

ILLINOIS POLLUTION CONTROL BOARD
May 15, 2025

IN THE MATTER OF:)	
)	
STANDARDS FOR THE DISPOSAL OF)	R20-19(A)
COAL COMBUSTION RESIDUALS IN)	(Rulemaking – Land)
SURFACE IMPOUNDMENTS: PROPOSED)	
NEW 35 ILL. ADM. CODE 845)	

Proposed Rule. Second Notice.

ORDER OF THE BOARD (By B.F. Currie):

In 2021, the Board adopted a new Part 845 to its rules, which created standards for the disposal of coal combustion residuals (CCR) in surface impoundments within the State. In that rulemaking, docket R20-19, the Board opened this sub-docket A to address four distinct issues concerning CCR that could not adequately be addressed during the limited time allowed for completing R20-19. Those issues are: 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 neighboring CCR surface impoundments, and 4) the use of environmental justice screening tools.

On August 22, 2024, the Board issued first notice of proposed amendments to Part 845. The Board received four public comments on the proposed amendments. Today, the Board makes several substantive changes to the rule text based on comments received and moves those amendments to second notice. In addition, the Board directs the Clerk to open a new sub-docket B in R20-19 and file with the Secretary of State for first notice publication in the Illinois Register the Illinois Environmental Protection Agency’s proposed amendments to 35 Ill. Adm. Code 845.220

ABBREVIATED PROCEDURAL HISTORY

In the underlying rulemaking, R20-19, the Board opened this sub-docket when it issued second notice, on February 4, 2021 (First Not.). After issuing first notice in this sub-docket on August 22, 2024, the Board received public comments from the following participants:

- Ameren Illinois comment, (PC 25)
- IEPA comment, (PC 26)
- IEPA comment (PC 27)
- Dynegy Midwest Generation, LLC, Electric Energy, Inc., Illinois Power Generating Company, Illinois Power Resources Generating, LLC, and Kincaid Generation, LLC (collectively, Dynegy) comment (PC 28)

On August 22, 2024, the Board opened a new rulemaking, R25-18, that is dedicated solely to exploring the environmental justice issues raised within R20-19 and in this sub-docket. The

Board found that making changes to Part 845's environmental justice methodology was moot at that time since the deadline under Part 845 to make a prioritization schedule and to submit construction permit applications, retrofit permit applications or final closure plans, had passed on February 1, 2022. The Board said:

The record in this rulemaking sub-docket indicates that the Agency has adequately identified impoundments located in EJ communities relying on the current rules and methodologies. As noted by the Environmental Groups, IEPA revised closure priority category of several CCR surface impoundments during the permitting process based on EJ concerns. Therefore, given that the deadline for filing permit applications for all categories has passed, the Board does not find there is a direct benefit to amending Part 845 to allow the use of EJ screening tools other than EJ Start. First. Not. at 27.

While the Board declined to make changes to Part 845 as related to environmental justice issues, it, "supports IEPA's stated goal of continuing the conversation to develop new tools to, 'identify and support overburdened and vulnerable communities.'" First Not. at 27, internal citation to PC 15 at 19. To do so, the Board opened a new rulemaking docket, R25-18 to explore the creation of a Board procedural rule that would, "provide guidance to the Board when considering environmental justice issues, including the selection of environmental justice screening tools for identifying areas of environmental justice concern, in its proceedings." *Id.* Based on these factors, the Board removed the issue of environmental justice from this sub-docket and placed it in R25-18. To date, the Board received comments from IEPA and the Illinois Attorney General's office informing the Board that several legislative proposals were currently before the General Assembly that would, if enacted, provide broad guidance on environmental justice throughout the Environmental Protection Act (Act). IEPA and the Attorney General requested, and the Board agreed, to keep that rulemaking docket open until August 22, 2025, to see if any of those bills moved forward in the General Assembly. *See* PC 1 and 2, and 3/20/25 Board order in R25-18.

On March 25, 2025, the hearing officer issued an order directing two questions to IEPA (HOO). IEPA timely responded on April 1, 2025 (IEPA Resp.).

