

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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|--------------------------------|---|---------------------|
| IN THE MATTER OF: |) | |
| |) | R20-19(A) |
| STANDARDS FOR THE DISPOSAL OF |) | (Rulemaking - Land) |
| COAL COMBUSTION RESIDUALS IN |) | |
| SURFACE IMPOUNDMENTS: PROPOSED |) | |
| NEW 35 ILL. ADM. CODE 845 |) | |

NOTICE OF FILING

TO: See Service List

PLEASE TAKE NOTICE that I have today filed with the Illinois Pollution Control Board, the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY’S RESPONSE TO BOARD QUESTIONS POSED IN THE HEARING OFFICER ORDER, a copy of which is served upon you along with this notice.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Kaitlyn Hutchison
Kaitlyn Hutchison
Assistant Counsel
Division of Legal Counsel

DATED: April 1, 2025

2520 West Iles Ave.
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THIS FILING IS SUBMITTED ELECTRONICALLY

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ILLINOIS EPA RESPONSE TO BOARD QUESTIONS POSED IN HEARING OFFICER ORDER

1. When did IEPA submit Part 845 to USEPA for approval?

AGENCY RESPONSE: The Agency has not formally filed its primacy package with USEPA. As USEPA has stated “EPA encourages states who are or may be considering submitting a CCR permit program to EPA for approval to consult with EPA early in the process.” <https://www.epa.gov/coalash/guidance-coal-combustion-residuals-state-permit-programs>. The Agency and USEPA have been in discussions concerning Part 845 since 2021 when the Board adopted Part 845. The Agency submitted the draft crosswalks between Part 845 and federal requirements to USEPA on January 25, 2023. The Agency then submitted a draft narrative document in November and December 2024. Once discussions are completed on the drafts submitted, the Agency will then formally file its submittal to USEPA for approval. Currently, the Agency and USEPA participate in monthly calls to discuss the drafts.

2. When does IEPA expect a response from USEPA?

AGENCY RESPONSE: The Agency cannot provide a date at this time. The Agency can provide status updates to the Board with respect to the submittal of Part 845 to USEPA and approval once obtained. Currently, USEPA has approved three state permit programs, Georgia, Oklahoma, and Texas. USEPA has also denied one state permit program, Alabama.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Kaitlyn Hutchison
Kaitlyn Hutchison
Assistant Counsel
Division of Legal Counsel

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CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on April 1, 2025, I served true and correct copies of an APPEARANCE upon the persons and by the methods pursuant to the service list hereto attached.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Kaitlyn Hutchison
Kaitlyn Hutchison
Assistant Counsel
Division of Legal Counsel

DATED: April 1, 2025

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