

IPCB

Illinois Pollution Control Board



ANNUAL REPORT

Fiscal Year

2025

TABLE OF CONTENTS



Mission Statement 2



Letter from the Chair 3



Board Members 5



Rulemaking Update 9



Appellate Update 16



Legislative Update 19



ILLINOIS POLLUTION CONTROL BOARD



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MISSION STATEMENT

The Illinois Environmental Protection Act was enacted in 1970 for the purpose of establishing a comprehensive State-wide program to restore, protect, and enhance the quality of the environment in our State. To implement this mandate, the Act established the Illinois Pollution Control Board and accorded it the authority to adopt environmental standards and regulations for the State, and to adjudicate contested cases arising from the Act and from the regulations.

With respect for this mandate, and with recognition for the constitutional right of the citizens of Illinois to enjoy a clean environment and to participate in State decision-making toward that end, the Board dedicates itself to:

- ❖ The establishment of coherent, uniform, and workable environmental standards and regulations that restore, protect, and enhance the quality of Illinois' environment;
- ❖ Impartial decision-making that resolves environmental disputes in a manner that brings to bear technical and legal expertise, public participation, and judicial integrity; and
- ❖ Government leadership and public policy guidance for the protection and preservation of Illinois' environment and natural resources, so that they can be enjoyed by future generations of Illinoisans.



LETTER FROM THE CHAIR



IPCB

Illinois Pollution Control Board

GOVERNOR
JB Pritzker



CHAIR
Barbara Flynn Currie



MEMBERS
Jennifer Van Wie
Michelle Gibson
Michael D. Mankowski
Angela Tin



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September 2025

Honorable JB Pritzker, Governor of Illinois, and Members of the General Assembly:

The Illinois Pollution Control Board is proud to present its Annual Report for fiscal year 2025. The Board usually has anywhere from 100 to 150 proceedings pending before it at any one time. Fiscal year 2025 was no exception. Still, the Board continued to process this high volume of proceedings while operating within its budget constraints.

Below, I remind us of the Board's statutory roles and highlight a Board rulemaking adopting Illinois' first groundwater quality standards for "PFAS," also known as "forever chemicals." In addition, I note an Illinois Appellate Court opinion that affirmed the Board's decision in an appeal of a local government's siting approval for a waste transfer station.

Board Roles. Under its founding statute, the Environmental Protection Act (Act) (415 ILCS 5), the Board primarily conducts two types of proceedings: rulemakings and adjudications. Through rulemakings, the Board adopts regulations that establish Illinois' environmental standards and requirements for ensuring clean air, land, and water. Through adjudications, the Board decides contested environmental cases, including complaints that allege violations of the Act and Board regulations; petitions that ask for review of permitting and leaking underground storage tank determinations made by the Illinois Environmental Protection Agency; petitions that ask for review of pollution control facility siting determinations made by local governments; and variance and adjusted standard petitions that seek relief from Board regulations. The Board also conducts a third type of



September 2025

Page 2

proceeding called a “time-limited water quality standard,” which is neither a rulemaking nor an adjudication and may result in temporary regulatory relief.

Groundwater Quality Standards for PFAS. In March 2025, the Board established numerical groundwater quality standards for six per- and polyfluoroalkyl substances commonly called “PFAS.” PFAS are known as “forever chemicals” because they do not easily degrade. PFAS can concentrate in tissues of living organisms, including humans. Before final adoption, the Board held three public hearings, accepted numerous public comments, and received a Certification of No Objection from the Joint Committee on Administrative Rules. See Proposed Amendments to Groundwater Quality 35 Ill. Adm. Code 620, docket R22-18. The rulemaking is summarized in this Annual Report.

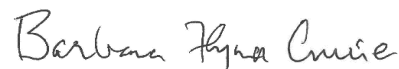
Appellate Decision. In February 2025, the Illinois Appellate Court affirmed the Board in an appeal brought by a waste handling company after the Board vacated the City of West Chicago’s siting approval for the company’s proposed waste transfer station. The case turned on whether the company complied with prefiling notice requirements of Section 39.2(b) of the Act (415 ILCS 5/39.2(b)). In a unanimous opinion, the Third District agreed with the Board that the company failed to notify a neighboring property owner of its siting application in the manner statutorily specified, which deprived the local government of jurisdiction to consider the application. See Lakeshore Recycling Systems, LLC v. Pollution Control Board, Protect West Chicago, People Opposing DuPage Environmental Racism, City of West Chicago, West Chicago City Council, 2025 IL App (3d) 240169. A more detailed summary of the Appellate Court’s decision appears in this Annual Report.

Annual Report. After introducing the Board Members, this FY25 Annual Report covers three areas:

- ❖ Completed rulemakings of the Board, including the adoption of groundwater quality standards for PFAS;
- ❖ The Illinois Appellate Court opinion affirming the Board’s decision on the waste transfer station siting appeal; and
- ❖ From the 104th General Assembly, enacted legislation amending the Act.

