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## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Procedures for Reporting Release of Livestock Waste
- 2) Code Citation: 35 Ill. Adm. Code 580
- 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
580.104	Amendment
580.107	Amendment
580.200	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 18 of the Livestock Management Facilities Act [510 ILCS 77/18] and Section 4(h) of the Illinois Environmental Protection Act [415 ILCS 5/4(h)].
- 5) Effective Date of Rules: July 1, 2018
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule is on file in the Illinois Environmental Protection Agency's principal office located at 1021 North Grand Avenue East, P.O. Box 19276, Springfield IL 62794-9276 and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 41 Ill. Reg. 13924; November 17, 2017
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: The First Notice version published in the *Illinois Register* included changes made by JCAR. The IEPA's final version contains only grammatical revisions submitted by the Agency during Second Notice and approved by JCAR.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? No

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF ADOPTED AMENDMENTS

- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The Illinois EPA's amendments to Part 580 update statutory and regulatory references. The statutory references and regulatory references have been repealed or moved and the amendments reflect those changes.
- 16) Information and questions regarding these adopted rules shall be directed to:

Stefanie N. Diers  
Assistant Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield IL 62794-9276

217/782-5544

The full text of the Adopted Amendments begins on the next page:

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE E: AGRICULTURE RELATED WATER POLLUTION  
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCYPART 580  
PROCEDURES FOR REPORTING RELEASES OF LIVESTOCK WASTE

Section	
580.100	Introduction
580.101	Scope
580.102	Applicability
580.103	Purpose
580.104	Definitions
580.105	Method of Reporting a Release of Livestock Waste
580.106	Contents of Report
580.107	Reporting of Releases to Groundwater
580.200	Distribution of Information
580.300	Follow-up Written Report

**AUTHORITY:** Implementing and authorized by Section 18 of the Livestock Management Facilities Act [510 ILCS 77/18] (see P.A. 91-0110, effective July 13, 1999); and Section 4(h) of the Environmental Protection Act [415 ILCS 5/4(h)].

**SOURCE:** Adopted at 22 Ill. Reg. 21863, effective December 4, 1998; amended at 24 Ill. Reg. 15415, effective October 6, 2000; amended at 42 Ill. Reg. 12972, effective July 1, 2018.

**Section 580.104 Definitions**

Terms used in this Part have the meaning specified in the Livestock Management Facilities Act [510 ILCS 77] or the Environmental Protection Act [415 ILCS 5]. The following terms have the meanings specified:

"Agency" means the Illinois Environmental Protection Agency.

"Controlled and recovered release" means any release that:

does not result in a discharge to waters of the State; and



## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF ADOPTED AMENDMENTS

has been controlled by diking or berming, or has been otherwise restricted in flow or extent; and

has been recovered so that the unrecovered portion of the released livestock waste is less than or equal to the agronomic application rate of the crop or vegetation grown at the site of the release.

"Department" means the Illinois Department of Agriculture.

*"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~~ ~~facilities~~ under common ownership, where the ~~facilities~~ ~~facilities~~ are not separated by a minimum distance of ¼ mile, and that share a common livestock waste handling facility shall be considered a single livestock management facility. A livestock management facility at ~~educational~~ ~~education~~ institutions, livestock pasture operations 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 this Part. [510 ILCS 77/10.30]*

*"Livestock waste" means livestock excreta and associated feed 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 ¼ mile, shall be considered a single livestock waste handling facility. [510 ILCS 77/10.40]*

*"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,*

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*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]

"Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, ~~or dumping~~ or disposing of livestock waste into the environment. For purposes of this Part, a release does not include the normal application of fertilizer such as the application of livestock waste to crop land at agronomic rates established by guidelines of the Agency, regulations of the Illinois Pollution Control Board or in a waste management plan developed pursuant to the Livestock Management Facilities Act [510 ILCS 77] and regulations promulgated thereunder for the crop grown. A release is not application to a grassed area under 35 Ill. Adm. Code 506.303(r) or use of a runoff field application system under 35 Ill. Adm. Code 501.404(d). Air emissions are not releases under this Part.

"Transportation equipment" means all structures and devices including but not limited to pipes, pumps, tanks, or containers, both mobile and non-mobile, used for conveying livestock waste to or from a livestock management facility or livestock waste handling facility.

*"Waters" means all accumulations of water, surface and underground, natural, and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon this State.* [415 ILCS 5/~~3.5503-56~~] *For purposes of this Part, waters of the State do not include small temporary accumulations of surface water from precipitation or irrigation systems.* [510 ILCS 77/18]

(Source: Amended at 42 Ill. Reg. 12972, effective July 1, 2018)

**Section 580.107 Reporting of Releases to Groundwater**

If an owner or operator of a lagoon required to implement groundwater monitoring under 35 Ill. Adm. Code 506.204(d) submits a report to the Department of a proposed response action required under 8 Ill. Adm. Code 900.61135 Ill. Adm. Code 506.206(g)(2), the owner or operator ~~shall~~will submit that report to the Agency at the same time.

(Source: Amended at 42 Ill. Reg. 12972, effective July 1, 2018)

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF ADOPTED AMENDMENTS

**Section 580.200 Distribution of Information**

- a) Reports under this Part are required by Section 18(a) of the Livestock Management Facilities Act [510 ILCS 77/18(a)] and Section 4(h) of the Environmental Protection Act [415 ILCS 5/4(h)], ~~and are therefore not privileged under Section 52.2(h)(1) of the Environmental Protection Act [415 ILCS 5/52.2(h)(1)].~~
- b) All reports under Sections 580.105 and 580.300 will be forwarded to the Department by the Agency.
- c) All reports under this Part indicating, or with respect to which subsequent investigations reveal, releases to surface waters will be forwarded by the Agency to the Illinois Department of Natural Resources and to the health department of the county in which the release occurred.
- d) All reports under this Part indicating, or with respect to which subsequent investigations reveal, releases to groundwater will be forwarded by the Agency to the health department of the county in which the release occurred.
- e) All reports under this Part are accessible from the ~~Agency Illinois EPA~~ through the Freedom of Information Act [5 ILCS 140] and Agency regulations at 2 Ill. Adm. Code ~~18281826~~.

(Source: Amended at 42 Ill. Reg. 12972, effective July 1, 2018)