

Board Acts on Concerns Regarding Coal Ash Waste From Electric Generating Plants

On November 5, 2015, the Board responded to public concerns regarding coal ash waste ponds at electric generating plants in Illinois. The Board denied the Illinois Environmental Protection Agency's (IEPA) request to indefinitely delay consideration of proposed rules to regulate coal ash ponds. The Board also ordered the IEPA to answer specific questions regarding coal ash pond regulation, including the new USEPA regulations that became effective in October 2015.

The Board's order came in response to an IEPA request for an indefinite stay of the proceedings because of potential legal and legislative action regarding the USEPA rules. Contemporaneously, environmental groups, including the Prairie Rivers Network, the Sierra Club, and the Environmental Law & Policy Center, filed proposed rules to address the coal ash pond issues and asked the Board to reopen the case to consider their proposals.

The order grants IEPA 120 days to further evaluate the federal rule. At the same time, the order reiterates that all rulemaking proposals presented to the Board must be adequately supported by testimony and evidence.

Filings from both IEPA and the environmental groups will be due to the Board on March 4, 2016.

Opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records are posted on the Board's Web site and may be downloaded from the Web without charge. Hard copies may be obtained from the Clerk's Office upon payment of reproduction fees as prescribed by Section 6 of the Freedom of Information Act [5 ILCS 140/6].