If you have any questions about these materials or the Board itself, please let me know.

Sincerely,



Barbara Flynn Currie
Chair



BOARD MEMBERS



❖ **Chair Barbara Flynn Currie**



Barbara Flynn Currie served many terms in the Illinois House of Representatives. In 1997, she became House Majority Leader—the first woman to hold the title—and held the post until she retired from the General Assembly at the beginning of 2019. She sponsored the State’s first Freedom of Information Act and the Illinois Earned Income Tax Credit. She was a champion for clean air and water; she spearheaded reforms in State funding for public education and in the juvenile justice system. She has been honored by many organizations, including the Illinois ACLU, Planned Parenthood, Illinois AFL-CIO, Illinois Environmental Council, Friends of the Parks, the Illinois Council Against Handgun Violence, and the Illinois Campaign for Political Reform. Barbara earned her A.B. and M.A. degrees from the University of Chicago.

For her “forceful, creative, consequential, and civil leadership in the Illinois General Assembly,” Barbara was awarded the 2022 Simon-Edgar Statesmanship Award, which goes to an elected government official “who has demonstrated a pattern of public service characterized by vision, courage, compassion, effectiveness, civility, and bipartisanship.” Upon presenting Barbara with the award, former Illinois Governor Jim Edgar remarked, “I have always been impressed with her passion, decency, and toughness.” He added, “Barbara and I did not always agree on policy issues, but I’ve always respected her dedication to public service and her idealism.” The annual Simon-Edgar Statesmanship Award, which Barbara received in its second year, was jointly established by the Edgar Fellows Program at the University of Illinois Institute of Government and Public Affairs and the Paul Simon Public Policy Institute at Southern Illinois University in Carbondale.

❖ **Jennifer Van Wie**



Board Member Jennifer A. Van Wie was appointed to the Board by Governor JB Pritzker in August 2020. She previously worked as an Assistant Attorney General in the Illinois Attorney General’s Office. While in the AGO Civil Environmental Bureau, she handled numerous significant cases dealing with air, water, and land pollution and natural resource damages. Ms. Van Wie also has experience in private practice in both Illinois and Wisconsin where she advised clients on state and federal environmental laws and regulations, including matters specific to the Clean Air Act, Clean Water Act, Resource Conservation and Recovery Act (RCRA), and Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).



Ms. Van Wie has been active in state and local bar associations and was a co-chair of the Environmental Law Committee of the Chicago Bar Association. Ms. Van Wie has focused her legal practice exclusively on environmental law and policy for over 20 years.

Ms. Van Wie received her Bachelor of Science degree in Public Policy from Indiana University. She received her Juris Doctorate and Master of Studies in Environmental Law from Vermont Law School (now Vermont Law & Graduate School).

❖ **Michelle Gibson**



Board Member Gibson was appointed to the Board by Governor JB Pritzker in November 2021. She is a Registered Environmental Health Specialist with over 15 years of experience in environmental consulting, waste diversion, resource management, and environmental public health. Michelle has implemented recycling and waste-reduction programs at hospitals, universities, residential facilities, military bases, manufacturing sites, and large office complexes. She has advised statewide environmental organizations on strategies for waste handling. Michelle also managed a Dekalb County solid waste program through which she worked with landfills and waste haulers to reduce residential waste. In addition, she supervised a team of Boone County environmental health

inspectors to enforce standards for clean drinking water, private on-site wastewater treatment systems, and food safety, as well as sanitary conditions at the height of the COVID-19 pandemic. Michelle received her Bachelor of Science degree in environmental science from Illinois State University.

❖ **Michael D. Mankowski**



Board Member Michael D. Mankowski was appointed to the Board by Governor JB Pritzker in July 2023. Throughout his career, Michael Mankowski has focused on public service and environmental issues. He previously served as the Director of the Office of Oil and Gas Resource Management at the Illinois Department of Natural Resources. As Director, Mr. Mankowski oversaw the regulation of over 1,500 oil and gas operators and 28 underground natural gas storage fields. He assisted in drafting the Illinois Underground Natural Gas Storage Safety Act and drafted amendments which helped to modernize the Department's Oil and Gas Act Regulations.

Prior to IDNR, Mr. Mankowski worked as an Assistant Attorney General in the Illinois Attorney General's Office. While in the AGO's Springfield Civil Environmental Bureau, he represented multiple state agencies in numerous significant cases dealing with air, water, and land pollution as well as natural resource damages and agency permitting matters.



Mr. Mankowski has been active in the Illinois State Bar Association serving on the Environmental Law and Mineral Law Section Councils as well as the Strategic Marketing and the Marketing and Communications Committees.

Mr. Mankowski received his Bachelor of Science Degree in Natural Resources from the Ohio State University. He received his Juris Doctorate with a Certificate in Energy and Environmental Law from Chicago-Kent College of Law.

