



OFFICE OF THE SECRETARY OF STATE

ALEXI GIANNOULIAS • Secretary of State

July 10, 2025

POLLUTION CONTROL BOARD
DON BROWN
100 W RANDOLPH ST
STE 11-500
CHICAGO, IL 60601

Dear DON BROWN

Your rules Listed below met our codification standards and have been published in Volume 49, Issue 28 of the Illinois Register, dated 7/11/2025.

ADOPTED RULES

Standards for the Disposal of Coal Combustion Residuals in Surface Impoundments
35 Ill. Adm. Code 845 8977
Point of Contact: Shannon Bilbruck

PROPOSED RULES

Organic Material Emission Standards and Limitations for the Metro-East Area
35 Ill. Adm. Code 219 8883
Point of Contact: Shannon Bilbruck

REGULATORY AGENDA

Definitions and General Provisions
Point of Contact: Shannon Bilbruck 9246

If you have any questions, you may contact the Administrative Code Division at (217) 782 - 7017.

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Standards for the Disposal of the Coal Combustion Residuals in Surface Impoundments
- 2) Code Citation: 35 Ill. Adm. Code 845
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
845.120	Amendment
845.500	Amendment
845.550	Amendment
845.740	Amendment
845.800	Amendment
- 4) Statutory Authority: Implementing Section 22.59(g), P.A. 101-171 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/22.59(g), P.A. 101-171 27; and 28].
- 5) Effective Date of Rule: JUN 26 2025
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Statement of Availability: The adopted amendments are available on the Board's website (<https://pcb.illinois.gov/>) and is also on file and available for public inspection in the Board's Chicago office, 60 E. Van Buren, Suite 630, Chicago, IL 60605.
- 9) Notice of Proposal Published in Illinois Register: 48 Ill. Reg. 13140, September 6, 2024
- 10) Has JCAR issued a Statement of Objections to this rulemaking? No
- 11) Differences between proposal and final version:

845.120 Closed definition, delete "purposes of"

845.120 CCR Storage Pile definition, delete

845.120 add "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 this Part,

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the following are not "CCR storage unit": CCR contained in an enclosed structure; or CCR that is beneficially used according to the definition "Beneficial use of CCR".

845.120 Disposal definition, delete "purposes of"

845.500 b)3), delete "subsection" add "Section 845.500"

845.500 b)3)A), after "determines" add "based on all available information, including environmental justice concerns, that"

845.500 b)3)B), delete and change 845.500 b)3)C) to 845.500 b)3)B)

845.550, a)4), change "pile" to "unit", after "geomembrane," add "barrier and berm monthly", delete "report" add "and repair documentation"

845.740 c)1)A)i) delete "purposes of"

845.740 c)1)A)ii), delete " , at a minimum"

845.740 c)4)A), delete "may only be temporarily stored, and", change "pile" to "unit"

845.740, c)4)B), change "piles" to "units"

845.740 c)4)B)i), before "storage" add "CCR", change "piles" to "units"

845.740 c)4)B)ii), after "suppressants" add "when needed to control dust"

845.740 c)4)B)v), before "storage" add "CCR", change "pile" to "unit"

After 845.740 c)4)B)vi) add "845.740 c)4)B)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."

845.740 c)4)C)ii), after "CCR" delete "piles" add "storage units"

845.740 c)4)F), change "pile" to "unit"

845.740 d)1), delete the last "and"

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845.740 d)2), delete everything after “Documents” add “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);”

After 845.740 d)2) add

- “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).”

845.740 e), change “accordance” to “compliance”

845.740 f), change “accordance” to “compliance”

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? Yes

<u>Section:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
845.220	New Section	49 Ill. Reg. 7471; May 30, 2025

- 15) Summary and Purpose of Rulemaking: This sub-docket explored four issues raised during the rulemaking process for 35 Ill. Adm. Code 845. Those four 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 surrounding CCR surface impoundments; and (4) the use of environmental justice screening tools.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Clerk's Office

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NOTICE OF ADOPTED AMENDMENTS

Illinois Pollution Control Board
60 E Van Buren St., Suite 630
Chicago, IL 60605

312-814-3620
don.brown@illinois.gov

Copies of the Board's opinions and orders are available through the Clerk's Office On-Line (COOL) on the Board's website (<https://pcb.illinois.gov/>). You may also request copies of the Board's opinions and orders from the Clerk at the address listed above or by calling 312-814-3620. Please refer to docket number R19-20(A) in your request.

The full text of the adopted amendments begins on the next page: