

ILLINOIS POLLUTION CONTROL BOARD
September 17, 2021

IN THE MATTER OF:)
)
AMENDMENTS TO 35 ILL. ADM. CODE) R18-25
SUBTITLE E: AGRICULTURE RELATED) (Rulemaking – Water)
POLLUTION)

NOTICE OF HEARING

DATES, TIMES, AND PLACES:

FIRST HEARING: October 12, 2021
Beginning at 9:00 AM

IN PERSON: JAMES R. THOMPSON CENTER
Room 9-039
100 W. Randolph St.
CHICAGO

SECOND HEARING: November 17, 2021
Beginning at 9:00 AM

IN PERSON: SANGAMO ROOM
Illinois EPA Building
1021 N. Grand Ave. E.
SPRINGFIELD

PURPOSE OF HEARING: Merit and Economic

ATTENDING BOARD MEMBERS: Jennifer Van Wie

HEARING OFFICER: Mark Kaminski

HEARING OFFICER ORDER

On July 29, 2021, the Board proposed non-substantive amendments to the agriculture related pollution water rules for public comment. The Board’s agriculture related pollution regulations contain requirements necessary for owners and operators of livestock management facilities or livestock waste-handling facilities in the State “to prevent pollution of the air and waters of Illinois caused by failure to plan with regard to proper environmental safeguards the

In compliance with the Americans with Disabilities Act and other applicable federal and State laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact Don Brown, Clerk of the Board, at 100 West Randolph St., Suite 11-500, Chicago, Illinois 60601, at telephone number (312) 814-3620, fax number (312) 814-3669, or TDD number (866) 323-1677, five days prior to the hearing.

construction, location and operation of certain livestock management facilities and livestock waste-handling facilities.” 35 Ill. Adm. Code 501.102.

The Board proposes non-substantive amendments to remove redundant or unnecessary language, replace outdated language, update statutory references, and reorganize provisions for clarity. The IEPA proposes amendments to delete outdated provisions, appropriately match incorporations by reference, eliminate redundancies and correct citations. Further explanation of IEPA’s proposed changes can be found in the initial filing in this matter. Clean-Up Amendments, R18-21, at 27-29 (Jan. 10, 2018).

Pre-Filed Testimony

The Board will conduct two hearings to allow the IEPA and any other interested participants to testify and comment on the merits and economic impact of the proposed rule. *See* 415 ILCS 5/28(a) (2020); 35 Ill. Adm. Code 102.413(a). The Board welcomes public comment from any participant on any aspect of its proposal. Public comments must be filed electronically through the Clerk’s Office On-Line (COOL) on the Board’s website (pcb.illinois.gov). The comment should indicate the docket number for this rulemaking, R18-25.

Public comments and other filings with the Clerk must be served on the hearing officer and on those persons on the Service List for this rulemaking. The current version of the Service List for R18-25 is available on COOL. Before filing any document with the Board’s clerk, please obtain the current version of the Service List through the Clerk’s Office On-Line (COOL) on the Board’s website (pcb.illinois.gov) or by calling the Clerk’s Office at (312) 814-3461. Documents may generally be served by e-mail if the recipient has consented to e-mail service and has not revoked the consent. 35 Ill. Adm. Code 101.1060. Participants in this rulemaking are encouraged to provide consent to e-mail service of documents. *See* 35 Ill. Adm. Code 101.1070(a).

All persons wishing to testify at either hearing will be sworn in and subject to questioning. 35 Ill. Adm. Code 102.424(f). A brief introduction or summary of the pre-filed testimony will be allowed if a witness wishes to provide one before responding to questions.

Participants wishing to offer an oral public comment will be allowed to do so as time allows before the end of a hearing. Participants may also file post-hearing written comments. *See* 35 Ill. Adm. Code 102.108(b).

Unless the Board, hearing officer, clerk, or procedural rules provide otherwise, all documents in this proceeding must be filed electronically through the Clerk’s Office On-Line. 35 Ill. Adm. Code 101.302(h), 101.1000(c), 101.Subpart J.

First Hearing

Participants who intend to testify at the first hearing are directed to pre-file all their testimony and related exhibits no later than Tuesday, October 5, 2021. *See* 35 Ill. Adm. Code

In compliance with the Americans with Disabilities Act and other applicable federal and State laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact Don Brown, Clerk of the Board, at 100 West Randolph St., Suite 11-500, Chicago, Illinois 60601, at telephone number (312) 814-3620, fax number (312) 814-3669, or TDD number (866) 323-1677, five days prior to the hearing.

102.424(a). The hearing officer intends to begin the first hearing with witnesses who pre-filed testimony for it. *See* 35 Ill. Adm. Code 102.428(c). After those witnesses have testified, participants who did not pre-file testimony may testify as time allows after the Board completes the pre-filed testimony and questions based on it.

Second Hearing

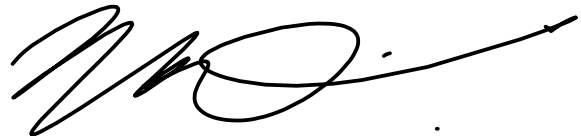
Participants who intend to testify at the second hearing are directed to pre-file all their testimony and related exhibits no later than Wednesday, November 10, 2021. *See* 35 Ill. Adm. Code 102.424(a). The hearing officer intends to begin the first hearing with witnesses who pre-filed testimony for it. *See* 35 Ill. Adm. Code 102.428(c). After those witnesses have testified, participants who did not pre-file testimony may testify as time allows after the Board completes the pre-filed testimony and questions based on it.

In a letter dated September 17, 2021, the Board requested the Department of commerce and Economic Opportunity (DCEO) conduct an economic impact study of the amended proposal and respond to the request by November 1, 2021.

Availability of Filings

All filings in this proceeding will be available on the Board's website at www.pcb.illinois.gov in docket [R18-25](#).

IT IS SO ORDERED.



Mark G. Kaminski
Hearing Officer
Illinois Pollution Control Board
100 West Randolph St., Suite 11-500
Chicago, Illinois 60601
(312) 814-4925
Mark.Kaminski@illinois.gov