❖ **Angela Tin**



Board Member Angela Tin was appointed to the Illinois Pollution Control Board by Governor JB Pritzker in December 2024. She has worked in environmental and health programs for her entire professional career.

Angela started at the Illinois Environmental Protection Agency writing wastewater permits. She moved to management of compliance for Hazardous and Solid Waste and then to the Leaking Underground Storage Tank section overseeing remediation and reimbursement. Angela then managed air pollution compliance for facilities and

requirements for asbestos, stage II vapor recovery, emissions stack testing, Title V fees, and review of variance and adjusted standards. As policy advisor to the Director, she helped to develop regulations, technical and guidance documents concerning lead-based paint removal on steel structures. She served on the implementation team for the Illinois EPA Emissions Reduction Market System, the first open market emissions trading program in the nation.

Her next efforts were at the American Lung Association to secure funding through government and private grants to implement projects to bring about actual air emission reductions to improve lung health. This included reducing petroleum fuel usage with alternative fuels and technologies. She also championed indoor air pollution programs such as radon abatement and healthy homes.

Angela received a Bachelor's degree in Physiology from Southern Illinois University and a Master's degree in Cell Biology from the University of Illinois Springfield.



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INTRODUCTION

Under the Environmental Protection Act (Act) (415 ILCS 5), the Board is responsible for adopting the State's environmental regulations by conducting rulemaking proceedings. Rulemaking generally involves the Board holding quasi-legislative hearings and receiving public comments on regulatory proposals. The proposals are typically filed by the Illinois Environmental Protection Agency, although the Act provides that they may be filed by "[a]ny person." 415 ILCS 5/28(a). Based on the record developed during the rulemaking, the Board issues its opinions and orders, addressing the issues and the Board's reasons for its decisions, in addition to proposing or adopting any new or amended rule language.

The Board's proposed rules are published in the *Illinois Register* at first notice and later reviewed by the Joint Committee on Administrative Rules (JCAR) at second notice. At final notice, the Board files its adopted rules with the Index Department of the Office of the Secretary of State for both publication in the *Illinois Register* and codification in the Illinois Administrative Code. Besides providing the Board with general rulemaking authority to adopt Statewide and site-specific rules (415 ILCS 5/27, 28), the Act authorizes the Board to conduct expedited and streamlined rulemakings. For example, the Board uses a "fast-track" procedure to adopt rules required by the federal Clean Air Act as amended by the federal Clean Air Act Amendments of 1990 (415 ILCS 5/28.5). Also, after a public comment period but without JCAR's second-notice review and usually without holding a hearing, the Board adopts rules "identical in substance" to those of the United States Environmental Protection Agency concerning specified subjects, including drinking water, hazardous waste, underground injection control, and wastewater pretreatment (415 ILCS 5/7.2).

The rulemakings completed by the Board in fiscal year 2025 are summarized below, followed by a list of rulemakings pending at the end of that fiscal year.



RULEMAKINGS COMPLETED IN FISCAL YEAR 2025

Board Adopts Alternative Standards for Startup, Shutdown, Breakdown, and Malfunction

On August 22, 2024, the Board amended its air pollution rules by adopting alternative emission limits for periods of startup, shutdown, breakdown, and malfunction. These amendments to 35 Ill. Adm. Code 212, 215, 216, and 217 are generally based on four rulemaking proposals separately filed by (1) Rain CII Carbon LLC; (2) Dynegy Midwest Generation LLC, Illinois Power Generating Company, Kincaid Generation, LLC, and Midwest Generation LLC; (3) American Petroleum Institute; and (4) East Dubuque Nitrogen Fertilizers LLC.

During this rulemaking, the Board held three public hearings and received numerous public comments, including from the Illinois Attorney General's Office and the Illinois Environmental Protection Agency. At its August 14, 2024 meeting, the Joint Committee on Administrative Rules issued a Certification of No Objection to the Board's proposed second-notice amendments, subject to a handful of non-substantive changes, all of which the Board included in the final amendments.

The rulemaking is captioned Amendments to 35 Ill. Adm. Code Parts 201, 202, and 212, docket R23-18(A). Here is a link to the Board's [final opinion and order](#), which includes the text of the adopted amendments.

Board Adopts Amendments to Its Title 2 Administrative Rules

On September 5, 2024, the Board adopted amendments to its administrative rules at Part 2175 of Title 2 of the Illinois Administrative Code. The Board amended the rules to reflect, among other things, a recent change to the Open Meetings Act (5 ILCS 120/7(a)). The Open Meetings Act was amended so that a member of a public body could attend a meeting of that body by video or audio conference when the member is unable to physically attend the meeting because of "unexpected childcare obligations." The Board added corresponding language to its rule that specifies the circumstances under which a Board Member may telephonically attend an open meeting of the Board.

The rulemaking is captioned Amendments to the Board's Administrative Rules 2 Ill. Adm. Code 2175, docket R25-19. Here are links to the Board's (1) [opinion and order](#); and (2) [addendum](#), which includes the text of the adopted amendments.

