**Section 506.103 Definitions**

Except as stated in this Section, or unless a different meaning of a word or term is clear from the context, the definition of words or terms in this Part must be the same as that applied to the same words or terms in the Environmental Protection Act [415 ILCS 5] or the Livestock Management Facilities Act [510 ILCS 77]. For this Part, the terms included in this Section have the following meanings:

*"Animal Feeding Operation" means a feeding operation as defined in the Illinois Environmental Protection Act and the rules promulgated under that Act concerning agriculture related pollution.* [510 ILCS 77/10.7]

*"Animal Unit" means a unit of measurement for any animal feeding operation calculated as follows:*

*Brood cows and slaughter and feeder cattle multiplied by 1.0.*

*Milking dairy cows multiplied by 1.4.*

*Young dairy stock multiplied by 0.6.*

*Swine weighing over 55 pounds multiplied by 0.4.*

*Swine weighing under 55 pounds multiplied by 0.03.*

*Sheep, lambs, or goats multiplied by 0.1.*

*Horses multiplied by 2.0.*

*Turkeys multiplied by 0.02.*

Laying hens or broilers multiplied by 0.005.

*Laying hens or broilers multiplied by 0.01 (if the facility has continuous overflow watering).*

*Laying hens or broilers multiplied by 0.03 (if the facility has a liquid manure handling system).*

*Ducks multiplied by 0.02.* [510 ILCS 77/10.10]

For species of animals in an animal feeding operation not specifically listed in this definition, the animal unit factor is determined by dividing the average mature animal weight by 1,000. The Department must determine the average mature animal weight with guidance from the University of Illinois Cooperative Extension Service.

"Aquifer material" means sandstone that is five feet or more in thickness, or fractured carbonate that is ten feet or more in thickness; or sand, gravel, or sand and gravel, as defined in this Section, such that there is at least two feet or more present within any five-foot section of a soil boring performed in compliance with Sections 506.202 and 506.302 of this Part.

*"Department" means the Illinois Department of Agriculture.* [510 ILCS 77/10.20].

"Filter Strip" means a strip or area of vegetation for removing sediment, organic material, organisms, nutrients, and chemicals from runoff or wastewater. A filter strip must be sized to process the amount of material expected to be released from the lagoon.

"Flood fringe" means that portion of the floodplain outside the floodway.

"Floodplain" means the land adjacent to a body of water with ground surface elevations at or below the 100-year frequency flood elevation.

"Floodway", for the six counties including Cook, DuPage, Kane, Lake, McHenry, and Will, means *the channel and that portion of the floodplain adjacent to a stream or watercourse* as designated by the Illinois Department of Natural Resources under Section 18g of the Rivers, Lakes, and Streams Act [615 ILCS 5/18g], *which is needed to store and convey the* anticipated future 100-*year frequency flood discharge* with no more than a 0.1-foot increase in stage due to the loss of flood conveyance or storage, and no more than a 10% increase in velocities. [615 ILCS 5/18g(d)(1)] For the remaining 96 counties, "floodway" means the channel of a river, lake, or stream and that portion of the adjacent land area that is needed to safely store and convey flood waters. Where floodways have been delineated for regulatory purposes, the mapped lines show the floodway encroachment limits and will be used. For other areas, floodway limits will be estimated, using hydrologic and hydraulic calculations, to preserve adequate conveyance and storage so that stage increases for the 100-year frequency flood would not exceed 0.1 foot.

"Grass Waterway" means a natural or constructed waterway, usually broad and shallow covered with erosion-resistant grasses, used to conduct surface water from or through cropland. A grass waterway is used to convey any lagoon release to an area or structure where it would be contained, such as at an additional berm, or processed, such as at a filter strip, or conveyed to another area, such as by a terrace.

"Gravel" or "Sand and gravel" means unconsolidated materials that contain a matrix (particles of two millimeters or less) that is consistent with the definition of "sand" and particles larger than two millimeters in size.

*"Karst Area" means an area with a land surface containing sinkholes, large springs, disrupted land drainage, and underground drainage systems associated with karstified carbonate bedrock and caves or a land surface without these features but containing a karstified carbonate bedrock unit generally overlain by less than 60 feet of unconsolidated materials.* [510 ILCS 77/10.24]

*"Karstified Carbonate Bedrock" means a carbonate bedrock unit (limestone or dolomite) that has a pronounced conduit or secondary porosity due to dissolution of the rock along joints, fractures, or bedding plains.* [510 ILCS 77/10.26]

*"Lagoon"* or "earthen livestock waste lagoon" *means any excavated, diked, or walled structure or combination of structures designed for biological stabilization and storage of livestock wastes. A lagoon does not include structures such as manufactured slurry storage structures or pits under buildings as defined in rules under the Environmental Protection Act concerning agriculture related pollution.* [510 ILCS 77/10.25]

