

ILLINOIS POLLUTION CONTROL BOARD
November 30, 2012

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STATE OF ILLINOIS
Pollution Control Board

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

HEARING OFFICER ORDER

The fifth hearing in this rulemaking took place as scheduled on Wednesday, November 14, 2012, in Elizabeth, Jo Daviess County. The Board received the transcript of the fifth hearing (Tr. 5) on Wednesday, November 28, 2012. Upon receiving it, the Board posted the transcript under this docket number R12-23 to the Clerk's Office On-Line (COOL), which is accessible through the Board's Web site (www.ipcb.state.il.us). See Tr.5 at 213.

During the fifth hearing, the hearing officer noted that, "[i]n discussing the issue of filing post-hearing comments, the participants agreed to deadline of Wednesday, January 16th of 2013." Tr.5 at 213-14; see 35 Ill. Adm. Code 102.108(b) (14-day comment period "unless otherwise specified by hearing officer"). Accordingly, post-hearing comments are due on that date. The "mailbox rule" (35 Ill. Adm. Code 101.300(b)(2)) does not apply to filing these comments, and the Board's Clerk must receive them before the close of business on January 16, 2013. However, documents may be filed electronically through COOL. See 35 Ill. Adm. Code 101.302(d). Questions about electronic filing should be directed to the Board's Clerk's Office at 312-814-3629.

As a related matter, the Board on September 25, 2012, received a motion to amend the Environmental Protection Agency's original rulemaking proposal from the Agricultural Coalition, which consists of the Illinois Pork Producers Association, the Illinois Beef Association, the Illinois Milk Producers Association, and the Illinois Farm Bureau. On October 9, 2012, the Board received a motion for extension of the deadline to respond to that motion from the Environmental Groups, which consist of Prairie Rivers Network, Illinois Citizens for Clean Air and Water, the Natural Resources Defense Council, and the Environmental Law and Policy Center. On the record during the third hearing in Urbana (Tr.3), the hearing officer granted the unopposed motion and extended the response deadline to the date on which final comments would become due. Tr.3 at 8. During the fifth hearing, the hearing officer clarified that "responses to the Agricultural Coalition's proposal would become due with the final post-hearing comments, again, on the date of Wednesday, January 16, 2013." Tr.5 at 214.

Also during the fifth hearing, the hearing officer established that "[t]he deadline for any participants to respond to those post-hearing comments, those final comments due on January 16th is Wednesday, January 30, 2013. . . ." Tr.5 at 214. As with the comments themselves, the "mailbox rule" (35 Ill. Adm. Code 101.300(b)(2)) does not apply to filing these responses, and the Board's Clerk must receive them before the close of business on January 16, 2013.

IT IS SO ORDERED

A handwritten signature in black ink, appearing to read "Timothy J. Fox". The signature is fluid and cursive, with a long horizontal stroke at the end.

Timothy J. Fox, Hearing Officer
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