

IPCB

Illinois Pollution Control Board



ANNUAL REPORT

Fiscal Year

2026

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ILLINOIS POLLUTION CONTROL BOARD



<https://pcb.illinois.gov/>

Chicago Office

60 E. Van Buren St., Suite 630
Chicago, IL 60605
312-814-3620

Springfield Office

2520 W. Iles Ave.
Springfield, IL 62702
217-524-8500

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
Michelle Gibson



MEMBERS
Jennifer Van Wie
Michael D. Mankowski
Angela Tin
Aakruti Liva



CHICAGO OFFICE

60 E. Van Buren St.
Suite 630
Chicago, IL
60605
312-814-3620



SPRINGFIELD OFFICE

2520 W. Iles Ave.
Springfield, IL
62702
217-524-8500



WEBSITE
<https://pcb.illinois.gov/>

September 2026

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

It is my honor to have been designated the Illinois Pollution Control Board's Chair by Governor JB Pritzker in May of this year. Before turning to the Board's Annual Report, I would be remiss if I did not acknowledge that the State of Illinois lost a giant in public service with the passing of former Board Chair Barbara Flynn Currie this past April. Barbara's Board family misses her dearly but continues to be inspired by her example. Our memorial tribute to Barbara appeared in issue No. 778 of the Board's [*Environmental Register*](#).

The Board is pleased to present its Annual Report for fiscal year 2026. The Board usually has anywhere from 100 to 150 proceedings pending before it at any one time. Fiscal year 2026 was no exception. Still, the Board continued to process this high volume of proceedings while operating within its budget constraints.

Below, I reiterate the Board's statutory roles and highlight a Board rulemaking to implement Public Act 103-887 on "paint and paint-related waste" or "PPRW." In addition, I note three Illinois Appellate Court orders that reviewed final decisions of the Board on appeal.

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



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

Adding Paint and Paint-Related Waste to Universal Waste Rules. In August 2025, the Board met the 180-day statutory deadline by adopting final rules prescribing procedures and standards for managing hazardous waste “paint and paint-related waste” (PPRW) as universal waste. Public Act 103-887 designated hazardous waste PPRW as a category of universal waste subject to the Board’s streamlined hazardous waste rules. Before final adoption, the Board held two public hearings, accepted public comments, and received a Certification of No Objection from the Joint Committee on Administrative Rules. The rulemaking is summarized in this Annual Report.

Three Board Decisions on Appeal. First, in October 2025, the Fourth District Appellate Court affirmed the Board’s decision vacating the McLean County Board’s siting approval for a proposed waste transfer station. Second, in March 2026, the Second District Appellate Court affirmed the Board’s decision denying adjusted standard relief for a coal combustion residual surface impoundment. And third, in April 2026, the Fourth District reversed the Board’s decision affirming IEPA’s denial of reimbursement from the Underground Storage Tank Fund. A summary of each Appellate Court order appears in this Annual Report.

Annual Report. After introducing the Board Members, this FY26 Annual Report covers three areas:

- ❖ The Board’s completed rulemakings;
- ❖ The three Illinois Appellate Court orders reviewing Board final decisions; and
- ❖ From the 2026 session of the 104th General Assembly, 11 Public Acts relating to the Board’s work.

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

Sincerely,



Michelle Gibson
Chair



BOARD MEMBERS



❖ Chair Michelle Gibson



Chair 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.

❖ 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).



❖ **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.

❖ **Aakruti Liva**



Board member Aakruti Liva was appointed to the Illinois Pollution Control Board by Governor JB Pritzker in July 2026.

Aakruti previously worked as Chief of Staff and Senior Advisor at the U.S. Environmental Protection Agency's (U.S. EPA) Office of Pollution Prevention and Toxics, focusing on chemical safety regulations. Before that, she served as Environmental Protection Specialist with U.S. EPA and as Regulatory Counsel with Stateside Associates. Active in her community, Aakruti serves on the LaGrange Illinois Environmental Quality Commission.

Aakruti received a Bachelor of Science in Natural Resources and Environmental Sciences and a Bachelor of Arts in Sociology from University of Illinois Urbana-Champaign. She received her Juris Doctorate with a Certificate in Environmental and Energy Law from Chicago-Kent College of Law.



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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 2026 are summarized below, followed by a list of rulemakings pending at the end of that fiscal year.



RULEMAKINGS COMPLETED IN FISCAL YEAR 2026

Board Amends Universal Waste Rules to Add Paint and Paint-Related Waste

On August 21, 2025, the Board adopted final rules prescribing procedures and standards for managing hazardous waste “paint and paint-related waste” (PPRW) as universal waste. In all, the Board amended seven Parts of its rules: Parts 703, 720, 721, 724, 725, 728, and 733 (35 Ill. Adm. Code 703, 720, 721, 724, 725, 728, 733).

This rulemaking was initiated on March 3, 2025, when the Illinois Environmental Protection Agency (IEPA) filed a proposal with the Board as required by Public Act 103-887, which took effect on January 1, 2025. The legislation designated hazardous waste PPRW as a category of universal waste subject to the Board’s streamlined hazardous waste rules of 35 Ill. Adm. Code 733. In addition, Public Act 103-887 required that the Board adopt final rules within 180 days after receiving IEPA’s proposal. The Board proceeded to first notice on March 20, 2025, and held public hearings on April 16 and May 20, 2025. Along with IEPA, rulemaking participants included the Illinois Attorney General’s Office, the American Coatings Association, and the Solid Waste Agency of Lake County. The Board proposed second-notice amendments on July 10, 2025, for review by the Joint Committee on Administrative Rules (JCAR).

