POLLUTION LAWS and the ILLINOIS FARMER

Circular 1130
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Pollution is by no means a new problem in agriculture. For hundreds of years farmers have been constructing barns and feedlots downwind from their houses and taking protective steps in areas of soil erosion and sedimentation. Nevertheless, the increasing needs of a growing population and the intensification of farming techniques have increased our concern with pollution. The effects of pollution are more than mere temporary discomfort — they can result in serious adverse consequences to all forms of life. Greater awareness of and concern over man’s environment have initiated action from all levels of government in an attempt to improve and preserve the quality of our land and our environment as a whole.

While a large amount of pollution comes from obvious sources such as industry and automobiles, very few activities can escape some blame. Agriculture is no exception. Some of the causes of pollution from agricultural activities are erosion, misuse of commercial fertilizers and pesticides, and livestock enterprises, which generate animal wastes and odors. Legislation from both state and federal government is concerned with these causes; however, Illinois law has the greater direct effect on agriculture and thus is of primary concern to Illinois farmers.

Illinois has adopted an Environmental Protection Act that coordinates most of the pollution control in Illinois. The Environmental Protection Act classifies environmental matters into five general categories: water pollution, air pollution, public water supplies, land pollution and solid waste disposal, and noise. Each of these categories has specific rules and regulations. These categories will be discussed here insofar as they relate to and affect agriculture. Other laws concerned with agriculturally related pollution will also be discussed, although they are not part of the Illinois Environmental Protection Act.

It should be noted that some of the laws and regulations discussed on the following pages may be modified in the future. Therefore, the reader should determine whether any changes have occurred before taking steps in reliance upon a particular law or regulation.

WATER POLLUTION

General Legislative Background

Goals. The Federal Water Pollution Control Act Amendments of 1972 (FWPCA) provided a total revamping of federal law in the area of water pollution control. The FWPCA identified certain national goals of water quality and established a federal/state system of attaining these goals. The most important goal is the total elimination of point source
discharges of pollutants by 1985. An interim goal — the elimination of such discharges to the extent necessary to protect fish, shellfish, wildlife, and recreation in and on navigable waters — is to be attained by July 1, 1983. The FWPCA also expresses the policy that the federal government will delegate to the states the primary responsibility for dealing with water pollution.

**Water-quality standards.** To meet these goals, the FWPCA has established water-quality standards, which set the maximum amounts of certain contaminants or pollutants (such as phosphorus and ammonia-nitrogen) that may be found in the water. These standards insure that water can be used for certain purposes, for example, human consumption, recreation, and so on. To attain these water-quality standards, the FWPCA has also imposed limitations (effluent limitations) on the amount and type of pollutants that may be discharged into receiving waters. The Illinois Pollution Control Board has adopted similar water-quality standards and effluent limitations.

**National Pollutant Discharge Elimination System (NPDES)**

The mechanism for enforcing the water-quality standards and effluent limitations is the National Pollutant Discharge Elimination System (NPDES). Unless exempted, all persons discharging pollutants are required to obtain an NPDES permit, which is given only if it is shown that the discharge of pollutants will be within the adopted limitations.

Some agricultural activities are not presently affected by the provisions of the FWPCA because these provisions cover only those discharges of pollutants technically classified as coming from *point sources*, that is, from pipes, ditches, wells, and so forth. In contrast, pollution caused by erosion or runoff from fields is generally considered as coming from *non-point sources*. Illinois water pollution regulations are also initially directed only at point sources.

Nevertheless, there is one area of agricultural activity specifically designated by the FWPCA as a point source of discharges: "concentrated animal feeding operations," for example, a livestock feedlot. The following are some of the types of pollutants generally traceable to feedlots and related activities:

1. **Biochemical oxygen demand (BOD):** a measure of the oxygen required to decompose plant and animal wastes in water. A sufficient amount of dissolved oxygen in water is necessary to sustain aquatic animal life. A high amount of BOD will result in a depletion of the dissolved oxygen in water and a corresponding loss of aquatic animal life.

2. **Bacterial contamination.** Bacteria that may include waterborne diseases are usually associated with fecal matter.
3. Ammonia-nitrogen.
4. Phosphorus.
5. Odors.