Board Adopts "Identical-in-Substance" Amendments to Hazardous Waste Regulations

On November 7, 2024, the Board adopted amendments to keep Illinois' hazardous waste regulations "identical in substance" to the federal regulations. The amendments reflect actions taken by the United States Environmental Protection Agency (USEPA) during the second half of calendar year 2023. During this timeframe, USEPA made technical revisions to correct or clarify provisions in the Generator Improvements, Pharmaceuticals, and Definition of Solid Waste rules under Subtitle C of the Resource Conservation and Recovery Act (RCRA). USEPA also made other minor corrections, clarifications, and updates to its hazardous waste regulations.



The Board's rulemaking is captioned RCRA Subtitle C Update, USEPA Amendments (July 1, 2023 through December 31, 2023), docket R24-12. In all, the Board adopted amendments to six Parts of Title 35: Parts 720, 721, 722, 724, 725, and 726 (35 Ill. Adm. Code 720, 721, 722, 724, 725, 726). Here are links to the Board's (1) [opinion and order](#); and (2) [addendum](#), which includes the text of the adopted amendments.

Board Adopts “Identical-in-Substance” Amendments to Wastewater Pretreatment Standards

On November 21, 2024, the Board adopted amendments to Illinois' wastewater pretreatment regulations. The changes are “identical in substance” to rule amendments adopted by the United States Environmental Protection Agency (USEPA) during the first half of 2024. Specifically, on May 9, 2024, USEPA updated the effluent limitations guidelines and standards or “ELGs” for the steam electric power generating point source category.

The Board's rulemaking is captioned Wastewater Pretreatment Update, USEPA Amendments (January 1, 2024 through June 30, 2024), docket R25-6. Here are links to the Board's (1) [opinion and order](#); and (2) [addendum](#), which includes the text of the adopted amendments.

Board Adopts “Identical-in-Substance” Amendments to Ambient Air Quality Standards

On November 21, 2024, the Board adopted amendments to keep Illinois' ambient air quality standards “identical in substance” to the National Ambient Air Quality Standards (NAAQS). The amendments reflect two actions taken by the United States Environmental Protection Agency (USEPA) during the first half of 2024. First, USEPA revised the primary annual NAAQS for fine particulate matter (PM_{2.5}) from 12.0 micrograms per cubic meter of air (12.0 µg/m³) to 9.0 µg/m³. USEPA set the more stringent standard due to human health effects associated with long- and short-term exposures to PM_{2.5} in ambient air. Second, USEPA updated its *List of Designated Reference and Equivalent Methods*. This update modified existing method designations and designated a new Federal Equivalent Method (FEM) for measuring concentrations of ozone or “O₃” in ambient air.

The Board's rulemaking is captioned National Ambient Air Quality Standards (NAAQS) Update, USEPA Amendments (January 1, 2024 through June 30, 2024), docket R25-7. Here are links to the Board's (1) [opinion and order](#); and (2) [addendum](#), which includes the text of the adopted amendments.

Board Amends Title 2 Administrative Rules to Reflect New Springfield Office Address

On February 20, 2025, the Board amended its administrative rules at 2 Ill. Adm. Code 2175 to update the address of its Springfield office. The Board moved from 1021 North Grand Avenue East to 2520 West Iles Avenue. The Board adopted the amendment under Section 5-15 of the Illinois Administrative Procedure Act (5 ILCS 100/5-15). The rulemaking is captioned Amendments to the Board's Administrative Rules 2 Ill. Adm. Code 2175, docket R25-20. Here is a link to the Board's [opinion and order](#).



Board Adopts Final Amendments to Groundwater Quality Standards, Including for PFAS

On March 20, 2025, the Board issued an opinion and order adopting final amendments to its groundwater quality rules at 35 Ill. Adm. Code 620. Before final adoption, the Board held three public hearings, admitted 33 hearing exhibits, received 81 public comments, and issued opinions and orders at first notice, proposed second notice, and second notice.

The amendments, which took effect on March 28, 2025, establish numerical groundwater quality standards for ten new constituents that have been detected in Illinois groundwater, including six per- and polyfluoroalkyl substances commonly called “PFAS.” PFAS are known as “forever chemicals” because their carbon-fluorine bonds are very strong. They do not easily degrade. PFAS are bio-accumulative, which means that they can concentrate in tissues of living organisms, including humans. The abbreviated names of the six PFAS constituents for which the Board added Part 620 standards are: PFOA; PFOS; PFNA; PFBS; PFHxS; and HFPO-DA (also known as “GenX”). The other new constituents that received Part 620 standards are molybdenum, lithium, aluminum, and 1-methylnaphthalene.

