



Sen. David Koehler

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1 AMENDMENT TO SENATE BILL 1273

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1273 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Environmental Protection Act is amended by  
5 adding Section 12.7 as follows:

6 (415 ILCS 5/12.7 new)

7 Sec. 12.7. Concentrated animal feeding operation reporting  
8 program.

9 (a) As used in this Section:

10 "Animal feeding operation" or "AFO" means a lot or  
11 facility, other than an aquatic animal production facility,  
12 where the following conditions are met:

13 (1) animals have been, are, or will be stabled or  
14 confined and fed or maintained for a total of 45 days or  
15 more in any 12-month period; and

16 (2) crops, vegetation, forage growth, or post-harvest

1 residues that are grown in place are not sustained in the  
2 normal growing season over any portion of the lot or  
3 facility.

4 Two or more animal feeding operations under common ownership  
5 are deemed to be a single animal feeding operation if they are  
6 adjacent to each other or if they utilize a common area or  
7 system for the disposal of wastes.

8 "Animal unit" means a unit of measurement for any animal  
9 feeding operation calculated by adding the following animal  
10 numbers:

11 (1) brood cows and slaughter and feeder cattle  
12 multiplied by 1.0;

13 (2) milking dairy cows multiplied by 1.4;

14 (3) young dairy stock multiplied by 0.6;

15 (4) swine weighing over 55 pounds multiplied by 0.4;

16 (5) swine weighing under 55 pounds multiplied by 0.03;

17 (6) sheep, lambs, or goats multiplied by 0.1;

18 (7) horses multiplied by 2.0;

19 (8) turkeys multiplied by 0.02;

20 (9) laying hens or broilers multiplied by 0.01, if the  
21 facility has continuous overflow watering;

22 (10) laying hens or broilers multiplied by 0.03, if the  
23 facility has a liquid manure handling system; and

24 (11) ducks multiplied by 0.02.

25 "Large concentrated animal feeding operation" or "large  
26 CAFO" means an animal feeding operation that stables or

1 confines at least the number of animals specified in any of the  
2 following categories:

3 (1) seven hundred mature dairy cows, whether milked or  
4 dry;

5 (2) one thousand veal calves;

6 (3) one thousand cattle other than mature dairy cows or  
7 veal calves, including, but not limited to, heifers,  
8 steers, bulls, and cow and calf pairs;

9 (4) two thousand five hundred swine, each weighing 55  
10 pounds or more;

11 (5) ten thousand swine, each weighing less than 55  
12 pounds;

13 (6) five hundred horses;

14 (7) ten thousand sheep or lambs;

15 (8) fifty five thousand turkeys;

16 (9) thirty thousand laying hens or broilers, if the  
17 animal feeding operation uses a liquid manure handling  
18 system;

19 (10) one hundred twenty-five thousand chickens, other  
20 than laying hens, if the animal feeding operation uses a  
21 manure handling system other than a liquid manure handling  
22 system;

23 (11) eighty-two thousand laying hens, if the animal  
24 feeding operation uses a manure handling system other than  
25 a liquid manure handling system;

26 (12) thirty thousand ducks, if the animal feeding

1 operation uses a manure handling system other than a liquid  
2 manure handling system; or

3 (13) five thousand ducks, if the animal feeding  
4 operation uses a liquid manure handling system.

5 "Medium concentrated animal feeding operation" or "medium  
6 CAFO" means an animal feeding operation that all of the  
7 following requirements apply to:

8 (1) The animal feeding operation stables or confines  
9 the number of animals specified in any of the following  
10 categories:

11 (A) two hundred to 699 mature dairy cows, whether  
12 milked or dry;

13 (B) three hundred to 999 veal calves;

14 (C) three hundred to 999 cattle other than mature  
15 dairy cows or veal calves, including, but not limited  
16 to, heifers, steers, bulls, and cow and calf pairs;

17 (D) seven hundred fifty to 2,499 swine, each  
18 weighing 55 pounds or more;

