



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

SB3570

Introduced 2/5/2026, by Sen. Celina Villanueva

#### SYNOPSIS AS INTRODUCED:

415 ILCS 5/3.144 new  
415 ILCS 5/22.59

Amends the Environmental Protection Act. Defines "CCR management unit" as any area of land at any facility with a CCR surface impoundment, on which any noncontainerized accumulation of CCR is received, is placed, or is otherwise managed, and that is not itself a CCR surface impoundment. Provides that the term "CCR management unit" does not include CCR used in a manner that meets the definition of coal combustion by-product, unless the owner or operator, or the Agency, determines that the CCR is causing or contributing to a statistically significant concentration of one or more constituents above the groundwater protection standard established by the Board. Provides that no later than February 8, 2027, the owner or operator of a CCR surface impoundment must submit to the Agency a copy of the Facility Evaluation Reports Part 1 and 2. Provides that the Board shall adopt rules establishing permit requirements, reporting, financial assurance, and closure and post-closure care requirements for CCR management units. Provides that the owner or operator of a CCR management unit shall pay an initial fee of \$75,000 for each CCR management unit by July 1, 2027 and an annual fee of \$25,000 for each CCR management unit that has not completed closure; and \$15,000 for each CCR management unit that has not completed post-closure care, beginning July 1, 2028.

LRB104 19580 BDA 33028 b

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Environmental Protection Act is amended by  
5 changing Section 22.59 and by adding Section 3.144 as follows:

6 (415 ILCS 5/3.144 new)

7 Sec. 3.144. CCR management unit. "CCR management unit" is  
8 any area of land at any facility with a CCR surface  
9 impoundment, on which any noncontainerized accumulation of CCR  
10 is received, is placed, or is otherwise managed, and that is  
11 not itself a CCR surface impoundment. "CCR management unit"  
12 does not include CCR used in a manner that meets the definition  
13 of coal combustion by-product, unless the owner or operator of  
14 the CCR management unit or the Agency determines that the CCR  
15 is causing or contributing to a statistically significant  
16 concentration of one or more constituents above the  
17 groundwater protection standard established by the Board under  
18 this Act.

19 (415 ILCS 5/22.59)

20 Sec. 22.59. CCR surface impoundments and CCR management  
21 units.

22 (a) The General Assembly finds that:

1           (1) the State of Illinois has a long-standing policy  
2 to restore, protect, and enhance the environment,  
3 including the purity of the air, land, and waters,  
4 including groundwaters, of this State;

5           (2) a clean environment is essential to the growth and  
6 well-being of this State;

7           (3) CCR generated by the electric generating industry  
8 has caused groundwater contamination and other forms of  
9 pollution at active and inactive plants throughout this  
10 State;

11           (4) environmental laws should be supplemented to  
12 ensure consistent, responsible regulation of all existing  
13 CCR surface impoundments and CCR management units, whether  
14 active or inactive; and

15           (5) meaningful participation of State residents,  
16 especially vulnerable populations who may be affected by  
17 regulatory actions, is critical to ensure that  
18 environmental justice considerations are incorporated in  
19 the development of, decision-making related to, and  
20 implementation of environmental laws and rulemaking that  
21 protects and improves the well-being of communities in  
22 this State that bear disproportionate burdens imposed by  
23 environmental pollution.

24           Therefore, the purpose of this Section is to promote a  
25 healthful environment, including clean water, air, and land,  
26 meaningful public involvement, and the responsible disposal,

1 ~~and~~ storage, and other management of coal combustion  
2 residuals, so as to protect public health and to prevent  
3 pollution of the environment of this State.

4 The provisions of this Section shall be liberally  
5 construed to carry out the purposes of this Section.

6 (b) No person shall:

7 (1) cause or allow the discharge of any contaminants  
8 from a CCR surface impoundment or CCR management unit into  
9 the environment so as to cause, directly or indirectly, a  
10 violation of this Section or any regulations or standards  
11 adopted by the Board under this Section, either alone or  
12 in combination with contaminants from other sources;

13 (2) construct, install, modify, operate, or close any  
14 CCR surface impoundment, or CCR management unit containing  
15 1 ton or greater of CCR, without a permit granted by the  
16 Agency, or so as to violate any conditions imposed by such  
17 permit, any provision of this Section or any regulations  
18 or standards adopted by the Board under this Section;

19 (3) cause or allow, directly or indirectly, the  
20 discharge, deposit, injection, dumping, spilling, leaking,  
21 or placing of any CCR upon the land in a place and manner  
22 so as to cause or tend to cause a violation of this Section  
23 or any regulations or standards adopted by the Board under  
24 this Section; or