Along with these new groundwater quality standards, the Board revised the existing Class I and Class II standards of 34 chemical constituents. The Board’s amendments also include extensive clarifications to the Board’s 33-year-old groundwater management zone or “GMZ” rules, as well as the addition of provisions addressing the interplay between Part 620 and the rules at 35 Ill. Adm. Code 845 on coal combustion residual or “CCR” surface impoundments.

As adopted, Part 620 includes numerous non-substantive changes suggested by the Joint Committee on Administrative Rules (JCAR) and agreed to by the Board. At its March 4, 2025 meeting, JCAR issued a Certification of No Objection to the amendments.

The rulemaking is captioned Proposed Amendments to Groundwater Quality 35 Ill. Adm. Code 620, docket R22-18. Here are links to (1) the Board’s [final opinion and order](#); and (2) the [addendum](#) to the Board’s final opinion and order, which contains the text of the adopted amendments.

Board Adopts Final NO_x Emission Amendments

On April 17, 2025, the Board issued an opinion and order adopting final amendments to update its Part 217 air pollution rules (35 Ill. Adm. Code 217). This rulemaking was initiated when the Illinois Environmental Protection Agency (IEPA) filed its proposal to amend Part 217, at which time the Board granted IEPA’s motion for expedited review. The Board did so to avoid mandatory Clean Air Act sanctions against the State of Illinois by giving IEPA enough time to submit the final Part 217 amendments to the United States Environmental Protection Agency (USEPA) in a complete State Implementation Plan or “SIP.” The Board therefore proceeded to first notice without commenting on the substantive merits of IEPA’s proposal.

In this rulemaking, the Board held two public hearings and received 11 public comments. At its April 8, 2025 meeting, the Joint Committee on Administrative Rules issued a Certification of No objection to the amendments.



The amendments concern major stationary sources of nitrogen oxides (NO_x) emissions in areas designated as nonattainment for the 2015 eight-hour ozone National Ambient Air Quality Standard (NAAQS). In October 2022, USEPA found that the Chicago and Metro East nonattainment areas—previously classified as Marginal nonattainment—did not attain the 2015 ozone NAAQS by the attainment date and reclassified the areas as Moderate nonattainment. Once these nonattainment areas were reclassified as Moderate nonattainment, Illinois was required to implement reasonably available control technology (RACT) standards for NO_x emissions. In December 2024, USEPA found that these areas again did not attain the standard and reclassified them as Serious nonattainment.

To account for reclassification to Serious nonattainment, the Board's amendments first lower the applicability threshold for a major source from 100 tons per year (tpy) of NO_x to 50 tpy. The amendments then impose the required NO_x RACT standards, such as lower emission limits and applicability thresholds for specified emission units at major sources. These standards incorporate changes to optional emissions averaging plans or "EAPs", including switching from ozone seasons to 30-day averaging periods and requiring an additional 10% reduction for allowable emissions. Finally, the amendments include other compliance flexibilities, such as compliance date extensions and alternative calculations.

The rulemaking is captioned Amendments to 35 Ill. Adm. Code 217, Nitrogen Oxides Emissions, docket R25-17. Here is a link to the Board's [final opinion and order](#), which contains the text of the adopted amendments.

Board Adopts Final Amendments to Non-Attainment New Source Review Rules and Other Air Pollution Rules

On April 17, 2025, the Board issued an opinion and order adopting final amendments to its air pollution rules on permitting for the construction and modification of major stationary sources in non-attainment areas. The amendments update the Board's Non-Attainment New Source Review (NA NSR) permitting rules consistent with the federal Clean Air Act and the United States Environmental Protection Agency's underlying NA NSR permitting program. As adopted, the Project Emissions Accounting or "PEA" Rule is incorporated into the Board's permitting rules on NA NSR and Prevention of Significant Deterioration or "PSD."

The Illinois Environmental Regulatory Group filed the rulemaking proposal that initiated this proceeding. The Board held two public hearings and received 29 public comments. At its April 8, 2025 meeting, the Joint Committee on Administrative Rules issued a Certification of No Objection to the amendments. In all, the Board adopted amendments to Parts 201, 202, 203, 204, and 232 of its air pollution rules (35 Ill. Adm. Code 201, 202, 203, 204, 232).

The rulemaking is captioned Amendments to 35 Ill. Adm. Code Part 203: Major Stationary Sources Construction and Modification, 35 Ill. Adm. Code Part 204: Prevention of Significant Deterioration, and Part 232: Toxic Air Contaminants, docket R22-17. Here is the link to the Board's [final opinion and order](#), which includes the text of the adopted amendments.



In Coal Ash Sub-Docket A, Board Adopts Final Amendments to Strengthen Rules on Temporary Storage Piles and Fugitive Dust Emissions

On August 22, 2024, the Board issued its first-notice opinion and order in this sub-docket A of R20-19 (R20-19(A)), proposing amendments to the Board's rules on coal combustion residual (CCR) surface impoundments (35 Ill. Adm. Code 845). Specifically, the Board proposed adding obligations and restrictions on using CCR storage piles during the closure of CCR surface impoundments by CCR removal. In addition, the first-notice proposal included requirements for the Illinois Environmental Protection Agency (IEPA) to evaluate and act on public complaints over CCR fugitive dust. The proposal also added specifications for air quality monitoring at or near a facility's property boundary, as well as provisions describing when the monitoring either may or must be imposed by IEPA on facility owners or operators.

