

## **For Second Notice, Board Proposes Standards on Disposal of Coal Combustion Residuals in Surface Impoundments**

On February 4, 2021, the Board issued a second-notice opinion and order proposing new Part 845 of its waste disposal rules. The proposed rules will now be reviewed by the Joint Committee on Administrative Rules (JCAR). On the Board's final adoption, the new rules will govern the disposal of coal combustion residuals or "CCR" in surface impoundments. CCR, commonly called "coal ash," is generated by coal-fired power plants. Under the Environmental Protection Act, as amended by the Coal Ash Pollution Prevention Act (P.A. 101-171), the deadline for the Board to adopt final rules is March 31, 2021.

New Part 845 will establish a comprehensive State permitting program to regulate all aspects of CCR surface impoundments, including location, design, construction, operation, closure, post-closure, financial assurance, and remediation. Among the program's primary goals are protecting groundwater from contamination by CCR pollutants leaking from surface impoundments, providing the public with meaningful opportunities to participate in CCR surface impoundment permitting, and prioritizing the closure of CCR surface impoundments in areas of environmental justice concern.

The Illinois Environmental Protection Agency initiated this rulemaking by submitting a proposal to the Board on March 30, 2020. For first notice, the proposed rules were published in the *Illinois Register* on May 1, 2020 (44 Ill. Reg. 6696). After holding six days of public hearings and receiving over 250 public comments, the Board issued its second-notice opinion and order, sending the proposed rules to JCAR for review.

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 the Board's [second-notice opinion and order](#) and the [proposed rules](#). In the order at second notice, the Board also directed that its Clerk open a sub-docket to solicit more information and evidence, as well as proposed rules, on four specified issues related to CCR. *See* sub-docket R20-19(A). For more information, please contact Vanessa Horton at 312-814-5053 or [vanessa.horton@illinois.gov](mailto:vanessa.horton@illinois.gov).