

In Coal Ash Sub-Docket B, Board Adopts Final Amendments to Construction Permit Application Requirements Related to CCR Storage Units

On June 26, 2025, the Board issued a final opinion and order in sub-docket A of R20-19 (R20-19(A)), adopting amendments to the Board's Part 845 rules on coal combustion residual (CCR) surface impoundments (35 Ill. Adm. Code 845). The amendments, among other things, added obligations and restrictions on using CCR storage units during the closure of CCR surface impoundments. Relatedly, during the first-notice comment period in sub-docket A, the Illinois Environmental Protection Agency proposed that the Board amend Section 845.220 to require that construction permit applications include additional information concerning CCR storage units. However, because Section 845.220 was not included in sub-docket A's proposed first-notice amendments, the Board opened a sub-docket B of R20-19 (R20-19(B)) to propose the corresponding changes to Section 845.220. In sub-docket B, the Board issued its first-notice opinion and order on May 15, 2025, and its second-notice opinion and order on August 7, 2025.

At its September 16, 2025 meeting, the Joint Committee on Administrative Rules issued a Certification of No Objection to the Board's proposed amendments to Section 845.220. In turn, on October 2, 2025, the Board issued a final opinion and order adopting the amendments. These final sub-docket B 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(B). Here are links to the Board's October 2, 2025 [final opinion and order](#), along with its [addendum](#) containing the text of the adopted amendments to Section 845.220. For more information on R20-19(B), please contact Vanessa Horton at 312-814-5053 or vanessa.horton@illinois.gov.