At its August 13, 2025 meeting, JCAR 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, the Board adopted the final amendments by Public Act 103-887’s 180-day deadline. The amendments were published in the *Illinois Register* (49 Ill. Reg. 11329, 11338, 11375, 11384, 11403, 11420, 11429 (Sept. 12, 2025)) and took effect on August 27, 2025.

This rulemaking is captioned Standards for Universal Waste Management (35 Ill. Adm. Code Parts 703, 720, 721, 724, 725, 728, and 733), docket R25-22. Here is a link to the Board’s final [opinion and order](#), which includes the text of the adopted amendments.

Board Amends Its Rules to Reflect New Address of IEPA’s Springfield Office

On March 10, 2025, the Illinois Environmental Protection Agency (IEPA) filed a proposal that would update 15 Parts of the Board’s rules to reflect the new address of IEPA’s Springfield office. On March 20, 2025, the Board accepted for hearing IEPA’s proposal and sent it to first notice without comment.

The first-notice proposal was published in the *Illinois Register* on April 25, 2025. The Board held two public hearings on the proposal, one on April 17, 2025, and the other on June 5, 2025. The Board received no testimony or public comment. The Board proposed second-notice amendments on July 10, 2025, for review by the Joint Committee on Administrative Rules (JCAR). The proposed rule text referred to IEPA’s address at “2520 West Iles Avenue, P.O. Box 19276, Springfield, Illinois 62794-9276, or at the address of the Illinois EPA’s headquarters as designated on the Illinois EPA’s website.”



During second notice, JCAR requested that the Board delete the proposed reference to finding IEPA's address on IEPA's website. The Board agreed to the change. Subject to that change, JCAR, at its August 13, 2025 meeting, issued a Certification of No Objection to the Board's proposed amendments. At its August 21, 2025 meeting, the Board adopted the final amendments, retaining the new address of IEPA's Springfield office and deleting the reference to IEPA's website. The amendments were published in the *Illinois Register* (49 Ill. Reg. 12670, 12682, 12691, 12696, 12707, 12715, 12726, 12736, 12746, 12761, 12769, 12781, 12786, 12793, 12798 (Oct. 10, 2025)) and took effect on September 23, 2025.

The rulemaking is captioned Clean-Up 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. Here is a link to the Board's final [opinion and order](#), which includes the text of the adopted amendments.

In Coal Ash Sub-Docket B, Board Adopts Final Amendments to Construction Permit Application Requirements Related to CCR Storage Units

On June 26, 2025, the Board issued a final opinion and order in sub-docket A of R20-19 (R20-19(A)), adopting amendments to the Board's Part 845 rules on coal combustion residual (CCR) surface impoundments (35 Ill. Adm. Code 845). The amendments, among other things, added obligations and restrictions on using CCR storage units during the closure of CCR surface impoundments. Relatedly, during the first-notice comment period in sub-docket A, the Illinois Environmental Protection Agency proposed that the Board amend Section 845.220 to require that construction permit applications include additional information concerning CCR storage units. However, because Section 845.220 was not included in sub-docket A's proposed first-notice amendments, the Board opened a sub-docket B of R20-19 (R20-19(B)) to propose the corresponding changes to Section 845.220. In sub-docket B, the Board issued its first-notice opinion and order on May 15, 2025, and its second-notice opinion and order on August 7, 2025.

At its September 16, 2025 meeting, the Joint Committee on Administrative Rules issued a Certification of No Objection to the Board's proposed amendments to Section 845.220. In turn, on October 2, 2025, the Board issued a final opinion and order adopting the amendments. These final sub-docket B amendments were published in the *Illinois Register* (49 Ill. Reg. 13000 (Oct. 17, 2025)) and took effect on October 2, 2025.

The rulemaking is captioned Standards for the Disposal of Coal Combustion Residuals in Surface Impoundments: Proposed New 35 Ill. Adm. Code 845, R20-19(B). Here are links to the Board's October 2, 2025 [final opinion and order](#), along with its [addendum](#) containing the text of the adopted amendments to Section 845.220.

Board Adopts "Identical-in-Substance" Amendments to Drinking Water Rules

On January 22, 2026, the Board adopted amendments to keep Illinois' primary drinking water standards (35 Ill. Adm. Code 611) "identical in substance" to the National Primary Drinking Water Regulations (NPDWRs). The amendments, which took effect on February 17, 2026 (50 Ill. Reg. 2531 (Feb. 27, 2026)), reflect actions taken under the NPDWRs by the United States Environmental Protection Agency (USEPA) during 2024. USEPA's actions included adding



new regulations for six per- and poly-fluoroalkyl substances (PFAS), updating the comprehensive Lead and Copper Rule, and approving 93 alternative testing methods (ATMs) for analyzing contaminants in drinking water.

The Board issued an opinion and order on October 2, 2025, proposing amendments for public comment. In turn, the proposed amendments were published in the *Illinois Register* (49 Ill. Reg. 13118 (Oct. 24, 2025)). The Board received public comments from USEPA, the Illinois Attorney General's Office, the Illinois Environmental Protection Agency, Environmental Law & Policy Center, the City of Rockford, and the City of Springfield, Office of Public Utilities, d/b/a City Water, Light and Power.

The Board's rulemaking is captioned SDWA Update, USEPA Amendments (January 1, 2024 through June 30, 2024), docket R25-1 and SDWA Update, USEPA Amendments (July 1, 2024 through December 31, 2024), docket R25-9 (consolidated). Here are links to the Board's (1) [final opinion and order](#) and (2) [final addendum](#), which includes the text of the adopted amendments.

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

On April 2, 2026, the Board adopted amendments to keep Illinois' ambient air quality standards (35 Ill. Adm. Code 243) identical in substance to the National Ambient Air Quality Standards (NAAQS). The amendments reflect three actions taken by the United States Environmental Protection Agency (USEPA) during the 18-month period of July 1, 2024 through December 31, 2025.

- First, on December 27, 2024, USEPA revised the existing secondary sulfur dioxide (SO₂) standard to an annual average, averaged over three consecutive years, with a level of 10 parts per billion (ppb). USEPA also revised data handling requirements for the secondary SO₂ NAAQS.
- Second, on April 7, 2025, USEPA designated two new Federal Equivalent Methods (FEMs) for measuring pollutant concentrations in ambient air, one for fine particulate matter (PM_{2.5}) and the other for coarse particulate matter (PM_{10-2.5}).
- Third, and finally, on September 5, 2025, USEPA designated one new FEM for SO₂, one new FEM for PM_{2.5}, one new FEM for PM_{10-2.5}, and one new reference method for measuring nitrogen dioxide (NO₂) concentrations in ambient air.

The Board's proposed amendments were published in the *Illinois Register* on January 30, 2026 (50 Ill. Reg. 1610 (Jan. 30, 2026)). The Board received a public comment from the Joint Committee on Administrative Rules (JCAR). The final amendments reflect JCAR's suggested changes. Lastly, the Board held a public hearing on March 5, 2026, to fulfill related federal Clean Air Act requirements as the Illinois Environmental Protection Agency will submit the final amendments to USEPA for approval as a State Implementation Plan (SIP) revision.



The Board's rulemaking is captioned National Ambient Air Quality Standards (NAAQS), USEPA Amendments (July 1, 2024 through December 31, 2025), dockets R25-15, R26-7, R26-15 (consol.). Here are links to the Board's (1) [opinion and order](#) and (2) [addendum](#), which includes the text of the adopted amendments. The amendments were published in the *Illinois Register* (50 Ill. Reg. 5364 (Apr. 17, 2026)) and took effect on April 2, 2026.

Board Adopts Order Requesting Expedited Corrections of Two Hazardous Waste Generator Rules

By an opinion and order of November 7, 2024, in RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2023 through December 31, 2023), docket R24-12, the Board adopted amendments to the Illinois hazardous waste rules intended to be "identical in substance" (IIS) to amendments made by the United States Environmental Protection Agency to its corresponding hazardous waste regulations. The Board's amendments became effective on November 7, 2024, including amendments to 35 Ill. Adm. Code 722.116 and 722.117. The heading of Section 722.116 is "Conditions for Exemption for a Small Quantity Generator That Accumulates Hazardous Waste." And the heading of Section 722.117 is "Conditions for Exemption for a Large Quantity Generator That Accumulates Hazardous Waste."

While reviewing the Board's pending IIS rulemaking captioned RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2024 through December 31, 2024), docket R25-12, staff of the Joint Committee on Administrative Rules (JCAR) discovered that background text in Sections 722.116 and 722.117 did not include some of the final amendments from the Board's concluded R24-12 rulemaking described above. Upon investigating the errors, it was determined that the Illinois Administrative Code pages filed by the Board with the Office of the Secretary of State for Sections 722.116 and 722.117 failed to include some of their respective amendments due to clerical oversight.

Accordingly, on May 7, 2026, the Board issued an order in docket R24-12 to request that JCAR certify expedited corrections of the scrivener's errors in Sections 722.116 and 722.117 under Section 5-85(b) of the Illinois Administrative Procedure Act (5 ILCS 100/5-85(b)). The corrections appear in the Board's May 7, 2026 [correction order](#). A Request for Expedited Correction was published in the *Illinois Register* (50 Ill. Reg. 8438 (June 12, 2026)). And after JCAR's July 14, 2026 certification of the expedited correction, a Notice of Expedited Correction was published in the *Illinois Register* (50 Ill. Reg. 11967 (Aug. 14, 2026)). Under the Illinois Administrative Procedure Act (5 ILCS 100/5-85(b)), the corrections took effect on November 7, 2024, the same date the original amendments became effective.

RULEMAKINGS PENDING AT END OF FISCAL YEAR 2026

- ❖ 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](#)



RULEMAKING UPDATE

- ❖ 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\(A\)](#)
- ❖ Proposed Amendments to Groundwater Quality (35 Ill. Adm. Code 620), [docket R22-18\(A\)](#)
- ❖ 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\(A\)](#)
- ❖ RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2024 through December 31, 2024), [docket R25-12](#)
- ❖ 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](#)
- ❖ 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](#)
- ❖ Wastewater Pretreatment Update, USEPA Amendments (July 1, 2025 through December 31, 2025), [docket R26-14](#)
- ❖ Proposed 35 Ill. Adm. Code Subtitle K: Recyclable, Reclaimable, or Reusable Wastes, Chapter I Pollution Control Board, Part 1220 Management of Used EV Batteries, [docket R26-17](#)
- ❖ Rulemaking for Filing Fee Increase 35 Ill. Adm. Code 101.302, 2 Ill. Adm. Code 2175.200, [docket R26-18](#)



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 2026, Board decisions on appeal were affirmed twice and reversed once.

APPELLATE DECISIONS ISSUED IN FISCAL YEAR 2026

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

- ❖ *Lakeshore Recycling Systems, LLC v. Pollution Control Board, American Disposal Services, Inc., d/b/a Republic Services of Bloomington, McLean County, Illinois and McLean County Board*
[2025 IL App \(4th\) 241422-U](#)
Board docket PCB 24-65

Lakeshore Recycling Systems, LLC (LRS), a waste management company, appealed the decision of the Illinois Pollution Control Board (IPCB) vacating the siting approval granted by the McLean County Board to LRS for its proposed waste transfer station. LRS argued to the Fourth District Appellate Court that the IPCB erred in finding 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 Fourth District issued a non-precedential order on October 21, 2025, affirming the IPCB. Lakeshore, 2025 IL App (4th) 241422-U, ¶¶ 3, 34, 35.

