

ILLINOIS POLLUTION CONTROL BOARD

October 1, 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. Second Notice.

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

In June Governor J.B. Pritzker signed P.A. 104-0466 (eff. June 16, 2026) 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 eff. 6/18/26). 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 proposed for first notice changes to effectuate the statutory mandate on June 18, 2026. The Board today proposes for second-notice to the Joint Committee on Administrative Rules (JCAR) the rule language.

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.

SUMMARY OF FIRST NOTICE PROPOSAL

Due to the statutory change, the Board proceeded to first notice by amending Section 101.302 and repealing Section 2175.200. Specifically, the Board revised 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 committed 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 corrected the Clerk's address in subsection (b)(1) and corrected a typographical error in subsection (g).

Additionally, the Board proposed to repeal Section 2175.200 as the language is redundant and unnecessary given the language of the rule 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 filing fees do not apply to constituents filing complaints to enforce environmental regulations. Filing fees do apply to entities seeking regulatory relief.

The proposal for public comment was published in the *Illinois Register* on July 10, 2026. 50 Ill. Reg. 9098, 9105.

SECOND NOTICE PROPOSAL

During the first notice period the Board received only two comments, both were questions generated by JCAR regarding the notice pages for Part 101 and Part 2175. The Board filed corrected copies of the notice pages and the rules, as published in the *Illinois Register*, were correct.

The Board makes one change to the rule language. In 101.302(e)(1), the Board replaces the "@" with "104-0466 eff. 6/18/26". The Board received no additional comments during the first notice period, therefore the Board proceeds to second notice making only the one change.

CONCLUSION

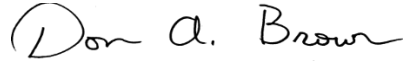
To ensure consistency between the statutory language and the Board's rules, the Board today proposes for second notice changes to its procedural rules. The update to the procedural rules will add language from the statute to the rules, and update filing fees consistent with the statute.

ORDER

The Board directs its Clerk to provide second notice of the proposal to the Joint Committee on Administrative Rules. 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 October 1, 2026, by a vote of 5-0.

A handwritten signature in black ink that reads "Don A. Brown". The signature is written in a cursive, flowing style.

Don A. Brown, Clerk
Illinois Pollution Control Board