestock management facilities under the common facility ownership based upon the maximum design capacity of each facility. For the purposes of this subsection, "under common facility ownership" means the same person or persons own, directly or indirectly, through majority owned business entities at least 51% of any person or persons (as defined by Section 10.55* of the Livestock Management Facilities Act [510 ILCS 77/10.55]) *that own or operate the livestock management facility or livestock waste handling facility located in the State of Illinois.* [510 ILCS 77/20(d-5)] A separate waste management plan shall be developed for each livestock waste handling facility.

f) Waste management plans prepared pursuant to the emergency amendment adopted in R97-14 at 20 Ill. Reg. 14903, effective October 31, 1996, the emergency rules adopted in R97-14 at 21 Ill. Reg. 4313, effective March 31, 1997, and the rules adopted in R97-15(A) at 21 Ill. Reg. 6851, effective May 20, 1997 shall be revised as follows:

1) The owner or operator of an existing facility of 1,000 or greater animal units but less than 5,000 animal units shall prepare a new or revised waste management plan that complies with the requirements of this Part and submit a waste management plan certification form to the Department pursuant to Section 900.802(c)(2) of this Subpart within 60 days after January 1, 2001.

2) The owner or operator of an existing facility of 5,000 or greater animal units shall prepare a new or revised waste management plan that complies with the requirements of this Part for submittal to and review by the Department within 60 days after January 1, 2001.

g) For the purposes of this Subpart, the number of animal units served by a livestock waste handling facility shall be determined as the maximum design capacity of the livestock management facility which is being served by the livestock waste handling facility.