

For First Notice, Board Proposes Rules for Management of Used EV Batteries

On January 22, 2026, the Board proposed first-notice rules addressing the management of used electric vehicle (EV) batteries. The proposed rules are intended to minimize the risks of fire and explosion associated with storing used EV batteries, including lithium-chemistry batteries. By mitigating used EV battery fires, the proposed rules seek to prevent releases of harmful contaminants into the atmosphere, land, and groundwater.

This proceeding was initiated on January 2, 2026, when the Board received a rulemaking proposal from the Illinois Environmental Protection Agency (IEPA) to implement a January 1, 2025 amendment to the Environmental Protection Act (415 ILCS 5). Among other things, the statutory amendment required IEPA to propose, and requires the Board to adopt, rules for used EV battery storage sites. Further, the Board must adopt final rules within one year after receiving IEPA's proposal. Given this statutory timeframe, the Board proceeded to first notice with IEPA's proposal on January 22, 2026, without commenting on its merits.

Generally, the proposed rules would impose management standards and financial assurance requirements on all sites that store used EV batteries. But a site that stores 5,000 kilograms (11,023 pounds) or more of used EV batteries at any one time would have additional requirements, including obligations regarding contingency plans, emergency response, recordkeeping, reporting, and annual registration with IEPA. The rules would be housed in a new Part 1220 of a new Subtitle K of Title 35 of the Illinois Administrative Code.

Publication of the first-notice proposal in the *Illinois Register* will begin a period of at least 45 days during which any person may file a public comment with the Board concerning the proposed rules. In addition, the Board has scheduled two public hearings in this rulemaking, both to be held by videoconference between Chicago and Springfield. The first hearing will take place on March 19, 2026, and the second hearing will take place on June 4, 2026. For more specific hearing information, including deadlines for pre-filing testimony, here is a link to the hearing officer's January 29, 2026 [notice and order](#).

The rulemaking is captioned Proposed 35 Ill. Adm. Code Subtitle K: Recyclable, Reclaimable, or Reuseable Wastes, Chapter I, Pollution Control Board, Part 1220, Management of Used EV Batteries, docket R26-17. Here is the link to the Board's first-notice [opinion and order](#), which includes the text of the proposed rules. For more information, please contact Nerissa Diaz Moisan at 312-814-3625 or Nerissa.Moisan@illinois.gov.