

ILLINOIS POLLUTION CONTROL BOARD
June 18, 2026

IN THE MATTER OF:)
)
RULEMAKING FOR FILING FEE) R26-18
INCREASE 35 ILL. ADM. CODE 101.302,) (Rulemaking – Procedural)
2 ILL. ADM. CODE 2175.200)

Proposed Rule. First Notice.

OPINION AND ORDER OF THE BOARD (by M. Gibson):

In June, Governor J.B. Pritzker signed P.A. 104-0466 into law. P.A. 104-0466 amends Section 7.5 of the Environmental Protection Act (Act) (415 ILCS 5/7.5 as amended by P.A. 104-0466. Section 7.5 of the Act sets the filing fee for certain Board cases and P.A. 104-0466 raises those fees from \$75 to \$250, effective July 1, 2026. The Board today proposes for first-notice rule language to effectuate the statutory change.

PUBLIC ACT 104-0466

Public Act 104-0466 amends Section 7.5(a) of the Act to provide:

The Board shall collect filing fees as prescribed in this Act. The fees shall be deposited into ~~in~~ the Pollution Control Board Fund. The filing fees shall be as follows:

- Petition for site-specific regulation, \$250 ~~\$75~~.
- Petition for variance, \$250 ~~\$75~~.
- Petition for review of permit, \$250 ~~\$75~~.
- Petition to contest local government decision pursuant to Section 40.1, \$250 ~~\$75~~.
- Petition for an adjusted standard, pursuant to Section 28.1, \$250 ~~\$75~~.
- Petition for a time-limited water quality standard, \$250 ~~\$75~~ per petitioner.

On July 1, 2027 and each July 1 thereafter, the filing fees charged under this Section shall each be increased by an amount equal to the annual unadjusted percentage increase (but not less than zero) in the Consumer Price Index-U for the 12 months ending with the March preceding each July 1, including all previous adjustments, rounded down to the nearest whole number. As used in this Section, "Consumer Price Index-U" means the index published by the Bureau of Labor Statistics of the United States Department of Labor that measures the average change in prices of goods and services purchased by all urban consumers, United States city average, all items, 1982-84 = 100.

PROPOSED FIRST NOTICE

Due to the statutory change, the Board proceeds to first notice by amending Section 101.302 and repealing Section 2175.200. Specifically, the Board revises Section 101.302(e) to include the new filing fees, as well as the statutory framework for the annual updating of those filing fees. The Board also commits to providing the updated fees on its website at pcb.illinois.gov and in the Board's quarterly publication of the *Environmental Register*. The Board further corrects the Clerk's address in subsection (b)(1) and corrects a typographical error in subsection (g).

Additionally, the Board is repealing Section 2175.200 as the language is redundant and unnecessary given the rule language in Part 101.

The Board's filing fees were first set in 1989 at \$75 and have remained so for the past 37 years until this statutory change. The amendment allowing the fee increase will help the Board maintain its online record keeping system and make up for lost income from paper-based fees. In recent years, the Pollution Control Board Fund revenues have decreased dramatically due to the Board's online record keeping system, which has practically erased any of the paper-based fees that the Board used to receive. The statutory filing fee is now the Board Fund's only source of revenue and an increased filing fee will help address the Board's revenue needs.

The Board notes that filing fees do not apply to constituents filing complaints to enforce environmental regulations. Filing fees do apply to entities seeking regulatory relief.

Procedures for this Rulemaking

Illinois Register publication of these proposed first-notice amendments will start a 45-day period during which anyone may file public comments on the Board's proposal. See 5 ILCS 100/5-40(b) (2024); see also 35 Ill. Adm. Code 102.604. Public comments must be filed through COOL and served on the hearing officer as well as those participants appearing on this proceeding's service list. See 35 Ill. Adm. Code 101.302(h), 101.304, 101.1000(c), 101.1060; see also 35 Ill. Adm. Code 102.100(a), 102.108, 102.422. Also, each public comment must identify the docket number of this proceeding, R26-18. See 35 Ill. Adm. Code 101.302(g). Participants must serve the hearing officer by e-mail and are encouraged to consent to receipt of e-mail service. See 35 Ill. Adm. Code 101.1060(d), 101.1070. COOL and information concerning this rulemaking are available on the Board's website (pcb.illinois.gov). As this rulemaking proposes to adopt procedural rules, the Board is not required to hold a hearing and, at present, does not plan to hold one. 415 ILCS 5/26, 27 (2024). However, if the Board finds that a hearing would be advisable or otherwise receives a request for a hearing under the IAPA, the Board will schedule a hearing. See 5 ILCS 100/5-40(b) (2024).

CONCLUSION

To ensure consistency between the statutory language and the Board's rules, the Board today proposes for first notice changes to its procedural rules. The update to the procedural rules will add language from the statute to the rules, and update filing fees consistent with the statute.

ORDER

The Board directs its Clerk to provide first-notice publication of the proposal in the *Illinois Register* under the IAPA. The proposed rule appears as an addendum to this order.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on June 18, 2026, by a vote of 4-0.

Don A. Brown

Don A. Brown, Clerk
Illinois Pollution Control Board