

Board Adopts First Notice Proposal to Amend Board's CAFO Regulations

On November 7, 2013, the Illinois Pollution Control Board adopted a first-notice opinion and order to amend Parts 501, 502, and 504 of the Board's regulations dealing with the Board's agriculture related water pollution regulations. On March 1, 2012, the Illinois Environmental Protection Agency (IEPA) filed the proposal, which is docketed as In the Matter of: Concentrated Animal Feeding Operations (CAFOs): Proposed Amendments to 35 Ill. Adm. Code Parts 501, 502, and 504, (R12-23).

The IEPA stated that its original rulemaking proposal had two chief purposes. First, the IEPA seeks to amend Parts 501 and 502 "so that they are consistent with, and as stringent as, the current federal CAFO regulations." The IEPA argues that failure to adopt these proposed amendments "could result in withdrawal of federal delegation of the NPDES [National Pollutant Discharge Elimination System] program itself to the State of Illinois." Second the IEPA seeks to "establish the state technical standards which are mandated by the federal rule, but not prescribed for the states." The United States Environmental Protection Agency has indicated that "Illinois still needs to establish standards that address the rate at which manure, litter, and process wastewater may be applied on crop or forage land where the risk of phosphorus transport is high, as well as standards for land application on frozen soil and snow."

The Board conducted public hearings in five locations through the state and considered testimony and comments offered by a number of participants. The Board's first-notice proposal largely reflects the Agency's original filing. Among the changes it proposed, the Board allows case-by-case designation of a facility as a CAFO to be appealed to the Board. The proposal also requires unpermitted Large CAFOs to submit basic information to the Agency. In addition, while the Agency's proposal requires inspection of subsurface drainage systems before and after land application, the Board proposes also to require it during application to identify discharges.

Publication of these proposed amendments in the *Illinois Register* will begin a 45-day public comment period, during which anyone may file a public comment with the Board. The Board encourages persons to file public comments on these proposed amendments. The docket number for this rulemaking, R12-23, should be indicated on the public comment.

Public comments must be filed with the Clerk of the Board. Public comments may be filed at the following address:

Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

In addition, public comments may be filed electronically through COOL at www.ipcb.state.il.us. Any questions about electronic filing through COOL should be directed to the Clerk's Office at (312) 814-3629.

Opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records are posted on the Board's Web site and may be downloaded from the Web without charge. Hard copies may be obtained from the Clerk's office upon payment of reproduction fees as prescribed by of the Freedom of Information Act.

For more information contact Tim Fox at 312-814-6085 or email at Tim.Fox@illinois.gov.