

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: General Rules
- 2) Code Citation: 35 Ill. Adm. Code 101
- 3) Section Number: 101.302 Proposed Action: Amendment
- 4) Statutory Authority: Implementing Sections of the Environmental Protection Act [415 ILCS 5/5, 7.1, 7.2, 26, 27, 28, 29, 31, 32, 33, 35, 36, 37, 38, 40, 40.1, 40.2, 41, and 58.7] and authorized by Sections 26 and 27 of the Act [415 ILCS 5/26 and 27] and Section 25-101 of the Electronic Commerce Security Act (Repealed by P.A. 102-38).
- 5) A Complete Description of the Subjects and Issues Involved: Due to a statutory change, the Board proceeds to First Notice by amending 35 Ill. Adm. Code 101.302 and repealing 2 Ill. Adm. Code 2175.200. Specifically, the Board revises Section 101.302(e) of Title 35 to include new filing fees, as well as the statutory framework for the annual updating of those filing fees. The Board 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 and corrects a typographical error. Additionally, the Board is repealing Section 2175.200 of Title 2 as the language is redundant and unnecessary given the rule language in Section 101.302(e) of Title 35.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: No
- 7) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any proposed rulemakings to this Part pending? No
- 11) Statement of Statewide Policy Objectives: These proposed amendments do not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comments on this proposal for a period of at least 45 days after the date of publication in the *Illinois Register*. Public comments

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should refer to Docket R26-18 and be filed electronically through the Clerk's Office On-Line (COOL) on the Board's website at <https://pcb.illinois.gov/>. Public comments may be addressed to:

Clerk's Office
Illinois Pollution Control Board
60 E. Van Buren, Suite 630
Chicago, IL 60605

(312) 814-3621
don.brown@illinois.gov

Interested persons may download copies of the Board's opinions and orders in R26-18 from the Board's Web site at <https://pcb.illinois.gov/> and may also request copies by calling the Clerk's office at (312) 814-3620.

13) Initial Regulatory Flexibility Analysis:

- A) Description of the type of small business, not for profit corporations or small municipalities subject to the proposed amendment: The rule amends the Board's filing fees for certain cases so any small business that petitions the Board for site specific regulation, variance, review of an IEPA permit decision, UST decision, or any other appeal filed under Section 40 or 40.3 of the Act, review of a pollution control facility siting decision, under Section 40.1 of the Act, adjusted standard, under Section 28.1 of the Act, and time limited water quality standard, under Section 38.5 of the Act.
- B) Description of the proposed reporting, bookkeeping and other procedures required for compliance with the proposed amendment: Only additional requirements is to change the fee for filing.
- C) Description of the types of professional skills necessary for compliance: No professional skills are necessary.

14) Small Business Economic Impact Analysis:

Determine whether the rulemaking has an adverse impact on small business (fewer than 50 full-time employees or less than \$4,000,000 in gross annual sales). An adverse impact is one that can be reasonably foreseen on small businesses including, but not limited to, a loss of customers, loss of revenue, or increased business expenses. If the proposed amendment has an adverse impact on small business, the agency must provide an

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economic impact analysis including:

- A) Types of businesses subject to the proposed amendment: None
 - B) Estimated number of small business subject to the proposed amendment:
Unknown
 - C) Categories that the agency reasonably believes the rulemaking will impact, including:
 - ii. regulatory requirements;
 - v. licensing fees;
 - vii training requirements;
 - viii. record keeping.
 - D) Projected reporting, recordkeeping and other administrative costs for compliance with the proposed amendment: None
 - E) Type of professional skills necessary for preparation of any report or record required for compliance with the proposed amendment: None
 - F) Statement of the probable positive or negative economic effect on small business:
None
 - G) Description of any less intrusive or costly alternative methods of achieving the purposes of the proposed amendment: None
- 15) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the two most recent agendas as it is implementing a new statutory provision effective July 1, 2026.
- 16) Any other information or justification for the proposed rule or amendment that the agency believes would be helpful to the public regarding the proposed rule or amendment. For example, a discussion or analysis of the benefits of the proposed rule or amendment is projected to have on the Illinois public, consumers, investors or other similar groups. See 5.

The full text of the Proposed Amendment begins on the next page: