**Section 900.103 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 shall 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 the purposes of this Part, the terms included in this Section shall have the following meanings:

*"Agency" means the Illinois Environmental Protection Agency.* [510 ILCS 77/10.5]

*"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 shall be determined by dividing the average mature animal weight by 1,000. The average mature animal weight shall be determined by the Department 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 present within any five foot section of a soil boring performed in accordance with Subpart B or Subpart C of 35 Ill. Adm. Code 506.

*"Certified livestock manager" means a person that has been duly certified by the Department as an operator of a livestock waste handling facility.* [510 ILCS 77/10.15]

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

"*Farm residence" means any residence on a farm owned or occupied by the farm owners, operators, tenants, or seasonal or year-round hired workers. For purposes of this definition, a "farm" is the land, buildings, and machinery used in the commercial production of farm products, and "farm products" are those plants and animals and their products which are produced or raised for commercial purposes and include but are not limited to forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, fruits, vegetables, flowers, seeds, grasses, trees, fish, honey and other similar products, or any other plant, animal, or plant or animal product which supplies people with food, feed, fiber, or fur.* [510 ILCS 77/10.23]

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

"Floodplain" means that 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 pursuant to 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.

"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.

"Inhabited residence" means an occupied residence.

*"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 shall 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 but not limited to livestock houses or barns, in which livestock are enclosed at any time.

*"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 1/4 mile shall be considered a single livestock waste handling facility.* [510 ILCS 77/10.40] Livestock waste handling 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.

"Maintained" means, with reference to a lagoon, that the lagoon is inspected (including but not limited to inspection for burrow holes, trees and woody vegetation, proper freeboard, erosion, settling of 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 21, 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 shall not be deemed a new facility as used in the Livestock Management Facilities Act.* [510 ILCS 77/10.45] For facilities that have ceased operation on or after July 13, 1999, *commencement of 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 Section 900.508 of this Part *and that has been operated as a livestock management facility for 4 consecutive months at any time within the previous 10 years shall not be considered a new or expanded livestock management or waste handling facility.* [510 ILCS 77/13(k)] For facilities that have ceased operation prior to July 13, 1999, commencement of 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 shall not be considered a new or expanded livestock management or waste handling facility.

*"Non-farm residence" means any residence which is not a farm residence.* [510 ILCS 77/10.47]

"Occupied residence" means a house or other type of shelter that is intended or used for human occupancy and has been occupied by humans for more than a total of six months in the last two years at that location. For the purposes of this definition, "intended or used for human occupancy" means running water and sanitation are provided within the residence.

*"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 upon the completion of construction or modification in accordance with the requirements of this Part.

*"Populated area" means any area where at least 10 inhabited non-farm residences are located or where at least 50 persons frequent a common place of assembly or a non-farm business at least once per week.* [510 ILCS 77/10.60] The existence of a populated area shall be determined by identifying the area around the livestock management or livestock waste handling facility delineated by a distance equal to the applicable setback distance and identifying the number of residences or the existence of a non-farm business or the existence of a common place of assembly within that area. For the purpose of setback requirements, common places of assembly or non-farm businesses include but are not limited to churches, hospitals, schools, day care centers, manufacturing companies, land managed for recreational or conservation purposes, museums, camps, parks, retail and wholesale facilities, and shopping centers. A common place of assembly or a non-farm business includes places that operate less than 52 weeks per year, such as schools with seasonal vacation periods and businesses or other places which experience seasonal shutdowns, and parks, camps, and recreational areas which experience seasonal shutdowns or reduced attendance during a portion of the calendar year, provided that such places are frequented by at least 50 persons at least once per week during the portions of the year when seasonal shutdowns or reductions in attendance do not occur.

"Residence" means a house or other structure, including all attachments to the house or structure, which is used as a place of human habitation.

"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.

"Serviced" means, with reference to a lagoon, that corrective action is taken as necessary to assure the integrity of the lagoon and its berm and associated appurtenances, including but not limited to removal or repair of burrow holes, trees and woody vegetation, freeboard level, erosion, settling of berm, berm top maintenance, leaks, and seepage.