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ILLINOIS POLLUTION CONTROL BOARD  
June 4, 2026

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

TRANSCRIPT OF PROCEEDINGS before the  
Illinois Pollution Control Board, commencing at 9:00  
AM on this 4th day of June, 2026, upon the hearing of  
the above-entitled case.

P R E S E N T

ATTENDING BOARD MEMBERS:

Board Chair Michelle Gibson

Angela Tin

Jennifer Van Wie

BOARD STAFF:

Nerissa Diaz Moisan - Hearing Officer

Anupama Paruchuri - Attorney Advisor

Anand Rao - Chief Environmental Scientist

Essence Brown - Environmental Scientist

PARTICIPANTS:

Vishnu Srinivasaraghavan

Illinois Environmental Protection Agency

Trevor Dell'Aquila

Illinois Environmental Protection Agency

Cassandra Clark

Illinois Environmental Protection Agency

Jacki Cooperider

Illinois Environmental Protection Agency

Jonathan Eastvold

Department of Commerce and Economic Opportunity

1 HEARING OFFICER MOISAN: Good Morning. We are  
2 now on the record. And welcome to the Illinois  
3 Pollution Control Board Hearing. My name is Nerissa  
4 Moisan, and I am the hearing officer for the Illinois  
5 Pollution Control Board, also referred to as "IPCB," or  
6 "the Board" in this rulemaking proceeding. Today,  
7 June 4, 2026, is the second public hearing in the  
8 matter of proposed 35 Illinois Administrative Code,  
9 Subtitle K, Recyclable, Reclaimable, or Reusable  
10 Wastes, Chapter 1, Pollution Control Board, Part 2012  
11 [sic], Management of Used EV Batteries. The Board  
12 docket number for this rulemaking is Rule 26-17. This  
13 hearing is being conducted in person in Chicago and  
14 Springfield, Illinois, and via videoconference between  
15 the two locations.

16 I will begin with the Board  
17 introductions. With me in Chicago are Board Member  
18 Angela Tin, the Board's lead member for this docket.  
19 Board Chair Michelle Gibson, Board Member Jennifer Van  
20 Wie, Chief Environmental Scientist Anand Rao, and  
21 Environmental Scientist Essence Brown. Additional  
22 Board staff are also in the audience.

23 There are sign-in sheets available at  
24 both in-person locations for anyone wishing to provide

1 testimony or public comment.

2 We will proceed with appearances for  
3 the record. Would those present in Chicago outside of  
4 the Board please state their names and affiliations for  
5 the record.

6 MR. DELL' AQUILA: Trevor Dell' Aquila, assistant  
7 counsel for the Illinois Environmental Protection  
8 Agency.

9 MR. SRINIVASARAGHAVAN: Vishnu Srinivasaraghavan,  
10 materials management and compliance section manager.

11 MS. CLARK: Cassandra Clark. I'm the program  
12 administrator (Executive I) for materials management  
13 and compliance.

14 HEARING OFFICER MOISAN: Thank you. Would those  
15 in Springfield please state their names and  
16 affiliations for the record, as well.

17 A. Jonathan Eastvold, regulatory flexibility  
18 manager at DCEO.

19 HEARING OFFICER MOISAN: Thank you.

20 MS. COOPERIDER: Jacki --

21 HEARING OFFICER MOISAN: I'm sorry.

22 MS. COOPERIDER: Sorry.

23 HEARING OFFICER MOISAN: Sorry. Go ahead.

24 MS. COOPERIDER: Jackie Cooperider, deputy chief

1 for the Division of Land Pollution Control.

2 HEARING OFFICER MOISAN: Thank you. And will the  
3 IEPA -- Illinois Environmental Protection Agency --  
4 please identify its witness for the record.

5 MR. SRINIVASARAGHAVAN: Vishnu Srinivasaraghavan.

6 HEARING OFFICER MOISAN: Thank you. We will now  
7 continue with a brief procedural history of this  
8 rulemaking. The Illinois Environmental Protection  
9 Agency, also known as "the IEPA," or "the Agency,"  
10 filed this rulemaking proposal with the Board on  
11 January 2, 2026, which the Board accepted for hearing  
12 by order -- a hearing officer order dated January 29,  
13 2026. The Board established this procedural schedule  
14 for this proceeding, including prefiling requirements  
15 for testimony questions and answers, and set this  
16 matter for two hearings. Notice of these hearings was  
17 published in accordance with the Board's procedural  
18 rules in newspapers in the Chicago and Springfield  
19 areas on or before February 1, 2026.

20 The first hearing was held on March 19,  
21 2026, in person in Springfield and Chicago and by  
22 videoconference between the two locations and proceeded  
23 based on prefiled testimony from the IEPA and prefiled  
24 questions from the Board. Prefiled answers were due

1 March 10, 2026 at 9:00 AM. The IEPA filed its prefiled  
2 answers on March 19, 2026, after the hearing commenced.  
3 The filing was accepted into the record at the hearing.  
4 No other participants submitted prefiled testimony,  
5 questions, or answers for the first hearing. A  
6 transcript of the first hearing was filed on April 1,  
7 2026.

8 In a subsequent hearing officer order  
9 dated March 16, 2026, the Board memorialized the first  
10 hearing and restated the procedural schedule for this  
11 proceeding including deadlines for submissions and for  
12 the second hearing. The Board also requested that the  
13 Department of Commerce and Economic Opportunity, also  
14 known as DCEO, conduct an economic impact study of the  
15 proposed rule pursuant to Section 27(b) of the  
16 Environmental Protection Act, also referred to as "the  
17 Act." DCEO's response was filed on April 7, 2026.  
18 IEPA filed supplemental responses in an amended  
19 proposed part 1220 on May 6, 2026.

