

ILLINOIS POLLUTION CONTROL BOARD
April 24, 2020

IN THE MATTER OF:)
)
STANDARDS FOR THE DISPOSAL OF) R 20-19
COAL COMBUSTION RESIDUALS IN) (Rulemaking – Land)
SURFACE IMPOUNDMENTS: PROPOSED)
NEW 35 ILL. ADM. CODE 845

NOTICE OF HEARING

DATES, TIMES, AND LOCATIONS:

FIRST HEARING: July 21, 22, to be continued, if necessary, to July 23, 2020
Beginning at 10:00 a.m.

BY VIDEOCONFERENCE BETWEEN

JULY 21, 2020: Room 2-025
James R. Thompson Center
100 W. Randolph Street
CHICAGO

ILLINOIS BUILDING
Department of Agriculture Auditorium
801 E. Sangamon Ave.
SPRINGFIELD

JULY 22, 2020, and,
if needed, July 23, 2020: Room 9-040
James R. Thompson Center
100 W. Randolph Street
CHICAGO

ILLINOIS BUILDING
Department of Agriculture Auditorium
801 E. Sangamon Ave.
SPRINGFIELD

SECOND HEARING: August 25, 26, to be continued, if necessary, to August 27, 2020
Beginning at 10:00 a.m.

BY VIDEO CONFERENCE BETWEEN

Room 9-040
James R. Thompson Center
100 W. Randolph Street
CHICAGO

CDB Room
Third Floor, Stratton Building
401 S. Spring St.
SPRINGFIELD

PURPOSE OF HEARINGS: Merit and Economic

ATTENDING BOARD MEMBERS: Barbara Flynn Currie

HEARING OFFICER: Vanessa Horton

HEARING OFFICER ORDER

On March 30, 2020, the Illinois Environmental Protection Agency (IEPA) filed a rulemaking, proposing new rules at 35 Ill. Adm. Code 845 concerning coal combustion residual (CCR) surface impoundments at power generating facilities in the State. The proposal's accompanying documents included IEPA's Statement of Reasons (SR). *See* 35 Ill. Adm. Code 102.202(b).

Public Act 101-171, effective July 30, 2019, amends the Illinois Environmental Protection Act (Act) by, among other things, adding a new Section 22.59 (415 ILCS 5/22.59). Public Act 101-171 includes a rulemaking mandate in Section 22.59(g) which directs the Board to adopt rules "establishing construction permit requirements, operating permit requirements, design standards, reporting, financial assurance, and closure and post-closure care requirements for CCR surface impoundments." 415 ILCS 5/22.59(g). IEPA's proposal sets forth new CCR surface impoundment rules pursuant to Public Act 101-171.

Today's order sets the dates for two sets of hearings and the prefiling deadlines. The first hearing is scheduled to begin July 21, 2020 and will begin with IEPA's testimony, and any other person that prefiles testimony will be allowed to testify. If time permits, at the conclusion of the prefiled testimony and questions, the Board will allow for testimony and public comments on the record.

Testimony, if any, must be prefiled electronically by June 2, 2020. Prefiled questions based on that testimony must be filed electronically by June 23, 2020. Prefiled answers based on those questions must be filed electronically by July 14, 2020. The mailbox rule does not apply to any of these filings. *See* 35 Ill. Adm. Code 101.300.

Service and Notice Lists

The hearing officer established and will maintain both a Notice List and Service List for this proceeding. *See* 35 Ill. Adm. Code 102.422(a), (b). The Notice List includes participants who wish to receive only the Board's opinions and orders and hearing officer orders. 35 Ill. Adm. Code 102.422(a). The Service List includes participants who expect to participate more actively and wish also to receive other filings such as pre-filed testimony and questions. *See* 35 Ill. Adm. Code 102.422(b).

Note that any interested person may request electronic notice of filings by providing an electronic mail address through COOL under this docket number R20-19. This electronic notice includes notice of filing of documents that are not typically provided to persons on the Notice List. In addition, COOL provides links to documents filed with the Board, and those documents can be viewed, downloaded, and printed free of charge as soon as they are posted to the Board's website at www.ipcb.state.il.us.

IT IS SO ORDERED.



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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.