Although not every livestock operation is subject to the NPDES requirements, the U.S. Environmental Protection Agency has established certain criteria in determining whether a facility is required to obtain a permit.

NPDES Permits

While nothing prevents a voluntary application for an NPDES permit, certain facilities may not operate without it. A lot or facility where (1) animals are confined and fed or maintained for a total of 45 days or more in any 12-month period and (2) crops, vegetation, forage growth, or post-harvest residues are not present in the facility during the normal growing season may be required to obtain a permit. (See Appendix A for specific criteria.) However, if either (1) or (2) above is not present, the facility is not required to obtain a permit. For example, operations where animals are fed on pastureland would not require a permit.

Livestock Facility Design Criteria

Livestock feedlots and facilities can be designed to minimize or prevent water pollution. Design criteria have been established that accomplish this goal. These criteria may be considered good management practices and will eventually be incorporated into the Illinois Livestock Waste Regulations as effective regulations.

Livestock facilities should not contain within their boundaries any stream or surface waters other than small accumulations resulting from precipitation. Furthermore, a facility should not be located in a flood plain unless it is protected from possible flooding. Waste-treatment facilities should not be located on soils with a high degree of permeability, such as sand or gravel, unless leachate from the waste-treatment structure can be prevented from reaching groundwater. To prevent an odor nuisance, a facility should not be located within close proximity to populated areas.

Facilities should be designed to divert excessive surface waters from flowing through a feedlot. A diversion terrace, for example, could be used. To prevent feedlot runoff from entering and polluting other surface waters, runoff should be directed to an area such as a holding pond, pending disposal by other more proper methods such as a dispersal field.

To calculate the size of the holding pond, determine the number of square feet in the feedlot and in other areas from which runoff flows onto the feedlot (including any roofed area where water runs off onto the
feedlot). This area should be multiplied by 1 foot if an earthened area, or 1.25 feet if concrete, to arrive at the volume of cubic-foot capacity required for the holding pond.

Livestock Waste Disposal

Livestock waste should also be handled in a manner designed to minimize or prevent water pollution. The following practices are good management practices and will eventually be incorporated into the Illinois Livestock Waste Regulations.

Wastes stored for more than six months should be contained in an impermeable storage structure for manure. Temporary manure stacks should be constructed in such a way as to prevent rainfall or surface water from entering the stacks and carrying materials to other surface waters or groundwaters. Likewise, manure stacks should not be within 100 feet of any water well. Livestock handling facilities should be constructed so as to prevent any wastes from escaping into surface waters or groundwaters.

Field application of livestock wastes should be carried out carefully. Several factors must be considered—the type of soil, its permeability, its condition (frozen or unfrozen), the slope of the land, whether there is cover mulch, the proximity to surface waters, and other factors.

Erosion and Sedimentation

Increasing pressures for erosion control can be expected in the future. The farmer has long been aware of the costs of erosion in terms of lost future production from his land. It is only recently, however, that the general public has become concerned about the effects of sedimentation in streams, lakes, and other water supplies. These “off farm” effects have severe economic consequences, perhaps more severe than the loss of future crop production. Consequently, it is inevitable that either the federal or the state government will soon be implementing some form of expanded erosion control program.

The Illinois Environmental Protection Agency is presently required under Section 208 of the FWPCA to develop overall plans for water pollution control in the state. An Agricultural Task Force has been appointed to help evaluate non-point sources of water pollution (such as erosion) and to examine possible solutions. Undoubtedly, much effort will be expended in the next several years in the area of “208 planning.”

The design of future erosion control regulation may largely depend upon what steps the farmer is now willing to take voluntarily. Thus, it is important for all farmers to continue to expand their soil conservation techniques and programs.
Fertilizers and Pesticides

The increased production that has occurred in agriculture over the past decades can largely be attributed to the adoption of more intensive farming methods, including the expanded use of commercial fertilizers, herbicides, and insecticides. Nevertheless, it is extremely important to use these chemical substances with care, for they not only are very expensive but also can cause harm to our water supplies when residues are carried into lakes and streams by runoff from agricultural lands.

