

ILLINOIS POLLUTION CONTROL BOARD

January 3, 1975

Re:)
LIVESTOCK WASTE REGULATIONS) R72-9

INTERIM ORDER OF THE BOARD (by Dr. Odell)

As originally submitted to the Illinois Pollution Control Board (Board) Rule 401(a), Compliance Dates, of Chapter 5 read as follows:

"Compliance with the limitations of Part I of this Chapter shall be achieved by the following dates:

- (a) With respect to existing facilities not required to obtain NPDES Permits under Rule 202 or 203, two years after the effective date of this Chapter;"

Testimony by farmers (R. 600, 618) and especially written comments received July 30, 1974, from Dr. Earl R. Swanson, Acting Head of the University of Illinois Agricultural Economics Department, indicated that this period (two years) should be lengthened to provide more time for existing facilities to be altered with needed diversions, holding ponds, etc., to comply with the provisions of Part I. After the effective date of these Regulations (final approval as per Section 402(b) of FWPCA of 1972), it is especially important that farmers have two full summer seasons to plan and install the structures needed to comply with this Rule 401(a).

When Rule 401(a) of Chapter 5 was adopted by the Board on August 29 and September 5, 1974, there was a 28-month period (including two full summers) intervening before the compliance date of December 31, 1976, that was established for existing facilities with regard to Part I. When the Board adopted Chapter 5, including Rule 401(a), it assumed that final action on these Regulations, pursuant to Section 402(b) of FWPCA of 1972, as amended, would be consummated before the end of 1974.

Less than two years now remain before the Rule 401(a) compliance date of December 31, 1976 (instead of more than two years as requested in testimony and comment), and final approval of these Regulations does not appear imminent. In view of these circumstances, the Board hereby reopens the record of R72-9 to consider changing the compliance date in Rule 401(a) of Chapter 5 from "December 31, 1976", to "thirty (30) months after the effective date of this Chapter." This will insure that farmers will have two full summer seasons to plan and install structures

needed to comply with this Rule 401(a), irrespective of the effective date of these Regulations. Comments on the revision of Rule 401(a) proposed herein will be received by the Board for 45 days after it is published in the Newsletter.

ORDER

IT IS THE ORDER of the Illinois Pollution Control Board that the record of R72-9 is hereby reopened for the sole purpose of considering a change in Rule 401(a) of Chapter 5, Livestock Waste Regulations, as revised below:

Compliance with the limitations of Part I of this Chapter shall be achieved by the following dates:

- (a) With respect to existing facilities not required to obtain NPDES Permits under Rule 202 or 203, thirty (30) months after the effective date of this Chapter;

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 3rd day of January, 1974, by a vote of 5 to 0.

Christan L. Moffett (gr)
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