

ILLINOIS POLLUTION CONTROL BOARD

January 29, 2026

IN THE MATTER OF:)
)
PROPOSED 35 ILL. ADM. CODE) R 26-17
SUBTITLE K: RECYCLABLE,) (Rulemaking – Land)
RECLAIMABLE, OR REUSEABLE)
WASTES, CHAPTER I POLLUTION)
CONTROL BOARD, PART 1220)
MANAGEMENT OF USED EV BATTERIES)

NOTICE OF HEARING

DATES, TIMES, AND LOCATIONS:

FIRST HEARING: Thursday, March 19, 2026, at 9:00 AM

BY VIDEO CONFERENCE BETWEEN

The Illinois Room
555 W. Monroe Street, Chicago, Illinois 60601
and
Conference Room 1.005
2520 West Iles Avenue, Springfield, Illinois 62704

SECOND HEARING: Thursday, June 4, 2026, at 9:00 AM

BY VIDEOCONFERENCE BETWEEN

The Illinois Room
555 W. Monroe Street, Chicago, Illinois 60601
and
Conference Room 1.005
2520 West Iles Avenue, Springfield, Illinois 62704

PURPOSE OF HEARINGS: Merit and Economic
PRESIDING BOARD MEMBER: Angela Tin
HEARING OFFICER: Nerissa Diaz Moisan

HEARING OFFICER ORDER

Public Act 103-1006, effective January 1, 2025, adopted Section 22.23f of the Environmental Protection Act (Act), which regulates end-of-life electric vehicle and battery electric storage system batteries. Section 22.23f prohibits the operation of a battery storage site

at which 5,000 kilograms or more of used batteries are stored unless the site is registered with the Illinois Environmental Protection Agency (IEPA) and directs IEPA to propose, and the Board to adopt, rules for the operation of battery storage sites, including requirements for battery handling, storage, fire prevention, emergency response, recordkeeping, reporting, and financial assurance. 415 ILCS 5/22.23f(b), (d). Public Act 104-417, effective August 15, 2025, amended Section 22.23f.

On January 2, 2026, IEPA filed a rulemaking proposal adding new Part 1220 to the Board's rules under Section 22.23f of the Act. IEPA's proposal included a Statement of Reasons, proposed rule language, and a technical support document.

On January 22, 2026, the Board accepted IEPA's proposal for hearing, submitted it to first-notice publication in the *Illinois Register*, and directed its assigned hearing officer to proceed to hearing under the Act and Board rules.

Hearings and Pre-filed Testimony

The Board will conduct two hearings to allow proponents and any other interested participants to testify and comment on the merits and economic impact of the proposed rule. *See* 415 ILCS 5/28(a) (2022); 35 Ill. Adm. Code 102.412(a).

The Board's procedural rules provide that "[a]ny Board hearing may be held by videoconference." The rules list factors that hearing officers consider when determining whether to hold a hearing by videoconference. 35 Ill. Adm. Code 101.600(b). After considering the availability of videoconference facilities, the Board expects that using available facilities will accommodate attendance and participation at these hearings. In addition, videoconference hearings would reduce the time and cost of travel for the Board and hearing participants. Having considered these factors, the Board concludes to conduct the required hearings by videoconference between Springfield and Chicago. 35 Ill. Adm. Code 101.600(b).

Participants pre-filing testimony for either of the two hearings are directed to serve it on all persons on the Service List at the time of pre-filing. *See* 35 Ill. Adm. Code 102.424(c). Before filing any document with the Board's Clerk, please obtain the current version of the Service List through the Clerk's Office On-Line (COOL) on the Board's Web site (pcb.illinois.gov) or by calling the Clerk's Office at 312-814-3461. Documents may generally be served by e-mail if the recipient has consented to e-mail service and has not revoked the consent. 35 Ill. Adm. Code 101.1060. Participants in this rulemaking are encouraged to provide consent to e-mail service of documents. *See* 35 Ill. Adm. Code 101.1070(a).

