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STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD  
January 15, 2014

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 )



ORIGINAL

**HEARING OFFICER ORDER**

On November 7, 2013, the Board adopted a first-notice opinion and order proposing to amend Parts 501, 502, and 504 of the Board's agriculture related water pollution regulations. See 35 Ill. Adm. Code 501, 502, 504. The proposed amendments appeared in the *Illinois Register* on December 2, 2013. See 37 Ill. Reg. 18974, 19005, 19074 (Dec. 2, 2013).

The Illinois Administrative Procedure Act (APA) provides that the Board "shall give at least 45 days' notice of its intended action to the general public. The first notice period shall commence on the first day the notice appears in the *Illinois Register*." 5 ILCS 100/5-40(b) (2012). The APA also provides that, during the first-notice period, the Board "shall accept from any interested persons data, views, arguments, or comments." *Id.*; see 35 Ill. Adm. Code 102.108(b). Based on the publication date of December 2, 2013, the Board is required to accept comments on its first-notice proposal until at least January 16, 2014.

To comply with the APA, and provide interested persons the opportunity to comment on the Board's proposal, the first-notice comment period ends on Thursday, January 30, 2014. 35 Ill. Adm. Code 101.610(k), 102.420. All comments must be received by that date in order to be considered by the Board before it proceeds to second notice. See 5 ILCS 100/5-40(c) (2012). The "mailbox rule" (see 35 Ill. Adm. Code 101.300(b)(2)) does not apply to the filing of these comments, and the Board's Clerk must receive comments before the close of business on January 30, 2014. However, these documents may be filed electronically through the Clerk's Office On-Line (COOL). See 35 Ill. Adm. Code 101.302(d) (prior approval of electronic filing). Questions about electronic filing should be directed to the Clerk's Office at (312) 814-3629.

IT IS SO ORDERED.

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