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 the meaning of “the lot line of the subject property.” Lakeshore, 2025 IL App (4th) 241422-U, ¶ 18.

On August 18, 2023, the McLean County Board received LRS’ application for siting approval of its proposed transfer station, which would be located on a 3.09-acre site within the 42-acre Henson Recycling Campus (Campus). Lakeshore, 2025 IL App (4th) 241422-U, ¶ 5. A legal description of the 3.09-acre site was included in the siting application. *Id.* The prior month, on July 25, 2023, LRS had sent—to owners of property within 250 feet of the 3.09-acre site—notice of its intent to submit the siting application to the County Board. *Id.* at ¶ 11. On February 14, 2024, the County Board granted siting approval for LRS’ transfer station. *Id.* at ¶ 8.

Another waste management company, American Disposal Company, Inc., doing business as “Republic Services of Bloomington” (Republic), appealed the County Board’s decision to the IPCB. Republic claimed that the relevant lot line for service of notice was the lot line of the 42-acre Campus, and further that LRS failed to comply with Section 39.2(b) of the Act by not serving notice on all owners of property within 250 feet of that lot line. Lakeshore, 2025 IL App (4th) 241422-U, ¶¶ 7, 9.

The IPCB found that the 3.09-acre site did not exist as a separate lot in McLean County’s authentic tax records until *after* LRS sent its notice to neighboring property owners. Lakeshore, 2025 IL App (4th) 241422-U, ¶¶ 11, 18. When LRS sent its notice, McLean County’s authentic tax records showed the entire Campus as one property. *Id.* at ¶ 18. Accordingly, for Section 39.2(b) notice, the IPCB found that the relevant lot line to measure the 250 feet was the lot line of the Campus. *Id.* And it was uncontested that LRS did not serve notice on the owners of a manufactured home community located within 250 feet of the Campus’ lot line. *Id.* at ¶¶ 11, 16. The IPCB held that because LRS did not comply with Section 39.2(b), the County Board lacked jurisdiction over LRS’ application. ¶¶ at 10, 12. Therefore, the IPCB vacated the County Board’s siting approval. *Id.* at ¶ 10.

Before the Fourth District Appellate Court, LRS argued that Section 39.2(b) requires looking to the county’s authentic tax records only to determine the *owners* of the neighboring properties, and it is the siting applicant who defines the “subject property.” Lakeshore, 2025 IL App (4th) 241422-U, ¶ 19. The Appellate Court found the relevant text of Section 39.2(b) to be “ambiguous”: although the text “does not state explicitly that the tax records determine the boundaries of the subject property,” it also “does not explicitly support LRS’s contention that each applicant defines the boundaries of the subject property.” *Id.* at ¶ 22.

The Appellate Court observed that when the statutory text “does not conclusively resolve” the issue in either side’s favor, “courts afford some deference to an agency’s interpretations of the statutes it administers.” Lakeshore, 2025 IL App (4th) 241422-U, ¶ 23. The Fourth District determined that Section 39.2(b) “does not invoke the applicant’s definition of the site at all,” but its reference to authentic tax records does provide “useful context for defining the ‘lot lines.’” *Id.* at ¶ 24. Further, the Appellate Court found “compelling” the reasoning of Environmental



Control Systems, Inc. v. Long, 301 Ill. App. 3d 612, 623 (5th Dist. 1998), which it described as follows:

if each applicant could define the boundaries of the subject property without reference to the authentic tax records, an applicant could avoid the notification requirement if the proposed facility was located within a lot that surrounded it by at least 250 feet on all sides. The PCB reasonably did not read section 39.2 in this way. Lakeshore, 2025 IL App (4th) 241422-U, ¶ 29 (citation omitted).

The Illinois Supreme Court denied the petition for leave to appeal filed by Henson Disposal, LLC, which was substituted for LRS as petitioner.

Second District Appellate Court Affirms Board's Decision on CCR Surface Impoundment

- ❖ *Midwest Generation, LLC v. Illinois Pollution Control Board and Illinois Environmental Protection Agency*
[2026 IL App \(2d\) 250166-U](#)
Board docket AS 21-3

When power plants burn coal to generate electricity, they produce coal combustion residual (CCR), which consists of fly ash, bottom ash, boiler slag, and flue gas desulfurization materials. See 415 ILCS 5/3.142. Midwest Generation, LLC (Midwest) owns and operates a power plant in Waukegan, Lake County. The plant, which Midwest began operating in 2019, conducted coal-fired operations from 1923 to 2022. Through a petition filed in 2021 and ultimately a third amended petition filed in 2024, Midwest sought from the Board an adjusted standard for a 10-acre site (Site) south of the plant. From about 1946 to 1970, CCR mixed with water was “sluiced” by pipeline out of the plant to the Site. CCR was never removed from the Site, which has always been unlined. CCR constituents from the Site have contributed to groundwater contamination.

In seeking the adjusted standard, Midwest asked the Board to determine that the Site is not a “CCR surface impoundment” and therefore not subject to the Board’s regulations on the disposal of CCR in surface impoundments (35 Ill. Adm. Code 845). The Illinois Environmental Protection Agency (IEPA) recommended that the Board deny Midwest’s request. The Board held a public hearing and received post-hearing briefs from Midwest and IEPA. In an opinion and order of March 20, 2025, the Board found that the Site is a “CCR surface impoundment,” which the Environmental Protection Act (415 ILCS 5) defines as consisting of three elements: “[1] a natural topographic depression, man-made excavation, or diked area, [2] which is designed to hold an accumulation of CCR and liquids, and [3] the unit treats, stores, or disposes of CCR.” 415 ILCS 5/3.143. Because the Board determined that, among other things, the factors relating to the Site are not substantially and significantly different from the factors relied upon by the Board in adopting 35 Ill. Adm. Code 845, the Board denied Midwest’s request for an adjusted standard. Midwest appealed to the Second District Appellate Court, which affirmed the Board’s denial on March 26, 2026, in a non-precedential order.



