

January 27, 2022

Submitted via electronic mail

Mr. Don Brown
Clerk of the Board
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph
Suite 11-500
Chicago, Illinois 60601-3218
Don.Brown@illinois.gov

RE: Public Comment on R2018-25 (Rulemaking-Water)
In the Matter of: Amendments to 35 Ill. Adm. Code Subtitle E: Agricultural Related
Pollution

Dear Mr. Brown:

The Illinois Beef Association, Illinois Farm Bureau, Illinois Milk Producers Association, and the **Illinois Pork Producers Association (collectively “Agricultural Coalition”)** appreciate the opportunity to provide public comment to the **Illinois Pollution Control Board (“Board”)** regarding proposed changes within this rulemaking.

By way of background, in 2016, the Board began reviewing its rules to identify obsolete, repetitive, confusing, or otherwise unnecessary language. In January 2018, the Illinois **Environmental Protection Agency (“Agency”)** filed a non-substantive proposal to update the **Board’s rules across many subject areas, including Part 501 of the Board’s agriculture related water pollution rules.** In March 2018, the Board split the docket into eight dockets, thus creating this rulemaking for Part 501 of Subtitle E. **In addition to considering the Agency’s proposal regarding Part 501 of Subtitle E, the Board proposed amendments to Parts 502-506 of Subtitle E.** In July 2021, the Board entered an Opinion and Order concerning amendments to Parts 501-506, and welcomed comment on the same.

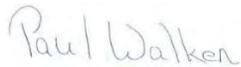
According to filings in the rulemaking, both the Board and the Agency seek to amend language in Subtitle E for the purpose of removing redundant or unnecessary language, replacing outdated language, and updating citations. Meaning, both the Board and the Agency intend **to limit amendments to those needed for “clean up” purposes.**

While the Agricultural Coalition supports proposed non-substantive or **“clean up” amendments, after a preliminary review of the Board’s proposed amendments,** the Agricultural Coalition believes many proposed amendments may inadvertently, yet substantively, change the meaning of the regulatory language. Such substantive amendments **would delay the Agency’s work with Region 5 USEPA on the upcoming issuance** of the General National Pollutant Discharge Elimination System (NPDES) Permit for CAFOs. In addition, the Agricultural Coalition has worked together since the finalization of the CAFO rules in 2014 to educate Illinois livestock farmers on the requirements in Subtitle E. Inadvertent and substantive amendments would impact that education program and ultimately lead to confusion in the regulated community.

Therefore, the Agricultural Coalition recommends that the Board continue to work with the Agency **to limit proposed amendments to those that are purely "clean up" in nature.** In addition, the Agricultural Coalition stands ready to provide the Board and/or Agency with additional information throughout this rulemaking.

If you should have any questions on the information above, please contact Lauren Lurkins, Director of Environmental Policy, Illinois Farm Bureau, at 1701 Towanda Avenue, Bloomington, IL 61701, llurkins@ifb.org or (309) 530-0398.

Sincerely,



President
Illinois Beef Association



Richard L. Guebert, Jr.
President
Illinois Farm Bureau



Don Mackinson
President
Illinois Milk Producers Association



Alan Kollmann
President
Illinois Pork Producers Association