20 For the second hearing, no participant  
21 prefiled testimony or exhibits. On May 19th, the Board  
22 issued additional prefiled questions. No other  
23 participant prefiled questions for this second hearing.  
24 Prefiled answers were due May 26, 2026, at 9:00 AM, and

1 IEPA filed its prefiled answers on June 2, 2026, just  
2 prior to the close of filing. The submission consists  
3 of approximately 83 pages including attachments. Given  
4 the timing of the filing, there was limited opportunity  
5 for board review prior to this hearing. No other  
6 participant filed prefiled answers for the second  
7 hearing. All filings in this proceeding were made  
8 available through the Board's Clerk Office On-Line or  
9 COOL system in Rulemaking Docket R 26-17 as they were  
10 filed.

11 Before proceeding further, I will  
12 identify certain filings for purposes of today's  
13 hearing record. Hearing Exhibit Number 1 is the IEPA  
14 supplemental responses and amended proposed part 1220,  
15 filed on May 6, 2026. Hearing Exhibit Number 2 is the  
16 Board's prefiled questions, issued May 19, 2026.  
17 Hearing Exhibit Number 3 is the Illinois IEPA's  
18 prefiled answers, filed June 2, 2026. Hearing Exhibit  
19 Number 4 is DCEO's response regarding the economic  
20 impact study, filed April 7, 2026. Hearing Exhibits 2  
21 and 3 are entered into the record as if read. Absent  
22 objection, Hearing Exhibits 1 through 4, are admitted  
23 into the record.

24 I will next outline the procedures

1 governing this proceeding. This hearing is governed by  
2 the Board's procedural rules, including Section 102.42,  
3 which provides that relevant nonrepetitive and  
4 nonprivileged information will be admitted into the  
5 record. The purpose of this hearing is to develop a  
6 complete administrative record for the Board's  
7 consideration of the proposed rulemaking. Please note  
8 that questions posed by the Board and its staff are  
9 intended solely to assist in developing a clear and  
10 complete record. They do not reflect any determination  
11 or judgment on the proposal, the testimony, or any  
12 other matter. This proceeding is being recorded by a  
13 court reporter, and a transcript will become part of  
14 the official record. Please speak clearly and avoid  
15 speaking over others.

16 I will now address the procedures  
17 governing testimony and public comment. At this  
18 hearing, individuals may participate through testimony  
19 or public comment, as applicable. Testimony is sworn  
20 and consists of evidence offered for the record.  
21 Witnesses providing testimony may be questioned by the  
22 Board and other participants. Public comment is  
23 unsworn and allows participants to present opinions,  
24 perspectives, or statements. The Board may ask

1 clarifying questions. Under Section 102.424(f),  
2 testimony, not prefiled, may be presented today, if  
3 time allows, and will not prejudice others. Otherwise,  
4 it may be accepted into the record as public comment or  
5 written submission. If any participant who has not  
6 prefiled testimony wishes to present sworn testimony  
7 today, the Board will determine whether such testimony  
8 may be received consistent with the hearing officer  
9 order and applicable procedural requirements.

10 Counsel may present argument and  
11 respond to questions on procedural or legal matters,  
12 and is not required to be sworn when doing so. If  
13 counsel or any other participant offers factual  
14 testimony, the record may be paused, as necessary, and  
15 oath requirements addressed. Written public comments  
16 may be submitted through the Board's COOL system.  
17 Written and oral public comment are given equal  
18 consideration by the Board.

19 Now I will outline the order of  
20 proceedings for today's hearing. The proposed schedule  
21 is as follows: We will begin with any witnesses who  
22 did not prefile testimony, who wish to testify today,  
23 followed by questions from the Board regarding the  
24 existing -- questions regarding the existing record.

1 We will then proceed with public comment. There will  
2 also be an opportunity for testimony or comment on the  
3 DCEO request and response. We will conclude with any  
4 administrative matters and closing remarks. A recess  
5 is anticipated at approximately 10:45 AM for the Board  
6 meeting with the hearing expected to resume at  
7 approximately 11:30 AM. Additional recesses, including  
8 a lunch recess, may be taken as necessary. Are there  
9 any questions before we begin?

10 (No audible response.)

11 HEARING OFFICER MOISAN: Hearing none, we will  
12 now proceed with any testimony. Is there anyone  
13 present here today who did not prefile testimony but  
14 does wish to offer testimony?

15 (No audible response.)

16 HEARING OFFICER MOISAN: At this time, we will  
17 proceed with the IPEA's witness. I ask the court  
18 reporter to administer the oath.

19 (Witness duly sworn.)

20 HEARING OFFICER MOISAN: Would you please state  
21 and spell your name for the record, and identify your  
22 title and affiliation.

23 MR. SRINIVASARAGHAVAN: Vishnu  
24 Srinivasaraghavan -- V-I-S-H-N-U

1 S-R-I-N-I-V-A-S-A-R-A-G-H-A-V-A-N -- materials  
2 management and compliance section manager for Illinois  
3 EPA Bureau of Land.

4 HEARING OFFICER MOISAN: Thank you. We will  
5 proceed with questions regarding the record. Outside  
6 of the Board, is there anyone who has any questions for  
7 the agency's witness?

8 (No audible response.)

9 HEARING OFFICER MOISAN: Hearing none, I will ask  
10 Board Member Tin if you have any questions.

11 MEMBER TIN: Generic questions? Or just going  
12 down the list? Or --

13 HEARING OFFICER MOISAN: However you want to  
14 handle it.

15 MEMBER TIN: Just going down the list, I will  
16 have questions.

17 HEARING OFFICER MOISAN: Okay. In response to  
18 the Board's prefiled questions, the IEPA had their  
19 responses, which we have read into the record -- have  
20 accepted into the record as if read. If Board  
21 Member Tin or any other board members have questions as  
22 we go, I'm not going to read them into the record  
23 today, but if you have any specific follow-up, please  
24 feel free to ask now.