The application of pesticides in excessive quantities (quantities far above the amount needed to control weeds or insects) is particularly wasteful and harmful. It is the wise farmer who will use such products carefully — only in places where they are actually needed and only in the quantities necessary for effectiveness. This wisdom not only protects the farmer's pocketbook from unnecessary expenses but also helps to protect the environment in which he lives.

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, is the basic authority for pesticide regulation. Under this Act, all pesticides must be registered and classified for general use or for restricted use by October, 1977. Restricted pesticides can be used only by, or under the supervision of, certified applicators. The Act requires Illinois to certify pesticide applicators and prohibits the use of any registered pesticide in any manner inconsistent with labeling instructions.

Air Pollution

Both the federal government and Illinois have enacted legislation concerning air pollution. At the federal level, there is the Clean Air Act, which establishes national air-quality standards and gives the individual states primary responsibility for assuring that these standards will be met, maintained, and enforced. Although federal legislation sets the goals for the quality of air, state law is of primary concern since it deals with the method of attaining these goals.

Illinois Environmental Protection Act

The Illinois Environmental Protection Act prohibits anyone from discharging or emitting into the environment any contaminant that causes or tends to cause air pollution. Air pollution occurs when a sufficient quantity of one or more contaminants is present in the air so as to (1) be injurious to human, plant, or animal health or to property or (2) unreasonably interfere with the enjoyment of life or property.

The Act also prohibits anything that causes or tends to cause a violation of any regulation or standard adopted by the Illinois Pollution Con-
trol Board. The Board, which is given authority in the Act to adopt regulations more specifically controlling air pollution, has adopted the air pollution control regulations in Chapter 2 of the Illinois Pollution Control Board Rules and Regulations.

AIR POLLUTION CONTROL REGULATIONS

Stationary Sources

Particulate matter. The regulations set forth limitations on the amount and types of contaminants that may be emitted into the air from sources that are stationary and not self-propelled, for example, a grain dryer. One type of contaminant specifically regulated is particulate matter (dust and grit). The regulations limit the number of pounds of particulate matter that may be emitted in any hour depending upon the weight of material processed during that period. These regulations apply to grain handling\(^1\) and grain drying\(^2\) operations, unless an operator decides to comply with other regulations concerned specifically with such activities.

Two types of agricultural equipment are totally exempt from all regulations: portable grain handling equipment\(^3\) and one-turn storage space.\(^4\) All nonexempt grain handling and grain drying operations, regardless of their size, must implement and follow certain "housekeeping practices," such as cleaning air-pollution and dust-control filters. (See Appendix B.) In addition, certain large operations are required to obtain an operating permit from the Illinois Environmental Protection Agency. This requirement applies only if the grain handling operation's annual through-put exceeds 300,000 bushels. A permit is required for grain dryers only when the manufacturer's rated capacity exceeds 750 bushels per hour at 5-percent moisture extraction. In effect, these two provisions exempt most farming operations.

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\(^1\) Grain handling operations are those activities that involve the receiving, shipping, transferring, storing, grinding, mixing, treating, etc., of grain. It does not include feedmills, grain drying operations, portable grain handling equipment, or one-turn storage space.

\(^2\) Grain drying operations are those that typically use forced ventilation with the addition of heat, but do not include aeration.

\(^3\) Portable equipment is that which is designed for a noncontinuous loading-unloading operation, not physically connected to a grain elevator, and that does not have a rated capacity exceeding 10,000 bushels per hour.

\(^4\) One-turn storage space is that area used for storage of grain in which the annual through-put does not exceed the bushel storage capacity of that space. To determine an operation's through-put, add the total grain receipts and shipments (or estimates when precise data are unavailable) for 3 fiscal years, then divide the sum by 6.
Organic matter. A second type of regulated contaminant is organic material, that is, a chemical compound of carbon. It is unlawful to cause or allow the loading of volatile organic material such as motor fuels into any stationary tank with a storage capacity over 250 gallons, unless the tank is equipped with a submerged loading pipe or equivalent device. These devices prevent the escape of fuel vapors, which occurs in the natural evaporation process.