25 (4) construct, install, modify, or close a CCR surface  
26 impoundment or CCR management unit in accordance with a

1 permit issued under this Act without certifying to the  
2 Agency that all contractors, subcontractors, and  
3 installers utilized to construct, install, modify, or  
4 close a CCR surface impoundment or CCR management unit are  
5 participants in:

6 (A) a training program that is approved by and  
7 registered with the United States Department of  
8 Labor's Employment and Training Administration and  
9 that includes instruction in erosion control and  
10 environmental remediation; and

11 (B) a training program that is approved by and  
12 registered with the United States Department of  
13 Labor's Employment and Training Administration and  
14 that includes instruction in the operation of heavy  
15 equipment and excavation.

16 Nothing in this paragraph (4) shall be construed to  
17 require providers of construction-related professional  
18 services to participate in a training program approved by  
19 and registered with the United States Department of  
20 Labor's Employment and Training Administration.

21 In this paragraph (4), "construction-related  
22 professional services" includes, but is not limited to,  
23 those services within the scope of: (i) the practice of  
24 architecture as regulated under the Illinois Architecture  
25 Practice Act of 1989; (ii) professional engineering as  
26 defined in Section 4 of the Professional Engineering

1 Practice Act of 1989; (iii) the practice of a structural  
2 engineer as defined in Section 4 of the Structural  
3 Engineering Practice Act of 1989; or (iv) land surveying  
4 under the Illinois Professional Land Surveyor Act of 1989.

5 (c) (Blank).

6 (d) Before commencing closure of a CCR surface  
7 impoundment, or CCR management unit containing 1 ton or  
8 greater of CCR, in accordance with Board rules, the owner of a  
9 CCR surface impoundment or CCR management unit must submit to  
10 the Agency for approval a closure alternatives analysis that  
11 analyzes all closure methods being considered and that  
12 otherwise satisfies all closure requirements adopted by the  
13 Board under this Act. Complete removal of CCR, as specified by  
14 the Board's rules, from the CCR surface impoundment or CCR  
15 management unit must be considered and analyzed. Section 3.405  
16 does not apply to the Board's rules specifying complete  
17 removal of CCR. The selected closure method must ensure  
18 compliance with regulations adopted by the Board pursuant to  
19 this Section.

20 (e) Owners or operators of CCR surface impoundments who  
21 have submitted a closure plan to the Agency before May 1, 2019,  
22 and who have completed closure prior to 24 months after July  
23 30, 2019 (the effective date of Public Act 101-171) shall not  
24 be required to obtain a construction permit for the surface  
25 impoundment closure under this Section.

26 (f) Except for the State, its agencies and institutions, a

1 unit of local government, or a not-for-profit electric  
2 cooperative as defined in Section 3.4 of the Electric Supplier  
3 Act, any person who owns or operates a CCR surface  
4 impoundment, or CCR management unit containing 1 ton or  
5 greater of CCR, in this State shall post with the Agency a  
6 performance bond or other security for the purpose of: (i)  
7 ensuring closure of the CCR surface impoundment or CCR  
8 management unit and post-closure care in accordance with this  
9 Act and its rules; and (ii) ensuring remediation of releases  
10 from the CCR surface impoundment or CCR management unit. The  
11 only acceptable forms of financial assurance are: a trust  
12 fund, a surety bond guaranteeing payment, a surety bond  
13 guaranteeing performance, or an irrevocable letter of credit.

14 (1) The cost estimate for the post-closure care of a  
15 CCR surface impoundment or CCR management unit shall be  
16 calculated using a 30-year post-closure care period or  
17 such longer period as may be approved by the Agency under  
18 Board or federal rules.

19 (2) In the event of performance bond or other security  
20 forfeiture, the ~~The~~ Agency is authorized to enter into  
21 such contracts and agreements as it may deem necessary to  
22 carry out the purposes of this subsection ~~Section~~. Neither  
23 the State, nor the Director, nor any State employee shall  
24 be liable for any damages or injuries arising out of or  
25 resulting from any action taken under this subsection  
26 ~~Section~~.

1           (3) The Agency shall have the authority to approve or  
2           disapprove any performance bond or other security posted  
3           under this subsection. Any person whose performance bond  
4           or other security is disapproved by the Agency may contest  
5           the disapproval as a permit denial appeal pursuant to  
6           Section 40.

