

ILLINOIS POLLUTION CONTROL BOARD  
August 29, 2012

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STATE OF ILLINOIS  
Pollution Control Board

IN THE MATTER OF: )  
)  
CONCENTRATED ANIMAL FEEDING ) R12-23  
OPERATIONS (CAFOs): PROPOSED ) (Rulemaking - Water  
AMENDMENTS TO 35 ILL. ADM. CODE )  
PARTS 501, 502, AND 504 )

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**HEARING OFFICER ORDER**

The first hearing in this rulemaking began as scheduled on Tuesday, August 21, 2012, in Springfield and concluded that day. The Board received the transcript of the first hearing (Tr. 1) on Tuesday, August 28, 2012. Upon receiving the transcript, the Board posted it under this docket number, R12-23, to the Clerk's Office On-Line (COOL), which is accessible through the Board's Web site ([www.ipcb.state.il.us](http://www.ipcb.state.il.us)).

During the first hearing, the hearing officer noted that the original Notice of Hearing issued in March had scheduled the second hearing on Tuesday, October 16, 2012, in Belleville. Concentrated Animal Feeding Operations (CAFOs): Proposed Amendments to 35 Ill. Adm. Code Parts 501, 502, and 502, R12-23, slip op. at 1 (Mar. 22, 2012); Tr.1 at 202. The second hearing will take place on that date as originally scheduled. *See* Tr.1 at 202.

The hearing officer also noted that the original Notice of Hearing set a deadline of Tuesday, October 2, 2012, to pre-file testimony for the second hearing. Concentrated Animal Feeding Operations (CAFOs): Proposed Amendments to 35 Ill. Adm. Code Parts 501, 502, and 502, R12-23, slip op. at 4 (Mar. 22, 2012); Tr.1 at 202. That deadline has not changed, and participants including the Agency who wish to testify at the second hearing are urged to pre-file all of their testimony and any related exhibits no later than Tuesday, October 2, 2012. *See* Tr.1 at 202. As stated in the original notice, the "mailbox rule" (35 Ill. Adm. Code 101.300(b)(2)) does not apply to the pre-filing of this testimony, and the Board's Clerk must receive this pre-filed testimony before the close of business on October 2, 2012. However, documents may be filed electronically through COOL. *See* 35 Ill. Adm. Code 101.302(d). Questions about electronic filing should be directed to the Board's Clerk's Office at 312-814-3629.

In the interest of expediting the second hearing and making it more efficient, the Board would accept filings of pre-filed questions based on the testimony pre-filed for the second hearing.

IT IS SO ORDERED



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Timothy J. Fox, Hearing Officer  
Illinois Pollution Control Board

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