Other types of regulated contaminants are also listed in Chapter 2 of the Illinois Pollution Control Board Rules and Regulations.

Mobile Sources

Another section of the air pollution regulations affecting agriculture involves emission standards for mobile sources such as tractors, trucks, and cars. It is unlawful to fail to maintain in good working order, to remove, or to cause to be inoperative any pollution control device on a motor vehicle. Also, all motor vehicles shall not have any visible emissions of smoke. However, a different rule covers diesel engines.

Open Burning

Open burning is another area of the air pollution regulations affecting agriculture. In general, the regulations prohibit the open burning of matter, but certain exemptions are made, provided the burning does not cause air pollution. Whether matter may be openly burned depends upon the type of waste it is—agriculture, landscape, or domicile waste—and other relevant factors.

Agriculture wastes include any refuse produced on a farm or ranch by crop and livestock production practices; examples of such refuse would be seed bags, cartons, dry bedding, structural materials, and crop residues. This definition does not include garbage (refuse resulting from the handling, preparation, and consumption of food), dead animals, or landscape wastes. Landscape wastes are defined as any vegetable or plant refuse, except garbage and agriculture waste. Examples of landscape wastes are trees, tree trimmings, branches, stumps, brush, weeds, grass, shrubbery, and yard trimmings. Domicile wastes include any refuse generated on a single-family residence as a result of domiciliary activities except landscape waste, garbage, and trade waste. The restrictions on the open burning of each type of waste are outlined in Appendix C.

One exception should be noted. The open burning of leaves is generally permitted unless prohibited by local ordinance, or unless the Illinois Pollution Control Board has restricted or prohibited such burning in a specific geographic area.
LAND POLLUTION AND SOLID WASTE DISPOSAL

The improper disposal of garbage and other refuse is a primary cause of land pollution. The Illinois Environmental Protection Act expressly prohibits any person from causing or allowing the open dumping of garbage. Garbage is defined as the waste resulting from the handling, processing, preparation, etc. of food or food products. Therefore, all open dumping of garbage is prohibited, even on one's own land. On the other hand, the Act does not expressly forbid open dumping of refuse other than garbage on one's own property. However, the open dumping of any refuse upon the public highway or other public property is unlawful, except in an approved sanitary landfill.

The Illinois Vehicle Code has similar provisions concerning abandoning automobiles. It is unlawful to abandon any vehicle or any part thereof on any highway or public property. This does not prohibit abandoning a vehicle on the property of the owner of the vehicle.

The Illinois Pollution Control Board has adopted regulations concerning solid waste disposal. The regulations primarily involve the construction and operation of sanitary landfills; however, one rule does affect agriculture in general, as follows:

No person shall cause or allow feeding of farm or domestic animals upon the site of a sanitary landfill or with refuse delivered to a sanitary landfill. The obvious purpose of this regulation is to prevent animals from feeding on unsanitary garbage, which could cause disease or other related problems.

Other laws in Illinois are likewise concerned with the proper disposal of refuse. One Illinois statute directs that animals, poultry, or fish that have died are not to lie about the premises but must be disposed of within 24 hours as prescribed by regulations of the Illinois Department of Agriculture. These regulations concerning on-the-farm disposal prohibit all open burning. Disposal by burning is permitted only in an incinerator approved by the Illinois Environmental Protection Agency.

Disposal by burying is the normal procedure. Illinois Department of Agriculture regulations require the carcass to be buried deep enough to allow at least a 6-inch soil cover and to prevent any disturbance by animal or mechanical means. The burial site should be located so that it will not contaminate water supplies. The regulations further provide that the abdominal cavities of large carcasses should be punctured to allow the escape of gases. Finally, lime and other chemicals that prevent decomposition should not be used.

Several other laws in Illinois involve ditches and drainageways. It is
unlawful to discharge any sewage into open ditches along any public highway or into any drainage structure installed solely for street or highway purposes. Also, the dumping of trash, refuse, etc. into an open drain or waters of the state, or onto the banks of such passages so that it may be washed into the waters is considered to be the unlawful obstruction of the drain or waters. The person responsible for the discharge or dumping is liable for the cost of removal and damage to any aquatic life.

