

ILLINOIS POLLUTION CONTROL BOARD

June 18, 2015

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

CONCURRING OPINION AND ORDER (by D. Glosser):

I agree with the majority opinion and order not to proceed with a rule requiring unpermitted Large Concentrated Animal Feeding Operations (CAFOs) to submit identifying information to Illinois Environmental Protection Agency (IEPA). However, I concur to express concerns I have regarding how IEPA will utilize the information it receives regarding CAFOs.

Based on the comments received, it appears IEPA will be gathering information from both the Illinois Department of Public Health (IDPH) and the Illinois Department of Agriculture (IDOA) and creating a Large CAFO database that contains extensive information on a wide range of CAFOs. From that information, IEPA will create a Large CAFO Inventory containing far less information on a subset of CAFOs found in the database that IEPA will report to the United States Environmental Protection Agency (USEPA). Specifically “[t]he inventory will include all confirmed Large and permitted CAFO sites identified by [IEPA] based on information in permit applications, citizen tips and complaints, USEPA, [IDOA], and [IDPH]. First Resp. Att. H at 4 (¶10).” The inventory is a subset of the information IEPA receives from IDOA and IDPH. *See* First Resp. at 5. I am concerned with how IEPA will make the information it collects, but does not include in the inventory, available to the public. The record does not address that issue.

Similarly, I am concerned with how IEPA will follow through with facilities that do not seek a permit. Weekly, IDOA submits to IEPA notices of intent to construct (First Resp. Att. O), initial notices of construction plan completeness (First Resp. Att. P), final notices of construction plan completion (First Resp. Att. Q), and acknowledgements of setback compliance (First Resp. Att. R). Will IEPA investigate these facilities to ensure that no permit is required or simply wait for complaints? Again the record does not provide information on how IEPA will proceed.

For these reasons I concur in the majority opinion and order.



Deanna Glosser

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above concurring opinion on June 18, 2015.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish at the end.

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John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board