**Section 900.304 Establishment of Base Date and Setback Period**

a) The date the Department issues the acknowledgment of setback compliance pursuant to Section 900.303(b)(3) of this Part or notifies the owner or operator that all information has been submitted pursuant to Section 900.303(c)(1) of this Part establishes the base date for the determination of whether residences, non-farm businesses, or common places of assembly exist for setback purposes.

b) The setback period shall begin on the base date. The setback period shall expire one year after the establishment of the base date unless one or more of the following occurs:

1) A lagoon registration form, for construction on the site, has been approved by the Department pursuant to Subpart F of this Part, all applicable requirements of the Livestock Management Facilities Act have been met, and construction has commenced;

2) A livestock waste handling facility registration form, for facilities subject to the public informational meeting process as outlined in Section 12 of the Livestock Management Facilities Act [510 ILCS 77/12] and Subpart D of this Part, is filed with the Department, all applicable requirements of the Livestock Management Facilities Act and this Part have been met, and construction of the livestock management facility or livestock waste handling facility has commenced; or

3) A livestock waste handling facility construction plan, for facilities not subject to the public informational meeting process as outlined in Section 12 of the Livestock Management Facilities Act, is filed with the Department, all applicable requirements of the Livestock Management Facilities Act and this Part have been met, and construction of the livestock management facility or livestock waste handling facility has commenced.

4) The setback period shall not expire if a certification of compliance, prepared in accordance with Section 900.506(a) or Section 900.605(b) of this Part, has been received and approved by the Department within 3 years after the base date. The owner or operator may extend the 3 year setback period by an additional 2 years by submitting a written request to the Department prior to the expiration of the 3 year period. Within 15 days after receipt of the written request by the Department, the Department shall notify the owner or operator that the request has been granted.

c) If the Department determines that the owner or operator has complied with the setback requirements and the provisions of this Subpart, residences, non-farm businesses, or common places of assembly established after the base date cannot operate to affect the setback as initially determined subject to the limitation in subsection (b) of this Section.

d) For the purposes of this Subpart, "construction" means the commencement of on-site activities including, but not limited to, foundation preparation, fabrication, erection, or installation.