



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2161

Introduced 2/10/2023, by Sen. David Koehler

SYNOPSIS AS INTRODUCED:

510 ILCS 77/12

Amends the Livestock Management Facilities Act. Provides that the county board shall submit at the informational meeting or within 30 days following the meeting a binding recommendation (rather than an advisory, non-binding recommendation) to the Department of Agriculture about the proposed new facility's construction in accordance with the applicable requirements of the Act. Requires the binding recommendation to contain a statement of whether the proposed facility achieves or fails to achieve any of the required criteria. Provides that after reviewing the binding recommendation submitted to the county, the Department shall deny any permit to construct if the county recommends that the facility not be constructed. Effective immediately.

LRB103 27386 RLC 53758 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 12 as follows:

6 (510 ILCS 77/12)

7 Sec. 12. Public informational meeting; lagoons and
8 non-lagoon structures.

9 (a) Beginning on the effective date of this amendatory Act
10 of 1999, within 7 days after receiving a form giving notice of
11 intent to construct (i) a new livestock management facility or
12 livestock waste handling facility serving 1,000 or more animal
13 units that does not propose to utilize a lagoon or (ii) a
14 livestock waste management facility or livestock waste
15 handling facility that does propose to utilize a lagoon, the
16 Department shall send a copy of the notice form to the county
17 board of the county in which the facility is to be located and
18 shall publish a public notice in a newspaper of general
19 circulation within the county. After receiving a copy of the
20 notice form from the Department, the county board may, at its
21 discretion and within 30 days after receipt of the notice,
22 request that the Department conduct an informational meeting
23 concerning the proposed construction that is subject to this

1 Section. In addition, during the county's 30-day review
2 period, county residents may petition the county board of the
3 county where the proposed new facility will be located to
4 request that the Department conduct an informational meeting.
5 When petitioned by 75 or more of the county's residents who are
6 registered voters, the county board shall request that the
7 Department conduct an informational meeting. If the county
8 board requests that the Department conduct the informational
9 meeting, the Department shall conduct the informational
10 meeting within 15 days of the county board's request. If the
11 Department conducts such a meeting, it shall cause notice of
12 the meeting to be published in a newspaper of general
13 circulation in the county and in the State newspaper and shall
14 send a copy of the notice to the County Board. Upon receipt of
15 the notice, the County Board shall post the notice on the
16 public informational board at the county courthouse at least
17 10 days before the meeting. The owner or operator who
18 submitted the notice of intent to construct to the Department
19 shall appear at the meeting. At the meeting, the Department
20 shall afford members of the public an opportunity to ask
21 questions and present oral or written comments concerning the
22 proposed construction.

23 (b) The county board shall submit at the informational
24 meeting or within 30 days following the meeting a binding ~~an~~
25 ~~advisory, non-binding~~ recommendation to the Department about
26 the proposed new facility's construction in accordance with

1 the applicable requirements of this Act. The binding advisory,
2 ~~non-binding~~ recommendation shall contain at a minimum:

3 (1) a statement of whether the proposed facility
4 achieves or fails to achieve any ~~each~~ of the 8 siting
5 criteria as outlined in subsection (d); and

6 (2) a statement of the information and criteria used
7 by the county board in determining that the proposed
8 facility met or failed to meet any of the criteria
9 described in subsection (d).

10 (c) When the county board requests an informational
11 meeting, construction shall not begin until after the
12 informational meeting has been held, the Department has
13 reviewed the county board's recommendation and replied to the
14 recommendation indicating if the proposed new livestock
15 management facility or the new livestock waste handling
16 facility is or will be in compliance with the requirements of
17 the Act, and the owner, operator, or certified manager and
18 operator has received the Department's notice that the
19 setbacks and all applicable requirements of this Act have been
20 met.

21 (d) At the informational meeting for the proposed
22 facility, the Department of Agriculture shall receive evidence
23 by testimony or otherwise on the following subjects:

24 (1) Whether registration and livestock waste
25 management plan certification requirements, if required,
26 are met by the notice of intent to construct.

1 (2) Whether the design, location, or proposed
2 operation will protect the environment by being consistent
3 with this Act.

4 (3) Whether the location minimizes any incompatibility
5 with the surrounding area's character by being located in
6 any area zoned for agriculture where the county has zoning
7 or where the county is not zoned, the setback requirements
8 established by this Act are complied with.

9 (4) Whether the facility is located within a 100-year
10 floodplain or an otherwise environmentally sensitive area
11 (defined as an area of karst area or with aquifer material
12 within 5 feet of the bottom of the livestock waste
13 handling facility) and whether construction standards set
14 forth in the notice of intent to construct are consistent
15 with the goal of protecting the safety of the area.

16 (5) Whether the owner or operator has submitted plans
17 for operation that minimize the likelihood of any
18 environmental damage to the surrounding area from spills,
19 runoff, and leaching.

20 (6) Whether odor control plans are reasonable and
21 incorporate reasonable or innovative odor reduction
22 technologies given the current state of such technologies.

23 (7) Whether traffic patterns minimize the effect on
24 existing traffic flows.

25 (8) Whether construction or modification of a new
26 facility is consistent with existing community growth,

1 tourism, recreation, or economic development or with
2 specific projects involving community growth, tourism,
3 recreation, or economic development that have been
4 identified by government action for development or
5 operation within one year through compliance with
6 applicable zoning and setback requirements for populated
7 areas as established by this Act.

8 (e) After reviewing the binding recommendation submitted
9 to the county, the Department shall deny any permit to
10 construct if the county recommends that the facility not be
11 constructed.

12 (Source: P.A. 91-110, eff. 7-13-99.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.