



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

L-17J

Illinois Pollution Control Board  
100 West Randolph, Suite 11-500  
Chicago, Illinois 60601

**RE: Updates to the Federal Regulations for Coal Combustion Residuals**

This letter provides two updates relevant to the Board's ongoing review of the proposed rule at 35 Ill. Adm. Code 845, "Standards for the Disposal of Coal Combustion Residuals in Surface Impoundments."

Because the proposed rule relates to the federal regulations for coal combustion residuals (CCR) at 40 C.F.R. Part 257 Subpart D, EPA is highlighting two revisions that were recently finalized:

1. Part A: Deadline to Initiate Closure and Enhancing Public Access to Information. Among other things, this rule changes the date by which unlined surface impoundments and impoundments that failed the aquifer location restriction must cease receiving waste and initiate closure or retrofit. The rule also grants facilities the option to submit a demonstration to EPA for an extension to the deadline to stop receiving waste. Part A was published in the *Federal Register* on August 28, 2020 (see 85 FR 53516).
2. Part B: Alternate Demonstration for Unlined Surface Impoundments. Part B allows facilities that meet certain conditions to demonstrate to EPA or the Director of a Participating State, based on groundwater data and the design of a particular surface impoundment, that a CCR surface impoundment has and will continue to ensure there is no reasonable probability of adverse effects to human health and the environment. Part B was signed by Administrator Wheeler on October 15, 2020. A pre-publication version of this final rule can be found at <https://www.epa.gov/coalash/coal-ash-rule#partb>.

Pursuant to 42 U.S.C. 6945(d)(1)(B), in order for EPA to approve the State's permitting program for CCR surface impoundments, the state program must require each CCR unit located in the state to achieve compliance with either the applicable requirements in 40 C.F.R. Part 257 or alternative state standards that EPA has determined are at least as protective as the requirements in the federal regulations.

If the Board would like to discuss the federal CCR program please contact Chris Newman at 312-353-8402 or [newman.christopherm@epa.gov](mailto:newman.christopherm@epa.gov), or Ian Cecala in our Office of Regional Council at 312-353-5966 or [cecala.ian@epa.gov](mailto:cecala.ian@epa.gov).

Sincerely,

Edward Nam  
Director  
Land Chemicals and Redevelopment Division