On May 15, 2025, the Board issued its second-notice opinion and order, proposing several substantive changes to the first-notice proposal based on public comments. Those changes included replacing the term "CCR storage pile" with "CCR storage unit" and giving it a new definition. The second-notice amendments also broadened the circumstances under which IEPA must require facility owners or operators to undertake additional mitigation measures, including air quality monitoring, in response to complaints from members of the public about fugitive dust.

At its June 17, 2025 meeting, the Joint Committee on Administrative Rules issued a Certification of No Objection to the Board's proposed amendments, subject to a handful of non-substantive changes with which the Board agreed. In turn, on June 26, 2025, the Board issued a final opinion and order adopting the amendments.

The rulemaking is captioned Standards for the Disposal of Coal Combustion Residuals in Surface Impoundments: Proposed New 35 Ill. Adm. Code 845, R20-19(A). Here are links to the Board's June 26, 2025 [final opinion and order](#), along with its [addendum](#) containing the text of the final amendments to Part 845.

RULEMAKINGS PENDING AT END OF FISCAL YEAR 2025

- ❖ Amendments to 35 Ill. Adm. Code Subtitle B: Air Pollution, [docket R18-21](#)
- ❖ Amendments to 35 Ill. Adm. Code Subtitle G: Waste Disposal, [docket R18-27](#)
- ❖ Standards for the Disposal of Coal Combustion Residuals in Surface Impoundments: Proposed New 35 Ill. Adm. Code 845, [docket R20-19\(B\)](#)
- ❖ Drycleaner Environmental Response Trust Fund Act Proposal to Add 35 Ill. Adm. Code Part 1501, Repeal 35 Ill. Adm. Code Part 1500, and Repeal 2 Ill. Adm. Code Part 3100, [docket R21-19\(A\)](#)
- ❖ RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Amendments (July 1, 2021 through December 31, 2021), [docket R22-12](#)



RULEMAKING UPDATE

- ❖ Proposed Amendments to Groundwater Quality (35 Ill. Adm. Code 620), [docket R22-18\(A\)](#)
- ❖ SDWA Update, USEPA Amendments (January 1, 2023 through June 30, 2023), [docket R24-1](#)
- ❖ Proposed Clean Car and Truck Standards: Proposed 35 Ill. Adm. Code 242, [docket R24-17](#); [public comment docket](#)
- ❖ SDWA Update, USEPA Amendments (January 1, 2024 through June 30, 2024), [docket R25-1](#) (consolidated with docket R25-9)
- ❖ SDWA Update, USEPA Amendments (July 1, 2024 through December 31, 2024), [docket R25-9](#) (consolidated with docket R25-1)
- ❖ RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2024 through December 31, 2024), [docket R25-12](#)
- ❖ National Ambient Air Quality Standards, USEPA Regulations (July 1, 2024 through December 31, 2024), [docket R25-15](#)
- ❖ Board Consideration of Environmental Justice in Board Proceedings, [docket R25-18](#)
- ❖ Standards for the Placement of Limestone Residual Materials: Proposed New 35 Ill. Adm. Code 706, [docket R25-21](#)
- ❖ Standards for Universal Waste Management (35 Ill. Adm. Code Parts 703, 720, 721, 724, 725, 728, and 733), [docket R25-22](#)
- ❖ Amendments to 35 Ill. Adm. Code Parts 101, 310, 502, 620, 704, 721, 733, 739, 742, 807, 811, 840, 848, 1010, and 1501, [docket R25-23](#)
- ❖ Potentially Infectious Medical Waste (PIMW), Proposed Amendment of 35 Ill. Adm. Code 1422.Appendix A, Table B – Indicator Microorganisms, [docket R25-24](#)
- ❖ Amendments to 35 Ill. Adm. Code 219, Organic Material Emission Standards for the Metro East Area, [docket R25-25](#)



APPELLATE UPDATE



INTRODUCTION

Under the Environmental Protection Act (415 ILCS 5), final orders of the Board are appealable directly to the Illinois appellate court (rather than to the circuit courts) and from there to the Illinois Supreme Court. In Fiscal Year 2025, a Board decision on local government siting of a proposed waste transfer station was affirmed on appeal.

APPELLATE DECISION ISSUED IN FISCAL YEAR 2025

Third District Appellate Court Affirms Board's Decision on Waste Transfer Station Siting

- ❖ *Lakeshore Recycling Systems, LLC v. Pollution Control Board, Protect West Chicago, People Opposing DuPage Environmental Racism, City of West Chicago, West Chicago City Council*, [2025 IL App \(3d\) 240169](#)
Board dockets PCB 23-107 & PCB 23-109 (consol.)