7           (g) The Board shall adopt rules establishing construction  
8           permit requirements, operating permit requirements, design  
9           standards, reporting, financial assurance, and closure and  
10          post-closure care requirements for CCR surface impoundments.  
11          Not later than 8 months after July 30, 2019 (the effective date  
12          of Public Act 101-171) the Agency shall propose, and not later  
13          than one year after receipt of the Agency's proposal the Board  
14          shall adopt, rules under this Section. The Board shall not be  
15          deemed in noncompliance with the rulemaking deadline due to  
16          delays in adopting rules as a result of the Joint Committee on  
17          Administrative Rules oversight process. The rules must, at a  
18          minimum:

19                 (1) be at least as protective and comprehensive as the  
20                 federal regulations or amendments thereto promulgated by  
21                 the Administrator of the United States Environmental  
22                 Protection Agency in Subpart D of 40 CFR 257 governing CCR  
23                 surface impoundments;

24                 (2) specify the minimum contents of CCR surface  
25                 impoundment construction and operating permit  
26                 applications, including the closure alternatives analysis

1 required under subsection (d);

2 (3) specify which types of permits include  
3 requirements for closure, post-closure, remediation and  
4 all other requirements applicable to CCR surface  
5 impoundments;

6 (4) specify when permit applications for existing CCR  
7 surface impoundments must be submitted, taking into  
8 consideration whether the CCR surface impoundment must  
9 close under the RCRA;

10 (5) specify standards for review and approval by the  
11 Agency of CCR surface impoundment permit applications;

12 (6) specify meaningful public participation procedures  
13 for the issuance of CCR surface impoundment construction  
14 and operating permits, including, but not limited to,  
15 public notice of the submission of permit applications, an  
16 opportunity for the submission of public comments, an  
17 opportunity for a public hearing prior to permit issuance,  
18 and a summary and response of the comments prepared by the  
19 Agency;

20 (7) prescribe the type and amount of the performance  
21 bonds or other securities required under subsection (f),  
22 and the conditions under which the State is entitled to  
23 collect moneys from such performance bonds or other  
24 securities;

25 (8) specify a procedure to identify areas of  
26 environmental justice concern in relation to CCR surface

1           impoundments;

2           (9) specify a method to prioritize CCR surface  
3           impoundments required to close under RCRA if not otherwise  
4           specified by the United States Environmental Protection  
5           Agency, so that the CCR surface impoundments with the  
6           highest risk to public health and the environment, and  
7           areas of environmental justice concern are given first  
8           priority;

9           (10) define when complete removal of CCR is achieved  
10          and specify the standards for responsible removal of CCR  
11          from CCR surface impoundments, including, but not limited  
12          to, dust controls and the protection of adjacent surface  
13          water and groundwater; and

14          (11) describe the process and standards for  
15          identifying a specific alternative source of groundwater  
16          pollution when the owner or operator of the CCR surface  
17          impoundment believes that groundwater contamination on the  
18          site is not from the CCR surface impoundment.

19          (h) Any owner of a CCR surface impoundment or CCR  
20          management unit that generates CCR and sells or otherwise  
21          provides coal combustion byproducts pursuant to Section 3.135  
22          shall, every 12 months, post on its publicly available website  
23          a report specifying the volume or weight of CCR, in cubic yards  
24          or tons, that it sold or provided during the past 12 months.

25          (i) The owner of a CCR surface impoundment or CCR  
26          management unit shall post all closure plans, permit

1 applications, and supporting documentation, as well as any  
2 Agency approval of the plans or applications, on its publicly  
3 available website.

4 (j) The owner or operator of a CCR surface impoundment  
5 shall pay the following fees:

6 (1) An initial fee to the Agency within 6 months after  
7 July 30, 2019 (the effective date of Public Act 101-171)  
8 of:

9 \$50,000 for each closed CCR surface impoundment;

10 and

11 \$75,000 for each CCR surface impoundment that have  
12 not completed closure.

13 (2) Annual fees to the Agency, beginning on July 1,  
14 2020, of:

15 \$25,000 for each CCR surface impoundment that has  
16 not completed closure; and

17 \$15,000 for each CCR surface impoundment that has  
18 completed closure, but has not completed post-closure  
19 care.

20 (k) All fees collected by the Agency under subsections  
21 ~~subsection~~ (j) and (p) shall be deposited into the  
22 Environmental Protection Permit and Inspection Fund.

