

ILLINOIS POLLUTION CONTROL BOARD
August 7, 2025

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

Proposed Rule. Second Notice.

ORDER OF THE BOARD (By B.F. Currie):

On May 15, 2025, the Board issued first notice of proposed amendments to 35 Ill. Adm. Code 845.220. Following first notice, the Board did not receive any public comments on the proposed amendments. Today, the Board moves these amendments to second notice.

ABBREVIATED PROCEDURAL HISTORY

In 2021, the Board adopted a new Part 845 to its rules, which created standards for the disposal of coal combustion residuals (CCR) in surface impoundments within the State. In that rulemaking, docket R20-19, the Board opened sub-docket A to address four distinct issues concerning CCR that could not adequately be addressed during the limited time allowed for completing R20-19. Those issues were: 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 neighboring CCR surface impoundments, and 4) the use of environmental justice screening tools.

Following first notice in sub-docket A, the Illinois Environmental Protection Agency (IEPA) on October 21, 2024, filed a public comment with several suggested changes to the proposed amendments (PC 26). Regarding temporary storage piles, IEPA suggested striking the proposed definition of “CCR Storage Pile” and instead substituting it with “CCR storage unit” based on the federal definition of “CCR pile or pile” under 40 CFR 257.53. IEPA’s proposed change addressed the temporary storage of CCR in CCR storage units, not CCR contained in surface impoundments. The Board agreed with that suggested change, along with other related changes, and moved the amended sections, 35 Ill. Adm. Code 845.500, 845.550, and 845.740 to final adoption on June 26, 2025.

In PC 26, IEPA also suggested two related changes in Section 845.220, which addresses construction permits. First, IEPA suggested revising Section 845.220(a)(4)(C) to cross-reference an existing section on additional monitoring wells for CCR storage units. PC 26 at 3. IEPA’s second suggestion was to include design and construction plans and specifications for CCR storage units in Section 845.220(d)(6). Id. at 3. Because Section 845.220 had not been opened at first notice in sub-docket A, the Board opened this sub-docket B to make those changes to Section 220.

Proposed Changes to 845.220

First notice of these proposed amendments was published in the *Illinois Register* on May 30, 2025. Ill. Reg. Vol. 49, Issue 22, p. 7471. The text of the proposed changes is below in underline and attached as Addendum A.

Section 845.220(a)(4)(C)

- 4) Site Plan Map. The application must contain maps, including cross-sectional maps of the site boundaries, showing the location of the facility. The following information must be shown:
 - A) The entire facility, including any proposed and all existing CCR surface impoundment locations;
 - B) The boundaries, both above and below ground level, of the facility and all CCR surface impoundments or landfills containing CCR included in the facility;
 - C) All existing and proposed groundwater monitoring wells including monitoring wells for a CCR storage unit under Section 845.740(c)(4)(B)(vi), if applicable; and
 - D) All main service corridors, transportation routes, and access roads to the facility.

Section 845.220(d)(6)

Design and construction plans and specifications for a CCR storage unit and any associated barriers or berms, if applicable, including:

- A) The dimensions of the CCR storage unit and the type of storage pad or geomembrane to be used;
- B) The estimated maximum and estimated average tons or cubic yards of CCR that will be stored in the CCR storage unit monthly or annually;
- C) An estimate of the amount of time the CCR storage unit will be operational;
- D) A description of the function of any barriers or berms that will be used to control wind and water run-on and run-off;
- E) A description of the demolition and disposal of the components of the CCR storage unit; and

- F) An assessment of how the CCR storage unit will meet the operating criteria under Section 845.740(c)(4).

CONCLUSION

The Board proposes second notice amendments to 35 Ill. Adm. Code 845.220. The full text of Section 220 with the proposed amendments in underline can be found in Addendum A.

ORDER

1. The Board directs its Clerk to submit the proposed rules to JCAR for second notice review. The proposed rules appear in Addendum A to this order.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on August 7, 2025, by a vote of 5-0.

Don A. Brown

Don A. Brown, Clerk
Illinois Pollution Control Board