

In Coal Ash Sub-Docket A, Board Adopts Final Amendments to Strengthen Rules on Temporary Storage Piles and Fugitive Dust Emissions

On August 22, 2024, the Board issued its first-notice opinion and order in this sub-docket A of R20-19 (R20-19(A)), proposing amendments to the Board's rules on coal combustion residual (CCR) surface impoundments (35 Ill. Adm. Code 845). Specifically, the Board proposed adding obligations and restrictions on using CCR storage piles during the closure of CCR surface impoundments by CCR removal. In addition, the first-notice proposal included requirements for the Illinois Environmental Protection Agency (IEPA) to evaluate and act on public complaints over CCR fugitive dust. The proposal also added specifications for air quality monitoring at or near a facility's property boundary, as well as provisions describing when the monitoring either may or must be imposed by IEPA on facility owners or operators.

On May 15, 2025, the Board issued its second-notice opinion and order, proposing several substantive changes to the first-notice proposal based on public comments. Those changes included replacing the term "CCR storage pile" with "CCR storage unit" and giving it a new definition. The second-notice amendments also broadened the circumstances under which IEPA must require facility owners or operators to undertake additional mitigation measures, including air quality monitoring, in response to complaints from members of the public about fugitive dust.

At its June 17, 2025 meeting, the Joint Committee on Administrative Rules issued a Certification of No Objection to the Board's proposed amendments, subject to a handful of non-substantive changes with which the Board agreed. In turn, on June 26, 2025, the Board issued a final opinion and order adopting the amendments. These final amendments will take effect upon their filing with the Illinois Secretary of State's Office.

The rulemaking is captioned Standards for the Disposal of Coal Combustion Residuals in Surface Impoundments: Proposed New 35 Ill. Adm. Code 845, R20-19(A). Here are links to the Board's June 26, 2025 [final opinion and order](#), along with its [addendum](#) containing the text of the final amendments to Part 845.

Please note that during this R20-19(A) rulemaking, the Board opened a new rulemaking docket ([R25-18](#)) to consider environmental justice issues in Board proceedings. The Board also opened a sub-docket B of R20-19 ([R20-19\(B\)](#)) to consider IEPA's proposed amendments to Section 845.220, which would require that construction permit applications include additional information related to CCR storage units.

For more information on R20-19(A), R25-18, or R20-19(B), please contact Vanessa Horton at 312-814-5053 or vanessa.horton@illinois.gov.