On appeal, the court first recognized that, before the Board, Midwest had based its argument solely on the Site not being “designed to hold an accumulation of liquid,” *i.e.*, the second element of the CCR surface impoundment definition. The court therefore declined to address Midwest’s other contention on appeal—that the Board erred in finding the Site’s sand dunes constituted a “diked area,” satisfying the definition’s first element. Midwest, 2026 IL App (2d) 250166-U, ¶ 54, n.6, n.7. Midwest did not dispute that the Site met the definition’s third element. *Id.* at ¶ 40.

Next, the court explained that it would “uphold the Board’s determination unless it is contrary to the manifest weight of the evidence.” Midwest, 2026 IL App (2d) 250166-U, ¶ 49. A decision is against the manifest weight of the evidence when it is “unreasonable, not based in the evidence, or the opposite conclusion is clearly apparent.” *Id.* Midwest’s expert opined that *infiltration*, the process he maintained had occurred at the Site, does not “hold” liquid and therefore a CCR surface impoundment is intended to operate by *sedimentation* alone. *Id.* at ¶ 56. But the court found that the Board “could have reasonably disagreed” with his opinion. *Id.* at ¶ 55. The Second District held the Board’s findings—that the processes of infiltration and sedimentation are not “inherently incompatible” and that even with infiltration, the Site’s conditions encouraged the accumulation of liquid long enough for CCR sedimentation to occur—were supported by evidence and “not unreasonable.” *Id.* at ¶¶ 56, 59 (regular sluicing of CCR and liquid to the sand dunes could have resulted in CCR buildup, clogging the sand dune filter and allowing for liquid accumulation long enough to allow for CCR sedimentation).

The court observed that even on *de novo* review of a question of law, it owed substantial weight and deference to the Board’s statutory interpretation of the second element of the CCR surface impoundment definition. Midwest, 2026 IL App (2d) 250166-U, ¶¶ 50-51, 56-58. The court agreed with the Board that “the statute itself does not specify the process by which a CCR surface impoundment must operate,” adding that restricting the definition to accommodate only sedimentation would impermissibly insert limitations and conditions into the statute. *Id.* at ¶ 56. The Second District likewise rejected Midwest’s time-based arguments, noting the Board acknowledged that the word “accumulation” necessarily includes a temporal element, but the definition accommodates “short durations” of held accumulation and specifies no minimum amount of time. *Id.* at ¶ 58.

The court also looked to dictionary definitions of the word “design,” as a verb and as a noun, in rejecting Midwest’s effort to unduly restrict the word “designed” in the definition of CCR surface impoundment. Midwest, 2026 IL App (2d) 250166-U, ¶¶ 60-61. The Second District held as reasonable the Board’s determination that a design could take advantage of existing natural topography, noting that the statutory definition expressly includes a natural topographic depression. *Id.* at ¶ 61 (“Obviously, natural designs are distinct, even within the CCR surface impoundment definition, from manmade ones, but the word ‘designed’ modifies both.”).

Next, the court reiterated that a petitioner must satisfy all four criteria of Section 28.1(c) of the Environmental Protection Act (415 ILCS 5/28.1(c)) to be granted an adjusted standard. Midwest, 2026 IL App (2d) 250166-U, ¶ 53. Because the court concluded the Board “did not unreasonably find” that Midwest failed to establish the first criterion and thus the second criterion, the court affirmed the Board’s denial of Midwest’s request. *Id.* at ¶¶ 53, 62, 67 (the



first two adjusted standard criteria are: “(1) factors relating to the [Site] are substantially and significantly different from the factors relied upon by the Board in adopting [35 Ill. Adm. Code 845]; (2) the existence of those factors justifies an adjusted standard”). Accordingly, the Second District did not address the other criterion the Board found Midwest failed to satisfy, namely, the third adjusted standard criterion—that “the requested standard will not result in environmental or health effects substantially and significantly more adverse than the effects considered by the Board in adopting [35 Ill. Adm. Code 845].” *Id.* at ¶ 53.

Lastly, the Second District rejected Midwest’s claim, on the fourth adjusted standard criterion, that the Board contradictorily found the Site to be both a CCR surface impoundment and a CCR management unit (CCRMU). The court acknowledged that the Board made no such finding. Midwest, 2026 IL App (2d) 250166-U, ¶¶ 63-65 (the fourth criterion, which the Board found Midwest had met, is: “the adjusted standard is consistent with applicable federal law”). The Board was “clearly explaining that, if it did not regulate the [Site] as a CCR surface impoundment, the [US]EPA would likely do so as a CCRMU.” *Id.* at ¶ 64.

Fourth District Appellate Court Reverses Board’s UST Decision

- ❖ *Chronister Oil Company, d/b/a Qik-n-EZ v. Illinois Pollution Control Board and Illinois Environmental Protection Agency*
[2026 IL App \(4th\) 250398-U](#)
Board docket PCB 24-50

Chronister Oil Company (Chronister Oil) applied with the Illinois Environmental Protection Agency (IEPA) to be reimbursed from the Underground Storage Tank Fund (UST Fund) for the costs of remediating petroleum releases from its underground storage tanks. In January 2024, IEPA denied reimbursement because Chronister Oil’s application did not include a certification that the remediation was performed under a project labor agreement (PLA).