Lakeshore Recycling Systems, LLC (LRS) appealed the Board's decision vacating the siting approval granted by the City of West Chicago and West Chicago City Council (collectively, West Chicago) to LRS for its proposed waste transfer station. LRS argued to the Third District Appellate Court that the Board erred in finding that LRS failed to comply with prefiling notice requirements of Section 39.2(b) of the Environmental Protection Act (Act) (415 ILCS 5/39.2(b)). The Third District issued a unanimous opinion on February 5, 2025, affirming the Board. 2025 IL App (3d) 240169 ¶¶ 1, 13, 14.

Section 39.2(b) of the Act specifies notice requirements that apply to a siting applicant before the applicant files its siting application with the local government:

No later than 14 days before the date on which the county board or governing body of the municipality receives a request for site approval, the applicant shall cause written notice of such request to be served either in person or by registered mail, return receipt requested, on . . . the owners of all property within 250 feet in each direction of the lot line of the subject property, said owners being such persons or entities which appear from the authentic tax records of the County in which such facility is to be located. 415 ILCS 5/39.2(b).



The dispute over compliance with Section 39.2(b) centered on a neighboring railroad parcel for which LRS sent notice by United Parcel Service (UPS) to Canadian National Railway at an address in Canada. Proof of that delivery was marked as having been received by an individual identified as “Helene” at the “dock.”

The Board vacated West Chicago’s siting approval for lack of jurisdiction because LRS did not comply with Section 39.2(b) when it served prefiling notice of its siting application on the owner of the railroad parcel. First, the Board found that LRS failed to demonstrate that the online sources it used to identify property ownership were authentic tax records of DuPage County; therefore, LRS did not ascertain who owned the railroad parcel for purposes of Section 39.2(b). Second, the Board found that service on Canadian National Railway by UPS, a third-party commercial carrier, did not satisfy Section 39.2(b) because service by UPS did not qualify as either of the statutorily permitted forms of service, *i.e.*, in person or by registered mail, return receipt requested.

The Third District Appellate Court first agreed with the Board that compliance with the prefiling notice requirements of Section 39.2(b) is a prerequisite to vesting the local siting authority with jurisdiction to hear the siting application. 2025 IL App (3d) 240169 ¶ 7. The court then chose not to address the issue of whether LRS used authentic tax records to identify Canadian National Railway as being entitled to prefiling notice. *Id.* ¶ 8. The court “need not decide that issue” because even if Canadian National Railway “was the proper party to be served with notice according to the authentic tax records, . . . service was not effectuated through the manner set forth in section 39.2(b).” *Id.*

The Third District declined LRS’ invitation to consider service by a third-party commercial carrier as permissible by “liberally” construing Section 39.2(b)’s service requirement. 2025 IL App (3d) 240169 ¶ 9. The court emphasized that the statutory text is unambiguous in allowing only two forms of service, adding that even “actual notice” cannot overcome the failure to provide either of the required forms of service. *Id.*

The Third District held that, contrary to LRS’ argument, “service by a third-party commercial carrier is not the same as personal service.” 2025 IL App (3d) 240169 ¶ 10. Acknowledging that “service in person is not defined in the Act,” the appellate court looked for guidance in forms of personal service allowed under the Code of Civil Procedure (735 ILCS 5), none of which LRS followed in serving Canadian National Railway (*e.g.*, leaving a copy of process with the corporation’s registered agent in Illinois; affidavit of the server stating the time, manner, and place of service outside Illinois). *Id.* The court concluded:

In sum, section 39.2(b) of the Act sets forth two manners in which the required notice may be served, and third-party commercial carrier is not one of them. Therefore, service of the notice on Canadian National Railway was not in conformance with section 39.2(b). As the requirement is jurisdictional, [West Chicago] did not have jurisdiction to consider [LRS’] application, and the Board properly vacated [West Chicago’s] decision regarding the application. *Id.* ¶ 11.

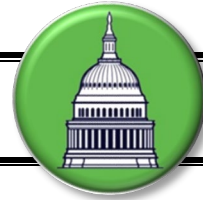


APPELLATE UPDATE

Here is a link the Third District Appellate Court's [opinion](#). LRS did not seek rehearing in the appellate court or leave to appeal to the Illinois Supreme Court.



LEGISLATIVE UPDATE



INTRODUCTION

Summarized below are seven Public Acts of the 104th General Assembly that amend the Environmental Protection Act. For more information about these and other legislative matters, please consult the General Assembly's website (<https://www.ilga.gov/>).

