

Board Closes CCW Rulemaking Docket; Awaits CCR Proposal Under New Law

On September 19, 2019, the Board closed this rulemaking docket, captioned Coal Combustion Waste (CCW) Ash Ponds and Surface Impoundments at Power Generating Facilities: Proposed New 35 Ill. Adm. Code 841, docket R14-10. The Board had previously requested comment from participants concerning whether it should proceed with the current rulemaking record. After Governor Pritzker signed Senate Bill 9 into law as Public Act 101-171 (effective July 30, 2019), the Illinois Environmental Protection Agency (IEPA) recommended that the Board close docket R14-10.

Public Act 101-171 adds to the Environmental Protection Act a new Section 22.59 on “coal combustion residual” or “CCR,” as CCW is termed in federal regulations. Subsection (g) requires IEPA to propose rules within eight months after the Public Act’s effective date. Further, within one year after receiving IEPA’s proposal, the Board must adopt rules that address issues specified in the Public Act. The Board agreed with IEPA that, to develop a clearer record on these issues, IEPA’s proposal under Public Act 101-171 should have a new rulemaking docket. Here is a link to the Board’s [order](#). For more information, please contact Tim Fox (312-814-6085, Tim.Fox@Illinois.Gov).