IEPA'S SUGGESTED CHANGES TO FIRST NOTICE PROPOSAL

CCR Storage Piles/Units

In PC 26, IEPA proposed seven suggestions and clarifications to the proposed first notice changes pertaining to CCR storage piles. First, IEPA recommends striking the proposed definition of "CCR Storage Pile" and instead substituting it with "CCR storage unit" based on the federal definition of "CCR pile or pile" under 40 CFR 257.53. At first notice, the Board proposed the following changes to the existing definition of "CCR storage pile" in Section 845.120:

"CCR storage pile" means any ~~temporary~~ accumulation of solid, non-flowing CCR placed on the land that is designed and managed to control releases of CCR to the environment, utilizing the measures specified in Section 845.740(c)(4)(A)-(G) of this

Part. CCR contained in an enclosed structure is not a CCR storage pile. Examples of control measures to control releases from CCR storage piles include: periodic wetting, application of surfactants, tarps, or wind barriers to suppress dust; tarps or berms for preventing contact with precipitation and controlling run-on/run-off; and impervious storage pads or geomembrane liners for soil and groundwater protection. For this Part, a CCR storage pile will be considered as CCR landfill as defined in 40 CFR 257.53, unless the owner or operator can demonstrate that CCR is not accumulated over a period longer than one year under Section 845.740(c)(4)(F).

In its comments, IEPA recommends striking the definition of “CCR storage pile” in its entirety and replacing it with the following definition:

“CCR storage unit” means any accumulation of solid, non-flowing CCR, designed and managed to control releases of CCR to the environment, utilizing the measures specified in Section 845.740(c)(4)(A)-(F) of this Part, and the CCR storage unit is authorized by a closure construction permit under Section 845.220(d). For the purposes of this Part, CCR contained in an enclosed structure is not a “CCR storage unit.” Additionally, for the purposes of this Part, CCR that is beneficially used is not a “CCR storage unit.”

IEPA explains that when proposing the original Part 845 definitions it wanted “to be careful to not create CCR landfills. Therefore, the Agency specifically added the word ‘storage’ to ‘pile’ to differentiate it from a CCR landfill.” PC 26 at 1. IEPA agrees that the Board’s proposed first notice changes to the definition “CCR storage pile” do not create a landfill because the changes specify a time period for removal of the CCR. *Id.* However, the Agency cautions against using a reference to landfill regulations, especially since landfill-related regulations are not used elsewhere in Part 845. *Id.*

Additionally, IEPA notes that the phrase “accumulation of non-flowing CCR on the land” in the existing definition of “CCR storage pile” too closely aligns with the new federal definition of “CCR Management Unit” (CCRMU). A CCRMU is “any area of land on which any noncontainerized accumulation of CCR is received, placed, or is otherwise managed, that is not a regulated CCR unit”. *Id.* at 1-2, 40 CFR 257.53. IEPA expresses concern that the Board’s proposed changes to the definition of “CCR storage pile” may result in classifying “storage piles formed during closure by removal as CCRMUs, subjecting them to separate regulations, and potentially introducing landfills into Part 845.” *Id.* At 2. Further, IEPA suggests replacing the term “piles” with the term “unit” as “unit” is already defined in the Act and will avoid any reference to landfill regulations. *Id.*

IEPA suggests the following changes to 845.550(a)(4) and (5) for consistency with the new definition of “CCR storage unit”.

Section 845.550(a)

- 4) CCR storage unit ~~pile pad, or~~ geomembrane, barrier and berm monthly inspection and repair documentation ~~report~~ under Section 845.740(c)(4).

- 5) CCR storage unit ~~pile~~ demonstration under Section 845.740(c)(4)(F).

Similarly, IEPA suggests the following changes to Section 845.740(c)(4) and (d) to clarify worker safety and location requirements for the CCR storage units. The Board's first notice amendments are in underline and strikethrough and IEPA's suggested changes are in double underline and double strikethrough.

