



**Illinois**  
**Department of Commerce**  
& Economic Opportunity  
OFFICE OF ENTREPRENEURSHIP,  
INNOVATION & TECHNOLOGY  
JB Pritzker, Governor

TO: Kim Schultz, Executive Director  
Joint Committee on Administrative Rules

FROM: Jonathan Eastvold  
Office of Small Business Regulatory Flexibility

DATE: April 6, 2026

RE: Pollution Control Board – Management of Used EV Batteries (35 Ill. Adm. Code 1220 (New Part); [50 Ill. Reg. 2313](#); 2/20/25)

In response to the JCAR request for a Small Business Impact Analysis on the above-mentioned rulemaking, we submit the following:

To quote the [Flinn Report](#):

“The Pollution Control Board proposed a new Part titled Management of Used EV Batteries (35 IAC 1220; 50 Ill Reg 2313) establishing rules for storage of used electric vehicle (EV) batteries, and instituting registration and reporting requirements for sites that store 5,000 kilograms (11,023 pounds) or more of used EV batteries. Businesses that store used EV batteries on their premises are affected. ■ **General Requirements:** These rules apply only to used EV batteries stored in open piles or containers. They do not apply to new EV batteries awaiting installation in a vehicle, batteries that have not yet been removed from a vehicle, or batteries that have been returned to use or broken down into raw materials or other products. All used EV battery terminals must be protectively packaged or designed to prevent short circuits. Activities that present a risk of fire (e.g., welding or cutting) must be conducted outside of any room in which EV batteries are stored, or if conducted outdoors, at least 250 feet from any containers containing used EV batteries. ■ **Indoor Storage:** Used EV batteries must only be stored in buildings that are fully enclosed with no openings through which rain or snow could enter, and in which all windows and doors are in working order and secured against unauthorized entry. Residential homes or buildings cannot be used for EV battery storage. EV battery piles inside a building cannot exceed 900 square feet and must be separated from other piles by walls and ceilings with at least a 2-hour fire resistance rating. Rooms containing EV battery piles must have fire alarms, automatic sprinkler systems, and at least 2 entrances/exits far enough apart to provide ingress and egress during a fire. Combustible materials, including non-EV batteries, cannot be stored in the same room as EV batteries or within 3 feet of any room, container or enclosure housing EV batteries. If the potential for explosion of flammable gases during an EV fire exists, explosion protection that meets industry standards must be installed. ■ **Outdoor Storage:** Used EV batteries cannot be

kept outdoors in any area where the ground slope is 2 degrees or more and must be stored in fully enclosed, noncombustible containers at least 10 feet apart on concrete or asphalt pads. All containers must be kept at least 20 feet away from buildings or structures, vegetation, property lines, public ways, storage containers for other materials, hazardous materials, or other materials that could damage or ignite used EV batteries. Containers must also be kept at least 250 feet away from ground beneath any electric power line that carries more than 750 volts or supplies power to a fire emergency system. An outdoor storage site must have at least 2 points of access from a stabilized roadway that provide 2 ingress and egress routes in the event of a fire. ■ **Registration Requirements:** Storage sites that meet the 5,000-kilogram threshold must be registered with the Illinois Environmental Protection Agency (IEPA). They must develop battery storage plans in consultation with the local fire department and develop contingency plans that specify evacuation procedures, list all emergency equipment available at the storage site and its location, and include contact information for a primary emergency coordinator and alternate emergency coordinators who will be on-site or on call at all times. Contingency plans must be reviewed and updated within 30 days after any fire at the storage site or change in the information contained in the plan. A report must be submitted to IEPA within 15 days after any incident that activates the contingency plan. Documents that registered storage sites must regularly submit to IEPA include battery tracking, weekly battery records, annual battery summaries, annual cost estimates for removal of all batteries from the site, and financial assurance in the form of a surety bond, trust fund or letter of credit equal to or greater than the estimated removal cost.”

### **Impact on Small Businesses**

This rule may impose short-term costs on small businesses that store used EV batteries, particularly those requiring facility upgrades or falling under the registration threshold. Long-term benefits include reduced fire risk, clearer compliance expectations, and potential avoidance of costly incidents. Impacts will vary based on existing infrastructure, storage volumes, and ability to meet spacing and construction standards.

If you have any questions, please contact me at [Jonathan.Eastvold@illinois.gov](mailto:Jonathan.Eastvold@illinois.gov).

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