



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5453

Introduced 2/13/2026, by Rep. Carol Ammons

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 19579 BDA 33027 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.)