Generally, an owner or operator intending to seek reimbursement from the UST Fund must obtain IEPA approval of a corrective action plan (CAP) and budget before performing corrective action. 415 ILCS 5/57.7(b)(2)-(4); 35 Ill. Adm. Code 734.335(a)-(c). As part of its review, IEPA must determine “whether the corrective action shall include a project labor agreement.” 415 ILCS 5/57.7(c)(3).

Chronister Oil performed corrective action before submitting a CAP and budget to IEPA. This kind of “after-the-fact” submittal of a CAP and budget is allowed by the Environmental Protection Act and the Board’s rules. 415 ILCS 5/57.7(e)(1); 35 Ill. Adm. Code 734.335(d). But owners or operators who submit a CAP and budget after performing corrective action are cautioned in the rules that they may not be entitled to full reimbursement from the UST Fund. 35 Ill. Adm. Code 734.335(d) (Board Note). Upon receiving an after-the-fact CAP and budget, IEPA “shall proceed to review in the same manner as required under this Title.” 415 ILCS 5/57.7(e)(2).

Both completed and future corrective action was covered by Chronister Oil’s CAP and budget, which IEPA conditionally approved in July 2022. In its conditional approval of the CAP and



budget, which Chronister Oil did not appeal, IEPA required the use of a PLA and the inclusion of PLA certifications in reimbursement applications.

Chronister Oil appealed IEPA's January 2024 reimbursement denial to the Board. Chronister Oil and IEPA filed cross-motions for summary judgment. The Board determined no genuine issue of material fact existed and granted IEPA's motion for summary judgment. According to the Board, the issue of whether it was appropriate for IEPA to require a PLA for work performed before the submittal of a CAP and budget was not before the Board because Chronister Oil failed to appeal IEPA's July 2022 determination requiring a PLA. The Board concluded IEPA, in its January 2024 determination, properly denied payment from the UST Fund because Chronister Oil failed to include a PLA certification in its reimbursement application. Chronister Oil appealed the Board's decision to the Fourth District Appellate Court.

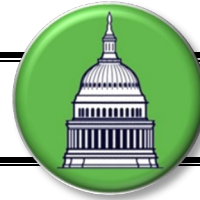
In a non-precedential order of April 7, 2026, the Fourth District reversed the Board's decision and remanded the case to the Board for further proceedings. The appellate court found that the issue of whether it was appropriate for IEPA to require a PLA for past corrective action was before the Board despite Chronister Oil's failure to Appeal IEPA's July 2022 determination:

Chronister Oil did not appeal that decision when it was issued because Chronister Oil got what it requested, which was approval of a corrective action plan and budgets for past and future corrective activity on the site. *** [T]he controversy did not arise until [IEPA] denied Chronister Oil payment for the lack of a PLA certification in its subsequent decision letter in January 2024. Chronister Oil, 2026 IL App (4th) 250398-U, ¶ 53.

The court further disagreed with the Board's finding that IEPA's July 2022 determination letter was unambiguous in covering both past and future work. Chronister Oil, 2026 IL App (4th) 250398-U, ¶ 52. The court therefore found a genuine issue of material fact as to "the interpretation of [IEPA's] July 2022 decision letter regarding whether the PLA requirement applied to Chronister Oil's approved budget for past corrective actions and was, therefore, a proper basis for denying payment for the already completed corrective action." *Id.* ¶ 54.



LEGISLATIVE UPDATE



INTRODUCTION

Summarized below are 14 Public Acts from the 104th General Assembly that relate to the Board's work, 12 of which amend the Environmental Protection Act, one of which amends the Open Meetings Act and the Freedom of Information Act, and one of which amends the Illinois Administrative Procedure Act. Of these 14 Public Acts, three are from the 2025 fall veto session, and 11 are from the 2026 spring session. For more information about these and other legislative matters, please consult the General Assembly's website (<https://www.ilga.gov/>).

PUBLIC ACTS FROM THE 104TH GENERAL ASSEMBLY

- ❖ [Public Act 104-458](#) (Senate Bill 25)
Effective June 1, 2026

Public Act 104-458, which resulted from an omnibus energy bill, includes amendments to the noise and permit provisions of the Environmental Protection Act (415 ILCS 5).

The legislation allows the Board's noise rules to be waived under prescribed conditions. Specifically, in connection with any "commercial solar energy facility or commercial wind energy facility," the fee simple owner of a "participating property, participating residence, nonparticipating property, nonparticipating residence, or any combination of those properties and residences"—all defined in Section 5-12020(a) of the Counties Code—may enter into a written waiver agreement under which the owner agrees to "waive the enforcement, either entirely or on a limited basis," of the Board's noise rules pertaining to the facility. The waiver, which must be recorded, "shall be binding upon and constructive notice to all current and future owners, residents, lessees, invitees, and users of the property" Upon the waiver's recording, in addition to the owner, "the Board, [Illinois Environmental Protection] Agency, or other person shall not be permitted to enforce" the Board's noise rules, and those rules "shall not be effective," as to that facility to the extent they have been waived.

Further, an owner of any participating residence or nonparticipating residence must disclose the existence of the waiver to any lessee before entering any new lease for the residence. And a seller of any participating property, participating residence, nonparticipating property, nonparticipating residence, or any combination of those properties and residences must disclose the existence of the waiver before any sale or other transfer of the property.