1           MEMBER TIN: Just -- my first question is  
2 regarding NFPA 800. The fire marshal said that it  
3 would be finalized sometime in 2026. So I was  
4 wondering if and when it is finalized, would the agency  
5 incorporate those into the rules? That's my first  
6 question. And the second question is what would happen  
7 to the existing citation that was in there previously?

8           MR. SRINIVASARAGHAVAN: So we would review the  
9 new 800 rules when they come out and then decide from  
10 there whether they need to be incorporated. And if  
11 there's going to be any replacements based on the old  
12 citation, we would make that determination.

13           MEMBER TIN: And that's the same thing that's  
14 true of the -- there were some addendums -- the  
15 insurance addendums. There were three insurance  
16 addendums. And you had commented that these addendums  
17 were mainly for insurance and preventative, but you  
18 would still consider them for inclusion at a later  
19 date, --

20           MR. SRINIVASARAGHAVAN: That's correct.

21           MEMBER TIN: -- if necessary.

22           MR. SRINIVASARAGHAVAN: We've been consulting  
23 with industry experts on which portions of those would  
24 be most relevant for our use. And we did take some

1 input. But at the end of the day, we feel the NFPA  
2 codes set the minimum standards, and there's nothing  
3 stopping a business from going towards those standards  
4 if they choose. But at this point, we are not going to  
5 be incorporating them. But we may incorporate them at  
6 a later date, based on the industry experts' comments.

7 MEMBER TIN: There was some use of certain  
8 words -- definitions that I did not see listed as a  
9 definition. I'm interested in a definition for  
10 "deflagration," "thermal runaway."

11 MEMBER VAN WIE: Angela, are you referencing a  
12 particular question?

13 MEMBER TIN: I'm interested if Illinois EPA would  
14 put in the definition of "thermal runaway" and  
15 "deflagration."

16 MEMBER VAN WIE: Right. But is that in reference  
17 to a particular question that you didn't feel like was  
18 answered or --

19 MEMBER TIN: This is just in -- this was a new  
20 question that I had.

21 MEMBER VAN WIE: Thank you.

22 MEMBER TIN: As I read more -- and then as the  
23 use of those words became incorporated more --

24 MEMBER VAN WIE: Right.

1 MEMBER TIN: -- in their proposed changes.

2 MEMBER VAN WIE: Okay. Thank you.

3 MEMBER TIN: Thank you.

4 MR. SRINIVASARAGHAVAN: So just to be clear about  
5 it. You want it to be defined.

6 MEMBER TIN: Yes, Please.

7 MR. SRINIVASARAGHAVAN: Okay. (Simultaneous  
8 speaking.)

9 MEMBER TIN: Yes, please. Because there's so  
10 many definitions out there, depending on who is using  
11 it. And if I didn't know the definition of it, then  
12 the public would usually not know also.

13 MR. SRINIVASARAGHAVAN: That's a fair point. We  
14 will take that into consideration.

15 MEMBER TIN: This is a question that was not  
16 asked before. I think you, kind of, referenced it in  
17 some of your proposed changes. But I'm interested in  
18 if you use a rack or a stack or even if you just use  
19 any type of a sprinkler system, those systems are  
20 generally for regular fires, and a battery fire may  
21 have a lot more need for water. So will there be a  
22 requirement -- and you may have included it -- for  
23 enough pressure in the lines to make sure that there's  
24 enough water at each of the spigots?

1           MR. SRINIVASARAGHAVAN: That's the -- so we -- we  
2 have -- we've been consulting with the industry experts  
3 on the best way to deal with these and the safest way  
4 to store them. For right now, our rules basically  
5 specify that for a single room -- if you have a single  
6 sprinkler system, we're not going to let you go more  
7 than a single-pallet height. And then from there, if  
8 you would like to store them higher, you need to store  
9 them in a rack storage system with per rack fire  
10 suppression. We did not specify specific pressures for  
11 the lines. We were really going to lean on the fire  
12 departments to come and inspect those, but we can  
13 definitely take that into consideration to try to  
14 include that.

15           MEMBER VAN WIE: Angela, I kind of have a  
16 follow-up to that.

17           MEMBER TIN: Yes.

18           MEMBER VAN WIE: Is the Illinois EPA actively  
19 consulting with the fire marshal on the issue related  
20 to fire suppression and things like that? Or are they  
21 just relying on the fire marshal to make comments based  
22 on what's going on in the rulemaking.

23           MR. SRINIVASARAGHAVAN: So far we've only  
24 received comments from the state fire marshal. But we

1 have a consulting with the Morris -- City of Morris  
2 Fire Chief along with another industry expert that he  
3 suggested for us to talk to as well.

4 MEMBER VAN WIE: Okay.

5 MR. SRINIVASARAGHAVAN: So we are -- those were  
6 our primary sources for our industry experts. But  
7 we're certainly open to engage more with the fire  
8 marshal.

9 MEMBER VAN WIE: Okay.

10 MEMBER TIN: Previously, at the other hearing, I  
11 had asked a question about SIC classification, and the  
12 notes came up with saying "SIP" classification, and I  
13 meant "SIC" classification. And I want to also add  
14 MSDS requirements. So are those -- have those been  
15 considered and will you consider those -- MSDS sheets  
16 and SIC classification requirements?

17 MR. SRINIVASARAGHAVAN: We can certainly consider  
18 those.

19 MEMBER TIN: Oh. And on your list of  
20 definitions, you know, I had asked for, could you also  
21 include "fire" -- what is a "fire" and what is an  
22 "explosion."

23 MR. SRINIVASARAGHAVAN: We can definitely take  
24 that --

1           MEMBER TIN: Thank you. If they're stored in  
2 containers -- or even outside -- if they're stored in  
3 containers, are these containers expected to have  
4 enough capacity if there's a fire event to contain the  
5 runoff from the fire?