NOISE POLLUTION

Noise pollution in Illinois is primarily governed by the Pollution Control Board's regulations. The noise control regulations classify land according to its various uses. Noise is regulated on the basis of the classification of land from which the noise is emitted (for example, industrial), and the classification of the receiving land (for example, residential). As a general rule, the maximum intensity of noise received by residential property is lower than the maximum intensity permitted on business or industrial property. Similarly, lower levels are required at nighttime than during the day.

The noise regulations do not directly affect agriculture and related activities, because a specific exception in the regulations provides that the regulations controlling noise

...shall not apply to sound emitted from lawn care maintenance equipment and agricultural field machinery used during daytime hours. For the purposes of this sub-section, grain dryers operated off the farm shall not be considered agricultural field machinery.

Note that the exception covers only daytime operations. Further, grain dryers, to be excepted from the noise limitations, must be operated on the farm.

NUISANCES

There are several other laws in Illinois that, although not directly connected with the Illinois Environmental Protection Act, nevertheless are concerned with the general aspect of pollution to the environment. One of the more traditional laws in Illinois involves nuisances. A nuisance has been defined as anything that is physically offensive to the senses and that by such offensiveness makes life uncomfortable. A nuisance can be caused by offensive odors; the escape of dust, chemicals, and other irritants into the air; pollution of water; insect gatherings; and even animal noises. Nuisances can be defined by either common law or a statute.
An Illinois statute enumerates several actions that are defined as public nuisances. Some of the activities so designated are as follows:

1. To allow the carcass of any animal or noxious substance to be collected, deposited, etc. to the prejudice of someone else.
2. To deposit offensive matter into, or corrupt or render unwholesome, any spring, lake, stream, pond, etc. to the prejudice of someone else.
3. To use any building or place of business that creates offensive or dangerous odors to the public.
4. To permit any well drilled for oil, gas, saltwater disposal, etc. to remain unplugged, or to allow saltwater or oilfield refuse to escape from such well.

It should be noted that although the statute defines several types of nuisances, other acts not specified may be determined to be common law or private nuisances, if persons are unlawfully annoyed or damaged. The common law attempts to reconcile two competing legal principles: (1) that one may use his land as he wishes, and (2) that one may not interfere with another’s right to enjoy his own property. Private nuisance law generally attempts to solve this conflict by adding an element of “reasonableness.”

The common law regarding nuisance now says, in effect, that all persons have the basic right to enjoy their property. Any unreasonable interference with enjoyment is legally a nuisance. A nuisance may involve air pollution, water pollution, noise, or many other types of disruptive activities. The rules governing conduct in this area are basically the same in all states.

Since a civil lawsuit based on the nuisance law necessarily involves a jury decision, the determination of “unreasonable interference with enjoyment of property” may vary. Some jurors might find “unreasonable interference with enjoyment” even though an operation is meeting all public air and water pollution regulations and standards. Consequently, it is possible for a livestock feeder to be sued under the nuisance law even though he complies with his state regulatory agency.

A nuisance suit may involve a request for an injunction, for damages (both past and future), or for both an injunction and damages. If the suit is for an injunction, the court seeks to be fair to both parties. The court weighs the plaintiff’s allegations (that the operation makes living conditions intolerable, is a hazard to health, or lowers the value of the land) against the defendant’s assertions (that sizeable investments and perhaps jobs for the community would be lost if the injunction is granted). The party found to have the greater interest will win the lawsuit.
SUMMARY

Initially, many pollution laws were directed at industry, automobiles, etc., but did not affect agriculture. Now, however, pollution related to agriculture is becoming more important and will probably be the subject of many future laws. There is a great deal farmers can do to help ease the strain put on our environment. Some necessary actions to be taken by farmers have clearly been identified as good farming practices for decades, for example, control of erosion. Other necessary actions may, over time, require some farmers to change established practices; for example, they may have to relocate livestock feedlots. While many farmers have been conscious of the pollution problem for years, more and more will be expected from farmers in the future.