23 (l) The Coal Combustion Residual Surface Impoundment  
24 Financial Assurance Fund is created as a special fund in the  
25 State treasury. Any moneys forfeited to the State of Illinois  
26 from any performance bond or other security required under

1 this Section shall be placed in the Coal Combustion Residual  
2 Surface Impoundment Financial Assurance Fund and shall, upon  
3 approval by the Governor and the Director, be used by the  
4 Agency for the purposes for which such performance bond or  
5 other security was issued. The Coal Combustion Residual  
6 Surface Impoundment Financial Assurance Fund is not subject to  
7 the provisions of subsection (c) of Section 5 of the State  
8 Finance Act.

9 (m) The provisions of this Section shall apply, without  
10 limitation, to all existing CCR surface impoundments and any  
11 CCR surface impoundments constructed after July 30, 2019 (the  
12 effective date of Public Act 101-171), and to all existing CCR  
13 management units and any CCR management units constructed  
14 after the effective date of this Public Act of the 104th  
15 General Assembly, except to the extent prohibited by the  
16 Illinois or United States Constitutions.

17 (n) The following facility evaluation reporting  
18 requirements apply to CCR management units.

19 (1) No later than February 8, 2027, the owner or  
20 operator of a CCR surface impoundment must submit to the  
21 Agency a copy of the Facility Evaluation Report Part 1  
22 required under 40 CFR 257.75(c).

23 (2) No later than February 8, 2027, the owner or  
24 operator of a CCR surface impoundment must submit to the  
25 Agency a copy of the Facility Evaluation Report Part 2  
26 required under 40 CFR 257.75(d).

1       (o) The Board shall adopt rules establishing permit  
2 requirements, reporting, financial assurance, and closure and  
3 post-closure care requirements for CCR management units. Not  
4 later than one year after the effective date of this  
5 amendatory Act of the 104th General Assembly, the Agency shall  
6 propose, and not later than 18 months after receipt of the  
7 Agency's proposal the Board shall adopt, rules under this  
8 subsection. The Board shall not be deemed in noncompliance  
9 with the rulemaking deadline due to delays in adopting rules  
10 as a result of the Joint Committee on Administrative Rules  
11 oversight process. The rules must, at a minimum:

12           (1) be at least as protective and comprehensive as the  
13 federal regulations or amendments thereto promulgated by  
14 the Administrator of the United States Environmental  
15 Protection Agency in Subpart D of 40 CFR 257;

16           (2) specify the minimum contents of CCR management  
17 unit permit applications, including the closure  
18 alternatives analysis required under subsection (d);

19           (3) specify which types of permits include  
20 requirements for closure, post-closure, remediation and  
21 all other requirements applicable to CCR management units;

22           (4) specify standards for review and approval by the  
23 Agency of CCR management unit permit applications;

24           (5) specify meaningful public participation procedures  
25 for the issuance of CCR management unit permits,  
26 including, but not limited to, public notice of the

1 submission of permit applications, an opportunity for the  
2 submission of public comments, an opportunity for a public  
3 hearing prior to permit issuance, and a summary and  
4 response of the comments prepared by the Agency;

5 (6) prescribe the type and amount of the performance  
6 bonds or other securities required under subsection (f)  
7 and the conditions under which the State is entitled to  
8 collect moneys from such performance bonds or other  
9 securities;

10 (7) specify a procedure to identify areas of  
11 environmental justice concern in relation to CCR  
12 management units;

13 (8) define when complete removal of CCR is achieved  
14 and specify the standards for responsible removal of CCR  
15 from CCR management units, including, but not limited to,  
16 dust controls and the protection of adjacent surface water  
17 and groundwater; and

18 (9) describe the process and standards for identifying  
19 a specific alternative source of groundwater pollution  
20 when the owner or operator of the CCR management unit  
21 believes that groundwater contamination on the site is not  
22 from the CCR management unit.

23 (p) The owner or operator of a CCR management unit shall  
24 pay the following fees:

25 (1) An initial fee to the Agency, by July 1, 2027, of  
26 \$75,000 for each CCR management unit.

1           (2) Annual fees to the Agency, beginning on July 1,  
2           2028 of \$25,000 for each CCR management unit that has not  
3           completed closure; and \$15,000 for each CCR management  
4           unit that has not completed post-closure care.

5           (q) The Agency is authorized to enter into such contracts  
6           and agreements as it may deem necessary to carry out the  
7           purposes of this Section. Neither the State, nor the Director,  
8           nor any State employee shall be liable for any damages or  
9           injuries arising out of or resulting from any action taken  
10           under this Section.

11           (Source: P.A. 102-16, eff. 6-17-21; 102-137, eff. 7-23-21;  
12           102-309, eff. 8-6-21; 102-558, eff. 8-20-21; 102-662, eff.  
13           9-15-21; 102-813, eff. 5-13-22; 103-154, eff. 6-30-23.)