

Board Proposes First-Notice Amendments in Coal Ash Sub-Docket

On August 22, 2024, the Board issued an order proposing amendments to 35 Ill. Adm. Code 845 for first notice. The Board had opened this sub-docket when it adopted new Part 845, Illinois' first Statewide standards for the disposal of coal combustion residuals (CCR) in surface impoundments. The sub-docket was established to further explore four issues: (1) historic, unconsolidated coal ash fill in the State; (2) the use of temporary storage piles of coal ash, including time and volume limits; (3) fugitive dust monitoring plans for areas surrounding CCR surface impoundments; and (4) the use of environmental justice screening tools.

In its first-notice order, the Board's proposed amendments concern temporary storage piles and fugitive dust. The Board also directed the Illinois Environmental Protection Agency to file a rulemaking proposal by May 5, 2025, that incorporates new federal rules involving the disposal of historic, unconsolidated CCR. Finally, the Board opened a rulemaking docket to consider adopting an environmental justice procedural rule.

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