



OFFICE OF THE SECRETARY OF STATE

ALEXI GIANNOULIAS • Secretary of State

October 16, 2025

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 49, Issue 42 of the Illinois Register, dated 10/17/2025.

ADOPTED RULES

Standards for the Disposal of Coal Combustion Residuals in Surface Impoundments	
35 Ill. Adm. Code 845	13000
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 ADOPTED AMENDMENT

- 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) Section Number: 845.220 Adopted Action: 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) Effective Date of Rule: OCT 02 2025
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Statement of Availability: The adopted amendment is available on the Board's website (<https://pcb.illinois.gov/>) and is also on file and available for public inspection in the Board's Chicago office, 60 E. Van Buren, Suite 630, Chicago, IL 60605.
- 9) Notice of Proposal Published in Illinois Register: 49 Ill. Reg. 7471, May 30, 2025
- 10) Has JCAR issued a Statement of Objections to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: IEPA proposed suggestions and clarifications to the proposed first notice changes pertaining to coal combustion residuals storage piles. IEPA recommends 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.

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IEPA explains that when proposing the original Part 845 definitions it wanted “to be careful to not create CCR landfills. Therefore, the Agency specifically added the word ‘storage’ to ‘pile’ to differentiate it from a CCR landfill.” PC 26 at 1. IEPA agrees that the Board’s proposed first notice changes to the definition “CCR storage pile” do not create a landfill because the changes specify a time period for removal of the CCR. *Id.* However, the Agency cautions against using a reference to landfill regulations, especially since landfill-related regulations are not used elsewhere in Part 845. *Id.*

The changes to Section 845.220 cross-reference an existing section on additional monitoring wells as well as including CCR storage units in the closure construction permit application.

- 16) Information and questions regarding this adopted rulemaking shall be directed to:

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

312-814-3620
don.brown@illinois.gov

Copies of the Board’s opinions and orders are available through the Clerk’s Office On-Line (COOL) on the Board’s website (<https://pcb.illinois.gov/>). You may also request copies of the Board’s opinions and orders from the Clerk at the address listed above or by calling 312-814-3620. Please refer to docket number R20-19(B) in your request.

The full text of the adopted amendment begins on the next page: