

ILLINOIS POLLUTION CONTROL BOARD  
March 20, 2025

IN THE MATTER OF: )  
)  
STANDARDS FOR UNIVERSAL WASTE ) R25-22  
MANAGEMENT ) (Rulemaking - Land)  
(35 ILL. ADM. CODE PARTS 703, 720, 721, )  
724, 725, 728, and 733) )

Proposed Rule. First Notice.

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

On March 3, 2025, the Illinois Environmental Protection Agency (IEPA) filed a proposal to amend the Board’s universal hazardous waste regulations. A Statement of Reasons (SR) and Technical Support Document were included with the IEPA’s proposal. In this order, the Board accepts IEPA’s proposal for hearing. The Board also directs its Clerk to submit the proposal to first notice publication in the *Illinois Register*, without commenting on the substantive merits of IEPA’s proposal. The proposed rule appears in an addendum to this order.

**PUBLIC ACT 103-372 and 103-887**

Public Act 103-372 created the Paint Stewardship Act, which requires manufacturers of architectural paint sold at retail in the State of Illinois to establish and operate a post-consumer paint stewardship program. SR at 7. IEPA notes that PaintCare is anticipated to serve as the representative organization in Illinois for manufacturers of paints. *Id.* To allow PaintCare to collect oil based paints more efficiently, the General Assembly amended the Environmental Protection Act (Act) in Public Act 103-887 to allow PaintCare to manage post-consumer paints as universal waste and alleviate the regulatory burden on PaintCare’s collection sites. *Id.* at 8.

Section 22.23e (a) defines paint and paint-related wastes. Section 22.23e(b)(1) designates paint and paint-related wastes defined in subsection (a) as universal waste subject to the streamlined hazardous waste rules set forth in 35 Ill. Adm. Code 733. 415 ILCS 5/22.23e(b)(1) (2022), added by P.A. 103.887 eff. 1/1/25. IEPA is required to propose rules within in 60 days of the effective date of the Public Act, and the Board is required to adopt the rules within 180 days of receipt of the IEPA proposal. *Id.* The rules must reflect the designation and “prescribe procedures and standards for the management of hazardous waste paint and paint-related waste as a universal waste consistent with” Section 22.23e. *Id.*

**IEPA PROPOSAL**

IEPA explains that universal waste management is material-specific and applies only to specific wastes identified in the Board’s universal waste rules. SR. at 8. The universal waste rules are structured in a way that allows new wastes to be added and currently, the Board’s universal waste rules apply to: batteries, pesticides, mercury-containing equipment, lamps,

certain household wastes, and certain very small quantity generator wastes. *Id.*, citing 35 Ill. Adm. Code Sections 733.102 through 733.108. IEPA proposed to add “paint and paint-related waste” (PPRW) to the list of universal wastes and to make PPRW subject to the requirements of other designated universal wastes. *Id.* at 9.

IEPA proposed amendments to Part 733 to incorporate PPRW as a universal waste. In addition, amendments are being proposed to Parts 703, 720, 721, 724, 725, and 728 to reflect PPRW as a universal waste. SR at 10.

### **FIRST-NOTICE PUBLICATION AND COMMENT**

Without commenting on the substantive merits of IEPA’s proposal, the Board directs its Clerk to provide first-notice publication of the proposal in the *Illinois Register* under the Illinois Administrative Procedure Act (APA) (5 ILCS 100/5-40(b) (2022)). However, the Board will need to make one nonsubstantive change to the proposed rule.

Publication of the proposal in the *Illinois Register* begins a period of at least 45 days during which any person may file a public comment with the Board. Comments should include this rulemaking’s docket number R25-22. Comments must be filed electronically through the Clerk’s Office On-Line (COOL) on the Board’s website ([www.ipcb.state.il.us](http://www.ipcb.state.il.us)). Questions about filing comments can be directed to the Clerk’s Office at 312-814-3461.

### **ORDER**

1. The Board accepts IEPA’s proposal for hearing.
2. Without comment on the substantive merits of IEPA’s proposal, the Board directs its Clerk to provide first notice publication of the proposal in the *Illinois Register* under the APA. The proposed rule appears as an addendum to this order.
3. The Board directs the assigned hearing officer to proceed to hearing under the rulemaking provisions of the Act and the Board’s procedural rules to ensure timely completion of this rulemaking. (415 ILCS 5/22.23e 27, 28 (2022), as amended by P.A. 103-887 eff. 1/1/25; 35 Ill. Adm. Code 102).

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 March 20, 2025, by a vote of 5-0.



Don A. Brown, Clerk  
Illinois Pollution Control Board