

Upcoming Changes to the LUST Program

[Public Act 104-291](#) was signed into law on August 15, 2025 amending Sections 57.8 and 57.9 of the Environmental Protection Act. The amendments become effective on January 1, 2026:

- **Relief for sites with higher deductibles.** Currently, the standard deductible for releases reported prior to July 8, 2010, is \$10,000. However, a release could be subject to a higher deductible based on UST registration:
 - A \$100,000 deductible applies if none of the underground storage tanks were registered prior to July 28, 1989. [415 ILCS 5/57.9(b)(1)]
 - A \$50,000 deductible applies if any of the USTs were registered prior to July 28, 1989, and the State received notice of the confirmed release prior to July 28, 1989. [415 ILCS 5/57.9(b)(2)]
 - A \$15,000 deductible applies if one or more, but not all, USTs were registered prior to July 28, 1989, and the State received notice of the confirmed release on or after July 28, 1989. [415 ILCS 5/57.9(b)(3)]

Beginning January 1, 2026, for the above releases, costs incurred after the effective date of P.A. 104-291 will be subject to only a \$10,000 deductible. Deductibles paid on costs incurred prior to January 1, 2026, will be credited toward the new deductible. Therefore, persons who have paid at least \$10,000 towards a high deductible on costs incurred prior to January 1, 2026, will owe no more deductible on costs incurred after January 1, 2026. Persons who have paid less than \$10,000 towards a high deductible on costs incurred prior to January 1, 2026, will still owe a deductible on costs incurred on or after January 1, 2026, up to the new \$10,000 maximum.

- **Completion of plan prior to payment.** As amended by the Public Act 104-291, beginning January 1, 2026, the review of applications for payment do not begin until the Illinois EPA also receives the report documenting completion of the plan. [415 ILCS 5/57.8] Once both the application for payment and report are received, the standard 120-day review deadline begins. This change is to ensure confirmation that plans for which payment is sought have been implemented.

Frequently Asked Questions:

Q: Is the \$10,000 deductible that applies to costs incurred on or after January 1, 2026, an additional deductible on top of my previous \$15,000, \$50,000, or \$100,000 deductible?

A: No. The enacted legislation does not create an additional deductible. The higher deductibles continue to apply to costs incurred prior to January 1, 2026.

Q: If I've paid a deductible of \$10,000 or more on costs incurred prior to January 1, 2026, will I pay any deductible on costs incurred on or after January 1, 2026?

A: No. If you paid at least \$10,000 towards your deductible on costs incurred prior to January 1, 2026, you owe nothing further on costs incurred on or after January 1, 2026.

Q: If I've paid less than \$10,000 in deductible on costs incurred prior to January 1, 2026, what deductible do I pay on costs incurred after January 1, 2026?

A: You will receive credit for any deductible amount paid on costs incurred prior to January 1, 2026. For costs incurred on or after January 1, 2026, you will only owe the balance up to \$10,000. For example, if you paid \$8,000 in deductible on costs incurred prior to January 1, 2026, you must still pay \$2,000 in deductible on costs incurred on or after January 1, 2026, to equal to the new \$10,000 deductible.