

Board Proposes CCR Surface Impoundment Rules for First Notice

On April 16, 2020, the Board issued a first-notice opinion and order proposing new rules concerning the disposal of coal combustion residual (CCR) in surface impoundments at power generating facilities (35 Ill. Adm. Code 845). The CCR rules had been proposed to the Board on March 30, 2020, by the Illinois Environmental Protection Agency (Agency). Receiving the Agency's proposal started the Board's one-year statutory deadline to adopt final rules. Accordingly, the Board proceeded to first notice without commenting on the substantive merits of the Agency's proposal.

The first-notice rules were published in the *Illinois Register* on May 1, 2020 (44 Ill. Reg. 6696), beginning a period of at least 45 days during which any person may file with the Board a public comment on the proposed rules.

The Board's hearing officer, on April 24, 2020, issued a notice of hearing and an order. Currently, two public hearings are scheduled in this rulemaking; each to be held by videoconference between Chicago and Springfield. The first hearing is scheduled for July 21 and 22, 2020, to be continued, if necessary, on July 23. The second hearing is scheduled for August 25 and 26, 2020, to be continued, if necessary, on August 27.

The rulemaking is captioned Standards for the Disposal of Coal Combustion Residuals in Surface Impoundments: Proposed New 35 Ill. Adm. Code 845, docket R20-19. Here are links to (1) the Board's [first-notice opinion and order](#), (2) the Board's [addendum](#), which contains the text of the proposed rules, and (3) the hearing officer's [notice of hearing and order](#), the latter of which includes pre-filing deadlines. For more information, please contact Vanessa Horton at 312-814-5053 or vanessa.horton@illinois.gov.