6           MR. SRINIVASARAGHAVAN: Are you saying is it  
7 going to contain -- okay. So if I'm understanding your  
8 question correctly, this is a specific situation where  
9 a container storing batteries, it has a suppression  
10 system inside the container, and in the event of a fire  
11 or thermal runaway, the suppression system goes off,  
12 and -- are you asking if the container is going to  
13 contain that runoff --

14          MEMBER TIN: Yes.

15          MR. SRINIVASARAGHAVAN: -- from the suppression?

16          MEMBER TIN: Yes. The container or the pad if  
17 it's a dike pad.

18          MR. SRINIVASARAGHAVAN: So for -- the container  
19 should be able to contain it, you know, until it  
20 overfills. It's still going to have some sort of  
21 ventilation on it. So if the container is overall  
22 basically closed, it should contain it. But we don't  
23 have provisions for that specifically. So we can  
24 definitely take that into consideration. And for an

1 outdoor storage on a dike, you know, on a pad, we can  
2 definitely look at that.

3 MEMBER TIN: The diking.

4 MR. SRINIVASARAGHAVAN: Yeah. Diking. We can  
5 look at that. You're speaking similar to what a  
6 refinery would do?

7 MEMBER TIN: Yes. Yes. Yes. Yes. The -- and I  
8 did notice your ventilation. That was a very good  
9 comment to include in here. Yes.

10 In some of your sections you had talked  
11 about "any fire" or "explosion," and in those  
12 sentences, can you also include "thermal runaway,"  
13 please.

14 MR. SRINIVASARAGHAVAN: Yes. We can certainly do  
15 that.

16 MEMBER TIN: On a thermal runaway situation, I  
17 have heard that once an incident occurs and there is a  
18 fire, once the fire is put out, there may be instances  
19 where the fire will reignite in other batteries,  
20 whether it's thermal runaway or not, due to the heat  
21 still being in the room. Is that being considered  
22 outside of the thermal runaway, for example, as part of  
23 the incident report? Would the owner/operator, once  
24 the fire is put out, be required to stay there a few

1 hours, minutes, whatever, to make sure that other parts  
2 are not reigniting?

3 MR. SRINIVASARAGHAVAN: That's -- we don't  
4 explicitly require that, but that's something we can  
5 take into consideration. And just so it's clear on the  
6 record, I mean, you can, for a thermal runaway event --  
7 you can have a thermal runaway that -- before it  
8 actually starts a fire. You can also have a situation  
9 where the thermal runaway starts a fire in one battery  
10 or it starts a fire in a secondary battery. So you can  
11 have all kinds of different situations. And part of  
12 our reasoning for the ventilation too, after we  
13 consulted with our industry experts, was to try to vent  
14 off some of those harmful gases that could cause that  
15 chain reaction.

16 MEMBER TIN: The -- I also noted that the -- you  
17 changed the language to include that the batteries were  
18 intact. I think that is a good provision. Because  
19 from what I understand, a lot of the fires are caused  
20 because of damaged batteries. So you're going to  
21 exclude that from the very beginning.

22 MR. SRINIVASARAGHAVAN: That's correct. Yes.

23 MEMBER TIN: The battery energy storage systems  
24 that were a part of the Act -- so you left a "Reserved"

1 in order to address it in the future.

2 MR. SRINIVASARAGHAVAN: That's correct. Yeah.  
3 They are not part of this scope specifically -- what we  
4 are discussing today.

5 MEMBER TIN: But you did include the automotive  
6 facilities?

7 MR. SRINIVASARAGHAVAN: Yes. Yes.

8 MEMBER TIN: That was part of that rule -- that  
9 Act -- automotive parts recycling.

10 MR. SRINIVASARAGHAVAN: Yes.

11 MEMBER TIN: And that automotive parts recycler  
12 would only apply to the -- above the threshold?

13 MR. SRINIVASARAGHAVAN: That's correct. Yeah.

14 MEMBER TIN: So --

15 MR. SRINIVASARAGHAVAN: Yeah. If you have more  
16 than -- if you're storing more than 5,000 kilograms,  
17 then you would be required to show the --

18 MEMBER TIN: And so if someone was not an  
19 automotive recycler, they could still store some  
20 batteries until they reach the threshold?

21 MR. SRINIVASARAGHAVAN: That's correct.

22 MEMBER TIN: I think that's all the questions I  
23 have.

24 HEARING OFFICER MOISAN: Thank you, Member Tin.

1                   Are there any additional questions from  
2 any of the Board members?

3                   MEMBER VAN WIE: I had a question on Question 21  
4 related to the environmental justice. Whether Illinois  
5 EPA intends to incorporate any environmental justice  
6 considerations. Does the passage of the new EJ law  
7 impact that assessment at all? I know that just got  
8 passed as well. So it's not like you've had time to  
9 think about it in this context, but I just didn't know  
10 if that broader EJ requirement would impact this  
11 specifically, so.

12                   MR. SRINIVASARAGHAVAN: We were going to consult  
13 with our in-house EJ expert. But right now, EJ  
14 concerns are not within the scope of this because we're  
15 just going to be regulating most facilities the same no  
16 matter what. You know, take the same priority of  
17 action -- swift actions, whether it's in an EJ  
18 community or not. But we are certainly willing to  
19 consult our EJ expert to see if parts of that new rule  
20 are applicable to this.

21                   MEMBER VAN WIE: Thank you.

22                   MR. RAO: May I ask a follow-up on the EJ issue?

23                   HEARING OFFICER MOISAN: Yes, Mr. Rao.

24                   MR. RAO: In your response to some of the Board

1 questions, you indicated that the agency is going to  
2 treat any facility located in an EJ community same as a  
3 community located elsewhere. The whole intent of  
4 giving special concern to EJ, you know, environmental  
5 justice communities is because of the disparity between  
6 generally located facilities and facilities located in  
7 environmental justice communities. So are you saying  
8 that what you're implementing is as stringent as  
9 possible for everybody, or should there be special  
10 concern for facilities located in EJ communities,  
11 right? You know, right now, this is not an issue in  
12 terms of there's not hundreds of these facilities, but  
13 if many of these facilities start popping up in EJ  
14 communities, you know, that was a concern that we were  
15 asking this question for to see how the agency would  
16 address that.

17 MR. SRINIVASARAGHAVAN: Sure. So we appreciate  
18 your question. And to clarify, we see this as a public  
19 safety issue. So we will be treating all of these --  
20 any incidents at these facilities will be treated in a  
21 stringent, high-priority manner because of the severity  
22 of the thermal runways or, you know, any fires that can  
23 happen. So that was our intent. Just basically say  
24 we're always going to treat this with, you know,

1 high-priority enforcement. But we are certainly  
2 willing to consider whether even more stringent  
3 requirements should be there for EJ communities.

4 MR. RAO: Okay. I appreciate it. Thank you.

5 MEMBER TIN: Another follow-up question. Thank  
6 you for including this EPA document on battery labeling  
7 guidelines. Have you seen the EPA document on fires  
8 from battery facilities?

9 MR. SRINIVASARAGHAVAN: I have. I have seen  
10 that.

11 MEMBER TIN: Okay. Because in one of those -- in  
12 one of -- that's a good report. In one of those they  
13 mentioned using concrete to put out the fire because  
14 the water was not --

15 MR. SRINIVASARAGHAVAN: That's correct. So for  
16 most of these battery fires, water is basically just  
17 about the worst thing you can do because the oxygen  
18 from the water basically keeps fueling the fire. So  
19 there's been, you know, all kinds of creative solutions  
20 to try to control thermal runaway events and even  
21 controlled fires. One of them included concrete as the  
22 EPA said. There's also been housing the batteries  
23 with, you know, a sand-type material, basically, you  
24 know, surrounding it with silica. And then what that

1 silica does is essentially melts around the battery to  
2 contain it. So that's another creative solution. And  
3 obviously there's also some exotic firefighting foams  
4 that are coming out now that could help with that as  
5 well. But our rules are not really getting into  
6 regulating specific technologies because we want to  
7 remain open for those innovations.

8 MEMBER TIN: Thank you.

9 HEARING OFFICER MOISAN: Are there any additional  
10 questions from the Board's technical unit?

11 MR. RAO: Yeah. A couple of questions. In  
12 response to Question 13. This is the question relating  
13 to any potential requirements on transporters. And you  
14 had indicated that Part 1220 is not regulating  
15 transporters. And the information on the battery  
16 tracking receipts that the storage facility is supposed  
17 to collect -- if the transporter doesn't have any  
18 information that are listed in, I think,  
19 Section 1220.510(a). Now, how would the storage site  
20 generate that information? Like, specifically, I was  
21 thinking of -- you had said, if there's no information  
22 about battery chemistry, maybe the make, model, and  
23 year of the vehicle would suffice because then you can,  
24 you know, find out what the battery chemistry is. So

1 there has to be some information that has to be on the  
2 receipt. So if the transporter does not provide it, is  
3 it something that the storage site can generate just by  
4 inspecting the battery? Would they be able to do that?

5 MR. SRINIVASARAGHAVAN: So we actually consulted  
6 with our industry expert on this exact question because  
7 we are not regulating the transporters, and so we  
8 didn't want to have these rules basically go beyond the  
9 scope of what we're trying to do --

10 MR. RAO: Yeah.

11 MR. SRINIVASARAGHAVAN: -- and go towards the  
12 transporters. And from what we found from the industry  
13 experts, there is a way, yes. There's still always a  
14 serial number or something that is an identifying  
15 marker on the battery. A lot of these storage  
16 facilities, especially if they're automotive  
17 dismantlers or recyclers are probably going to have  
18 some sort of subscription to ALLDATA, which is, you  
19 know, for auto -- in the automotive space, ALLDATA is  
20 basically a big repair database that gives you all the  
21 manuals and part numbers for all your different OEM  
22 parts. And so if, you know, an automotive recycler has  
23 access to a database like that, they should be able to  
24 punch in the serial number from the battery to obtain

1 information on that battery.

2 MR. RAO: Could you clarify this in the rules,  
3 itself, so that someone looking at it -- like a storage  
4 site, they know if they don't receive the information,  
5 how to find -- they could find it.

6 MR. SRINIVASARAGHAVAN: That it's basically on  
7 them. Yes.

8 MR. RAO: Okay.

9 MR. SRINIVASARAGHAVAN: Sure. We can definitely  
10 clarify and look into that.

11 MR. RAO: In response to Question 17 -- let me go  
12 to that question. Actually it's Question 36. I'm  
13 sorry.

14 MR. SRINIVASARAGHAVAN: Is it 36?

15 MR. RAO: Yeah. Question 36. In your response  
16 you had suggested some changes to the definition of  
17 "used EV battery." One of the things you added was the  
18 last sentence. It says, "This term does not include  
19 any that are damaged, cracked, or leaking." And I  
20 think in Question 45 another term came up which is  
21 "defective battery." So you had indicated that this  
22 amendment to the definition will address the concern  
23 about defective batteries. I just want to make sure  
24 "damaged, cracked, or leaking batteries" also includes

1 "defective battery." Because "defective" is a term  
2 that can be much broader in sense.

3 MR. SRINIVASARAGHAVAN: And you are -- yes, I  
4 think we need to probably go back and clarify that a  
5 little bit. Because, to your point, yes, you're  
6 correct that a defective battery could still be fully  
7 intact --

8 MR. RAO: Yes.

9 MR. SRINIVASARAGHAVAN: -- with all its cells  
10 intact. And there's an electrical connection that's in  
11 there that's maybe defective that's not allowing the  
12 battery to work. So we can definitely take that into  
13 consideration.

14 MR. RAO: Either amend the definition --

15 MR. SRINIVASARAGHAVAN: Yes.

16 MR. RAO: -- to include defective or --

17 MR. SRINIVASARAGHAVAN: Separate --

18 MR. RAO: Okay. Thank you very much.

19 MEMBER TIN: Would that include recalled  
20 batteries?

21 MR. SRINIVASARAGHAVAN: If it's -- so we can  
22 definitely look into that. We -- for our other battery  
23 programs, this has been a difficult area for us to  
24 navigate. When is a recalled battery -- damaged,

1 defective? When does it get treated as hazardous  
2 waste? So we -- that's something that we would look  
3 into just to be consistent with our other programs.

4 MEMBER TIN: Or it's just manufacturer recall and  
5 it looks absolutely fine.

6 MR. SRINIVASARAGHAVAN: Mm-hmm. Right.

7 MEMBER VAN WIE: Are there any requirements  
8 related to storing batteries that are damaged, cracked,  
9 or leaking that -- even outside of this rulemaking?

10 MR. SRINIVASARAGHAVAN: Well, generally, for a  
11 battery that's damaged, cracked, or leaking, it goes to  
12 the hazardous waste.

13 MEMBER VAN WIE: It's expected.

14 MR. SRINIVASARAGHAVAN: Yeah.

15 MEMBER VAN WIE: Okay.

16 MR. SRINIVASARAGHAVAN: It's -- that's right.  
17 But so that's why we, kind of, took it out of this.  
18 Because we really didn't want operators to be storing,  
19 you know, pallets of damaged, defective, leaking  
20 batteries that were just most likely going to catch on  
21 fire.

22 MEMBER VAN WIE: Understood.

23 MR. RAO: Essence has a question.

24 MS. BROWN: Okay. I have a question on battery

1 chemistry. So have you guys evaluated if, like,  
2 different battery chemistries affect how the fires are  
3 put out? And will they be sorted into different parts  
4 of a facility to address that?

5 MR. SRINIVASARAGHAVAN: So we have been  
6 consulting with our experts -- industry experts on  
7 trying to figure out how different battery chemistries  
8 can catch on fire and thermal runaway conditions and  
9 everything else. Our rules are basically trying to  
10 address the lithium-ion, chemistries, especially with  
11 the nickel one -- I believe it's the nickel-lithium  
12 ions which are the most likely to catch on fire. So  
13 our rules -- ventilation requirements, everything was  
14 built around those.

15 MS. BROWN: Okay.

16 MR. SRINIVASARAGHAVAN: And other battery  
17 chemistries, from what we could tell and from testimony  
18 from our -- from input from our industry experts,  
19 suggests that these other battery chemistries are  
20 actually a little bit safer. So we kind of wrote these  
21 rules around the worst case scenario.

22 MS. BROWN: Okay. So follow-up to that. So if  
23 lithium batteries and nickel batteries are stored in  
24 the same part of the facility, would that affect

1 the way you put the fire out or -- do you see what I'm  
2 asking? Like, are we separate -- is it like a thing  
3 where nickel batteries are in this part of the facility  
4 and lithium are in a different part of the facility?

5 MR. SRINIVASARAGHAVAN: The rules right now are  
6 not segregating it like that.

7 MS. BROWN: Okay.

8 MR. SRINIVASARAGHAVAN: But that's something we  
9 can definitely take into consideration.

10 MS. BROWN: Okay.

11 MR. SRINIVASARAGHAVAN: And consult with our  
12 industry experts if that's warranted.

13 MS. BROWN: Okay. All right. I don't have any  
14 more questions.

15 HEARING OFFICER MOISAN: Again, I will ask if  
16 there are any additional questions for the agency's  
17 witnesses or witness, I should say.

18 (No audible response.)

19 HEARING OFFICER MOISAN: Okay. You know what, I  
20 actually have. Anyone in the staff, also, please feel  
21 free. Just really quick for clarification on the  
22 hearing transcript. There's been reference to  
23 questions, and that is in reference to Exhibit  
24 Number 3, the IEPA's prefiled answers.

1           Additionally, just a quick note for the  
2 record, IEPA stated in question -- in response to  
3 question 35(e) that it had reserved space for future  
4 amendments. However, the "reserved for amendment  
5 subparts" were -- were removed before first notice in  
6 response to administrative review comments, which  
7 indicated future amendments may be added when needed,  
8 but they cannot be reserved in advance. So just for  
9 clarity.

10           And then it is my understanding that  
11 IEPA is working on various draft forms. I believe  
12 there's an update regarding the financial assurance  
13 forms. And then there's a note as well in response to  
14 Question 51 that says, you know, when they become  
15 available, as soon as possible, we'll deal with that.  
16 What happens if the forms that are necessary for this  
17 rulemaking aren't quite ready when the rulemaking goes  
18 into effect by the end of the year? Is there a plan so  
19 that people who are trying to comply with the rule know  
20 all the guidance they essentially need?

21           MR. SRINIVASARAGHAVAN: Yeah. We would try to  
22 reach out to them. And we would also be willing to  
23 consult with anyone who would reach to us.

24           HEARING OFFICER MOISAN: Okay. Great. Thank

1 you.

2 MR. SRINIVASARAGHAVAN: And I'd also like to add  
3 that, you know, our goal is to try to have an  
4 electronic portal for registration. That's to ease  
5 everything. But in the -- for the time being, probably  
6 most likely do a paper registration, which should be  
7 easy for us to get out.