Sections 845.740(c)(4), (d)

- 4) The owner or operator of the surface impoundment must take measures to prevent contamination of surface water, groundwater, soil and sediments from the removal of CCR, including the following:
- A) CCR removed from the surface impoundment ~~may only be temporarily stored, and~~ must be stored in a lined landfill, CCR surface impoundment, enclosed structure, or CCR storage unit ~~pile~~.
 - B) CCR storage units ~~piles~~ must:
 - i) Be tarped or constructed with wind barriers to suppress dust and to limit stormwater contact with CCR storage units ~~piles~~;
 - ii) Be periodically wetted or have periodic application of dust suppressants when needed to control dust;
 - iii) Have a storage pad, or a geomembrane liner, with a hydraulic conductivity no greater than 1×10^{-7} cm/sec, that is properly sloped to allow appropriate drainage, and large enough to allow each portion of the pad or liner to be uncovered for inspection at least once in a year under subsection (c)(4)(C)(iii);
 - iv) Be tarped over the edge of the storage pad where possible;
 - v) Be constructed with fixed and mobile berms, where appropriate, to reduce run-on and run-off of stormwater to and from the CCR storage unit ~~pile~~, and minimize stormwater-CCR contact; and
 - vi) Have a groundwater monitoring system that is consistent with the requirements of Section 845.630 and approved by the Agency.
 - vii) CCR storage units must be located as far as possible from waterways while taking into consideration worker safety, transportation logistics, closure or corrective action activities and other facility operational needs.

- C) The owner or operator of the CCR surface impoundment must:
- i) incorporate general housekeeping procedures including such as daily cleanup of CCR, tarping of trucks, maintaining the pad and equipment; and
 - ii) incorporate good practices during unloading and loading including minimizing drop distance on to CCR piles; and-
 - iii) inspect the storage pad or geomembrane of CCR storage piles at least once a year and repair any cracks, holes, tears, or other damage identified during the inspection as soon as practicable. An annual inspection report summarizing the results of inspection under this subsection must be included in the annual consolidation report under Section 845.550.
- D) The owner or operator of the CCR must minimize the amount of time the CCR is exposed to precipitation and wind.
- E) The discharge of stormwater runoff that has contact with CCR must be covered by an individual National Pollutant Discharge Elimination System (NPDES) permit. The owner or operator must develop and implement a Stormwater Pollution Prevention Plan (SWPPP) in addition to any other requirements of the facility's NPDES permit. Any construction permit application for closure must include a copy of the SWPPP.
- F) The owner or operator must demonstrate that CCR is not accumulated in a storage pile over a period longer than one year by using photographs, records (contracts, purchase orders), or other observable or discernable information that shows CCR is being removed within one year of being placed in the pile. This demonstration must be included in the annual consolidation report under Section 845.550.
- d) At the end of each month during which CCR is being removed from a CCR surface impoundment, the owner or operator must prepare a report that:
- 1) Describes the weather, precipitation amounts, the amount of CCR removed from the CCR surface impoundment, the amount and location of CCR being stored on-site, the amount of CCR transported offsite, the implementation of good housekeeping procedures required by subsection (c)(4)(C), and the implementation of dust control measures; and
 - 2) Documents ~~worker safety measures implemented. The owner or operator of the CCR surface impoundment must place the monthly report in the facility's operating record as required by Section 845.800(d)(23); the~~ inspections of the CCR storage units' storage pad, geomembrane and any

barriers or berms for damage or defects as required by subsection (c)(4)(C)(iv);

- 3) Contains the photographs, records (contracts, purchase orders), or other observable or discernable information that shows CCR is being removed from each area of the CCR storage unit within one year of being placed in the CCR storage unit under subsection (c)(4)(F); and
- 4) Documents worker safety measures implemented.
- 5) The owner or operator of the CCR surface impoundment must place the monthly report in the facility's operating record as required by Section 845.800(d)(23).

IEPA suggests making corresponding changes to Section 845.220 to cross-reference an existing section on additional monitoring wells as well as including CCR storage units in the closure construction permit application. PC 26 at 2-3.

Section 845.220(a)(4)(C)

- 4) Site Plan Map. The application must contain maps, including cross-sectional maps of the site boundaries, showing the location of the facility. The following information must be shown:
 - A) The entire facility, including any proposed and all existing CCR surface impoundment locations;
 - B) The boundaries, both above and below ground level, of the facility and all CCR surface impoundments or landfills containing CCR included in the facility;
 - C) All existing and proposed groundwater monitoring wells including monitoring wells for a CCR storage unit under Section 845.740(c)(4)(B)(vi), if applicable; and
 - D) All main service corridors, transportation routes, and access roads to the facility.

