

ILLINOIS POLLUTION CONTROL BOARD

October 17, 1996

IN MATTER OF:	)	
	)	
EMERGENCY RULEMAKING:	)	R 97-14
LIVESTOCK WASTE REGULATIONS 35	)	(Rulemaking - Land)
Ill. Adm. Code 505	)	

ORDER OF THE BOARD (by G.T. Girard):

On October 15, 1996, the Illinois Department of Agriculture filed a proposal for emergency rulemaking with the Board. The proposal asks the Board to adopt emergency regulations which would implement the provisions of the Livestock Management Facilities Act (LMFA), which was effective May 21, 1996 as P.A. 89-456. This emergency proposal is filed pursuant to Section 27 of the Environmental Protection Act (Act) (415 ILCS 5/27) and Section 5-45 of the Illinois Administrative Procedure Act (APA). (5 ILCS 100/5-45.) The Department of Agriculture included with its proposal a request that the Board waive the 200 signature requirement of Section 28(a) of the Act. That request is granted.

The Board is expediently considering the legal and technical aspects of the proposed emergency rulemaking submitted by the Department of Agriculture. We do not comment or rule on the merits of the proposal today, but we will schedule a special Board meeting on Tuesday, October 29 to consider any possible action on the proposed emergency rule. In the interests of time, we attach to this order the Department of Agriculture’s proposed emergency rule and statement of justification without Board comment, rather than summarizing the elements of the proposal.

The Board invites interested members of the public and other state agencies to file comments with the Board by 4:30 p.m. October 25, 1996. The Board notes that the LMFA established an advisory committee to “review, evaluate, and make recommendations to the Department of Agriculture for the rules necessary for the implementation of this Act.” (Section 55 of LMFA.) Therefore, the Board particularly desires the comment of the other state agencies on the advisory committee, including the Environmental Protection Agency, the Department of Natural Resources, and the Department of Public Health on this proposal for emergency rulemaking. The Board directs potential commentators to restrict their comments to the substance of the proposed emergency rulemaking only, including any comments on the emergency justification as presented by the Department of Agriculture. The Board does not intend for this emergency rulemaking proposal process to substitute for the statutory rulemaking process pursuant to Section 55 of the LMFA. The statutory process requires that after consultation with the other three state agencies mentioned above, the Department of Agriculture shall file the rulemaking proposal with the Board no later than November 21, 1996.

All comments must be received no later than 4:30 p.m. October 25, 1996; any comments received after that time will not be considered due to the time constraints. To accommodate the time constraints, the Board will accept the comments in a variety of formats due to the extremely short timeframe. Such comments can be mailed or delivered to the Clerk of the Board at 100 W. Randolph, Suite 11-500, Chicago Illinois, 60601 or the Board will accept facsimile filing of comments at (312) 814-3669. The Board will also accept public comments filed via the internet at "dbrown@pcb016r1.state.il.us". All comments must include the docket number, R97-14, as well as the name, address and affiliation, if any, of the commentor.

Copies of this order and attachments may be obtained from the Clerk of the Board or may be downloaded from the Board's Home Page on the world wide web at <http://www.state.il.us/pcb/>. We have attached to this order the Department of Agriculture's proposed emergency rule and statement of reasons.

The Board will hold a Special Meeting on October 29, 1996, to act on the proposal.

IT IS SO ORDERED.

Board Member K. Hennessey abstains.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the \_\_\_\_ day of \_\_\_\_\_, 1996, by a vote of \_\_\_\_\_.

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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board