



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB2332

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

SYNOPSIS AS INTRODUCED:

510 ILCS 77/12
510 ILCS 77/12.1

Amends the Livestock Management Facilities Act. Provides that, within 7 days after receiving a form giving notice of intent to construct (i) a new facility that would be a medium CAFO or a large CAFO (rather than a new facility serving 1,000 or more animal units) and that does not propose to utilize a lagoon or (ii) a new facility that does propose to utilize a lagoon, the Illinois Department of Agriculture shall send a copy of the notice form to the county board of the county in which the facility is to be located and shall publish a public notice in a newspaper of general circulation within the county. Provides that, after receiving a copy of the notice form from the Department, the county board may, at its discretion and within 60 days (rather than 30 days) after receipt of the notice, request that the Department conduct an informational meeting concerning the proposed construction. Provides that (i) a new facility that would be a medium CAFO or a large CAFO and that does not propose to utilize a lagoon or (ii) a new facility that does propose to utilize a lagoon may not begin construction if the county board recommends to the Department that the provisions of the Act have not been met for failing to satisfy specified criteria. Makes conforming and other changes.

LRB104 03186 BDA 13207 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 Sections 12 and 12.1 as follows:

6 (510 ILCS 77/12)

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

9 (a) ~~Within~~ Beginning on the effective date of this
10 ~~amendatory Act of 1999, within~~ 7 days after receiving a form
11 giving notice of intent to construct (i) a new facility that
12 would be a medium CAFO or a large CAFO as defined in 40 CFR
13 122.23 and ~~livestock management facility or livestock waste~~
14 ~~handling facility serving 1,000 or more animal units~~ that does
15 not propose to utilize a lagoon or (ii) a new facility
16 ~~livestock waste management facility or livestock waste~~
17 ~~handling facility~~ that does propose to utilize a lagoon, the
18 Department shall send a copy of the notice form to the county
19 board of the county in which the facility is to be located and
20 shall publish a public notice in a newspaper of general
21 circulation within the county. After receiving a copy of the
22 notice form from the Department, the county board may, at its
23 discretion and within 60 ~~30~~ days after receipt of the notice,

1 request that the Department conduct an informational meeting
2 concerning the proposed construction that is subject to this
3 Section. In addition, during the county's 60-day ~~30-day~~ review
4 period, county residents may petition the county board of the
5 county where the proposed new facility will be located to
6 request that the Department conduct an informational meeting.
7 When petitioned by 75 or more of the county's residents who are
8 registered voters, the county board shall request that the
9 Department conduct an informational meeting. If the county
10 board requests that the Department conduct the informational
11 meeting, the Department shall conduct the informational
12 meeting within 15 days of the county board's request. If the
13 Department conducts such a meeting, it shall cause notice of
14 the meeting to be published in a newspaper of general
15 circulation in the county and in the State newspaper and shall
16 send a copy of the notice to the County Board. Upon receipt of
17 the notice, the County Board shall post the notice on the
18 public informational board at the county courthouse at least
19 10 days before the meeting. The owner or operator who
20 submitted the notice of intent to construct to the Department
21 shall appear at the meeting. At the meeting, the Department
22 shall afford members of the public an opportunity to ask
23 questions and present oral or written comments concerning the
24 proposed construction.

25 (b) The county board shall submit at the informational
26 meeting or within 30 days following the meeting a ~~an advisory,~~

1 ~~non-binding~~ recommendation to the Department about the
2 proposed new facility's construction in accordance with the
3 applicable requirements of this Act. The ~~advisory, non-binding~~
4 recommendation shall contain at a minimum:

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

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

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

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

26 (1) Whether registration and livestock waste

1 management plan certification requirements, if required,
2 are met by the notice of intent to construct.

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

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

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

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

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

25 (7) Whether traffic patterns minimize the effect on
26 existing traffic flows.

1 (8) Whether construction or modification of a new
2 facility is consistent with existing community growth,
3 tourism, recreation, or economic development or with
4 specific projects involving community growth, tourism,
5 recreation, or economic development that have been
6 identified by government action for development or
7 operation within one year through compliance with
8 applicable zoning and setback requirements for populated
9 areas as established by this Act.

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

11 (510 ILCS 77/12.1)

12 Sec. 12.1. Final determination.

13 (a) Within 15 calendar days of the close of the comment
14 period under subsection (b) of Section 12, the Department
15 shall determine if, more likely than not, the provisions of
16 the Act have been met and shall send notice to the applicant
17 and the county board indicating that construction may proceed.
18 If the Department finds that, more likely than not, the
19 provisions of the Act have not been met the Department shall
20 send notice to the applicant that construction is prohibited.
21 The Department shall determine that the provisions of the Act
22 have not been met if the county board recommends to the
23 Department that the provisions of the Act have not been met for
24 failing to satisfy one of the criteria described in subsection
25 (d) of Section 12.

1 (a-5) If the Department finds that additional information
2 or that specific changes are needed in order to assist the
3 Department in making the determination under subsection (a) of
4 this Section, the Department may request such information or
5 changes from the owner or operator of the new livestock waste
6 handling facility or waste management facility.

7 (b) If no informational meeting is held, the Department
8 shall, within 15 calendar days following the end of the period
9 for the county board to request an informational meeting,
10 notify the owner or operator that construction may begin or
11 that clarification is needed.

12 (c) If the owner or operator of a proposed livestock
13 management facility or livestock waste handling facility
14 amends the facility plans during the Department's review, the
15 Department shall notify the county board, which may exercise
16 its option of a public informational meeting pursuant to
17 Section 12 of this Act.

18 (d) If the owner or operator of a proposed new livestock
19 management or new livestock waste handling facility amends the
20 facility plans during the Department's review process by
21 increasing the animal unit capacity of the facility such that
22 the required setback distances will be increased, the owner or
23 operator shall submit a revised notice of intent to construct
24 and comply with applicable provisions of this Act.

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