8 HEARING OFFICER MOISAN: Okay. Great. Thank  
9 you.

10 MR. RAO: Yes. I have a follow-up.

11 HEARING OFFICER MOISAN: Please.

12 MR. RAO: I just saw an e-mail with the draft  
13 forms on it. We haven't taken a good look at the  
14 language of the forms. So are these generic forms for  
15 all non -- programs, or is it just specific to this  
16 rule.

17 MR. SRINIVASARAGHAVAN: This -- these forms were  
18 specific to this rule, but they do follow the format of  
19 (simultaneous speaking) --

20 MR. RAO: Right. Because I didn't see anywhere  
21 "used EV battery facility" mentioned, at least in my  
22 cursory review.

23 MR. SRINIVASARAGHAVAN: Yeah. They're not  
24 included by name on these forms.

1 MR. RAO: Okay. Will they be eventually?

2 MR. SRINIVASARAGHAVAN: We could look into  
3 that --

4 MR. RAO: Okay.

5 MR. SRINIVASARAGHAVAN: If we have to. Yeah.  
6 Because right now the agency was actually going through  
7 a big, you know -- to comply with their accessibility  
8 requirements, we actually went through and essentially  
9 redid all our forms for financial assurance.

10 MR. RAO: Okay.

11 MR. SRINIVASARAGHAVAN: That was our first  
12 priority.

13 MR. RAO: All right. I have not looked at this  
14 applicability of financial assurance recently. Does  
15 this apply only to registered facilities or all  
16 facilities?

17 MR. SRINIVASARAGHAVAN: So right now it applies  
18 to all facilities. However, consulting with industry  
19 expert and all -- industry experts and also any input  
20 that we get from the Board and public comment,  
21 possibly. We are looking in to see -- we are trying to  
22 figure out if there's going to be some targeted  
23 exemptions that we can give smaller operators.

24 MR. RAO: Okay. So when it comes to, like, the

1 information about a facility in this form, you have:  
2 The "Facility Name," "Bureau of Land ID Number," things  
3 like that -- so every facility will get that BOL ID  
4 number or is it only the registered facilities?

5 MR. SRINIVASARAGHAVAN: All registered facilities  
6 will get a BOL ID number.

7 MR. RAO: What about the facilities which are not  
8 registered? Financial assurance applies to all  
9 facilities.

10 MR. SRINIVASARAGHAVAN: Are you -- sorry. To  
11 clarify, are you saying registration with us or  
12 registration with secretary of state?

13 MR. RAO: Registration under this rule.

14 MR. SRINIVASARAGHAVAN: Okay. Yeah. So if they  
15 registered under this rule, then they would receive a  
16 BOL ID number.

17 MR. RAO: If they're not -- if they don't meet  
18 the 5,000-kilogram threshold --

19 MR. SRINIVASARAGHAVAN: Well, right now the  
20 registration is still there for everyone, I believe.

21 MR. RAO: Is it for everyone?

22 MR. SRINIVASARAGHAVAN: Oh, that's right. No,  
23 no. Sorry. My mistake. So for right now, yes, you're  
24 right. The registration is only for everyone

1 5,000 kilograms and above. We are considering making  
2 the registration for everyone to be able to track this  
3 more effectively.

4 MR. RAO: Okay.

5 MR. SRINIVASARAGHAVAN: Because we did identify  
6 that was a -- that was a hole in compliance that we  
7 were not going to be able to fill.

8 MR. RAO: Okay. It's just, you know, if you do  
9 make it applicable to all facilities, will you address  
10 this in your posthearing comments or for those  
11 amendments to come in?

12 MR. SRINIVASARAGHAVAN: Yes. We will.

13 MR. RAO: So will there be some facility may not  
14 like that idea? And what recourse will they have if  
15 it's already posthearing? I was just curious.

16 MR. SRINIVASARAGHAVAN: That's why we're  
17 considering in the registration form if they can try to  
18 file for an exemption if they're a smaller operation.  
19 If their main line of business is not storing used EV  
20 batteries -- for example, they're just an automotive  
21 shop who happens to -- you know, repair cars and, you  
22 know, take out batteries every now and then -- then  
23 they could -- we're looking into a provision for them  
24 to apply for an exemption to alleviate that concern.

1 MR. RAO: So we'll take a good look at the forms.

2 MR. SRINIVASARAGHAVAN: Sure.

3 MR. RAO: If we have anything -- we may have  
4 questions for you --

5 MR. SRINIVASARAGHAVAN: Of course.

6 MR. RAO: -- in writing.

7 MEMBER TIN: Especially the registration for the  
8 smaller ones. Because the way the rules are written  
9 here, you could come in, but then you could go out, and  
10 so if you at least had a number assigned to them, you  
11 could see, you know, where they are.

12 MR. SRINIVASARAGHAVAN: That's correct, Member  
13 Tin. Yeah. That's exactly why we were looking to  
14 change this.

15 MEMBER TIN: Yes. And if you do include an  
16 exemption, would that be written into the rule?

17 MR. SRINIVASARAGHAVAN: Most likely, yes.

18 MEMBER TIN: Okay.

19 HEARING OFFICER MOISAN: Ms. Tipsord.

20 MS. TIPSWORD: Hi. Marie Tipsord, general  
21 counsel. It's my understanding, I believe, this rule  
22 has already been published for first notice in the  
23 Illinois Register; is that correct?

24 HEARING OFFICER MOISAN: Yes.

1 MS. TIPSWORD: Okay. You're talking about adding  
2 a whole category of people to registration after this  
3 rule has been published for first notice. So my  
4 question to you -- Anand, kind of, hinted at it -- my  
5 question to you is how do we explain to the joint  
6 committee on administrative rules this extensive of an  
7 addition. Because do you know how many people that may  
8 involve? Are we talking five? Are we talking 500?  
9 And they will not have had a chance to comment on any  
10 of the provisions that they may or may not be subject  
11 to depending on what the registration is that you  
12 decide to have. So something you need to keep in mind  
13 if you're talking about that substantive of a change,  
14 which, to me, it seems like that's a pretty substantive  
15 change to add to a category. You're going to need to  
16 justify it pretty fully legally as well as technically  
17 so that if the Board were to decide to go ahead, they  
18 would need to explain why this change occurred after  
19 publication of first notice.