19 (E) three thousand to 9,999 swine, each weighing  
20 less than 55 pounds;

21 (F) one hundred fifty to 499 horses;

22 (G) three thousand to 9,999 sheep or lambs;

23 (H) sixteen thousand five hundred to 54,999  
24 turkeys;

25 (I) nine thousand to 29,999 laying hens or  
26 broilers, if the animal feeding operation uses a liquid

1 manure handling system;

2 (J) thirty-seven thousand five hundred to 124,999  
3 chickens, other than laying hens, if the animal feeding  
4 operation uses a manure handling system other than a  
5 liquid manure handling system;

6 (K) twenty-five thousand to 81,999 laying hens, if  
7 the animal feeding operation uses a manure handling  
8 system other than a liquid manure handling system;

9 (L) ten thousand to 29,999 ducks, if the animal  
10 feeding operation uses a manure handling system other  
11 than a liquid manure handling system; or

12 (M) one thousand five hundred to 4,999 ducks, if  
13 the animal feeding operation uses a liquid manure  
14 handling system.

15 (2) Pollutants are discharged into waters of the United  
16 States through a man-made ditch, flushing system, or other  
17 similar man-made device; pollutants are discharged  
18 directly into waters of the United States that originate  
19 outside of and pass over, across, through, or otherwise  
20 come into direct contact with the animals confined in the  
21 animal feeding operation; or the animal feeding operation  
22 is designated as a CAFO by the Agency pursuant to 35 Ill.  
23 Adm. Code 502.106.

24 (b) Owners or operators of animal feeding operations that  
25 confine 300 animal units or more, or AFOs that meet the size  
26 threshold to qualify as a medium CAFO or large CAFO, must

1 submit reporting forms and supporting information to the Agency  
2 prior to operation. Once in operation, owners or operators of  
3 medium CAFOs and large CAFOs must register annually with the  
4 Agency.

5 (c) As of the effective of this amendatory Act of the 100th  
6 General Assembly, all medium CAFOs and large CAFOs shall  
7 register with the Agency as provided in this subsection.

8 All medium CAFOs and large CAFOs shall register between  
9 January 1 and March 31 of each year and facilities constructed  
10 after March 31 of any year shall register during the next  
11 available period of registration. The following information  
12 shall be reported to the Agency, on a form to be supplied by  
13 the Agency:

14 (1) the names, addresses, and phone numbers of the  
15 owners and operators of the operation;

16 (2) the location of the operation identified by the  
17 street address or the latitude and longitude;

18 (3) each type of animal stabled or confined at the  
19 facility and the maximum number of each animal type;

20 (4) the number of acres under the control of the owner  
21 or operator available for land application; and

22 (5) a copy of the operation's waste management plan if  
23 the operation has such a plan.

24 If an AFO that has provided information to the Agency under  
25 this Section ceases operation, then the owner or operator of  
26 the AFO must submit a notification of termination to the Agency

1 within 30 days after closure of the facility. Any submittal  
2 required under this Section shall be mailed to the Agency's  
3 Division of Water Pollution and Control or sent electronically  
4 in a form provided by the Agency. Medium CAFOs and large CAFOs  
5 must annually reregister by submitting a renewal form between  
6 January and March of each year, and provide current address and  
7 contact information within 15 working days of a change.

8 In the case of annual renewal forms, the Agency may accept  
9 forms identifying only information that is different from the  
10 information previously provided, including differing waste  
11 management plan information. The Agency may charge filing fees  
12 for initial and annual information filings. The Agency shall  
13 make the information collected under this Section available to  
14 the public.

15 (d) The owner or operator of a medium CAFO or large CAFO  
16 must comply with all conditions of reporting. It shall be a  
17 violation of this Section for any person to:

18 (1) provide misleading, false, or fraudulent  
19 registration information; or

20 (2) fail to register annually or promptly provide any  
21 record or allow the Agency access to inspect any records  
22 required to be submitted.

23 Section 99. Effective date. This Act takes effect upon  
24 becoming law."