The legislation also addresses permitting related to data centers. Each air pollution construction permit for “diesel powered backup generators” or “natural gas powered backup generators” to a source constituting a “data center” that is applied for six months after June 1, 2026, and that is required to have a Federally Enforceable State Operating Permit (FESOP) or a Clean Air Act Permit Program Permit (CAAPP) must require each backup generator to (1) meet standards at least as protective as specified United States Environmental Protection Agency (USEPA) standards, and (2) operate solely as an emergency or standby unit in compliance with 35 Ill. Adm. Code 211.1920, as that Board rule exists on June 1, 2026. If a backup generator becomes noncompliant with the USEPA standards during a power outage, the backup generator may continue to operate for up to 24 sequential hours after becoming noncompliant, which noncompliance “shall not be considered a violation of the permit.” The applicable definition of “data center” is in Section 605-1025(c) of the Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois.

❖ [Public Act 104-435](#) (House Bill 1863)

Effective November 21, 2025 (as it concerns the Environmental Protection Act)

Public Act 104-435 created the Boards and Commissions Review Act, which provides a mechanism for determining whether a board is no longer active and recommending the abolition of an inactive board. Relatedly, Public Act 104-435 amends Section 17.7 of the Environmental Protection Act to remove all references to the Community Water Supply Testing Council.

❖ [Public Act 104-438](#) (Senate Bill 243)

Effective January 1, 2026

Public Act 104-438 amends both the Open Meetings Act (OMA) (5 ILCS 120) and the Freedom of Information Act (FOIA) (5 ILCS 140). The legislation amends the OMA in two ways potentially relevant to the Board. First, it prohibits a public body from holding or scheduling a regular or special meeting on a primary or general election day. Second, it allows a member of a public body to attend a meeting remotely if the member is prevented from physically attending the meeting because of “performance of active military duty as a service member.”

Next, Public Act 104-438 amends FOIA in five ways potentially relevant to the Board. First, it provides that “public records” do not include junk mail. Second, it provides that electronic FOIA requests “must appear in their entirety within the body of the electronic submission”; relatedly, “[a]s a cybersecurity measure, no public body shall be required to open electronically attached files or hyperlinks to view or access details of a request.” Third, the legislation provides that if a public body reasonably believes that a requester is not a person, the public body may require the requester to “verify orally or in writing that the requester is a person”; and, if the requester fails to do so within 30 days, the request may be denied. Fourth, the legislation requires a public body to prominently display on its website, instead of at each of its regional or administrative offices, information about itself and how the public may request public records. Fifth and finally, the legislation expands liability protection—for disclosing records in accordance with the Attorney General’s opinion—to expressly include not only a public body but also “any officer or employee of a public body.”



❖ [Public Act 104-606](#) (House Bill 4403)
Effective January 1, 2027

Public Act 104-606 amends the Environmental Protection Act (415 ILCS 5). The legislation changes manifest requirements for potentially infectious medical waste (PIMW) by requiring shipments of PIMW to be accompanied by shipping papers meeting the hazardous materials requirements of the United States Department of Transportation instead of separate paper manifests provided by the Illinois Environmental Protection Agency (IEPA). The legislation also replaces the current \$4.00 per IEPA manifest fee with an increase in the fee paid to IEPA for each pound of PIMW transported. In addition, the per pound fee is raised from 3 cents to 5 cents.

❖ [Public Act 104-772](#) (House Bill 4418)
Effective January 1, 2027

Public Act 104-772, which amends the Environmental Protection Act, requires IEPA, by January 1, 2028, to develop and begin implementing requirements for a Stormwater Pollution Prevention Plan or similar best management practice requirements to control plastic pellets and other preproduction plastic materials in stormwater runoff. These requirements must be included in National Pollutant Discharge Elimination System (NPDES) permits issued to facilities regulated under 40 CFR 414 (Organic Chemicals, Plastics, and Synthetic Fibers) or 40 CFR 463 (Plastics Molding and Forming).

❖ [Public Act 104-680](#) (House Bill 4829)
Effective January 1, 2027

Public Act 104-680 amends Section 17.8 of the Environmental Protection Act by repealing provisions establishing the Environmental Laboratory Certification Committee and deleting references to the Committee.

❖ [Public Act 104-688](#) (House Bill 4941)
Effective January 1, 2027

Public Act 104-688 amends Section 57.9 of the Environmental Protection Act. The legislation makes the Underground Storage Tank Fund accessible to owners and operators for eligible costs associated with the removal of underground storage tanks installed before January 1, 1976. Eligibility is conditioned on, among other things, obtaining IEPA's approval of a tank removal plan and budget before the tank's removal. Costs are subject to a \$5,000 deductible but provision is made to prevent duplicate deductibles.



- ❖ [Public Act 104-510](#) (House Bill 5070)
Effective June 26, 2026

Public Act 104-510 amends the identical-in-substance (IIS) rulemaking provisions of the Environmental Protection Act by prohibiting the Board from using IIS rulemaking to adopt USEPA standards that are less stringent than those in existing Board regulations.

- ❖ [Public Act 104-560](#) (House Bill 5130)
Effective July 10, 2026

Public Act 104-560 amends the Illinois Administrative Procedure Act (IAPA) (5 ILCS 100). Under this legislation, the agency proposing the rulemaking and the Joint Committee on Administrative Rules may—during a 45-day extension period—agree to a second extension of the second notice period for an additional period of up to 45 days. Also, for the IAPA’s one-year deadline for final adoption (5 ILCS 100/5-40(e)), which runs from first-notice publication in the *Illinois Register*, this second extension period does not count in calculating the one year.

