

HB6663



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 02/09/04, by Dan Reitz

SYNOPSIS AS INTRODUCED:

510 ILCS 77/25

Amends the Livestock Management Facilities Act. Makes a technical change in a Section concerning odor control.

LRB093 18912 RAS 44647 b

A BILL FOR

1 AN ACT concerning livestock management.

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 25 as follows:

6 (510 ILCS 77/25)

7 Sec. 25. Odor control.

8 (a) Operators of livestock waste handling facilities shall
9 practice odor control methods during the course of manure
10 removal and field application. Odor control methods shall be
11 those methods identified in the rules adopted pursuant to the
12 Illinois Environmental Protection Act concerning agriculture
13 related pollution.

14 (b) Every single-stage livestock waste lagoon constructed
15 after the effective date of this amendatory Act of 1997 must
16 ~~shall~~ comply with the following operational guidelines:

17 (1) In operation, the lagoon must be maintained at not
18 less than the minimum design volume.

19 (2) The livestock waste supply to the lagoon must be
20 below the minimum design volume level.

21 (3) The livestock waste storage capacity of the lagoon
22 must be greater than 270 days.

23 (c) Above-ground livestock waste holding structures must
24 be operated using odor control management guidelines based on
25 scientific peer review accepted by the Department and
26 determined to be economically feasible to the specific
27 operation.

28 (d) For a first violation of this Section by the owner or
29 operator of a livestock management facility or livestock waste
30 handling facility, the Department shall send the owner or
31 operator a written notice of the violation by certified mail,
32 return receipt requested.

1 If after an administrative hearing the Department finds
2 that the owner or operator of a livestock management facility
3 or livestock waste handling facility has committed a second
4 violation of this Section, the Department shall impose on the
5 owner or operator a civil administrative penalty in an amount
6 not exceeding \$1,000. The Attorney General may bring an action
7 in the circuit court to enforce the collection of a penalty
8 imposed under this Section.

9 If after an administrative hearing the Department finds
10 that the owner or operator of a livestock management facility
11 or livestock waste handling facility has committed a third
12 violation of this Section, the Department shall enter an
13 administrative order directing that the owner or operator cease
14 operation of the facility until the violation is corrected.

15 If a livestock management facility or livestock waste
16 handling facility has not committed a violation of this Section
17 within the 5 years immediately preceding a violation, the
18 violation shall be construed and treated as a first violation.
19 (Source: P.A. 89-456, eff. 5-21-96; 90-565, eff. 6-1-98.)