Section 845.220(d)(6)

Design and construction plans and specifications for a CCR storage unit and any associated barriers or berms, if applicable, including:

- A) The dimensions of the CCR storage unit and the type of storage pad or geomembrane to be used;

- B) The estimated maximum and estimated average tons or cubic yards of CCR that will be stored in the CCR storage unit monthly or annually;
- C) An estimate of the amount of time the CCR storage unit will be operational;
- D) A description of the function of any barriers or berms that will be used to control wind and water run-on and run-off;
- E) A description of the demolition and disposal of the components of the CCR storage unit; and
- F) An assessment of how the CCR storage unit will meet the operating criteria under Section 845.740(c)(4).

Board Discussion and Findings

The Board notes that the first notice changes to the definition of “CCR storage pile” made clear that CCR storage piles are intended for temporary storage, while also ensuring that there would be no regulatory confusion in considering a CCR storage pile as a CCR landfill (as defined in 40 CFR 257.53). In that construction of the definition, if an owner or operator failed to demonstrate that CCR was not accumulated over a period longer than one year under Section 845.740(c)(4)(F), that CCR accumulation (storage pile) would no longer be considered temporary.

However, given IEPA’s concern that the proposed changes may create CCR landfills within Part 845 – which is intended to regulate only CCR surface impoundments – the Board agrees to accept IEPA’s suggested amendments to Sections 845.120, 845.550 and 845.740. The Board finds that these amendments distinguish the CCR storage units from CCR landfills and CCRMUs and provide further specificity on the creation, and maintenance of the temporary storage units. In addition to IEPA’s suggested changes, the Board makes similar changes for consistency to Sections 845.740(c)(4)(C)(ii), (C)(iii) and (F) shown below in double underline and double strikethrough. The Board moves these changes at second notice.

Section 845.740(c)(4)(C)(ii), (iii)

- C) The owner or operator of the CCR surface impoundment must:

- ii) incorporate good practices during unloading and loading including minimizing drop distance on to CCR storage units ~~piles~~; and-
- iii) inspect the storage pad or geomembrane of CCR storage units ~~piles~~ at least once a year and repair any cracks, holes, tears, or other damage identified during the inspection as soon as practicable. An annual inspection report summarizing the results of inspection

under this subsection must be included in the annual consolidation report under Section 845.550.

Section 845.740(c)(4)(F)

- F) The owner or operator must demonstrate that CCR is not accumulated in a CCR storage unit ~~pile~~ over a period longer than one year by using photographs, records (contracts, purchase orders), or other observable or discernable information that shows CCR is being removed within one year of being placed in the ~~pile~~ unit. This demonstration must be included in the annual consolidation report under Section 845.550.

While the Board also agrees with IEPA's suggested changes to Section 845.220, the Board cannot proceed with those changes here because Section 845.220 was not opened in the first notice proposal. Instead, the Board directs the Clerk to open a new sub-docket B in R20-19, and file with the Secretary of State for first notice publication in the *Illinois Register* IEPA's proposed amendments to 35 Ill. Adm. Code 845.220.

Fugitive Dust

When opening this sub-docket, the Board found that the record lacked enough information to establish an air monitoring program for fugitive dust. The Board held that the "proposed fugitive dust control provisions, coupled with OSHA [Occupational Safety and Health Administration] regulations and the Board's visible and PM regulations, will serve to protect both on-site workers and nearby communities." R20-19, slip op. at 59 (Feb. 4, 2021). The Board encouraged participants to provide additional information regarding fugitive dust concerns within this sub-docket.

The Environmental Law & Policy Center, Little Village Environmental Justice Organization, Prairie Rivers Network, and Sierra Club (collectively, Environmental Groups) provided proposed language and amendments to improve fugitive dust monitoring. After considering comments from other participants, the Board proposed for first notice a new provision under the CCR Fugitive Dust Control Plan requirements at Section 845.500(b)(3). This provision requires IEPA to evaluate quarterly dust complaint reports received under Section 845.500(b)(2)(B) to address the adequacy of existing mitigation measures for controlling fugitive dust from the facility. At first notice, the Board held that OSHA regulations under 29 C.F.R. § 1910, which are referenced in the CCR Fugitive Dust Control Plan requirements (29 C.F.R. § 1910.1200(c)), "are intended to protect workers from fugitive dust exposure, but are not intended for community protection." First Not. at 19. Therefore, the Board moved forward with amendments to the rules that require IEPA to evaluate complaint reports and provide specific measures that IEPA may require the owner or operator to institute to address fugitive dust complaints from nearby communities.

