**Section 580.104 Definitions**

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

"Agency" means the Illinois Environmental Protection Agency.

"Controlled and recovered release" means any release that:

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

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

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

"Department" means the Illinois Department of Agriculture.

*"Livestock management facility" means any animal feeding operation, livestock shelter, or on-farm milking and accompanying milk-handling area. Two or more livestock management facilities under common ownership, where the facilities are not separated by a minimum distance of ¼ mile, and that share a common livestock waste handling facility shall be considered a single livestock management facility. A livestock management facility at educational institutions, livestock pasture operations where animals are housed on a temporary basis such as county and state fairs, livestock shows, race tracks, and horse breeding and foaling farms, and market holding facilities are not subject to this* Part*.* [510 ILCS 77/10.30]

*"Livestock waste" means livestock excreta and associated feed losses, bedding, wash waters, sprinkling waters from livestock cooling, precipitation polluted by falling on or flowing onto an animal feeding operation, and other materials polluted by livestock.* [510 ILCS 77/10.35]

*"Livestock waste handling facility" means individually or collectively those immovable constructions or devices, except sewers, used for collecting, pumping, treating, or disposing of livestock waste or for the recovery of by-products from the livestock waste. Two or more livestock waste handling facilities under common ownership, and where the facilities are not separated by a minimum distance of ¼ mile, shall be considered a single livestock waste handling facility.* [510 ILCS 77/10.40]

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

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

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

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

*"Waters" means all accumulations of water, surface and underground, natural, and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon this State.* [415 ILCS 5/3.550] *For purposes of this Part, waters of the State do not include small temporary accumulations of surface water from precipitation or irrigation systems.* [510 ILCS 77/18]

(Source: Amended at 42 Ill. Reg. 12972, effective July 1, 2018)