

HB0215



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0215

Introduced 1/19/2007, by Rep. Jim Sacia

SYNOPSIS AS INTRODUCED:

510 ILCS 77/13

Amends the Livestock Management Facilities Act. Provides that solid livestock waste stacking structures shall be sized to store not less than the amount of waste generated during 3 months of facility operation at design capacity (now 6 months).

LRB095 04359 CMK 24402 b

A BILL FOR

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 13 as follows:

6 (510 ILCS 77/13)

7 Sec. 13. Livestock waste handling facilities other than
8 earthen livestock waste lagoons; construction standards;
9 certification; inspection; removal-from-service requirements.

10 (a) After the effective date of this amendatory Act of
11 1999, livestock waste handling facilities other than earthen
12 livestock waste lagoons used for the storage of livestock waste
13 shall be constructed in accordance with this Section.

14 (1) Livestock waste handling facilities constructed of
15 concrete shall meet the strength and load factors set forth
16 in the Midwest Plan Service's Concrete Manure Storage
17 Handbook (MWPS-36) and future updates. In addition, those
18 structures shall meet the following requirements:

19 (A) Waterstops shall be incorporated into the
20 design of the storage structure when consistent with
21 the requirements of paragraph (1) of this subsection;

22 (B) Storage structures that handle waste in a
23 liquid form shall be designed to contain a volume of

1 not less than the amount of waste generated during 150
2 days of facility operation at design capacity; and

3 (C) Storage structures not covered or otherwise
4 protected from precipitation shall, in addition to the
5 waste storage volume requirements of subparagraph (B)
6 of paragraph (1) of this subsection, include a 2-foot
7 freeboard.

8 (2) A livestock waste handling facility in a
9 prefabricated form shall meet the strength, load, and
10 compatibility factors for its intended use. Those factors
11 shall be verified by the manufacturer's specifications.

12 (3) Livestock waste handling facilities holding
13 semi-solid livestock waste, including but not limited to
14 picket dam structures, shall be constructed according to
15 the requirements set forth in the Midwest Plan Service's
16 Livestock Waste Facilities Handbook (MWPS-18) and future
17 updates or similar standards used by the Natural Resources
18 Conservation Service of the United States Department of
19 Agriculture.

20 (4) Livestock waste handling facilities holding solid
21 livestock waste shall be constructed according to the
22 requirements set forth in the Midwest Plan Service's
23 Livestock Waste Facilities Handbook (MWPS-18) and future
24 updates or similar standards used by the Natural Resources
25 Conservation Service of the United States Department of
26 Agriculture. In addition, solid livestock waste stacking

1 structures shall be sized to store not less than the amount
2 of waste generated during 3 ~~6~~ months of facility operation
3 at design capacity.

4 (5) Holding ponds used for the temporary storage of
5 livestock feedlot run-off shall be constructed according
6 to the requirements set forth in the Midwest Plan Service's
7 Livestock Waste Facilities Handbook (MWPS-18) and future
8 updates or similar standards used by the Natural Resources
9 Conservation Service of the United States Department of
10 Agriculture.

11 (b) New livestock management facilities and livestock
12 waste handling facilities constructed after the effective date
13 of this amendatory Act of 1999 shall be subject to the
14 additional construction requirements and siting prohibitions
15 provided in this subsection (b).

16 (1) No new non-lagoon livestock management facility or
17 livestock waste handling facility may be constructed
18 within the floodway of a 100-year floodplain. A new
19 livestock management facility or livestock waste handling
20 facility may be constructed within the portion of a
21 100-year floodplain that is within the flood fringe and
22 outside the floodway provided that the facility is designed
23 and constructed to be protected from flooding and meets the
24 requirements set forth in the Rivers, Lakes, and Streams
25 Act, Section 5-40001 of the Counties Code, and Executive
26 Order Number 4 (1979). The delineation of floodplains,

1 floodways, and flood fringes shall be in compliance with
2 the National Flood Insurance Program. Protection from
3 flooding shall be consistent with the National Flood
4 Insurance Program and shall be designed so that stored
5 livestock waste is not readily removed.

6 (2) A new non-lagoon livestock waste handling facility
7 constructed in a karst area shall be designed to prevent
8 seepage of the stored material into groundwater in
9 accordance with ASAE 393.2 or future updates. Owners or
10 operators of proposed facilities should consult with the
11 local soil and water conservation district, the University
12 of Illinois Cooperative Extension Service, or other local,
13 county, or State resources relative to determining the
14 possible presence or absence of such areas.
15 Notwithstanding the other provisions of this paragraph
16 (2), after the effective date of this amendatory Act of
17 1999, no non-lagoon livestock waste handling facility may
18 be constructed within 400 feet of any natural depression in
19 a karst area formed as a result of subsurface removal of
20 soil or rock materials that has caused the formation of a
21 collapse feature that exhibits internal drainage. For the
22 purposes of this paragraph (2), the existence of such a
23 natural depression in a karst area shall be indicated by
24 the uppermost closed depression contour lines on a USGS 7
25 1/2 minute quadrangle topographic map or as determined by
26 Department field investigation in a karst area.

