**Section 501.402 Location of New Livestock Management Facilities and New Livestock Waste-Handling Facilities**

a) A new livestock management facility or new livestock waste-handling facility must not contain within its boundaries any stream or other surface waters except small temporary accumulations of water occurring as a direct result of precipitation.

b) New livestock management facilities and new livestock waste-handling facilities located within a 10-year flood height as recorded by the United States Geological Survey or as officially estimated by the Illinois State Water Survey must be protected against that flood.

c) Limitations Effective July 15, 1991

1) Upon July 15, 1991, new or expanded livestock management facilities and new or expanded livestock waste-handling facilities must not be located within ½ mile of a populated area or ¼ mile of a non-farm residence.

2) For subsection (c), the following are not considered locating a new or expanded livestock management or waste-handling facility:

A) Starting operations at an idle facility that has livestock shelters left intact and that has been operated as a livestock management facility or livestock waste-handling facility for four consecutive months at any time within the 10 previous years;

B) Starting operations at a facility reconstructed after partial or total destruction due to natural causes, i.e., tornado, fire, or earthquake.

3) Adequate odor control methods and technology must be practiced by operators of new and existing livestock management facilities and livestock waste-handling facilities so as not to cause air pollution.

d) The setback requirements of subsection (c) do not apply to any livestock management facility or livestock waste-handling facility that meets any of the following conditions:

1) The facility is located in an agricultural area, so designated under the Agricultural Areas Conservation and Protection Act, [505 ILCS 5];

2) The facility undergoes expansion, and the facility owner certifies and notifies the Agency in writing that the facility was operating as a livestock management facility or livestock waste-handling facility for at least one year before the existence of any non-farm residence within ¼ mile of the facility or of a populated area within ½ mile of the facility; or

3) The use of the facility as a livestock management or livestock waste-handling facility is allowed by local zoning or municipal ordinance. If no local zoning or municipal ordinance exists that covers that use, the facility is exempt if the livestock are not raised or kept at the facility primarily for hire or the raising or keeping of livestock at the facility does not have financial profit as a primary aim.

e) A new livestock management facility or new livestock waste-handling facility that locates within ¼ mile of a neighboring farm residence must locate at the maximum feasible location from that residence.

f) A new livestock management facility or new livestock waste-handling facility that locates within ¼ mile of a non-farm residence or ½ mile of a populated area, as allowed by subsection (d), must locate at the maximum feasible location from the residence or populated area.

g) New livestock management facilities or new livestock waste-handling facilities located on soil types or geological formations where the deposition of livestock waste is likely to cause groundwater pollution must be constructed in such a way that pollution will be prevented, or supplementary measures must be adopted that will prevent pollution.

(Source: Amended at 48 Ill. Reg. 3170, effective February 15, 2024)