



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB3156

Introduced 2/6/2020, by Sen. David Koehler

#### SYNOPSIS AS INTRODUCED:

510 ILCS 77/20

Amends the Livestock Management Facilities Act. Provides that livestock waste may continue to be applied to the soil if the average Bray P1 or Mehlich test result for soil phosphorous is 70 pounds (rather than 300 pounds) or less of elemental phosphorous per acre. Provides further that if the test result for soil phosphorous for an application field is greater than 70 pounds (rather than 300 pounds) of elemental phosphorous per acre, the owner or operator shall apply livestock waste until the test results indicate that there is less than 70 pounds (rather than 300 pounds) of elemental phosphorous per acre. States that the Illinois Department of Agriculture may reduce the application field to less than 70 pounds (rather than 300 pounds) of elemental phosphorous per acre in any county if the Department determines that this change is necessary to protect local waterways. Effective immediately.

LRB101 19731 CMG 69235 b

1 AN ACT concerning animals.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Livestock Management Facilities Act is  
5 amended by changing Section 20 as follows:

6 (510 ILCS 77/20)

7 Sec. 20. Handling, storing and disposing of livestock  
8 waste.

9 (a) The livestock management facility owner or operator  
10 shall comply with the requirements for handling, storing, and  
11 disposing of livestock wastes as set forth in the rules adopted  
12 pursuant to the Illinois Environmental Protection Act  
13 concerning agriculture related pollution.

14 (b) The livestock management facility owner or operator at  
15 a facility of less than 1,000 animal units shall not be  
16 required to prepare and maintain a waste management plan.

17 (c) The livestock management facility owner or operator at  
18 a facility of 1,000 or greater animal units but less than 5,000  
19 animal units shall prepare and maintain on file at the  
20 livestock management facility a general waste management plan.  
21 Notwithstanding this requirement, a livestock management  
22 facility subject to this subsection may be operated on an  
23 interim basis but not to exceed 6 months after the effective

1 date of the rules promulgated pursuant to this Act to allow for  
2 the owner or operator of the facility to develop a waste  
3 management plan. The waste management plan shall be available  
4 for inspection during normal business hours by Department  
5 personnel.

6 (d) The livestock management facility owner or operator at  
7 a facility of 5,000 or greater animal units shall prepare,  
8 maintain, and submit to the Department the waste management  
9 plan for approval. Approval of the waste management plan shall  
10 be predicated on compliance with provisions of subsection (f).  
11 The waste management plan shall be approved by the Department  
12 before operation of the facility or in the case of an existing  
13 facility, the waste management plan shall be submitted within  
14 60 working days after the effective date of the rules  
15 promulgated pursuant to this Act.

16 The owner or operator of an existing livestock management  
17 facility that through growth meets or exceeds 5,000 animal  
18 units shall file its waste management plan with the Department  
19 within 60 working days after reaching the stated animal units.

20 The owner or operator of a livestock management facility  
21 that is subject to this subsection (d) shall file within 60  
22 working days with the Department a revised waste management  
23 plan when there is a change as provided in subsection (e) of  
24 this Section that will materially affect compliance with the  
25 waste management plan.

26 (d-5) The owner or operator of multiple livestock

1 management facilities under common facility ownership where  
2 the cumulative animal units of the facilities are equal to or  
3 greater than the animal unit numbers provided for in subsection  
4 (c) of this Section shall prepare and keep on file at each  
5 facility a waste management plan in accordance with the  
6 requirements of subsection (c). The owner or operator of  
7 multiple livestock management facilities that are under common  
8 facility ownership where the cumulative animal units of the  
9 facilities are equal to or greater than the animal unit numbers  
10 provided for in subsection (d) of this Section shall prepare  
11 and file with the Department a waste management plan in  
12 accordance with the provisions of subsection (d). Cumulative  
13 animal units shall be determined by combining the animal units  
14 of multiple livestock management facilities under the common  
15 facility ownership based upon the design capacity of each  
16 facility. For the purposes of this subsection (d-5), "under  
17 common facility ownership" means the same person or persons  
18 own, directly or indirectly, through majority owned business  
19 entities at least 51% of any person or persons (as defined by  
20 Section 10.55) that own or operate the livestock management  
21 facility or livestock waste handling facility located in the  
22 State of Illinois.

23 (e) The owner or operator of a livestock management  
24 facility shall update the waste management plan when there is a  
25 change in values shown in the plan under item (1) of subsection  
26 (f) of this Section. The waste management plan and records of

1 livestock waste disposal shall be kept on file for three years.

2 (f) The application of livestock waste to the land is an  
3 acceptable, recommended, and established practice in Illinois.  
4 However, when livestock waste is not applied in a responsible  
5 manner, it may create pollutional problems. It should be  
6 recognized that research relative to livestock waste  
7 application based on livestock waste nutrient content is  
8 currently ongoing. The Dean of the College of Agricultural,  
9 Consumer and Environmental Sciences at the University of  
10 Illinois, or his or her designee, shall annually report to the  
11 Advisory Committee on the status of phosphorus research,  
12 including research that has been supported in whole or in part  
13 by the Illinois Council on Food and Agricultural Research. The  
14 Advisory Committee may also consult with other appropriate  
15 research entities on the status of phosphorus research. It is  
16 considered acceptable to prepare and implement a waste  
17 management plan based on a nitrogen rate, unless otherwise  
18 restricted by this Section. The waste management plan shall  
19 include the following:

20 (1) An estimate of the volume of livestock waste to be  
21 disposed of annually, which shall be obtained by  
22 multiplying the design capacity of the facility by the  
23 appropriate amount of waste generated by the animals. The  
24 values showing the amount of waste generated in Table 2-1,  
25 Midwest Plan Service's, MWPS-18, Livestock Waste  
26 Management Facilities Handbook or Design Criteria for the

1 field application of livestock waste adopted by the Agency  
2 may be used.

