



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB1731

Introduced 2/20/2015, by Sen. Dale A. Righter

SYNOPSIS AS INTRODUCED:

505 ILCS 80/7

from Ch. 5, par. 55.7

505 ILCS 80/18a

from Ch. 5, par. 55.18a

Amends the Illinois Fertilizer Act of 1961. Provides that rules under the Act must be "within constitutional limitations".

LRB099 09659 MGM 29868 b

1 AN ACT concerning agriculture.

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

4 Section 5. The Illinois Fertilizer Act of 1961 is amended
5 by changing Sections 7 and 18a as follows:

6 (505 ILCS 80/7) (from Ch. 5, par. 55.7)

7 Sec. 7. Inspection, sampling, analysis.

8 (a) It is the duty of the Director, who may act through his
9 authorized agent, to sample, inspect, make analysis of, and
10 test fertilizers distributed within this State at a time and
11 place and to such an extent as the Director considers necessary
12 to determine whether such fertilizers are in compliance with
13 the provisions of this Act. The Director, individually or
14 through his agent, is authorized to enter upon any public or
15 private premises during regular business hours in order to have
16 access to fertilizers and to records relating to their
17 distribution subject to the provisions of this Act and the
18 rules and regulations pertaining thereto within constitutional
19 limitations.

20 (b) The methods of analysis and sampling shall be those
21 adopted by the official agency from sources such as those of
22 the Association of Official Analytical Chemists.

23 (c) The Director, in determining for administrative

1 purposes whether any fertilizer is deficient in plant food,
2 shall be guided solely by the official sample as defined in
3 Section 3, and obtained and analyzed as provided for in this
4 Section.

5 (d) The results of official analysis of any fertilizer
6 which has been found to be subject to penalty or other legal
7 action shall be forwarded by the Director to the registrant at
8 least 10 days before the report is submitted to the purchaser.
9 If during that period no adequate evidence to the contrary is
10 made available to the Director, the report shall become
11 official. Upon request the Director shall furnish to the
12 registrant a portion of any sample found subject to penalty or
13 other legal action.

14 (Source: P.A. 97-960, eff. 8-15-12.)

15 (505 ILCS 80/18a) (from Ch. 5, par. 55.18a)

16 Sec. 18a. Location and operation.

17 (a) Before installing fertilizer facilities for the
18 distribution or storage of anhydrous ammonia or low-pressure
19 nitrogen solutions, the owner shall apply to the Department for
20 approval of the location of the facilities. Distribution and
21 storage facilities shall be in compliance with local zoning
22 ordinances and the minimum distance requirements for safe
23 storage of anhydrous ammonia or low-pressure nitrogen
24 solutions as established by Department rule. Existing storage
25 tanks installed prior to the effective date of this amendatory

1 Act of 1983 shall be exempt from the requirements for location
2 approval. Prior to any expansion or modification of such
3 existing storage tanks, written approval shall be obtained from
4 the Department and such tanks shall meet current requirements
5 as established by Department rule.

6 (b) Authorized Department personnel may enter upon any
7 public or private premises during reasonable business hours and
8 inspect facilities, equipment and vehicles used in the storage,
9 application, and distribution of anhydrous ammonia and
10 low-pressure nitrogen solutions and observe operations as
11 necessary to determine compliance with the provisions of this
12 Act and the rules promulgated hereunder within constitutional
13 limitations. Department personnel may enter the premises at any
14 time when the health, safety or welfare of the public is
15 threatened by escaping gas, spills, fire, damaged or faulty
16 equipment, accident or act of God.

17 (c) It shall be unlawful for any entity to distribute,
18 store, transport, or use anhydrous ammonia or low-pressure
19 nitrogen solutions in violation of this Act or the rules
20 adopted by the Department or to violate a stop use order issued
21 by the Director.

22 (d) The Director or his authorized agent may issue and
23 enforce a written stop use order to the owner or custodian of
24 the facility upon a violation of this Act or the rules and
25 regulations. The Director shall terminate the stop use order
26 upon compliance with the requirements of this Act and rules and

1 regulations.

2 (e) (Blank).

3 (f) Nothing in this Section shall apply to facilities that
4 manufacture anhydrous ammonia subject to the OSHA Process
5 Safety Management regulations cited under 29 CFR 1910.119.

6 (Source: P.A. 97-960, eff. 8-15-12.)