

ILLINOIS POLLUTION CONTROL BOARD

November 7, 2012

IN THE MATTER OF:)
)
COAL COMBUSTION WASTE (CCW) ASH) R14-10
PONDS AND SURFACE IMPOUNDMENTS) (Rulemaking - Water)
AT POWER GENERATING FACILITIES:)
PROPOSED NEW 35 ILL. ADM. CODE 841)

ORDER OF THE BOARD (by J.D. O’Leary):

On October 28, 2013, the Illinois Environmental Protection Agency (Agency or Illinois EPA) filed a proposal to add Part 841 to the Board’s Subtitle G waste disposal regulations. Accompanying the proposal were a number of documents including a Statement of Reasons (SR) and Technical Support Document. *See* 35 Ill. Adm. Code 102.202 (Proposal Content for Regulations of General Applicability).

The Agency states that it proposes “a rule of general applicability for coal combustion waste (CCW) surface impoundments at power generating facilities.” SR at 1. The Agency adds that its proposal “sets forth a process to monitor CCW surface impoundments and groundwater, as well as a process for preventive response, corrective action and closure.” *Id.*

The Agency cited a number of sources on which it based the proposal: a site-specific rule adopted by the Board to close a surface impoundment (Ameren Ashpond Closure Rules (Hutsonville Power Station): Proposed 35 Ill. Adm. Code 840.101 through 840.152, R9-21 (Jan. 20, 2011)); a proposal by Ameren Energy Resources on behalf of Ameren Energy Resources Generating, AmerenEnergy Generating Company, and Electric Energy, Inc. to close ash ponds at various facilities (Site-Specific Rule for the Closure of Ameren Energy Resources Ash Ponds: Proposed New 35 Ill. Adm. Code 840, Subpart B, R13-19 (July 25, 2013) (staying procedure for one year); and the Board’s public water supplies regulations (35 Ill. Adm. Code 615, 616, 620). SR at 7. Although the Agency noted that the United States Environmental Protection Agency (USEPA) “has proposed rules to govern coal combustion residuals from electric utilities,” it noted that “[t]he federal rule has not been finalized, and USEPA has not indicated when it expects to finalize the rule.” *Id.*; citing 75 Fed. Reg. 35128-35264 (June 21, 2010).

The Board finds that the Agency has satisfied the content requirements at Section 102.202 of its procedural rules (35 Ill. Adm. Code 102.202) and accepts the Agency’s proposal for hearing. The Board directs its assigned hearing officer to schedule and proceed to hearing under the rulemaking provisions of the Act and the Board’s procedural rules. 415 ILCS 5/27, 28 (2010); 35 Ill. Adm. Code 102. After conducting hearings on this proposal, the Board will determine whether to proceed to first notice.

IT IS SO ORDERED.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 7, 2013, by a vote of 4-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish at the end.

John T. Therriault, Clerk
Illinois Pollution Control Board