3 (2) The number of acres available for disposal of the  
4 waste, whether they are owned by the owner or operator of  
5 the livestock waste management facility or are shown to be  
6 contracted with another person or persons for disposal of  
7 waste.

8 (3) An estimate of the nutrient value of the waste. The  
9 owner or operator may prepare a plan based on an average of  
10 the minimum and maximum numbers in the table values derived  
11 from Midwest Plan Service's, MWPS-18, Livestock Waste  
12 Facilities Handbook, the Agency's Agriculture Related  
13 Pollution regulations, or the results of analysis  
14 performed on samples of waste. For the purposes of  
15 compliance with this subsection, the nutrient values of  
16 livestock waste may vary as indicated in the source table.  
17 In the case of laboratory analytical results, the nutrient  
18 values may vary with the accuracy of the analytical method.

19 (3.5) Results of the Bray P1 or Mehlich test for soil  
20 phosphorus reported in pounds of elemental phosphorus per  
21 acre. Soil samples shall be obtained and analyzed from the  
22 livestock waste application fields on land owned or under  
23 the control of the owner or operator where applications are  
24 planned. Fields where livestock waste is applied shall be  
25 sampled every 3 years. Sampling procedures, such as the  
26 number of samples and the depth of sampling, as outlined in

1 the current edition of the Illinois Agronomy Handbook shall  
2 be followed when soil samples are obtained.

3 (3.6) If the average Bray P1 or Mehlich test result for  
4 soil phosphorus calculated from samples obtained from the  
5 application field is 70 ~~300~~ pounds or less of elemental  
6 phosphorus per acre, livestock waste may continue to be  
7 applied to that field in accordance with subsection (f) of  
8 this Section. If the average Bray P1 or Mehlich test result  
9 for soil phosphorus for an application field is greater  
10 than 70 ~~300~~ pounds of elemental phosphorus per acre, the  
11 owner or operator shall apply livestock waste at the  
12 phosphorus rate to the field until the average Bray P1 or  
13 Mehlich test for soil phosphorus indicates there is less  
14 than 70 ~~300~~ pounds of elemental phosphorus per acre. Upon  
15 the development of a phosphorus index that is approved  
16 subject to the provisions established in Section 55 of this  
17 Act, the owner or operator shall use such index in lieu of  
18 the 70 ~~300~~ pounds of elemental phosphorus per acre.

19 The Department may reduce the application field to less  
20 than 70 pounds of elemental phosphorous per acre in any county  
21 if the Department determines that this change is necessary to  
22 protect local waterways.

23 (4) An indication that the livestock waste will be  
24 applied at rates not to exceed the agronomic nitrogen  
25 demand of the crops to be grown when averaged over a 5-year  
26 period.

1           (5) A provision that livestock waste applied within 1/4  
2 mile of any residence not part of the facility shall be  
3 injected or incorporated on the day of application.  
4 However, livestock management facilities and livestock  
5 waste handling facilities that have irrigation systems in  
6 operation prior to the effective date of this Act or  
7 existing facilities applying waste on frozen ground are not  
8 subject to the provisions of this item (5).

9           (6) A provision that livestock waste may not be applied  
10 within 200 feet of surface water unless the water is  
11 upgrade or there is adequate diking, and waste will not be  
12 applied within 150 feet of potable water supply wells.

13           (7) A provision that livestock waste may not be applied  
14 in a 10-year flood plain unless the injection or  
15 incorporation method of application is used.

16           (8) A provision that livestock waste may not be applied  
17 in waterways.

18           (9) A provision that if waste is spread on frozen or  
19 snow-covered land, the application will be limited to land  
20 areas on which:

21                   (A) land slopes are 5% or less, or

22                   (B) adequate erosion control practices exist.

23           (10) Methods for disposal of animal waste.

24           (g) Any person who is required to prepare and maintain a  
25 waste management plan and who fails to do so shall be issued a  
26 warning letter by the Department for the first violation and



1 shall be given 30 working days to prepare a waste management  
2 plan. For failure to prepare and maintain a waste management  
3 plan, the person shall be fined an administrative penalty of up  
4 to \$1,000 by the Department and shall be required to enter into  
5 an agreement of compliance to prepare and maintain a waste  
6 management plan within 30 working days. For failure to prepare  
7 and maintain a waste management plan after the second 30 day  
8 period or for failure to enter into a compliance agreement, the  
9 Department may issue an operational cease and desist order  
10 until compliance is attained.

11 (Source: P.A. 91-110, eff. 7-13-99; 92-16, eff. 6-28-01.)

12 Section 99. Effective date. This Act takes effect  
13 immediately.