ILLINOIS POLLUTION CONTROL BOARD
August 21, 1997

IN THE MATTER OF:)
)
LIVESTOCK WASTE REGULATIONS:)   R 97-15(B)
35 ILL. ADM. CODE 506   )   (Rulemaking - Land)
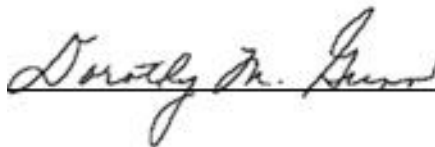

ORDER OF THE BOARD (by M. McFawn):

       On July 22, 1997, the Illinois Department of Agriculture filed with the Board a proposal for amendment of the livestock waste regulations found at 35 Ill. Adm. Code 506 to add rules regarding financial responsibility for closure of livestock waste lagoons. With its proposal, the Department of Agriculture filed a "Motion for Acceptance" and "Request for Waiver of Rules," seeking acceptance of the proposal for hearing and a waiver of the rule set forth at 35 Ill. Adm. Code 102.121(h), requiring a proponent of a rule to provide a petition signed by at least 200 persons. The Board grants the Department of Agriculture's request for a waiver of the petition requirement, and grants the "Motion for Acceptance." The hearing officer assigned to this matter is hereby directed to schedule hearings as required pursuant to Title VII of the Environmental Protection Act (415 ILCS 5 (1996)).

       The Illinois Environmental Protection Agency (Agency) also filed, on July 2, 1997, a "Proposal of the Illinois Environmental Protection Agency for Procedures and Criteria to Implement the Level of Surety for Closure of Livestock Waste Lagoons." Although denominated a "proposal," the document filed by the Agency fails to comply with a number of the requirements of 35 Ill. Adm. Code 102.121, including most significantly that the proponent provide the language of the proposed regulation (35 Ill. Adm. Code 102.121(a)). From a review of the Agency's document, it appears that it was intended as a comment rather than an official proposal of a rule, and the Board will treat it as a public comment.

       IT IS SO ORDERED.

       I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 21st day of August 1997, by a vote of 6-0.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board