- ❖ [Public Act 104-700](#) (House Bill 5317)
Effective January 1, 2027

Public Act 104-700 amends the Environmental Protection Act’s Title XVI (“Petroleum Underground Storage Tanks”). The legislation provides that a municipality or county may, to the same extent as an owner or operator, conduct tank removal, abandonment, site investigation, and corrective action with respect to a petroleum “orphan underground storage tank”—defined as “an underground storage tank that does not have an owner or operator subject to the requirements of this Title.” However, the municipality or county does not have to elect to proceed as an owner. Further, the costs incurred by the municipality or county are eligible for payment from the Underground Storage Tank Fund to the same extent as owners and operators, except that payment is not subject to tank registration or fees, an eligibility determination, or a deductible.

- ❖ [Public Act 104-707](#) (House Bill 5541)
Effective January 1, 2027

Public Act 104-707 amends the Environmental Protection Act. The legislation addresses three areas: definitions; pollution control facilities; and prohibited acts. First, it repeals the definition of “food scrap”; adds definitions for “anaerobic digestion”, “biogas”, “digestate”, “food waste”, “organic material”, and “organic waste”; and updates the definitions of “compost” and “composting”. Second, the legislation amends an exemption from the definition of “pollution control facility” to create a new exemption for portions of sites or facilities that are used for composting organic waste and meet specified siting, setback, floodplain, and operational requirements. (Only a “pollution control facility” is subject to Section 39.2 local governmental siting review.) Third and finally, in provisions regarding prohibited acts, Public Act 104-707 establishes a permitting requirement for organic waste composting operations but also creates exemptions for specified on-site operations and small-scale, non-commercial operations.



❖ [Public Act 104-827](#) (Senate Bill 3772)
Effective August 7, 2026

Public Act 104-827 amends the Environmental Protection Act by enhancing IEPA permitting review to avoid imposing disproportionate and adverse effects from pollution on communities in areas of environmental justice (EJ) concern. The legislation applies to the following permits for which an owner or operator applies with IEPA on or after January 1, 2027: (1) a construction permit for a new source that is to be located in an area of EJ concern and will require a CAAPP permit or a FESOP permit; (2) a construction permit for any existing source that is located in an area of EJ concern, possesses a CAAPP permit or a FESOP permit, and seeks an increase in annual permitted emissions; and (3) a construction permit for any existing source that is located in an area of EJ concern, seeks an increase in annual permitted emissions, and will require a new CAAPP permit or a FESOP permit for the first time. The provisions on IEPA's enhanced permitting review include consideration of prior adjudicated violations by the applicant and information about other sources.

❖ [Public Act 104-747](#) (Senate Bill 3917)
Effective January 1, 2027

Public Act 104-747 amends the Environmental Protection Act. Under this legislation, all NPDES permits authorizing a discharge from a facility designated by IEPA and USEPA as a major facility must require:

- for publicly owned treatment works, as well as for privately owned sewage treatment works, periodic sampling of influent, effluent, and biosolids for all perfluoroalkyl and polyfluoroalkyl substances (PFAS) for which there are “accredited wastewater analytical methods”; and
- for all other major industrial facilities, periodic effluent sampling for all PFAS for which there are accredited wastewater analytical methods.

If a permittee demonstrates through monitoring data that PFAS have not been detected above the minimum level of quantification for two consecutive years, the permittee may request that IEPA modify the NPDES permit. If IEPA determines that the permittee's request is acceptable, then IEPA may modify the NPDES permit to “reduce sample frequency.”

In addition, IEPA must require any NPDES permit application for a discharge of wastewater that has potential to contain PFAS to “fully characterize the discharge” through sample results for all PFAS for which there are accredited wastewater analytical methods.

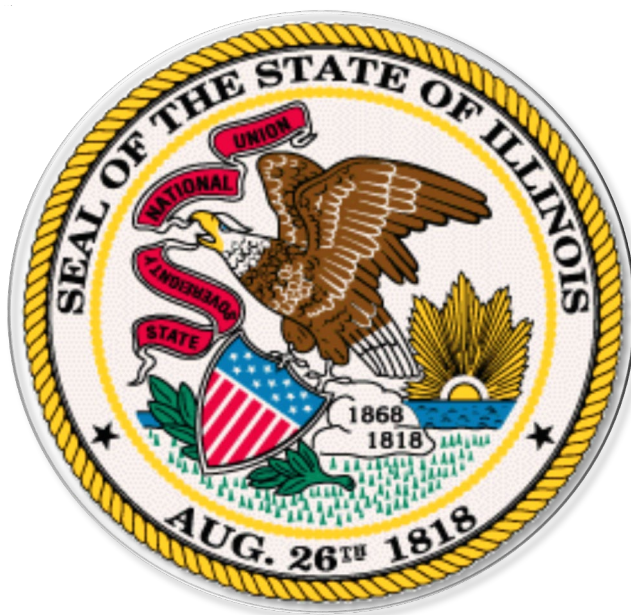
Finally, Public Act 104-827 prohibits IEPA from issuing any permit for the land application of a sludge or biosolid unless the permit application includes sample results for the sludge or biosolid for all PFAS for which there are accredited wastewater analytical methods. And any permit issued by IEPA for the land application of a sludge or biosolid must require periodic sampling of the sludge or biosolid for all PFAS for which there are accredited wastewater analytical methods.



❖ [Public Act 104-572](#) (Senate Bill 4025)
Effective July 10, 2026

Public Act 104-572 amends the Environmental Protection Act. Under this legislation, the owner of a private property must allow the community water supply “access to the property to replace, on the private side of the property, the lead service line or the galvanized requiring replacement service line” if the community water supply is offering the replacement at no cost to the property owner. If the private property owner is unavailable or unwilling to consent to the replacement, “any legal occupant of the private property where the service line is located may provide consent for access” to the community water supply or the community water supply’s contractor. The legal occupant “shall be held harmless for providing access, completing forms, or for the completion of replacements.”





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