

ILLINOIS POLLUTION CONTROL BOARD  
March 25, 2025

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

**Hearing Officer Order**

The Board proposed first notice amendments in this sub-docket on August 22, 2024. Following publication of first notice, the Board received four comments on the proposed amendments, two from the Illinois Environmental Protection Agency (IEPA), one from Ameren Illinois, and one from Dynegy Midwest Generation, LLC.

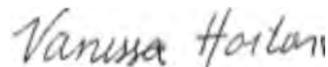
IEPA's comments note that USEPA has not yet approved Part 845 of the Board's rules (35 Ill. Adm. Code 845) which were adopted by the Board on April 20, 2021. Following adoption, the new Part 845 was subsequently appealed by Ameren, Dynegy and Midwest Generation, LLC. On March 13, 2024, the Fourth District Appellate Court upheld the Board's adopted rule, affirming the final order of the Board in R20-19. No subsequent appeal was filed following the issuance of that Appellate Court ruling.

This order requests that IEPA provide an update in this sub-docket on the pending Part 845 approval with USEPA by providing the following information:

1. When did IEPA submit Part 845 to USEPA for approval?
2. When does IEPA expect a response from USEPA?

IEPA is directed to provide answers to the questions above by April 2, 2025.

IT IS SO ORDERED.



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