Agriculture is reportedly one of the largest water polluters. The major pollutant is sediment—the soil materials that erode from the surface of the land and are transported to streams and reservoirs by runoff water. It is estimated that 50 percent or more of the sediment deposited in streams and lakes is credited to agriculture. Erosion from land is typically classified as a non-point source of pollution. Although not as yet the subject of direct government control, pollution from non-point sources is a problem that will undoubtedly be controlled in the near future.

One area of agriculture that is classified as a point source of pollution and thus is subject to specific regulation is livestock feedlots. Runoff from concentrated animal feeding areas may contaminate water supplies, destroy fish and aquatic life in streams, and generally degrade water quality. Legislation and regulations are basically aimed at preventing surface water from entering in and flowing through feedlots, and preventing feedlot runoff from mixing with surface waters.

The automobile is a main contributor to air pollution, but other activities may aggravate an already serious problem. Grain dryers used on the farm are becoming more common today and are a source of air pollution. If kept clean and operated properly, the problem is minimized. The same general rule applies to automobiles, trucks, and tractors. Pollution control devices have been designed to reduce hazardous emission. This is achieved, however, only if the machine and its equipment are functioning properly.

Open burning of landscape and agriculture wastes is also a contributor to air pollution. Disposal of such wastes is often necessary and under certain conditions is allowable. It is important to properly burn these wastes in compliance with the regulations to allow the particles and smoke to adequately dissipate without unreasonably interfering with others. Farmers should also be seriously concerned with odors, a problem that can be annoying to others.
Land pollution is another area where farmers can play a positive role. A major part of land pollution is created from the improper disposal of wastes. Open dumping of garbage and improper disposal of an animal carcass create health hazards as breeding places for rodents and diseases. Similarly, dumping trash in waterways and drainageways can have undesirable consequences to fish and wildlife.

The pollution threat from pesticides is primarily due to their persistence in the wildlife and aquatic environment. Proper application of pesticides allows a farmer to enjoy their benefits without creating unnecessary harm to human and other animal life. It is therefore important that the restrictions and requirements regarding pesticide application be diligently followed.

Finally, farmers should be aware of and help prevent nuisances. An Illinois statute sets forth several activities and conditions that are considered public nuisances. However, this list is not exhaustive, and a nuisance can be anything that unlawfully annoys or does damage to another.
APPENDIX A — LIVESTOCK FACILITIES WHERE NPDES PERMITS ARE REQUIRED

A livestock feedlot or facility where (1) animals are confined and fed or maintained for a total of 45 days or more in any 12-month period and (2) crops, vegetation, forage growth, or post-harvest residues are not present in the lot or facility during the normal growing season is required (exceptions are noted below) to obtain a permit if any one of the following three criteria is present.

Criterion 1. The facility confines more than:
   A. 1,000 slaughter and feeder cattle, or
   B. 700 mature dairy cows (whether milked or dry cows), or
   C. 2,500 swine weighing over 55 pounds, or
   D. 500 horses, or
   E. 10,000 sheep or lambs, or
   F. 55,000 turkeys, or
   G. 100,000 laying hens or broilers (if the facility has continuous overflow watering), or
   H. 30,000 laying hens or broilers (if the facility has a liquid manure harvesting system), or
   I. 5,000 ducks, or
   J. 1,000 animal units

Criterion 2. This criterion is applicable only where (1) pollutants are discharged into navigable waters through a manmade ditch, flushing system, or other similar manmade device, or (2) pollutants are discharged directly into navigable waters that originate outside of and pass over,

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1 The term “animal unit” is calculated by adding the following numbers: the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 55 pounds multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.