All persons wishing to testify at either hearing will be sworn in and subject to questioning. 35 Ill. Adm. Code 102.428(a). At both hearings, all pre-filed testimony will be entered into the record as if read. *See* 35 Ill. Adm. Code 102.424(f).

For a videoconference hearing, any document to be offered as a hearing exhibit must be received by the Clerk's Office at least 24 hours before the scheduled start of the hearing. 35 Ill. Adm. Code 102.424(h). If not filed at least 24 hours before the scheduled start of the

videoconference hearing, the document will not be admitted as an exhibit at the hearing but may be filed as a public comment after the hearing. *Id.*

Participants wishing to offer a public comment will be allowed to do so as time allows before the end of a hearing. Participants may also file post-hearing comments. *See* 35 Ill. Adm. Code 102.108(b).

Unless the Board, hearing officer, Clerk, or procedural rules provide otherwise, all documents in this proceeding must be filed electronically through the Clerk's Office On-Line (COOL). 35 Ill. Adm. Code 101.302(h), 101.1000(c), 101.Subpart J.

First Hearing

Participants who intend to testify at the first hearing are directed to pre-file all their testimony and related exhibits no later than Tuesday, February 17, 2026. *See* 35 Ill. Adm. Code 102.424(a). Prefiled questions based on the prefiled testimony must be filed with the Board, by March 3, 2026. If participants wish to prefile answers, those answers should be prefiled by March 10, 2026, at 9:00 a.m.

Although Section 27 of the Act (415 ILCS 5/27 (2022)) does not set the order of the hearing, the hearing officer intends to begin the first hearing with witnesses who pre-file testimony for it. *See* 35 Ill. Adm. Code 102.428(c). After those witnesses have testified, participants who did not pre-file testimony may testify as time allows after the Board completes the pre-filed testimony and questions based on it.

Second Hearing

Participants who intend to testify at the second hearing are directed to pre-file all their testimony and related exhibits no later than Tuesday, May 5, 2026. *See* 35 Ill. Adm. Code 102.424(a). Prefiled questions based on the prefiled testimony must be filed with the Board, by May 19, 2026. If participants wish to prefile answers, those answers should be prefiled by May 26, at 9:00 a.m.

The hearing officer intends to begin the second hearing with any participants who pre-filed testimony for the first hearing but were not able to testify and respond to questions before the end of that hearing. Next, participants who pre-filed testimony for the second hearing will present that testimony and respond to questions. Participants who did not pre-file testimony for the second hearing will be allowed to testify and respond to questions as time permits. *See* 35 Ill. Adm. Code 104.424(g).

Service and Notice Lists

The Board has established and will maintain both a Notice List and Service List for this proceeding. *See* 35 Ill. Adm. Code 102.422(a), (b). The Notice List includes participants who wish to receive only the Board's opinions and orders and hearing officer orders. 35 Ill. Adm. Code 102.422(a). The Service List includes participants who expect to participate more actively

and wish also to receive other filings such as pre-filed testimony. *See* 35 Ill. Adm. Code 102.422(b).

Note that any interested person may request electronic notice of filings by providing an email address through COOL under this docket number R26-17. This electronic notice includes notice of filing of documents that are not typically provided to persons on the Notice List. In addition, COOL provides links to documents filed with the Board, which can be viewed, downloaded, and printed free of charge as soon as they are posted to COOL.

Economic Impact Study

In a letter dated January 23, 2026, the Board's Chair requested that the Department of Commerce and Economic Opportunity (DCEO) conduct an economic impact study of the proposed rule and respond to the request no later than Monday, February 23, 2026. At the second hearing, the Board will receive testimony on any response received by DCEO. *See* 415 ILCS 5/27(b) (2022).

IT IS SO ORDERED.



Nerissa Diaz Moisan, Hearing Officer
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