

SB3042



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3042

Introduced 1/5/2022, by Sen. David Koehler

SYNOPSIS AS INTRODUCED:

510 ILCS 77/5
510 ILCS 77/12
510 ILCS 77/15.1 new
510 ILCS 77/15 rep.

Amends the Livestock Management Facilities Act. Provides that it is unlawful to use or create livestock waste lagoons; makes conforming changes. Repeals provisions concerning the standards for livestock waste lagoon construction. Effective immediately.

LRB102 22815 CMG 31965 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 Sections 5 and 12 and by adding Section
6 15.1 as follows:

7 (510 ILCS 77/5)

8 Sec. 5. Policy.

9 (a) The General Assembly finds the following:

10 (1) Enhancements to the current regulations dealing
11 with livestock production facilities are needed.

12 (2) The livestock industry is experiencing rapid
13 changes as a result of many different occurrences within
14 the industry including increased sophistication of
15 production technology, increased demand for capital to
16 maintain or expand operations, and changing consumer
17 demands for a quality product.

18 (3) The livestock industry represents a major economic
19 activity in the Illinois economy.

20 (4) The trend is for larger concentration of animals
21 at a livestock management facility due to various market
22 forces.

23 (5) Current regulation of the operation and management

1 of livestock production is adequate for today's industry
2 with a few modifications.

3 (6) Due to the increasing numbers of animals at a
4 livestock management facility, there is a potential for
5 greater impacts on the immediate area.

6 (7) The creation or use of livestock waste lagoons is
7 against the public policy of this State. ~~Livestock waste~~
8 ~~lagoons must be constructed according to standards to~~
9 ~~maintain structural integrity and to protect groundwater.~~

10 (8) Since a majority of odor complaints result from
11 manure application, livestock producers must be provided
12 with an educational program that will enhance neighbor
13 awareness and their environmental management skills, with
14 emphasis on management of livestock wastes.

15 (b) Therefore, it is the policy of the State of Illinois to
16 maintain an economically viable livestock industry in the
17 State of Illinois while protecting the environment for the
18 benefit of both the livestock producer and persons who live in
19 the vicinity of a livestock production facility.

20 (Source: P.A. 89-456, eff. 5-21-96.)

21 (510 ILCS 77/12)

22 Sec. 12. Public informational meeting; ~~lagoons~~ and
23 non-lagoon structures.

24 (a) Beginning on the effective date of this amendatory Act
25 of 1999, within 7 days after receiving a form giving notice of

1 intent to construct ~~(i)~~ a new livestock management facility or
2 livestock waste handling facility serving 1,000 or more animal
3 units that does not propose to utilize a lagoon ~~or (ii) a~~
4 ~~livestock waste management facility or livestock waste~~
5 ~~handling facility that does propose to utilize a lagoon,~~ the
6 Department shall send a copy of the notice form to the county
7 board of the county in which the facility is to be located and
8 shall publish a public notice in a newspaper of general
9 circulation within the county. After receiving a copy of the
10 notice form from the Department, the county board may, at its
11 discretion and within 30 days after receipt of the notice,
12 request that the Department conduct an informational meeting
13 concerning the proposed construction that is subject to this
14 Section. In addition, during the county's 30-day review
15 period, county residents may petition the county board of the
16 county where the proposed new facility will be located to
17 request that the Department conduct an informational meeting.
18 When petitioned by 75 or more of the county's residents who are
19 registered voters, the county board shall request that the
20 Department conduct an informational meeting. If the county
21 board requests that the Department conduct the informational
22 meeting, the Department shall conduct the informational
23 meeting within 15 days of the county board's request. If the
24 Department conducts such a meeting, it shall cause notice of
25 the meeting to be published in a newspaper of general
26 circulation in the county and in the State newspaper and shall

1 send a copy of the notice to the County Board. Upon receipt of
2 the notice, the County Board shall post the notice on the
3 public informational board at the county courthouse at least
4 10 days before the meeting. The owner or operator who
5 submitted the notice of intent to construct to the Department
6 shall appear at the meeting. At the meeting, the Department
7 shall afford members of the public an opportunity to ask
8 questions and present oral or written comments concerning the
9 proposed construction.

10 (b) The county board shall submit at the informational
11 meeting or within 30 days following the meeting an advisory,
12 non-binding recommendation to the Department about the
13 proposed new facility's construction in accordance with the
14 applicable requirements of this Act. The advisory, non-binding
15 recommendation shall contain at a minimum:

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

19 (2) a statement of the information and criteria used
20 by the county board in determining that the proposed
21 facility met or failed to meet any of the criteria
22 described in subsection (d).

23 (c) When the county board requests an informational
24 meeting, construction shall not begin until after the
25 informational meeting has been held, the Department has
26 reviewed the county board's recommendation and replied to the

1 recommendation indicating if the proposed new livestock
2 management facility or the new livestock waste handling
3 facility is or will be in compliance with the requirements of
4 the Act, and the owner, operator, or certified manager and
5 operator has received the Department's notice that the
6 setbacks and all applicable requirements of this Act have been
7 met.

8 (d) At the informational meeting for the proposed
9 facility, the Department of Agriculture shall receive evidence
10 by testimony or otherwise on the following subjects:

11 (1) Whether registration and livestock waste
12 management plan certification requirements, if required,
13 are met by the notice of intent to construct.

14 (2) Whether the design, location, or proposed
15 operation will protect the environment by being consistent
16 with this Act.

17 (3) Whether the location minimizes any incompatibility
18 with the surrounding area's character by being located in
19 any area zoned for agriculture where the county has zoning
20 or where the county is not zoned, the setback requirements
21 established by this Act are complied with.

22 (4) Whether the facility is located within a 100-year
23 floodplain or an otherwise environmentally sensitive area
24 (defined as an area of karst area or with aquifer material
25 within 5 feet of the bottom of the livestock waste
26 handling facility) and whether construction standards set

1 forth in the notice of intent to construct are consistent
2 with the goal of protecting the safety of the area.

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

7 (6) Whether odor control plans are reasonable and
8 incorporate reasonable or innovative odor reduction
9 technologies given the current state of such technologies.

10 (7) Whether traffic patterns minimize the effect on
11 existing traffic flows.

12 (8) Whether construction or modification of a new
13 facility is consistent with existing community growth,
14 tourism, recreation, or economic development or with
15 specific projects involving community growth, tourism,
16 recreation, or economic development that have been
17 identified by government action for development or
18 operation within one year through compliance with
19 applicable zoning and setback requirements for populated
20 areas as established by this Act.

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

22 (510 ILCS 77/15.1 new)

23 Sec. 15.1. Livestock waste lagoons prohibited. In addition
24 to the prohibitions under any other law, it shall be unlawful
25 to use or create livestock waste lagoons.

1 (510 ILCS 77/15 rep.)

2 Section 10. The Livestock Management Facilities Act is
3 amended by repealing Section 15.

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.