1 (3) A new non-lagoon livestock waste handling facility
2 constructed in an area where aquifer material is present
3 within 5 feet of the bottom of the facility shall be
4 designed to ensure the structural integrity of the
5 containment structure and to prevent seepage of the stored
6 material to groundwater. Footings and underlying structure
7 support shall be incorporated into the design standards of
8 the storage structure in accordance with the requirements
9 of Section 4.1 of the American Society of Agricultural
10 Engineers (ASAE) EP 393.2 or future updates.

11 (c) A livestock waste handling facility owner may rely on
12 guidance from the local soil and water conservation district,
13 the Natural Resources Conservation Service of the United States
14 Department of Agriculture, or the University of Illinois
15 Cooperative Extension Service for soil type and associated
16 information.

17 (d) The standards in subsections (a) and (b) shall serve as
18 interim construction standards until such time as permanent
19 rules promulgated pursuant to Section 55 of this Act become
20 effective. In addition, the Department and the Board shall
21 utilize the interim standards in subsections (a) and (b) as a
22 basis for the development of such permanent rules.

23 (e) The owner or operator of a livestock management
24 facility or livestock waste handling facility may, with the
25 approval of the Department, elect to exceed the strength and
26 load requirements as set forth in this Section.

1 (f) The owner or operator of a livestock management
2 facility or livestock waste handling facility shall send, by
3 certified mail or in person, to the Department a certification
4 of compliance together with copies of verification documents
5 upon completion of construction. In the case of structures
6 constructed with the design standards used by the Natural
7 Resources Conservation Service of the United States Department
8 of Agriculture, copies of the design standards and a statement
9 of verification signed by a representative of the United States
10 Department of Agriculture shall accompany the owner's or
11 operator's certification of compliance. The certification
12 shall state that the structure meets or exceeds the
13 requirements in subsection (a) of this Section. A \$250 filing
14 fee shall accompany the statement.

15 (g) The Department shall inspect the construction site
16 prior to construction, during construction, and within 10
17 business days following receipt of the certification of
18 compliance to determine compliance with the construction
19 standards.

20 (h) The Department shall require modification when
21 necessary to bring the construction into compliance with the
22 standards set forth in this Section. The person making the
23 inspection shall discuss with the owner, operator, or certified
24 livestock manager an evaluation of the livestock waste handling
25 facility construction and shall (i) provide on-site written
26 recommendations to the owner, operator, or certified livestock

1 manager of what modifications are necessary or (ii) inform the
2 owner, operator, or certified livestock manager that the
3 facility meets the standards set forth in this Section. On the
4 day of the inspection, the person making the inspection shall
5 give the owner, operator, or certified livestock manager a
6 written report of findings based on the inspection together
7 with an explanation of remedial measures necessary to enable
8 the livestock waste handling facility to meet the standards set
9 forth in this Section. The Department shall, within 5 business
10 days of the date of inspection, send an official written notice
11 to the owner or operator of the livestock waste handling
12 facility by certified mail, return receipt requested,
13 indicating that the facility meets the standards set forth in
14 this Section or identifying the remedial measures necessary to
15 enable the livestock waste handling facility to meet the
16 standards set forth in this Section. The owner or operator
17 shall, within 10 business days of receipt of an official
18 written notice of deficiencies, contact the Department to
19 develop the principles of an agreement of compliance. The owner
20 or operator and the Department shall enter into an agreement of
21 compliance setting forth the specific changes to be made to
22 bring the construction into compliance with the standards
23 required under this Section. If an agreement of compliance
24 cannot be achieved, the Department shall issue a compliance
25 order to the owner or operator outlining the specific changes
26 to be made to bring the construction into compliance with the

1 standards required under this Section. The owner or operator
2 can request an administrative hearing to contest the provisions
3 of the Department's compliance order.

4 (j) If any owner or operator operates in violation of an
5 agreement of compliance, the Department shall seek an
6 injunction in circuit court to prohibit the operation of the
7 facility until construction and certification of the livestock
8 waste handling facility are in compliance with the provisions
9 of this Section.

10 (k) When any livestock management facility not using an
11 earthen livestock waste lagoon is removed from service, the
12 accumulated livestock waste remaining within the facility
13 shall be removed and applied to land at rates consistent with a
14 waste management plan for the facility. Removal of the waste
15 shall occur within 12 months after the date livestock
16 production at the facility ceases. In addition, the owner or
17 operator shall make provisions to prevent the accumulation of
18 precipitation within the livestock waste handling facility.
19 Upon completion of the removal of manure, the owner or operator
20 of the facility shall notify the Department that the facility
21 is being removed from service and the remaining manure has been
22 removed. The Department shall conduct an inspection of the
23 livestock waste handling facility and inform the owner or
24 operator in writing that the requirements imposed under this
25 subsection (k) have been met or that additional actions are
26 necessary. Commencement of operations at a facility that has

1 livestock shelters left intact and that has completed the
2 requirements imposed under this subsection (k) and that has
3 been operated as a livestock management facility or livestock
4 waste handling facility for 4 consecutive months at any time
5 within the previous 10 years shall not be considered a new or
6 expanded livestock management or waste handling facility. A new
7 facility constructed after May 21, 1996 that has been removed
8 from service for a period of 2 or more years shall not be
9 placed back into service prior to an inspection of the
10 livestock waste handling facility and receipt of written
11 approval by the Department.

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