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Illinois Pollution Control Board

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January 23, 2026

Kristin Richards, Director
Department of Commerce and Economic Opportunity
555 West Monroe Street, 12th Floor
Chicago, Illinois 60661

Re: Proposed 35 Ill. Adm. Code Subtitle K: Recyclable, Reclaimable, or Reusable Wastes, Chapter I Pollution Control Board, Part 1220 Management of Used EV Batteries (Board Docket R26-17)

Dear Director Richards:

I write to request that the Department of Commerce and Economic Opportunity (DCEO) conduct an economic impact study of the rulemaking proposal cited above. On January 2, 2026, the Illinois Environmental Protection Agency (IEPA) filed a proposal adding new Part 1220 to the Board's rules. On January 22, 2026, the Illinois Pollution Control Board accepted the proposal. Section 22.23f of the Environmental Protection Act (Act) (415 ILCS 5/22.23f (2024)), prohibits operation of a battery storage site unless registered with IEPA under the Act. IEPA's proposal establishes registration, operating, recordkeeping, and reporting standards for battery storage sites that store 5,000 kilograms or more of used electric vehicle batteries and is intended to minimize the risks of fire and explosion and prevent releases of harmful contaminants to the environment.

Section 22.23f(d) of the Act requires the Board to adopt rules for the operation of battery storage sites no later than one year after receipt of the Agency's proposal. 415 ILCS 5/22.23f(d) (2024).

Due to the one-year adoption deadline, we would appreciate your response to this request no later than Monday, February 23, 2026.

Section 27(b) of the Environmental Protection Act requires the Board to:

- (1) request that the Department of Commerce and Economic Opportunity conduct a study of the economic impact of the proposed rules. The Department may within 30 to 45 days of such request produce a study of the economic

impact of the proposed rules. At a minimum, the economic impact study shall address:

- (A) economic, environmental, and public health benefits that may be achieved through compliance with the proposed rules,
- (B) the effects of the proposed rules on employment levels, commercial productivity, the economic growth of small businesses with 100 or less employees, and the State's overall economy, and
- (C) the cost per unit of pollution reduced and the variability in cost based on the size of the facility and the percentage of company revenues expected to be used to implement the proposed rules; and

(2) conduct at least one public hearing on the economic impact of those new rules. At least 20 days before the hearing, the Board shall notify the public of the hearing and make the economic impact study, or the Department of Commerce and Economic Opportunity's explanation for not producing an economic impact study, available to the public. Such public hearing may be held simultaneously or as a part of any Board hearing considering such new rules. 415 ILCS 5/27(b) (2022).

In the interest of administrative economy, the Board would like to combine the hearing required by Section 27(b) with a hearing on the substantive merits of the proposal. Under these circumstances, the Board respectfully asks that you complete your economic impact study no later than Monday, February 23, 2026. If my staff or I can provide any additional information, please let me know.

Thank you in advance for your prompt response.

Sincerely,



Barbara Flynn Currie, Chair
Pollution Control Board

cc: Don A. Brown, Clerk of the Board
Garrett Carter; General Counsel, DCEO
Isabel C. Vélez Diaz; Deputy Director, DCEO