

SB2331



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB2331

Introduced 2/7/2025, by Sen. Laura Ellman

SYNOPSIS AS INTRODUCED:

510 ILCS 77/35

Amends the Livestock Management Facilities Act. Provides that a new facility created or expanded after the effective date of the amendatory Act that serves 50 or greater animal units shall have a minimum setback distance of 2 miles from the nearest occupied residence and 2 miles from the nearest populated area.

LRB104 03182 BDA 13203 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 35 as follows:

6 (510 ILCS 77/35)

7 Sec. 35. Setbacks for livestock management and livestock
8 handling facilities.

9 (a) Grandfather provision; facilities in existence prior
10 to July 15, 1991. Livestock management facilities and
11 livestock waste handling facilities in existence prior to July
12 15, 1991 shall comply with setbacks in existence prior to July
13 15, 1991, as set forth in the Illinois Environmental
14 Protection Act and rules promulgated under that Act.

15 (b) Grandfather provision; facilities in existence on May
16 21, 1996 (the effective date of the Act) and after July 15,
17 1991. Livestock management facilities and livestock waste
18 handling facilities in existence on the effective date of this
19 Act but after July 15, 1991 shall comply with setbacks in
20 existence prior to the effective date of this Act, as set forth
21 in the Illinois Environmental Protection Act and rules
22 promulgated under that Act.

23 (c) Grandfather provision; new facilities the construction

1 or expansion of which commenced before the effective date of
2 this amendatory Act of the 104th General Assembly. ~~New~~
3 ~~livestock management or livestock waste handling facilities.~~
4 Any new facility the construction or expansion of which
5 commenced before the effective date of this amendatory Act of
6 the 104th General Assembly shall comply with the following
7 setbacks:

8 (1) For purposes of determining setback distances,
9 minimum distances shall be measured from the nearest
10 corner of the residence or place of common assembly to the
11 nearest corner of the earthen waste lagoon or livestock
12 management facility, whichever is closer.

13 (2) A livestock management facility or livestock waste
14 handling facility serving less than 50 animal units shall
15 be exempt from setback distances as set forth in this Act
16 but shall be subject to rules promulgated under the
17 Illinois Environmental Protection Act.

18 (3) For a livestock management facility or waste
19 handling facility serving 50 or greater but less than
20 1,000 animal units, the minimum setback distance shall be
21 1/4 mile from the nearest occupied residence and 1/2 mile
22 from the nearest populated area.

23 (4) For a livestock management facility or livestock
24 waste handling facility serving 1,000 or greater but less
25 than 7,000 animal units, the setback is as follows:

26 (A) For a populated area, the minimum setback

1 shall be increased 440 feet over the minimum setback
2 of 1/2 mile for each additional 1,000 animal units
3 over 1,000 animal units.

4 (B) For any occupied residence, the minimum
5 setback shall be increased 220 feet over the minimum
6 setback of 1/4 mile for each additional 1,000 animal
7 units over 1,000 animal units.

8 (5) For a livestock management facility or livestock
9 waste handling facility serving 7,000 or greater animal
10 units, the setback is as follows:

11 (A) For a populated area, the minimum setback
12 shall be 1 mile.

13 (B) For any occupied residence, the minimum
14 setback shall be 1/2 mile.

15 (c-5) New facilities the construction or expansion of
16 which commences on or after the effective date of this
17 amendatory Act of the 104th General Assembly. New facilities
18 the construction or expansion of which commences on or after
19 the effective date of this amendatory Act of the 104th General
20 Assembly shall comply with the following setbacks:

21 (1) For purposes of determining setback distances,
22 minimum distances shall be measured from the nearest
23 corner of the residence or place of common assembly to the
24 nearest corner of the earthen waste lagoon or livestock
25 management facility, whichever is closer.

26 (2) A livestock management facility or livestock waste

1 handling facility serving less than 50 animal units shall
2 be exempt from setback distances as set forth in this Act
3 but shall be subject to rules adopted under the Illinois
4 Environmental Protection Act.

5 (3) For a livestock management facility or waste
6 handling facility serving 50 or greater animal units, the
7 minimum setback distance shall be 2 miles from the nearest
8 occupied residence and 2 miles from the nearest populated
9 area.

10 (d) Requirements governing the location of a new livestock
11 management facility and new livestock waste-handling facility
12 and conditions for exemptions or compliance with the maximum
13 feasible location as provided in rules adopted pursuant to the
14 Illinois Environmental Protection Act concerning agriculture
15 regulated pollution shall apply to those facilities identified
16 in subsections (b), ~~and~~ (c), and (c-5) of this Section. With
17 regard to the maximum feasible location requirements, any
18 reference to a setback distance in the rules under the
19 Illinois Environmental Protection Act shall mean the
20 appropriate distance as set forth in this Section.

21 (e) Setback category shall be determined by the design
22 capacity in animal units of the livestock management facility.

23 (f) Setbacks may be decreased when innovative designs as
24 approved by the Department are incorporated into the facility.

25 (g) A setback may be decreased when waivers are obtained
26 from owners of residences that are occupied and located in the

1 setback area.

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