2 The term “navigable waters” is given a very broad definition and includes:
1. All navigable waters of the United States;
2. Tributaries of navigable waters of the United States;
3. Interstate waters;
4. Illinois lakes, rivers, and streams that are utilized by interstate travelers for recreational or other purposes;
5. Illinois lakes, rivers, and streams from which fish or shellfish are taken and sold in interstate commerce; and
6. Illinois lakes, rivers, and streams that are utilized for industrial purposes by industries in interstate commerce.
across, through, or otherwise come into direct contact with the animals confined in the operation. If applicable, Criterion 2 requires a permit if the facility confines more than:

A. 300 slaughter or feeder cattle, or
B. 200 mature dairy cows (whether milked or dry cows), or
C. 750 swine weighing over 55 pounds, or
D. 150 horses, or
E. 3,000 sheep, or
F. 16,500 turkeys, or
G. 30,000 laying hens or broilers (if the facility has continuous overflow watering), or
H. 9,000 laying hens or broilers (if the facility has a liquid manure handling system), or
I. 1,500 ducks, or
J. 300 animal units

Criterion 3. The operator of the livestock lot or facility is notified in writing by appropriate authorities that an NPDES Permit is required. Such notification can only occur after an on-site inspection of the operation and a determination that the operation should be regulated under the permit program.

Exceptions:

1. Owners or operators of livestock feedlots or facilities are not required to apply for and obtain permits if there is no discharge of pollutants into navigable waters. Thus, totally enclosed systems (such as many poultry operations) without discharges into navigable waters are not subject to the permit requirements regardless of their size. Also, no permits are required from owners or operators who recycle all pollutants to the land or who absorb all animal wastes in filter strips or otherwise prevent such wastes from reaching navigable waters. Thus, any feedlot operator who uses alternative management techniques and prevents all discharge from reaching navigable waters would not be required to obtain a permit.

2. No livestock feedlot or facility is required to obtain a permit if the facility discharges only in the event of a 25-year, 24-hour storm.

NOTE: These regulations may be modified in the future. The reader should determine if a change has occurred before acting in reliance on these regulations as summarized here.
APPENDIX B — REQUIRED HOUSEKEEPING PRACTICES FOR GRAIN HANDLING AND GRAIN DRYING OPERATIONS

1. Air pollution control devices shall be checked daily and cleaned as necessary to insure proper operation.

2. Cleaning and maintenance shall be performed as follows:
   a. Floors shall be kept swept and cleaned from boot pit to cupola floor. Roof or bin decks and other exposed flat surfaces should be kept clean of grain and dust that would tend to rot or become airborne.
   b. Cleaning shall be handled in such a manner as to not permit dust to escape to the atmosphere.
   c. The yard and surrounding open areas, including but not limited to ditches and curbs, shall be cleaned to prevent rotting.

3. Aspiration equipment and dust-control devices are to be maintained and operated in the dump pit.

4. The head house shall be maintained in such a fashion that visible quantities of dust or dirt are not allowed to escape to the atmosphere.

5. The yard and driveway of any facility shall be asphalted, oiled, or equivalently treated to control dust. Housekeeping checklists to be developed by the Agency shall be completed by the manager and maintained on the premises for inspection by Agency personnel.

NOTE: These regulations may be modified in the future. The reader should determine if a change has occurred before acting in reliance on these regulations as summarized here.
APPENDIX C — OPEN BURNING REQUIREMENTS

Requirements to be met for open burning

1. On the premises on which such waste is generated.
2. When the atmospheric conditions will readily dissipate contaminants.
3. In areas other than the area within the boundaries of any "municipality," plus a zone extending one mile beyond the boundaries if the population of the municipality is 1,000 or more.
4. More than 1,000 feet from residential or other populated areas.
5. If such burning does not create a visibility hazard on roadways, railroad tracks, or air fields.
6. No economically reasonable alternative is available.
7. In those areas of the state that are not in the following prohibited areas: municipalities having a population in excess of 2,500 according to the latest federal census; municipalities of any size adjoining a municipality with a population in excess of 2,500; all municipalities, wholly within 40 air miles of Meigs Field, Chicago, Illinois; all municipalities wholly within 20 air miles of McKinley Bridge connecting St. Louis, Missouri, and Venice, Illinois; rural areas 1,000 feet or less from a municipality in which open burning of landscape waste is prohibited.

Type of waste

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1 All applicable requirements must be met before each class of waste can be burned. An "X" indicates the particular requirement is applicable.

NOTE: These regulations may be modified in the future. The reader should determine if a change has occurred before acting in reliance on these regulations as summarized here.