IEPA recommends several changes to that proposed new language. First, it proposes to clarify that the Agency can make a determination based on all available information as to the adequacy of the mitigation measures in a CCR fugitive dust control plan. PC 26 at 3. Second,

IEPA recommends removing proposed section 845.500(b)(3)(B) and instead, “treat all [CCR] impoundments in the State on an equal footing and requiring plan revisions whenever the Agency determines that the mitigation measures in a CCR fugitive dust control [plan] are inadequate to address off-site dust issues.” *Id.* Third, IEPA proposes changing “may” to “must” in requiring owner/operators to revise their fugitive dust control plans based on Agency determinations.

Below is Section 845.500(b)(3) with the Board’s first notice changes in strikethrough and underline and IEPA’s suggested deletions and additions in double strikethrough and double underline. As discussed below, the Board has also added “including environmental justice concerns” to subsection 500(B)(3)(A).

Section 845.500(b)(3)

- 3) The Agency must evaluate quarterly complaint reports received under Section 845.500(b)(2)(B):
 - A) If the Agency determines based on all available information, including environmental justice concerns, that the mitigation measures under the CCR fugitive dust control plan are not addressing the dust issues beyond the property boundary, the Agency ~~may~~ must require the owner or operator to revise the plan to include additional mitigation measures, including air quality (dust) monitoring at the property boundary.
 - B) ~~If the Agency determines that the facility is causing dust issues over a period of time based on complaints received during at least two consecutive quarters in an area of environmental justice concern identified under Section 845.700(g)(6), the Agency must require the owner or operator to revise the CCR fugitive dust control plan to include additional mitigation measures, and air quality (dust) monitoring.~~
 - ☞ Air quality (dust) monitoring under subsections (b)(3)(A) and (b)(3)(B) must include at least four each of PM10 and PM2.5 air monitors located at or near facility’s property boundary with one air monitor each of PM10 and PM2.5 located at each cardinal point (north, south, east, west) with additional two each of PM10 and PM2.5 air monitors located at downwind locations if not covered by the cardinal point monitors.

Board Discussion and Findings

The Board notes that IEPA’s proposed amendments to Section 845.500(b)(3) allow for the Agency to consider all available information when making their determination on adequacy of the mitigation measures. Additionally, IEPA’s amendments expand the scope of the required evaluation to all CCR surface impoundments instead of limiting it to only impoundments located in areas of environmental justice concern as proposed at first notice. The Board has added the phrase “including environmental justice concerns” to ensure the expanded scope of that section

includes environmental justice areas. Finally, IEPA's amendments add further specificity on air quality monitoring by directing IEPA to "require" the owner or operator to revise the facility's fugitive dust control plan to include additional mitigation measures, including air quality (dust) monitoring at the property boundary. Therefore, the Board finds that IEPA's proposed amendments improve the CCR Fugitive Dust Control Plan under Section 845.500(b) and accepts them at second notice.

Historic, Unconsolidated Coal Ash Fill

At first notice, the Board discussed USEPA's new definition of CCR management unit. First Not. at 3-6. In that opinion, the Board found that the new CCRMU definition adequately addressed the issue of historic, unconsolidated CCR fills in the State. At that time, the Board requested a rulemaking proposal that would incorporate the new CCRMU definition into Part 845. *Id.* at 6. The Board also said that if it did not receive a rulemaking proposal by six months after the effective date of the federal rule, it would, on its own motion, propose such rulemaking amendments. The federal rule became effective on November 4, 2024, and six months following that date is May 5, 2025. Dynegy, Ameren and IEPA filed comments addressing the Board's request for a new rulemaking proposal to incorporate the definition of CCRMU into Part 845.

Dynegy's Comment

Dynegy asks the Board to refrain from initiating a new rulemaking to adopt USEPA's CCRMU rule. Dynegy points to the fact that IEPA has not yet submitted Part 845 for approval by USEPA and there currently is no statutory mechanism for funding another CCR-related program. PC 28 at 2. Further, Dynegy argues, "another rulemaking is not necessary at this time because there is no regulatory gap to fill. At the time the Board instituted this sub-docket, there were no federal regulations governing CCRMUs. Therefore, according to the Board, the sub-docket was warranted to explore the necessity of regulating "unconsolidated CCR deposits." Since the sub-docket A was opened, the CCRMU rule has been finalized and is self-implementing. "As noted in IEPA's Comments, the Rule is self-implementing, or immediately enforceable, without any additional action necessary to bring CCRMUs within the State of Illinois under its jurisdiction." PC 28 at 3.