*"Licensed Professional Engineer" means a person, corporation, or partnership licensed under the laws of the State of Illinois to practice professional engineering.* [415 ILCS 5/57.2]

*"Licensed Professional Geologist" means an individual who is licensed under* the laws of the State of Illinois *to engage in the practice of professional geology in Illinois.* [225 ILCS 745/15]

*"Livestock Management Facility" means any animal feeding operation, livestock shelter, or on-farm milking and accompanying milk-handling area. Two or more livestock management facilities under common ownership, where the facilities are not separated by a minimum distance of ¼ mile, and that share a common livestock waste handling facility* will *be considered a single livestock management facility. Livestock management* facilities *at educational institutions, livestock pasture operations,* facilities *where animals are housed on a temporary basis such as county and state fairs, livestock shows, race tracks, and horse breeding and foaling farms, and market holding facilities are not subject to the* Livestock Management Facilities Act or the requirements of this Part. [510 ILCS 77/10.30]

"Livestock shelter" means any covered structure, including livestock houses or barns, in which livestock are enclosed at any time.

*"Livestock Waste" means livestock excreta and associated losses, bedding, wash waters, sprinkling waters from livestock cooling, precipitation polluted by falling on or flowing onto an animal feeding operation, and other materials polluted by livestock.* [510 ILCS 77/10.35]

*"Livestock Waste Handling Facility" means individually or collectively those immovable constructions or devices, except sewers, used for collecting, pumping, treating, or disposing of livestock waste or for the recovery of by-products from the livestock waste. Two or more livestock waste handling facilities under common ownership and where the facilities are not separated by a minimum distance of 1/4 mile* will *be considered a single livestock waste handling facility.* [510 ILCS 77/10.40] The Livestock Management Facilities Act and this Part do not apply to: livestock waste handling facilities at educational institutions; livestock pasture operations; or facilities where animals are housed on a temporary basis, such as county and State fairs, livestock shows, race tracks, horse breeding and foaling farms, and market holding facilities.

"Maintained" means, with reference to a livestock waste lagoon, that the livestock waste lagoon is inspected (including inspection for burrow holes, trees and woody vegetation, proper freeboard, erosion, settling of the berm, berm-top integrity, leaks, and seepage) and preventive action is taken as necessary to assure the integrity of the lagoon and its berm and associated appurtenances.

*"Modified" means structural changes to a lagoon that increase its volumetric capacity.* [510 ILCS 77/10.43]

*"New Facility" means a livestock management facility or a livestock waste handling facility the construction or expansion of which is commenced on or after May 19, 1996 (the effective date of the Livestock Management Facilities Act). Expanding a facility where the fixed capital cost of the new components constructed within a 2-year period does not exceed 50% of the fixed capital cost of a comparable entirely new facility* will not be considered *a new facility as used in the Livestock Management Facilities Act.*  [510 ILCS 77/10.45] For facilities that have stopped operation after July 12, 1999, starting operations at a facility that has livestock shelters left intact and that has completed the requirements imposed under Section 13(k) of the Livestock Management Facilities Act [510 ILCS 77/13(k)] and 8 Ill. Adm. Code 900.508. For facilities that have stopped operation before July 13, 1999, starting operations at a facility that has livestock shelters left intact and that has been operated as a livestock management facility or livestock waste handling facility for 4 consecutive months at any time within the previous 10 years is not be considered a new or expanded livestock management or waste handling facility.

*"Owner or Operator" means any person who owns, leases, controls, or supervises a livestock management facility or livestock waste-handling facility.* [510 ILCS 77/10.50]

*"Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity or their legal representative, agent, or assigns.* [510 ILCS 77/10.55]

"Placed in service" means the placement of livestock waste in a livestock waste handling facility once the construction or modification is completed in compliance with this Part.

"Sand" means unconsolidated materials, where 70% or more of the particles are of size 0.06 millimeters to 2.00 millimeters, and which, according to the USDA soil texture classification scheme, includes soil textures of sand, and loamy sand, and portions of sandy loam and sandy clay loam.

"Seasonal high water table" means the highest level of the water table encountered annually.

"Terrace" means an embankment or combination of embankment and channel constructed across a slope to control erosion by diverting and temporarily storing surface runoff instead of permitting it to flow uninterrupted down the slope. A terrace may be used to convey the released material to a grass waterway, a filter strip, or a secondary berm.

"USDA-NRCS" means the United States Department of Agriculture's Natural Resources Conservation Service.

"Void" means an underground opening generally produced by the dissolution of rock in a karst area.

"Water table" means the surface on which the fluid pressure in the soil pore space is equal to the atmospheric pressure. The location of the water table is determined by the level at which water stands in a shallow well open along its length and penetrating the surficial deposits just deeply enough to encounter standing water in the bottom.

(Source: Amended at 48 Ill. Reg. 3274, effective February 15, 2024)