



## OFFICE OF THE SECRETARY OF STATE

ALEXI GIANNOULIAS • Secretary of State

September 5, 2024

POLLUTION CONTROL BOARD  
DON BROWN  
100 W RANDOLPH ST  
STE 11-500  
CHICAGO, IL 60601

Dear DON BROWN

Your rules Listed below met our codification standards and have been published in Volume 48, Issue 36 of the Illinois Register, dated 9/6/2024.

**PROPOSED RULES**

Standards for the Disposal of Coal Combustion Residuals in Surface Impoundments  
35 Ill. Adm. Code 845 13140  
Point of Contact: Shannon Bilbruck

If you have any questions, you may contact the Administrative Code Division at  
(217) 782 - 7017.

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Standards for the Disposal of Coal Combustion Residuals in Surface Impoundments
- 2) Code Citation: 35 Ill. Adm. Code 845
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
845.120	Amendment
845.500	Amendment
845.550	Amendment
845.740	Amendment
845.800	Amendment
- 4) Statutory Authority: Implementing Section 22.59(g), P.A. 101-171 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/22.59(g), P.A. 101-171 27; and 28].
- 5) A Complete Description of the Subjects and Issues Involved: This sub-docket explored four issues raised during the rulemaking process for 35 Ill. Adm. Code 845. Those four issues are: 1) historic, unconsolidated coal ash fill in the State; (2) the use of temporary storage piles of coal ash, including time and volume limits; (3) fugitive dust monitoring plans for areas surrounding CCR surface impoundments; and (4) the use of environmental justice screening tools.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: No
- 7) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any proposed rulemakings to this Part pending? No
- 11) Statement of Statewide Policy Objectives: These proposed amendments do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed

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rulemaking: The Board will accept written public comments on this proposal for a period of at least 45 days after the date of publication in the Illinois Register. Public comments should refer to Docket R20-19(A) and be filed electronically through the Clerk's Office On-Line (COOL) on the Board's website at <https://pcb.illinois.gov/>. Public comments may be addressed to:

Clerk's Office  
Illinois Pollution Control Board  
60 E. Van Buren, Suite 630  
Chicago, IL 60605

312-814-3621  
[don.brown@illinois.gov](mailto:don.brown@illinois.gov)

Interested persons may download copies of the Board's opinions and orders in R20-19(A) from the Board's Web site at <https://pcb.illinois.gov/> and may also request copies by calling the Clerk's office at 312-814-3620.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: The proposed amendments in this rulemaking will not themselves require recordkeeping or reporting procedures for compliance.
  - C) Types of Professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: The Board does not expect that the proposed rules will impact small business.
- 15) Regulatory Agenda on which this rulemaking was summarized: This rule did not appear in the previous two regulatory agendas.

The full text of the Proposed Amendments begins on the next page: