BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:	)	
	)	R2026-017
PROPOSED 35 ILL. ADM. CODE	)	
SUBTITLE K: RECYCLABLE, RECLAIMABLE, OR	)	
REUSABLE WASTES, CHAPTER I POLLUTION	)	
CONTROL BOARD, PART 1220 MANAGEMENT	)	
OF USED EV BATTERIES	)	

NOTICE

TO: Don A. Brown, Clerk
Illinois Pollution Control Board
60 E. Van Buren Street
Suite 630
Chicago, Illinois 60605
(VIA ELECTRONIC MAIL)

Nerissa Moisan, Hearing Officer
Illinois Pollution Control Board
60 E. Van Buren Street
Suite 630
Chicago, Illinois 60605
(VIA ELECTRONIC MAIL)

See attached Service List

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Illinois Pollution Control Board Illinois Environmental Protection Agency's Pre-Filed Answers to the Board's March 6, 2026 Hearing Officer Order, a copy of which is herewith served upon you along with this notice.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Trevor D. Dell'Aquila
Trevor D. Dell'Aquila
Assistant Counsel
Division of Legal Counsel

DATED: March 19, 2026

115 South LaSalle Street
Suite 2203
Chicago, Illinois 60603
312-832-0025
trevor.dellaquila@illinois.gov

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY'S
PRE-FILED ANSWERS TO THE BOARD'S MARCH 6, 2026 HEARING OFFICER ORDER

Illinois Environmental Protection Agency's ("Illinois EPA") Responses to the Illinois Pollution Control Board's (the "Board") questions raised in its March 6, 2026 Order:

The Illinois EPA submits this response to address the Board's questions raised regarding the proposed Part 1220 regulations on the management of used electric vehicle ("EV") batteries in its March 6, 2026, Hearing Officer Order.

Responses to Prefiled Questions

1. **NFPA 51B Standard Update:** In its rulemaking proposal, the IEPA incorporates by reference National Fire Protection Association (NFPA) 51B, "Standard for Fire Prevention During Welding, Cutting, and Other Hot Work," 2014 Edition, explicitly stating that no later amendments or editions are incorporated. NFPA 51B has since been updated to the 2024 edition. Our records indicate that the Board currently has the 2014 standard (incorporated in 35 Ill. Adm. Code 848.105 - Used Tire Rule).

   a. Can IEPA explain why it did not use the updated 2024 edition?

      Response: The Illinois EPA did not use the updated 2024 edition of NFPA 51B as the updates in the 2024 edition do not include significant changes for the purposes of used EV battery storage.

   b. Should the Board incorporate the 2024 edition rather than the 2014 edition?

      Response: The Illinois EPA has no objection to incorporating the 2024 edition.

   c. If so, can IEPA provide three copies of the updated standard?

      Response: The Illinois EPA does not currently have the licensing rights to provide copies of the 2024 edition of NFPA 51B.

2. **NFPA 855 Access:** A review of the IEPA's Technical Support Document states that IEPA used NFPA 855 as a guideline for the proposed regulations.

   a. Can IEPA provide a copy of NFPA 855?

      Response: the Illinois EPA does not currently have the licensing rights to provide a copy of NFPA 855.

   b. Can IEPA explain why this document was not incorporated by reference?

      Response: NFPA 855 was utilized strictly as a guideline (not incorporated by reference) because the Illinois EPA adapted its large-format battery energy storage system safety principles—room spacing, fire-rated separations, pile limits, ceiling clearances, detection, suppression, and explosion protection concepts—specifically for inert (non-charging) used EV batteries with an added margin of safety. Note that NFPA 855 is directed towards actively charging and discharging electric storage systems and, while similar in terms of battery size and risk, is therefore not an exact equivalent for used EV batteries. Only NFPA 51B (2014) is expressly incorporated for hot-work fire prevention (*See* Sections 1220.120 and 1220.205(a)(5)).

3. **Use of Existing Fire Safety Standards:** Please explain how IEPA's reliance on existing fire safety concepts and industry standards (including NFPA guidance) in Part 1220 is intended to minimize regulatory burden by aligning environmental protection requirements with already-established fire codes and practices, while still addressing the environmental risks associated with used EV battery fires.

   Response: The Illinois EPA's usage of NFPA 855 as a guideline (and NFPA 51B as incorporated) deliberately aligns Part 1220 with established fire codes and industry best practices so facilities already following modern fire safety requirements face minimal new burden. The proposed rules isolate fires to single piles/rooms via 900 sq. ft. limits, 2- or 3-hour fire-rated walls, 2-ft ceiling clearance, sprinklers, and air-aspirating smoke detection—standard construction techniques that prevent chain-reaction spread and give firefighters time to respond to any fire or explosion event. Proposed outdoor rules (non-combustible enclosed containers, 10-ft/20-ft spacing, setbacks) do the same without mandating novel technology. This approach protects the environment from runoff while letting businesses use commonly available materials and systems.

4. **Interaction with Universal Waste Regulations:** What is the impact of the universal waste rules on this proposal? Please identify any provisions in Part 1220 that expressly defer to, conflict with, or override existing hazardous or universal waste requirements.

Response: The Illinois EPA views used EV batteries as a separate category that should not be managed in the universal waste stream. Given the number of high-profile battery fires originating from EV batteries or energy storage systems utilizing batteries that are similar in size and energy density as EVs, the Illinois EPA views management and storage of these batteries necessitating a separate set of rules for effective fire safety.

The current universal waste regulations define batteries as a much broader category than these proposed regulations, which are only directed toward used EV batteries. These regulations propose additional requirements specifically on the storage of used EV batteries, but do not otherwise conflict with the universal waste management regulations for batteries.

5. **USEPA Consultation:** Are there any current or updated guidance or publications from USEPA regarding storage of lithium-ion EV batteries? If so, comment on whether the proposed rules are consistent with the USEPA guidance.

   Response: The U.S. EPA has a website outlining best management practices for end of life lithium batteries here: https://www.epa.gov/electronics-batteries-management/battery-collection-best-practices-toolkit. This was utilized as a source; however, the guidance does not go into detail on building fire safe infrastructure to store used EV batteries.

6. **Scope and Applicability of Part 1220**: The proposed Part 1220 provides management standards for used EV battery storage sites, covering storage, fire and explosion prevention, contingency planning, emergency response, recordkeeping, reporting, and financial assurance. Section 22.23f(d) of the Environmental Protection Act (415 ILCS 5/22.23f(d)) authorizes rules for such sites and specifies certain elements. The proposal differentiates between sites storing less than 5,000 kg, sites at or above this threshold, transporters, and batteries returned to reuse or recycling. For provisions of Part 1220 that reference the 5,000-kilogram threshold:

   a. Can IEPA confirm whether the threshold language “more than 5,000 kilograms” should [sic] instead be “5,000 kilograms or more” to match the statutory language in Section 22.23f?

      Response: Yes, the Illinois EPA can confirm that the language should match the statutory language in Section 22.23f.

   b. Can IEPA clarify which categories of operators (e.g., automotive recyclers, scrapyards, transporters) are subject to these threshold-specific provisions?

      Response: Pursuant to 415 ILCS 5/22.23f(b)(3), the owner or operator of a battery storage site where 5,000 kilograms or more of used batteries are

stored at any one time must be “an automotive parts recycler as defined in Section 1-105.3 of the Illinois Vehicle Code and licensed under Section 5-301 of the Illinois Vehicle Code”.

c. Can IEPA clarify whether any threshold specific provisions differ based on battery type, condition, or storage method (indoor vs. outdoor), and if so, which provisions.

Response: The proposed regulations do not differentiate between battery chemistries. The only thresholds are whether the used EV battery is a fully assembled EV battery and the storage accumulation amounts. All other provisions of Subpart B and F are consistent regardless of the above conditions.

d. Are there any provisions within Sections 1220.205, 1220.210(d), 1220.215(c), 1220.220, or Subpart E that apply to all sites regardless of the 5,000-kg threshold, and could IEPA identify those for clarity?

Response: Subpart B base management standards (Sections 1220.200 and 1220.205) apply to any site containing one or more used EV batteries, except for the provisions contained in Section 1220.205(a)(6). Subpart F, Financial Assurance also applies to any site containing one or more used EV batteries.

7. **Regulatory Structure Within Statutory Mandate:** Section 22.23f(d) directs IEPA to propose rules governing used EV battery storage sites. Within that mandate, please explain how IEPA determined the appropriate level of prescriptiveness and uniformity in Part 1220, including the use of statewide standards rather than performance-based or site-specific approaches.

Response: The Illinois EPA determined statewide standards best suited this rulemaking rather than performance-based or site-specific approaches due to the unique nature and risk profile of used EV batteries. Because of the chemistries of EV batteries alongside the potential for damage or other defects resulting from vehicle accidents or other causes, any individual used EV battery has a risk of spontaneous combustion or explosion. Due to this risk, statewide standards were deemed as the best option for preventing harmful releases from both used EV battery fires or explosion and fire spread in facilities that store other wastes or are located near facilities that store wastes that would result in harmful environmental releases in the case of a fire. In addition, being based on NFPA standards, the proposed rules lend themselves to statewide application rather than a performance-based or site-specific approach.

8. **Feasibility, Costs, and Implementation:** The proposed rules in Part 1220 include reporting, recordkeeping, registration, contingency planning, and financial assurance

requirements, especially for sites storing 5,000 kilograms or more of used EV batteries. IEPA has stated that the rules are technically feasible and economically reasonable and that commonly available materials and systems can be used to comply.

a. Please provide an estimate of the number of small businesses that would be subject to the proposed rules. A "small business" means one with "fewer than 50 full-time employees or less than $4,000,000 in gross annual sales." 1 Ill. Adm. Code 100.410(a)(14).

   Response: The Agency is not aware of any statewide tally of small businesses storing EV batteries, and that therefore would be subject to the proposed rules.

b. Please provide estimates of the costs of compliance for various types and sizes of used EV battery storage sites, including:

   - Costs to acquire and maintain financial assurance,
   - Construction of two- and three-hour fire-rated barriers,
   - Installation or upgrade sprinkler systems and smoke/thermal detection systems, and
   - Purchase and maintenance of outdoor storage containers.

   Include both one-time and ongoing operational costs and state all assumptions used to develop these estimates.

   Response: Maintaining financial assurance is a site specific cost, as risk for any given site differs from the risk at other sites. Financial assurance cost would depend on the amount of batteries stored at a storage site and the availability of removal contractors in the area, and the availability of recyclers or storage/disposal sites for the battery removal.

   Compliance costs for storage sites are also highly site specific, based on the amount of batteries being stored, the intended size of room construction, the intended size of containers to be used, if a new sprinkler system is required or if an existing system is being expanded, and if new smoke detection systems are needed.

c. Please provide an estimate of the economic impact of the proposed rules specifically on small businesses, including the items listed in subsection (b).

   Response: The cost for small businesses would be the same as for any facility storing used EV batteries, which is dependent on the amount of batteries being stored and other site specific dependencies (i.e. if a new sprinkler system must be installed or if an existing one is being expanded).

d. Please address whether any professional skills are necessary for compliance with the proposed rules.

Response: The proposed regulations do not establish any requirements for professional qualifications, certifications, or other skills. However, the Office of the Illinois State Fire Marshal's ("OSFM") Public Comment includes input on establishing certain requirements that would necessitate professional skills.

Such proposed requirements include hazard/deflagration analysis to be prepared by a Fire Protection Engineer or registered design specialist with experience in fire protection engineering or a similarly qualified individual, requiring a sprinkler system to be designed and installed according to an analysis done by a Fire Protection Engineer or similarly qualified individual, and including or consulting with a Fire Protection Engineer or similarly qualified individual in developing fire safety plans as described in Section 1220.210(d). *See* Office of the State Fire Marshal's Public Comments, P.C.#1, pgs. 3-5.

e. Please identify any less intrusive or less costly alternative methods considered to achieve the purposes of Section 22.23f of the Act and the proposed rules, and provide a rationale for why alternatives were or were not adopted.

Response: The Illinois EPA considered several options for used EV battery storage methods, including allowing storage piles to be separated by open air and covered alternatives to storage containers. However, such alternatives were not adopted as the risk of fire or fire spread greatly increases when more batteries are stored without any means of fire containment. The Illinois EPA felt the best approach was to base the proposed rules on appropriate NFPA standards and best management practices regarding fire prevention, as they have already been crafted by experts in the field and are what any person wanting to safely store EV batteries should already be following so should not increase costs.

9. **Cost Analysis Methodology:** Please describe the methodology, assumptions, and data sources IEPA used to conclude that the proposed rules do not impose significant costs or undue burdens on regulated entities.

Response: Safety was the number one priority when crafting these regulations. The Illinois EPA believes that battery fires and resulting environmental impacts, create a financial burden to communities and emergency response personnel which are more expensive than construction and other costs associated with compliance. Additionally, the burden of the costs shifts from the facility to the community to achieve cleanup which then has to be litigated for reimbursement. The Illinois EPA developed these regulations to be met by owners and operators utilizing readily available commercial

products.

10. **Data Gaps and Uncertainty:** Please identify any data gaps or uncertainties IEPA is aware of regarding used EV battery fire behavior, storage risks, or mitigation effectiveness, and explain how those uncertainties were addressed in developing Part 1220.

    Response: The Illinois EPA acknowledges every EV battery's chemistry is slightly different and used EV batteries add many additional variables based on condition and chemistry. Because the Illinois EPA has no instrument to know the state of any given used EV battery, these rules are intended to be fully protective in any situation when used EV batteries are being stored. Therefore, the Illinois EPA's highest priorities in drafting the proposed regulations were fire prevention and safety. The storage requirements requiring fire rated rooms or containers along with spacing requirements prioritize isolation of a possible fire to a smaller accumulation of batteries to ensure fire fighting crews can arrive on scene before the potential fire spreads to the rest of the facility.

11. **Technical Basis for Fire Safety and Runoff Measures:** For sites storing 5,000 kg or more of used EV batteries, can IEPA provide the technical basis for the fire safety plans and runoff capture provisions, including how these measures prevent offsite environmental impacts from potential battery fires?

    Response: For sites storing 5,000 kg or more, the fire safety plan (Section 1220.210(d)) and runoff capture requirement (Section 1220.215(b)(5)(A)) are adapted directly from NFPA 855-adapted principles. Indoor design isolates each 900 sq. ft. pile in fire-rated rooms so a single thermal runaway cannot cascade; outdoor container spacing and concrete pads prevent spread; and runoff capture prevents contaminated firefighting water from reaching surface/groundwater. The Illinois EPA required these measures to minimize the potential impact to the environment from potentially heavy metals and other harmful compounds (such as PFAS) leaching from the batteries or the firefighting liquids/foams.

12. **Use of RCRA, Universal Waste, and Hazardous Waste Considerations:**

    a. Did IEPA consider regulating the storage of used EV batteries under the federal Resource Conservation and Recovery Act (RCRA) hazardous waste rules, or under the universal waste provisions?

       Response: Yes, the Illinois EPA considered regulating the storage of used EV batteries under the universal waste provisions.

    b. If so, what factors led IEPA to develop the current state-specific rules instead?

Response: Due to the recyclability of precious metals within used EV batteries, the volume of precious metals within EV batteries, the fact that 415 ILCS 5/22.23f provides specific requirements for EV batteries, and in anticipation of future laws and regulations on battery recycling or refurbishing, Illinois EPA determined that EV batteries would be best regulated under their own rules.

c. Are lithium-ion batteries on the market today likely considered hazardous waste when disposed of due to ignitability (D001) and reactivity (D003) characteristics?

Response: Under the definitions in 40 CFR 261.21 and 261.23, lithium-ion batteries are likely considered hazardous waste due to ignitability and reactivity characteristics. U.S. EPA's Lithium-Ion Battery Recycling Frequently Asked Questions webpage also states most lithium-ion secondary batteries (which includes rechargeable EV batteries) are likely to be hazardous waste due to ignitability and reactability. *See* Lithium-Ion Battery Recycling Frequently Asked Questions | US EPA, https://www.epa.gov/hw/lithium-ion-battery-recycling-frequently-asked-questions.

d. If so, do the proposed rules address when the hazardous waste rules become applicable to used EV batteries regulated under Part 1220?

Response: Part 1220 does not explicitly address when the hazardous waste rules become applicable to used EV batteries.

13. **Registration Requirements and Submission Process:** Under Section 22.23f(c) of the Act, "[t]he owner or operator of each battery storage site in operation prior to February 1, 2026, at which 5,000 kilograms or more of used batteries are stored at any one time, must register with the Agency prior to February 1, 2026, and each February 1 thereafter." 415 ILCS 5/22.23f(c). For a battery storage site that "comes into operation after February 1, 2026," the owner or operator "shall register with the Agency prior to commencing operation." *Id*. The statute further requires that registration be "on forms and in a format prescribed by the Agency" and "include, at a minimum, information regarding the following:

(1) the name and address of the owner and operator of the battery storage site;
(2) A description of the operations conducted at the battery storage site;
(3) the weight or volume of whole or partially used batteries received at the battery storage site over the past calendar year; and
(4) the weight or volume of whole or partial used batteries at the battery storage site at the end of the calendar year." *Id*.

a. Please provide copies of all the registrations IEPA has received. Also, please provide a blank registration form (or prototype if still being developed) in both PDF and Word.

Response: The Illinois EPA has not received any registrations at this time. The Illinois EPA is in the process of revising its existing forms and creating forms pursuant to this Part. The Illinois EPA can provide prototype forms for this Part once drafts are complete.

b. Will IEPA accept registrations electronically or only on paper? At which address or addresses may registrations be submitted?

Response: The Illinois EPA will accept registrations electronically and on paper. The Illinois EPA intends to build a portal for all electronic submissions. However, until the portal is available, all registrations will have to be submitted on paper. All registrations must be submitted to Illinois EPA headquarters at:

Illinois EPA
Materials Management & Compliance Section
2520 W Iles Ave
P.O. Box 19276
Springfield, IL 62704-9276.

14. **Transition Period for Existing Facilities:** For facilities storing used EV batteries prior to the effective date of Part 1220, please explain whether any compliance grace period or phased implementation is anticipated for fire safety, storage, or financial assurance requirements.

Response: While Part 1220 does not explicitly provide for any compliance grace period or phased implementation, the Illinois EPA anticipates that a grace period or phased implementation would be made in consideration of a facility's size, amount of batteries stored prior to the effective date, and amount of batteries the facility intends to store at its peak volume. If the Board suggests that a grace period or phased implementation be included by rule in Part 1220, the Illinois EPA would defer to a period the Board deems appropriate.

15. **Cumulative Regulatory Impacts:** Did IEPA evaluate the cumulative regulatory burden imposed on used EV battery storage sites when Part 1220 is combined with existing federal, state, and local regulatory requirements, including but not limited to hazardous waste regulations, fire codes, local zoning or building codes, and transportation regulations governing lithium batteries? If so, please describe that evaluation.

Response: Yes. The Illinois EPA reviewed existing regulatory requirements and determined that these proposed regulations only introduce requirements for storage methods of used EV batteries, and are not otherwise expected to impact any existing

burdens under federal, state, or local regulatory requirements. Additionally, as the proposed rules are based on NFPA standards and best management practices, no additional regulatory burden is anticipated.

16. **Technical Basis for Threshold:** Please explain whether the Agency evaluated fire risk, environmental risk, or operational differences above and below the 5,000-kilogram threshold, and whether the proposed requirements are calibrated to those differences.

    Response: The Illinois EPA did conduct these analyses. Battery fires around the nation suggest accumulation amounts of batteries certainly played a factor in the magnitude of fires. However, the Illinois EPA also found evidence suggesting that EV batteries, especially lithium-based chemistries (the majority of EV battery chemistries), were inherently more flammable with improper management. EV battery fires often spread from single batteries which catch other items in the fire path leading to larger fires. It is for this reason that the proposed rules prioritize proper storage of used EV batteries in specially constructed fire-rated rooms isolated from other batteries or flammable objects and infrastructure.

17. **Temporary or Incidental Storage:** Please clarify whether Part 1220 applies to temporary or incidental storage of used EV batteries, such as short-term staging during vehicle recovery, towing, or transport, and how IEPA intends to distinguish regulated storage sites from incidental handling locations.

    Response: Part 1220 does not currently differentiate between temporary or incidental storage and permanent storage. However, the Illinois EPA notes that used EV battery storage poses a risk of battery fire or explosion regardless of the duration of storage.

18. **Exclusion of Disassembled Batteries:** Please explain the technical and safety basis for excluding facilities that store disassembled EV battery components from Part 1220, given that individual battery modules or cells may still pose fire and explosion risks.

    Response: These rules are specifically intended to govern storage facilities. In other words, these rules are meant to regulate the safe storage of used EV batteries that are waiting to be recycled. These rules are not meant to regulate recycling facilities actively disassembling batteries. Therefore, recycling activity is viewed as a separate operation from a storage site regulated by these rules. However, any recycling facility that stores used EV batteries that have not been recycled or are in the process of being recycled are required to store those used EV batteries pursuant to Part 1220.

19. **State Mandates Act Questionnaire:** Please provide responses to all five questions on the "State Mandates Act Questionnaire" (1 Ill. Adm. Code 220.EXHIBIT A). The form is attached as **Exhibit 1** to this Attachment A.

Response: A completed State Mandates Act Questionnaire is attached to this document as Exhibit 1.

20. **Economic and Budgetary Effects Analysis:** Please provide responses to questions 1(d) and 2 on the "Agency Analysis of Economic and Budgetary Effects of Proposed Rulemaking" form (1 Ill. Adm. Code 220.EXHIBIT B). The form is attached as **Exhibit 2** to this Attachment A.

    Response: A completed Agency Analysis of Economic and Budgetary Effects of Proposed Rulemaking form containing responses to questions 1(d) and 2 is attached to this document as Exhibit 2.

Proposed Rules

21. **Section 1220.100:** Under Section 1220.100, please clarify whether Part 1220 applies to used EV storage facilities regulated under Section 22.23f of the Act. If so, would it be acceptable to the Agency if Section 1220.100 begins with a sentence stating, "This Part applies to used EV battery storage sites regulated under Section 22.23f of Act" as follows:

    This Part applies to used EV battery storage sites regulated under Section 22.23f of the Environmental Protection Act [415 ILCS 5/22.23f]~~,~~. Section 22.23f specifies ~~sets forth~~ prohibitions relative to the receipt, handling, storage, and transfer of used electric vehicle ("EV") batteries. This Part establishes further requirements related to the receipt, handling, storage, and transfer of used electric vehicle batteries at used EV battery storage sites. ~~Notwithstanding~~ Despite any other provision of this Part, this Part does not apply to:

    a) New EV batteries being stored prior to installation in an electric vehicle;

    b) Batteries installed in an electric vehicle that have not yet been removed; and

    c) Used EV batteries that have been returned to reuse or returned to the economic mainstream in the form of raw materials or products.

    Response: Yes, Part 1220 applies to used EV battery storage sites under Section 22.23f of the Act. The Illinois EPA does not oppose the suggested addition to Section 1220.100.

22. **Section 1220.110**: In Section 1220.110(b), several state regulations are listed as examples of rules that may apply to used EV storage sites. Are there any examples of federal rules applicable to used EV battery storage sites that may be included in this section? If so, please provide citations to those rules.

Response: There are currently no federal equivalents to these rules. Therefore, the Illinois EPA relied on guidance from NFPA to craft these regulations to maximize fire safety. However, batteries, including used EV batteries, are subject to federal universal waste management standards contained within 40 CFR 273. In addition, U.S. EPA's Lithium-Ion Battery Recycling Frequently Asked Questions webpage also provides additional suggestions beyond the universal waste standards for storage, which these proposed rules cover. *See* Lithium-Ion Battery Recycling Frequently Asked Questions | US EPA, https://www.epa.gov/hw/lithium-ion-battery-recycling-frequently-asked-questions.

23. **Section 1220.115:** In the proposed definition of "Used [EV] battery" under Section 1220.115, please clarify the what the phrase "rather than installed in an electric vehicle" means. Please comment on whether the following changes to the last sentence of the proposed definition reflect the proposed intent:

    "This term includes, ~~but not limited to,~~ uninstalled EV batteries that are sent by the manufacturer or another person for recycling ~~rather than installed in an electric vehicle~~ and EV batteries removed from an electric vehicle at the battery storage site.

    Response: As Part 1220 is only intended to cover EV batteries that are removed from vehicles, the above referenced phrase is intended to exclude used EV batteries sent to a recycling facility while still connected to a vehicle. The Illinois EPA agrees that the above changes reflect the proposed intent.

24. **Section 1220.125:**

    a. Please explain the basis for using the density factor of 17kg/cubic foot to estimate the weight of an accumulation of used EV batteries under subsection (b). If the density factor is derived from any published report, standard or document, please provide a citation.

       Response: The 17 kg/cubic foot estimate is based on the weight and dimensions of the batteries contained within the most popular and most sold EV on the market, which at the time of this rulemaking is Tesla. The Illinois EPA used the largest capacity battery available in a Tesla vehicle for the density factor, as the highest capacity battery poses the largest risk due to the increased amount of battery cells.

b. **Section 1220.125:** Please clarify whether an accumulation of used EV batteries is the same as a used EV battery storage pile. If not, should the rules include a definition of "used EV battery storage pile"?

   Response: The two terms are the same for the purposes of Part 1220. The Illinois EPA does not oppose adding a definition for "used EV battery storage pile."

25. **Section 1220.200:** Proposed Section 1220.200 states that Subpart B applies to the owner and operator of "any battery storage site that contains one or more used EV batteries." The statutory definitions of "battery storage site" and "storage" use the plural "batteries" (415 ILCS 5/22.23f(a)), and the proposed Section 1220.115 definitions repeat this. The definitions of "owner" and "operator" use the defined term "battery storage site," and the "storage" definition uses the word "accumulation."

    Is it IEPA's intent that the base management standards of Subpart B would apply to a site containing only a single used EV battery that has been removed from a vehicle? If so, please specify which Subpart B provisions would apply.

    Response: Yes—Subpart B's base standards apply to a site with even a single used EV battery (*See* Section 1220.200: "any battery storage site that contains one or more used EV batteries").

    Is it IEPA's intent that the requirements of Subpart F ("Financial Assurance") would apply to a site containing only a single used EV battery that has been removed from a vehicle? If so, please specify which Subpart F provisions would apply.

    Response: As written, all Subpart F language applies.

26. **Threshold Triggering & Applicability in 1220.205(a)(6) & (d):** If the threshold is 5,000 kilograms of used batteries at any one time, when does the threshold trigger (instantly, monthly)? If the weight changes or decreases, do the requirements end, or is this a "once-in" provision?

    Response: The threshold is 5,000 kg or more "at any one time." Once triggered, the requirements (registration, contingency plan, records) remain in effect for that calendar year.

27. **Section 1220.205:**

    a. This section lists management standards under subsections (a)(1) through (a)(9), but there is no subsection (b). Would it be acceptable to the Agency if subsections (a)(1) through (a)(9) are renumbered as subsections (a) through (i) with a

preamble stating “Owners and operators of any battery storage site who store used EV batteries must comply with the following requirements”?

Response: The Illinois EPA has no objection.

b. The proposed subsection 1220.205(a)(9) requires an analysis of “the potential for a deflagration involving the off-gassing of flammable gases during a thermal runaway”.

   i. Please explain what is entailed in conducting this analysis.

      Response: An analysis of the battery chemistry and its potential to deflagrate potentially harmful gases in a thermal runaway event.

   ii. Does the Agency expect all used EV battery storage sites to conduct this analysis.

      Response: Yes, but a preliminary analysis of the chemistry should allow the owner or operator to make an assessment on the risk of deflagration.

   iii. If so, comment on whether owners or operators of storage sites must hire a fire safety expert or consultant to conduct the analysis.

      Response: If the owner or operator does not have the expertise in house, they will have to hire an expert.

   iv. Does the Agency have any information about the cost of conducting the analysis required under this subsection?

      Response: No.

   v. Please identify whether any written guidance, checklist, or Agency criteria exists (or will be developed) to evaluate compliance with subsection (a)(9).

      Response: The Illinois EPA is not currently developing any written guidance for subsection (a)(9).

c. Proposed subsection (a)(9) also requires the installation of explosion protection meeting industry standards if the potential for a deflagration exists. Please describe the specific industry standards being referred to in this subsection. Should the rules include citations to applicable industry standards?

Response: While Part 1220 does not attempt to limit subsection (a)(9) to any single safety standard, some examples of industry standards are those contained

in NFPA 855 or the Occupational Safety and Health Administration's ("OSHA") standards for combustible dust, which poses a risk for any multi-use facilities that also store used EV batteries. Should OSHA adopt any battery specific standards, those would also be applicable.

28. **1220.210(b)(3) – Storage in Residential Buildings:** The proposed rules do not explicitly address storage of used EV batteries in single-family homes or other residential buildings. Used EV batteries can cause serious fires if damaged or improperly stored. The combined presence of smaller lithium batteries and a used EV battery could increase fire risk, as a fire starting from a small device could propagate to a large EV battery if stored nearby. Given these risks, should the rules explicitly allow storage of used EV batteries in residential settings, or should they generically prohibit such storage?

    Response: The rule already prohibits storage in single-family homes or other residential buildings. *See* Section 1220.210(b)(3).

29. **1220.210(c)(5) – Fire Suppression System:** Because batteries may have different chemistries, should the system specify delivery of fire suppression and heat dissipation agents suitable for the EV battery chemistry being stored?

    Response: The Illinois EPA's research concluded that water remains one of the most effective agents for preventing additional thermal runaway. Therefore, the Illinois EPA focused on fire prevention methods related to spacing and construction using currently available material and methods.

30. **1220.210(c)(7) – Storage Height and Fire Protection Design:** Can IEPA clarify how the 2-foot-from-ceiling storage height limit is intended to be applied? Specifically:

    a. Does the maximum pile height vary based on the actual height of the storage room?

        Response: The 2-ft clearance requirement is regardless of room height. As a note, OSFM suggests in its public comment, a far more restrictive limit of one pallet height requirements. *See* Office of the State Fire Marshal's Public Comments, P.C.#1, pg. 3.

    b. Are there any minimum or standard room height assumptions?

        Response: The Illinois EPA did not want to limit designs by making any minimum design assumptions. When drafting these rules, the Illinois EPA considered most warehouse spaces to have 20-foot ceiling heights. Any facilities of such a size would still have to construct fully enclosing fire barriers on the sides and ceiling of a storage pile, pursuant to Section 1220.210(c).

c. How does this clearance ensure proper operation of fire suppression systems and minimize fire spread risks?

Response: The required clearance ensures sprinklers and detection systems have enough space to activate properly and prevent fire spread to structural elements.

31. **1220.210(d)(1), 1220.215(c), 1220.220 – Local Emergency Planning Coordination:** Sections 1220.210(d)(1), 1220.215(c), and 1220.220(a) require that battery storage plans and contingency plans be developed in consultation with the local fire department and filed with the department. Local fire departments vary in staffing, technical resources, and experience with EV battery fires, and many rely on mutual aid for complex or large-scale responses.

Local Emergency Planning Committees (LEPCs) are established under the federal Emergency Planning and Community Right-to-Know Act (EPCRA, 42 U.S.C. §§ 11001 et seq.) and implemented in Illinois through the Illinois Emergency Planning and Community Right-to-Know Act (430 ILCS 100 et seq.), with the Illinois Emergency Management Agency (IEMA) serving as the State Emergency Response Commission (SERC) and appointing LEPCs to coordinate hazardous materials emergency planning.

Considering this, should the rules also require consultation with the applicable LEPC, and if so, how should LEPC involvement be incorporated to complement local fire department coordination while avoiding duplication?

Response: The proposed rules only require coordination with the local fire departments. For the case of a facility that stores used EV batteries containing chemicals that are not subject to EPCRA or the Illinois equivalent, the Illinois EPA did not want to include any additional requirements where not required by those laws. For any facilities storing used EV batteries that are subject to EPCRA or the Illinois equivalent, these proposed rules do not supersede or otherwise exempt the facility from the requirements of those laws.

32. **1220.215(b)(5)(B) – Emergency Access and Egress:** Does this rule consider the risk that both access points could be downwind from a potential fire? If not, should the rule be amended to address this.

Response: The rule requires the two points are sufficiently separated to provide ingress and egress. If designed correctly, both egresses should not be downwind from a potential fire. If a facility is required to create a fire safety plan with its local fire department, the fire department could conclude the two points are insufficient. Additionally, in its Public Comment, OSFM suggest incorporating either NFPA 101 or the International Building Code ("IBC") and amending this Section to state two points of egress are remotely located consistent with either of NFPA 101 or IBC. *See* Office

of the State Fire Marshal's Public Comments, P.C.#1, pg. 4. The Illinois EPA does not object to the suggested amendment.

33. Emergency Notification Procedures:

    a. **1220.220(g) – Agency Notification:** How does the IEPA intend to be notified immediately in the event of a battery fire? Should the rule specify a method of contact, such as using the Illinois Emergency Management Agency emergency numbers, to ensure clear and timely notification.

       Response: Yes, Illinois Emergency Management Agency-Office of Homeland Security-(217) 782-7860
       National Response Center-(800) 424-8802

    b. **1220.220(g) – Explosion Notification:** This rule requires immediate notification for used EV battery fires. Should the rule also explicitly require immediate notification to the IEPA for explosions, even if a fire does not occur, to ensure all emergency situations are captured?

       Response: Yes. While the Illinois EPA anticipates that any explosion event would coincide with or cause fire, in the case of an explosion without a fire the Illinois EPA agrees that it should be notified.

    c. **1220.220(g) & (h) – Definitions of Fire and Explosion:** Can IEPA clarify what constitutes a reportable fire and a reportable explosion? For fires, should this include visible flames, smoke, alarm activation, thermal or radiant energy detection, or sprinkler activation? For explosions, does this require significant damage to storage containers, buildings, or access points, or would a loud noise alone qualify? Please explain how these definitions align with incident reporting thresholds used to notify IEPA and IEMA.

       Response: Any event that triggers alarm activation and/or fire suppression systems in the facility. This applies regardless of whether there are other signs of fire to cover incidents where explosion causes alarm activation and/or fire suppression activation. For incidents where neither occurs but there is evidence of explosion, such as damage to containers, buildings, or access points, a report is required. Where there is a loud noise but no evidence to conclude a battery explosion may have occurred, a report is not required.

34. **1220.505 – Battery Chemistry Records:** Should the recordkeeping requirements also include data on the battery chemistry?

    Response: Yes, if available.

35. **Section 1220.505:** Subsection (b)(2) requires all records listed in subpart (a) to be in a form and in a format as prescribed by the Agency. Please clarify whether this subsection is referring to [sic] "subpart (a) or "subsection (a)".

    Response: Subsection (a).

36. **Section 1220.515:** For the weekly Battery Record, subsections (b)(1), (b)(2), (b)(4) and (b)(5) require information based on "operating day".

    a. Please clarify whether the information in these subsections must be recorded for each operating day of the week to develop the Weekly battery Record.

       Response: Yes, daily operating-day data is to be used to compile a weekly record.

    b. If so, comment on why operating day is not used for the weight, in kilograms, of used EV batteries removed from any vehicle on site under subsection (b)(3).

       Response: "Operating day" should be utilized for subsection (b)(3) as well.

37. **1220.605– Removal Costs:** Does the estimated cost of removal for financial assurance include remediation of any releases, spillage, or fire debris necessary to meet Tiered Approach to Corrective Action Objectives (TACO) requirements, or is it limited to the physical removal of used EV batteries?

    Response: The financial assurance is only intended to apply to removal and other closure activities. In the case of a fire or other release, an enforcement action would commence regarding remediation to meet TACO requirements.

38. **Section 1220.605:** Please comment on whether the following changes to subsection (a) are acceptable to the Agency:

    a. Except as otherwise provided in subsection (b), the owner or operator of the used EV battery storage site must at all times maintain financial assurance in an amount equal to or greater than the current approved removal cost estimate calculated ~~pursuant to~~ under Section 1220.620 until the owner or operator is released from financial assurance requirements under Section 1220.610.

    Response: The Illinois EPA does not oppose the suggested changes.

39. **1220.620 – Clarification of Removal Cost Estimate Requirements:** The proposed rules repeatedly reference a "current approved removal cost estimate," but Section 1220.620 does not specify whether the removal cost estimate is subject to IEPA review and written approval. Additionally, subsection (c) states that "the owner or operator must base the removal cost estimate on costs to the Agency under a contract

to perform battery removal actions in the area in which the site is located," but it is unclear where this information comes from.

a. Please clarify whether IEPA intends to review and provide written approval of removal cost estimates, and if so, please propose text to make that process explicit in the rule.

   Response: The Illinois EPA intends to review and approve removal cost estimates. Proposed language is as follows:

   Section 1220.620 Removal Cost Estimate

   a) No later than February 1 of each year, the owner or operator must submit to the Agency, a written estimate of the cost of removing the maximum number of used EV batteries that will be accumulated at the site at any time. This cost estimate must be submitted by the owner or operator along with the annual registration required under Section 22.23f(c) of the Act. Any removal cost estimate must be submitted on forms prescribed by the Agency. <u>Any removal cost estimate submitted to the Agency must be reviewed by and receive written approval from the Agency. If a removal cost estimate is rejected, the owner or operator must submit a corrected removal cost estimate within 30 days of the rejection.</u>

b. How is an owner or operator expected to determine the "costs to the Agency" for battery removal in their area? Has IEPA established or made publicly available the relevant contracts, rates, or guidance?

   Response: An owner or operator would have to determine, and provide to the Agency, based on the site-specific information and local costs for battery transport and removal, the cost of removal for the highest total number of used EV batteries stored at the site in a given year.

40. **Alignment of Removal Cost Estimate and All Those Subject to Financial Assurance:** Section 1220.620(a) requires that the owner or operator, by February 1 of each year, submit to IEPA a removal cost estimate. The second sentence would require submitting the estimate "along with the annual registration required under Section 22.23f(c) of the Act." Section 22.23f(c)'s February 1 registration requirement applies only to sites meeting or exceeding the 5,000-kilogram threshold, whereas the removal cost estimate generally applies to all sites, regardless of size, creating a potential misalignment.

    Would IEPA oppose deleting the second sentence of Section 1220.620(a) and amending Section 1220.205(a)(6)(A) as follows: "Register the site <u>by February 1 of each year</u> with the Agency on forms and in a format prescribed by the Agency"?

Response: The Illinois EPA agrees with the proposed changes.

41. **Agency-Prescribed Forms:**

    a. Other than annual registration, has IEPA developed any other forms referred to in the proposed rules as "prescribed by the Agency"? *See,* proposed Sections 1220.205(a)(6)(A) (registration); 1220.505(b) (records); 1220.620(a) (removal cost estimates); 1220.625 (financial assurance mechanisms).

    Response: The Illinois EPA is in the process of revising its financial assurance forms and drafting forms for registration and records under this Part.

    b. Please provide blank forms (or prototypes if still being developed) in both PDF and Word.

    Response: Draft forms can be provided once full drafts are complete.

    c. Will IEPA accept each of these forms electronically, or only on paper? At which address or addresses may each of these forms be submitted?

    Response: The Illinois EPA will accept forms electronically and on paper. The Illinois EPA intends to create a portal for all submissions. However, until the portal is available, all forms must be submitted on paper. All forms must be submitted to Illinois EPA headquarters at:

    Illinois Environmental Protection Agency
    Materials Management & Compliance Section
    2520 W Iles Ave
    P.O. Box 19276
    Springfield, IL 62704-9276.

42. **Section 1220.625:** This section specifies that an "owner or operator *may* use any one of the following mechanisms to provide financial assurance for removal of used EV batteries or *may* use a combination of these mechanisms to the extent authorized under Section 1220.640."

    a. Please comment on whether the first "may" in this provision should be changed to "must" to make it a requirement to use one of the three listed mechanisms or a combination of the three. If not, would the owner or operator be able to provide financial assurance by other means like self-insurance or corporate guarantee.

    Response: Yes, the first "may" should be changed to "must". While an owner or operator may use any of the mechanisms included, it must use one of the included

mechanisms, unless using multiple as permitted in Section 1220.630.

b. Also, comment on whether the use of a combination of mechanisms reference to Section 1220.640 should be changed to 1220.630, which addresses the use of multiple financial mechanisms.

Response: Yes, the reference should be changed to Section 1220.630.

43. **Nonsubstantive Rule Language Changes:** A draft of nonsubstantive updates to the first notice rule language has been prepared, including removal of redundant or unnecessary text, updating outdated references, typographical corrections, and other clarifications. *See* **Exhibit 3** to this Attachment A. Does IEPA have any comments or concerns regarding these changes?

Response: The Illinois EPA does not oppose the changes contained in Exhibit 3.

Technical Support Document (TSD)

44. TSD on page 44 notes that P.A. 103-1006, which addresses end-of-life electric vehicle and battery electric storage system batteries, added requirements for sites that store more than 5,000 kg of used EV batteries.

a. Please clarify whether the proposed rules expand the scope to regulate storage sites that store less than 5,000 kg of used EV batteries.

Response: Yes, the proposed rules expand the scope to regulate storage sites that store less than 5,000 kg of used EV batteries.

b. If so, is it the Agency's intent that a used EV battery storage site storing one or two used EV batteries must comply with Part 1220, including financial assurance requirements

Response: As written, yes they do.

45. For the record, please provide the following information on typical EV batteries that are currently being used in cars and trucks sold in the United States: weight of one used EV battery, volume occupied by one used EV battery, number of batteries that adds up to a weight of 5,000 kg.

Response: Approximately 480 kg; 1.1 cubic meter; 10 batteries in a 5,000 kg accumulation. However, the Illinois EPA notes that EV batteries can vary greatly in weight, volume, and energy capacity based on manufacturer and model.

46. Please clarify whether used EV batteries can be stored indefinitely at used EV battery

storage sites regulated under Part 1220. If so, comment on whether the rules should include a time limitation to encourage safe recycling or disposal of used EV batteries and deter large accumulations.

Response: If the used EV batteries are stored properly adhering to the accumulation limits in properly built fire-rated rooms or structures (if outside), the batteries can be stored long-term.

47. On page 45, TSD states, "the proposed rules are focused on storage of fully assembled batteries. They are not intended to extend to facilities that receive only components of EV batteries after the batteries are disassembled." Please comment on whether the definition of "Used [EV] battery" under Section 1220.115 should include the phrase 'fully assembled". For example, Section 1220.210(d)(1)(A) seemingly allows the storage of "shredded" batteries.

    Response: The proposed rules are intended to only regulate whole, used EV batteries. References to shredded batteries are directed towards recycling facilities that are actively recycling whole, used batteries. The references in Sections 1220.210(d)(1)(A) and 1220.215(c)(1)(A) to shredded batteries are only in the context of factors that may be important for plans in developed with a local fire department. Part 1220 does not regulate the storage of shredded batteries. The Illinois EPA does not oppose including "fully assembled" in the definition of "used EV battery."

48. TSD notes that the proposed regulations are drafted within the context of used EV batteries that are not actively charging or discharging. Please comment on whether the proposed rules should include a prohibition against active charging or discharging of used EV batteries at storage sites.

    Response: Batteries may be discharged at storage sites for safe storage. Batteries may not be charged and/or the energy may be utilized at storage facilities. If batteries are used for charging and discharging (i.e. batteries are used for power) they are no longer being stored and are actively being used. The Illinois EPA does not oppose a prohibition against charging any batteries stored pursuant to this Part, but discharging for the purposes of safe storage should be allowed.

49. On page 45, TSD notes that under the NFPA standards, indoor storage of used EV batteries is allowed in specifically constructed rooms or spaces that do not exceed 900 square feet. This recommendation is included under Section 1220.210(c)(1) as a limitation on used EV batteries storage piles instead of storage room.

    a. Please clarify whether the proposed rules allow multiple storage piles each with cross-sectional area of 900 square feet to be located inside one room; or

    b. The total cross-sectional area of one or more storage piles in a single room is

limited to 900 square feet.

Response: Each room shall have a cross sectional area of up to 900 sq. ft. Within that room, the battery pile may be a cross sectional area of 900 sq. ft. or multiple smaller piles can be encompassed within that room size. Regardless of a single or separate piles in a single room, the spacing requirements of Section 1220.210(c) must be followed.

50. On page 46, TSD states that batteries stored outdoors must be stored, "Individually or in a group, within enclosed containers large enough to accommodate the volume stored." Further, Section 1220.215(b)(1) requires containers to be non-combustible or designed for used EV battery collection use.

    a. Please describe the typical materials used for making outdoor noncombustible used EV battery storage containers.

       Response: Typically fire-resistant shipping containers are made of Corten Steel. Certain companies utilize this material to make 4 hour fire rated containers.

    b. If containers are commercially available, submit brochures or any marketing materials showing typical storage containers with material specifications.

       Response: A search on multiple popular internet search engines yields results for vendors building specialized fire rated containers for storing or shipping special cargo that needs to meet hazardous material specifications. The Illinois EPA cannot endorse any single vendor.

    c. Comment on whether NFPA has any specifications for the material used for outdoor battery storage containers. If so, should the rules require the outdoor containers to meet such specifications?

       Response: NFPA 855 does not specify container material; rules already require non-combustible or purpose-designed containers.

    d. Comment on whether outdoor battery storage containers are available to accommodate the maximum volume allowed under the proposed rules.

       Response: Commercially available containers can accommodate any volume allowed under the spacing rules.

51. TSD on page 46 states that any facility storing 5,000 kilograms or more of used EV batteries must also maintain a fire safety plan that allows for adequate capture of all fire related runoff in the event of a fire to specifically minimize offsite impact from fires and firefighting runoff. See also Section 1220.215(b)(5)(A). Please comment on

whether the rules should specify that disposal of any battery fire runoff must comply with the requirements of 35 Ill. Adm. Code 309 (see 35 Ill. Adm. Code 811.103(a)(2)).

Response: Runoff capture is required; disposal must comply with all applicable Illinois Regulation (including 35 Ill. Adm. Code 309).

52. On page 47, TSD states the proposed rules "do not require any additional battery-fire specific technology such as thermal monitoring or fire suppression systems beyond commonly available air-aspirated smoke detectors and automatic sprinkler systems."

    a. Please explain why the Agency did not consider the use of battery-fire specific technology for used EV storage sites regulated under Part 1220.

       Response: The Illinois EPA did not require specialized thermal monitoring or advanced suppression because NFPA 855-adapted standard sprinklers and air-aspirating smoke detection, combined with pile isolation, provide adequate protection using commonly available materials.

    b. Did the Agency consult with any fire safety experts to determine the adequacy of the proposed used EV battery storage site requirements.

       Response: Yes, the Illinois EPA consulted with fire safety experts.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Trevor D. Dell'Aquila
Trevor D. Dell'Aquila
Assistant Counsel
Division of Legal Counsel

DATED: March 19, 2026
115 South LaSalle Street, Suite 2203
Chicago, Illinois 60603
312-832-0025
trevor.dellaquila@illinois.gov

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:	)	
	)	R2026-017
PROPOSED 35 ILL. ADM. CODE SUBTITLE K: RECYCLABLE, RECLAIMABLE, OR REUSABLE WASTES, CHAPTER I POLLUTION CONTROL BOARD, PART 1220 MANAGEMENT OF USED EV BATTERIES	)	

CERTIFICATE OF SERVICE

I, the undersigned, an attorney, state the following:

I have served the attached Illinois Environmental Protection Agency's Pre-Filed Answers to the Board's March 6, 2026 Hearing Officer Order upon the following:

See attached Service List

I affirm that my e-mail address is trevor.dellaquila@illinois.gov; the number of pages in the e-mail transmission is 31; and the e-mail transmission took place before 5:00 p.m. on March 19, 2026.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Trevor D. Dell'Aquila
Trevor D. Dell'Aquila
Assistant Counsel
Division of Legal Counsel

DATED: March 19, 2026
115 South LaSalle Street
Suite 2203
Chicago, Illinois 60603
312-832-0025
trevor.dellaquila@illinois.gov

SERVICE LIST

Illinois Pollution Control Board Don A. Brown, Clerk of the Board Nerissa Moisan, Hearing Officer 60 E. Van Buren Street Suite 630 Chicago, Illinois 60605 don.brown@illinois.gov nerissa.moisan@illinois.gov	**Office of the Attorney General** Jason E. James, Assistant Attorney General 201 West Point Drive Suite 7 Belleville, Illinois 62226 Jason.james@ilag.gov
Illinois Department of Natural Resources Renee Snow General Counsel Office of Legal Services One Natural Resource Way Springfield, Illinois 62702 renee.snow@illinois.gov	**Office of the Illinois Attorney General** Nancy J. Tikalsky, Assistant Attorney General Caitlin Kelly, Assistant Attorney General 69 West Washington Street Suite 1800 Chicago, Illinois 60602 Nancy.tikalsky@ilag.gov Caitlin.kelly@ilag.gov

ADMINISTRATIVE CODE

TITLE 1: GENERAL PROVISIONS
CHAPTER II: JOINT COMMITTEE ON ADMINISTRATIVE RULES
PART 220 REVIEW OF PROPOSED RULEMAKING
SECTION 220.EXHIBIT A STATE MANDATES ACT QUESTIONNAIRE

Section 220.EXHIBIT A State Mandates Act Questionnaire

State Mandates Act Questionnaire

Agency: Illinois Pollution Control Board

Part/Title: Part 1220: Management of Used EV Batteries (35 Ill. Adm. Code 1220)

Illinois Register Citation: 50 Ill. Reg. 8, p. 2313

1. Does this rulemaking affect any of the following:

Municipality	Other Unit of Local Govt.
County	School District
Township	Community College Dist.

2. Does this rule require any of the above entities to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues?
Yes No Number of units affected _____
If yes, please estimate the amount of additional expenditures necessitated by this rulemaking per unit of government: $ _____
Note: If the dollar amount, or total number of units affected is unknown, please outline and attach to this form an explanation of the steps taken by the agency to determine the approximate expense of the rulemaking, and the number of units affected.
If no, please explain why the rule does not necessitate such additional expenditures.
This rule does not require any activities from the above entities. If an above entity stores used EV batteries, it will have to be done according to this Part, but no entity is required to engage in any other activities.

3. Were any alternatives that do not necessitate additional expenditures considered?
Yes No
If yes, please list these alternatives and explain why they were rejected.

4. What are the policy objectives of the rulemaking? (Please be specific)
To establish regulations for the storage of used EV batteries to protect the public and the environment from battery fires and runoff pursuant to 415 ILCS 5/22.23f.
(Source: Amended at 18 Ill. Reg. 4758, effective March 14, 1994)

ADMINISTRATIVE CODE

TITLE 1: GENERAL PROVISIONS
CHAPTER II: JOINT COMMITTEE ON ADMINISTRATIVE RULES
PART 220 REVIEW OF PROPOSED RULEMAKING
SECTION 220.EXHIBIT B AGENCY ANALYSIS OF ECONOMIC AND BUDGETARY EFFECTS OF PROPOSED RULEMAKING

Section 220.EXHIBIT B Agency Analysis of Economic and Budgetary Effects of Proposed Rulemaking

AGENCY ANALYSIS OF ECONOMIC AND BUDGETARY EFFECTS
OF PROPOSED RULEMAKING

Agency: Illinois Pollution Control Board

Part/Title: Part 1220: Management of Used EV Batteries (35 Ill Adm Code 1220)

Illinois Register Citation: 50 Ill. Reg. 8, p. 2313

Please attempt to provide as dollar-specific responses as possible and feel free to add any relevant narrative explanation.

1. Anticipated effect on State expenditures and revenues.

   (a) Current cost to the agency for this program/activity.
   $ Personnel time for registration and financial assurance review

   (b) If this rulemaking will result in an increase or decrease in cost, specify the fiscal year in which this change will first occur and the dollar amount of the effect.
   FY _____ $ _____

   (c) Indicate the funding source, including Fund and appropriation lines, for this program/activity. _____

   (d) If an increase or decrease in the costs of another State agency is anticipated, specify the fiscal year in which this change will first occur and the estimated dollar amount of the effect. FY _____ $ _____ Agency _____
   No increase or decrease in costs of another State agency is anticipated.

   (e) Will this rulemaking have any effect on State revenues or expenditures not already indicated above? Specify effects and amounts.

2. Economic effect on persons affected by the rulemaking.

   (a) Indicate the economic effect and specify the persons affected:
   Positive Negative No effect
   Persons affected Any facility or person storing used EV batteries
   Dollar amount per person Site specific based on amount of batteries stored
   Total Statewide cost Unknown, based on amount of batteries stored

The standards of the rulemaking are best management practices that introduce the least negative economic impact based on industry standards.

(b) If an economic effect is predicted, please briefly describe how the effect will occur. (Example Additional continuing education courses will require an expenditure of approximately $100 per year for course fees by 10,000 licensed professionals.)

Facilities storing used EV batteries will be required to ensure fire safety compliance, such as enclosing used batteries in 2 or 3-hour fire rated barriers, securing in fully enclosed containers, and ensuring air aspirated smoke detectors and sprinkler systems are installed.

(b) Will the rulemaking have an indirect effect that may result in increased administrative costs? Will there be any change in requirements such as filing, documentation reporting or completion of forms? Compare to current requirements.

Facilities storing 5,000 kilograms or more of used EV batteries will be required to maintain battery tracking receipts, weekly battery records, and annual battery summaries, and must register with the Illinois EPA. Facilities storing used EV batteries must also provide financial assurance for the removal of the stored batteries.
(Source: Amended at 18 Ill. Reg. 4758, effective March 14, 1994)