20 MR. SRINIVASARAGHAVAN: We will definitely take  
21 that into consideration.

22 HEARING OFFICER MOISAN: Yes. Member Van Wie.

23 MEMBER VAN WIE: Are you -- I presume that the  
24 definitions of "owner and operator" also include any

1 state agencies; is that correct? Typically? As a, you  
2 know, owner and operator usually includes --

3 MR. SRINIVASARAGHAVAN: Yeah. From a --  
4 (simultaneous speaking.) Yes.

5 MEMBER VAN WIE: -- state agencies. Are you  
6 aware of any state agencies that may fall under the  
7 5,000 or more category -- Department of Transportation,  
8 anything like that -- where this would be applicable to  
9 them?

10 MR. SRINIVASARAGHAVAN: We are not aware at this  
11 point, but I can -- I can imagine that the two biggest  
12 agencies that this would be applicable to would be  
13 Department of Transportation and then CMS. Because  
14 they operate a fleet of vehicles, basically, across the  
15 entire state, and they operate the CMS garages as well.

16 MEMBER VAN WIE: And so it's safe to assume that  
17 these requirements would be also applicable to state  
18 agencies -- that would be the intent.

19 MR. SRINIVASARAGHAVAN: Correct.

20 MEMBER TIN: But you did exempt municipalities.  
21 Is that not correct? Wasn't there an exemption for the  
22 municipalities? A new exemption. I thought I read  
23 that.

24 MR. SRINIVASARAGHAVAN: I'm not sure we have that

1 in here now. We can certainly look at that. So it  
2 looks like they are exempt from financial assurance.

3 MEMBER TIN: Okay.

4 MR. SRINIVASARAGHAVAN: But they are not exempt  
5 from the rules.

6 MEMBER TIN: Okay.

7 HEARING OFFICER MOISAN: Does anyone else have  
8 any additional questions?

9 (No audible response.)

10 HEARING OFFICER MOISAN: Hearing none, we will  
11 proceed with public comment. Is there anyone present  
12 here today who wishes to provide public comment?

13 (No audible response.)

14 HEARING OFFICER MOISAN: Okay. Hearing none, we  
15 will proceed to the DCEO economic impact study request  
16 and response. Section 27(b) of the Act provides that  
17 the Board must request that DCEO conduct an economic  
18 impact study of proposed rules before the Board adopts  
19 the rules. The Board must make either the economic  
20 impact study or the department's explanation for not  
21 conducting one available to the public at least 20 days  
22 before a public hearing. In a letter dated January 23,  
23 2026, then Board Chair Barbara Flynn-Currie requested  
24 that DCEO conduct an economic impact study of this

1 rulemaking proposal. The Board specifically requested  
2 a response no later than February 23, 2026.

3 DCEO submitted a response on April 7,  
4 2026, providing a qualitative discussion of the  
5 proposed rule and its potential economic and small  
6 business impact rather than a quantitative economic  
7 impact study.

8 Is there anyone present today who would  
9 like to offer testimony or comment on the Board's  
10 request for a study and DCEO's response?

11 (No audible response.)

12 HEARING OFFICER MOISAN: Seeing and hearing  
13 none -- or I'm sorry. Is there anyone else who wishes  
14 to testify or provide any comments today?

15 (No audible response.)

16 HEARING OFFICER MOISAN: Hearing none, would  
17 it -- I would like to go off the record briefly.

18 (Discussion off the record.)

19 HEARING OFFICER MOISAN: We are back on the  
20 record following a brief recess for procedural matters.  
21 I will address a few remaining administrative items  
22 before concluding today's hearing.

23 A transcript of today's hearing is  
24 expected to be available by Thursday, June 18, 2026,

1 and will be posted to COOL upon receipt, consistent  
2 with 35 Ill. Admin. Code 102.108(b). There will be an  
3 opportunity for posthearing written comments within  
4 14 days after receipt of the transcript. Unless  
5 otherwise provided by order of the Board or hearing  
6 officer, when the Board receives the transcript, we  
7 will issue a hearing officer order confirming the  
8 deadline for posthearing comments. Filings with the  
9 Board, whether paper or electronic, must also be served  
10 on the hearing officer and on those persons on the  
11 service list. Before filing, please check on COOL or  
12 with the board's clerk to ensure you have the most  
13 recent version of the service list.

14 Are there any other matters that need  
15 to be addressed on the record at this time?

16 (No audible response.)

17 HEARING OFFICER MOISAN: Hearing none, I would  
18 like to thank everyone for their participation today,  
19 and the hearing is adjourned.

20 (WHEREUPON, the above-entitled  
21 proceedings were adjourned at  
22 9:50 AM.)  
23  
24

1 STATE OF ILLINOIS )  
 ) SS.  
2 COUNTY OF DUPAGE )  
3

4 Michael Duffy, being first duly sworn, on oath  
5 says that he is a Certified Electronic Reporter doing  
6 business in the city of Chicago, county of Cook, and  
7 state of Illinois.

8 That he reported the proceedings had at the  
9 foregoing Illinois Pollution Control Board meeting and  
10 that the foregoing is a true and correct transcript of  
11 the reported proceedings so taken aforesaid and  
12 contains all the proceedings had at said meeting.

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Michael J. Duffy  
Certified Electronic Reporter  
Notary Public

<b>1</b>	<b>21</b> 21:3	<b>8</b>	<b>added</b> 26:17 31:7
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