PUBLIC ACTS OF THE 104TH GENERAL ASSEMBLY

❖ [Public Act 104-006](#)

Effective June 16, 2025

House Bill 2755, an omnibus revenue bill, became Public Act 104-006, the provisions of which take effect on various dates. As it concerns the Environmental Protection Act, Public Act 104-006 amended Section 42(a), effective June 16, 2025, by increasing maximum civil penalty amounts from \$50,000 to \$100,000 for each violation, and from \$10,000 to \$25,000 for each day during which the violation continues. Program-specific penalty maximums in Section 42(b) and (b.5) were also increased. And, under a new Section 42(l), most of the new maximum penalty amounts were made subject to mandatory annual increases based upon the “consumer price index-u,” which the new law defines.

❖ [Public Act 104-291](#)

Effective January 1, 2026

Public Act 104-291 amends Sections 57.8 and 57.9 of the Environmental Protection Act. In the case of an approved corrective action plan and budget for which payment from the Underground Storage Tank (UST) Fund is being sought, this legislation requires the Illinois Environmental Protection Agency to make a payment determination within 120 days after receiving *both* the “complete” application for payment *and* “the report documenting completion of the activities approved in the plan” (rather than 120 days after receiving just an application for payment). In addition, the legislation amends the provision on the applicable deductible for UST releases reported before June 8, 2010, with the deductible varying depending upon whether the costs were incurred before or after January 1, 2026.

❖ [Public Act 104-223](#)

Effective January 1, 2026



Public Act 104-223 amends Section 39.2 of the Environmental Protection Act, which concerns local governmental siting of pollution control facilities like landfills and waste transfer stations. The legislation requires the county board or the municipality's governing body—whichever is considering the siting application—to conduct the already-required public hearing “in a manner that is accessible to the public, including, but not limited to, individuals with disabilities and individuals who are not native speakers of English.” Under the amendment, noncompliance with this new requirement would not be permitted to serve as grounds for appealing a local siting approval to the Board. In addition, amended Section 39.2 allows the Illinois Department of Transportation to charge a fee to cover the costs of a traffic-related emissions study requested by the local siting authority.

❖ [Public Act 104-119](#)

Effective January 1, 2026

Last year, Public Act 103-651 (eff. July 18, 2024) added a new title to the Environmental Protection Act, Title XVIII on carbon capture and sequestration. Public Act 104-119 adds to Title XVIII a definition of “sole source aquifer”, along with a prohibition on anyone conducting “a carbon sequestration activity within a sequestration facility that overlies, underlies, or passes through a sole source aquifer.” The legislation also creates the Mahomet Aquifer Advisory Study Commission.

❖ [Public Act 104-215](#)

Effective January 1, 2026

Public Act 104-215 amends Section 4 of the Environmental Protection Act. Under amended Section 4, the Illinois Environmental Protection Agency (IEPA) must adopt rules—to take effect by January 1, 2030—requiring the electronic submission of any information that must be submitted to IEPA.

❖ [Public Act 104-219](#)

Effective January 1, 2026

Public Act 104-219 amends the Environmental Protection Act's Section 12.7 on wastewater reuse. The amendment specifies that a publicly owned treatment works' treated municipal wastewater, when reused in compliance with a National Pollutant Discharge Elimination System (NPDES) permit, may be reused not only for irrigation but also for industrial use.

❖ [Public Act 104-277](#)

Effective January 1, 2026

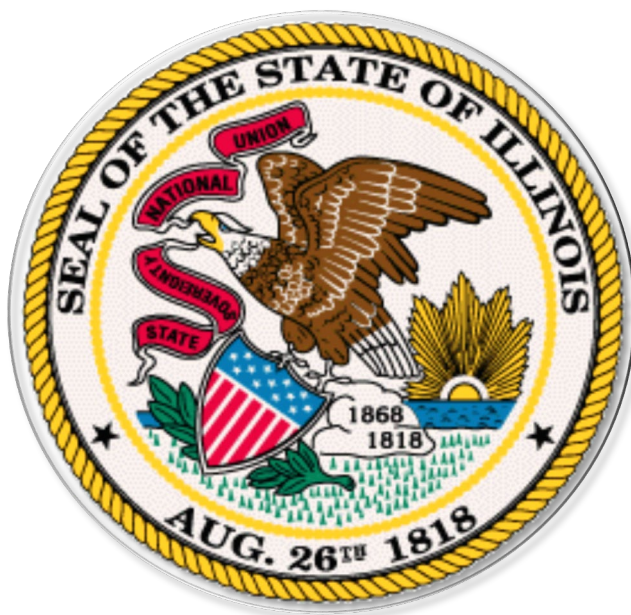
Public Act 104-277 amends Section 15 of the Environmental Protection Act. Amended Section 15 specifies that, for water main installation projects, all water mains and appurtenances must be included in the written approval of the Illinois Environmental Protection Agency (IEPA). The amendment further specifies that design review and permitting of water mains and fire hydrants



LEGISLATIVE UPDATE

is IEPA's sole responsibility, and that water mains and fire hydrants must be installed in compliance IEPA's permit.





A Publication of the Illinois Pollution Control Board
September 2025

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