**Section 900.602 Lagoon Siting Restrictions and Additional Construction Requirements**

a) *New* or modified *earthen livestock waste lagoons constructed after* January 1, 2001 *shall be subject to additional construction requirements and siting prohibitions as provided in this Section.*

1) *No new* or modified *earthen livestock waste lagoon may be constructed within the floodway of a 100-year floodplain. A new* or modified *earthen livestock waste lagoon may be constructed within the portion of a 100-year floodplain that is within the flood fringe and outside the floodway provided that the facility is designed and constructed so that livestock waste is not readily removed during flooding and meets the requirements set forth in the Rivers, Lakes, and Streams Act* [615 ILCS 5], *Section 5-40001 of the Counties Code* [55 ILCS 5/5-40001], *and Executive Order Number 4 (1979). The delineation of floodplains, floodways, and flood fringes shall be in compliance with the National Flood Insurance Program.* [510 ILCS 77/15(a-5)(1)] Construction standards and specifications shall be utilized as set forth in Subpart B of 35 Ill. Adm. Code 506.

2) *A new* or modified *earthen livestock waste lagoon constructed in a karst area shall be designed to prevent seepage of the stored material to groundwater. Owners or operators of proposed facilities shall consult with the local soil and water conservation district, the University of Illinois Cooperative Extension Service, or other local, county, or State resources relative to determining the possible presence or absence of such areas. Notwithstanding the other provisions of this subsection* (a)*, after July 13, 1999, no earthen livestock waste lagoon may be constructed within 400 feet of any natural depression in a karst area formed as a result of subsurface removal of soil or rock materials that has caused the formation of a collapse feature that exhibits internal drainage. For the purposes of this subsection* (a)*, the existence of such natural depression in a karst area shall be indicated by the uppermost closed depression contour lines on a USGS 7½ minute quadrangle topographic map or as determined by Department field investigation in a karst area.* [510 ILCS 77/15(a-5)(2)] Construction standards and specifications shall be utilized as set forth in Subpart B of 35 Ill. Adm. Code 506.

b) *Notwithstanding any other requirement of this Subpart, every earthen livestock waste lagoon constructed after June 1, 1998 shall include the construction of a secondary berm, filter strip, grass waterway, or terrace, or any combination of those, outside the perimeter of the primary berm if an engineer licensed under the Professional Engineering Practice Act of 1989 and retained by the registrant determines, with the concurrence of the Department, that construction of such a secondary berm or other feature or features is necessary in order to ensure against a release of livestock waste from the lagoon that encroaches or is reasonably expected to encroach upon land other than the land occupied by the livestock waste handling facility of which the lagoon is a part or that enters or is reasonably expected to enter the waters of this State.* [510 ILCS 77/15(a)] Construction standards and specifications shall be utilized as set forth in Subpart B of 35 Ill. Adm. Code 506.