Ameren's Comment

While Ameren took no position on the proposed amendments at issue in this sub-docket, it highlighted an on-going appeal of USEPA's new CCR management unit rule, found at 89 Fed. Reg. 38950 (May 8, 2024). PC 25 at 1. *City Utilities of Springfield, Missouri v. EPA*, Case No. 24-1200, is several consolidated cases before the D.C. Circuit Court of Appeals. Ameren argues that "it would be premature for IEPA, participants, or the Board to file a new rulemaking proposal incorporating EPA's rule amendments until after litigation has concluded on the contested issues. As a result, Ameren requests that the Board extend the May 5, 2025 deadline, at the earliest, to the date on which the D.C. Circuit issues a dispositive ruling and all relevant appeal periods have passed." *Id.* at 1-2.

IEPA's Comment

IEPA notes that it is currently working with USEPA to obtain approval for Part 845. PC 26 at 1. Through a hearing officer order, the Board asked IEPA when IEPA submitted Part 845 to USEPA for approval, and when IEPA expected a response from USEPA. HOO. IEPA reported that it has been in discussions with USEPA concerning Part 845 since 2021. IEPA Resp. IEPA says it has submitted draft crosswalks and draft narrative documents to USEPA in 2023 and 2024 and, "once discussions are completed on the drafts submitted, the Agency will then formally file its submittal to USEPA for approval." *Id.*

As to when IEPA estimates to receive a response from USEPA, the Agency says it cannot provide a projected date. IEPA Resp. IEPA offered to provide status updates to the Board for Part 845 submittal and approval. The Board appreciates IEPA's response and requests a six-month update from the Agency by November 17, 2025, on the Part 845 submittal and approval process with USEPA.

IEPA argues that while Section 22.59 of the Act provided clear statutory authority for the collection of fees associated with CCR surface impoundments, the legislature has not provided authority for collection of fees associated with CCRMUs. "Clear statutory authority for expansion of the existing CCR permitting program to include CCRMUs is necessary to ensure there is sufficient legal and financial support for the expansion." PC 27 at 3-4.

Additionally, IEPA argues, as did Dynegy, that the new federal CCRMU definition is self-implementing, "i.e., they are immediately enforceable without any further implementation steps to be taken." PC 27 at 4. In looking to the future, IEPA says, "[w]hile USEPA ultimately intends to adopt a federal permitting program covering CCR surface impoundments and CCRMUs alike, the timing and the nature of that permitting program remain to be seen, and regulated entities must in the interim comply with the amended federal regulations." *Id.*, citing 89 Fed. Reg. 39093.

Board Discussion and Findings

The Board agrees with Dynegy and IEPA that the final CCRMU federal rule is self-implementing and does not require Board action at this time to add it to Part 845. Therefore, the Board will continue to monitor USEPA actions on CCRMU but declines to move forward with a rulemaking proposal on its own motion.

CONCLUSION

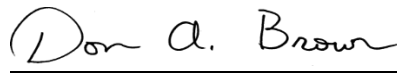
The Board proposes second notice amendments to 35 Ill. Adm. Code 845.500, 845.550, and 845.740. The Board also directs its Clerk to open a new sub-docket B to address changes to 35 Ill. Adm. Code 845.220 and file those proposed amendments with the Secretary of State for first notice publication.

ORDER

1. The Board directs its Clerk to submit the proposed rules to JCAR for second notice review. The proposed rules appear in Addendum A to this opinion and order.
2. The Board directs its Clerk to open a sub-docket B, and in that sub-docket file IEPA's proposed amendments to 35 Ill. Adm. Code 845.220 with the Secretary of State for first notice publication in the *Illinois Register*. The proposed rules appear in Addendum B to this opinion and order.
3. IEPA is to provide an update on the status of Part 845's approval process with USEPA by November 17, 2025.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on May 15, 2025, by a vote of 5-0.

A handwritten signature in cursive script that reads "Don A. Brown". The signature is written in dark ink and is positioned above a horizontal line.

Don A. Brown, Clerk
Illinois Pollution Control Board