

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))

NOTICE OF HEARINGS

DATES, TIMES, AND LOCATIONS:

FIRST HEARING: Wednesday, April 16, 2025, beginning at 1:00 PM

Hearing by videoconference between:

Board Conference Room 1.508
2520 West Iles Avenue
Springfield, Illinois 62702

Michael A. Bilandic Building
Room N505
160 North LaSalle Street
Chicago, Illinois 60601

SECOND HEARING: Tuesday, May 20, 2025, beginning at 10:30 AM

Hearing by videoconference between:

Michael A. Bilandic Building
Room N502
160 North LaSalle Street
Chicago, Illinois 60601

Board Conference Room 1.508
2520 West Iles Avenue
Springfield, Illinois 62702

PURPOSE OF HEARINGS:
PRESIDING BOARD MEMBER:
HEARING OFFICER:

Merit and Economic
Michelle Gibson
Chloe Salk

HEARING OFFICER ORDER

Public Act 103-372, effective January 1, 2024, 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. On August 9, 2024, the Governor signed Senate Bill 839 into law as Public Act 103-887, effective January 1, 2025. P.A. 103-887 adopted Section 22.23e of the Environmental Protection Act (Act), which allows PaintCare, the anticipated paint manufacturer representative in Illinois, to manage post-consumer paint as universal waste and alleviate the regulatory burden on PaintCare's collection sites.

P.A. 103-887 requires that, within 60 days of the effective date of the Public Act, the Illinois Environmental Protection Agency (IEPA) must propose to the Board rules for management of paint and paint-related waste as universal waste. On March 3, 2025, IEPA filed this proposal under Section 22.23e of the Act. Within 180 days after receiving the proposal from IEPA, the Board must adopt rules. 415 ILCS 5/22.23e(b)(1); P.A. 103-887.

On March 20, 2025, the Board accepted the proposal, submitted it to first-notice publication in the *Illinois Register*, and directed the assigned hearing officer to proceed to hearing under the Act and Board rules.

Hearings and Pre-filed Testimony

The Board will conduct two hearings to allow proponents and any other interested participants to testify and comment on the merits and economic impact of the proposed rule. *See* 415 ILCS 5/28(a) (2022); 35 Ill. Adm. Code 102.412(a).

The Board's procedural rules provide that "[a]ny Board hearing may be held by videoconference." The rules list factors that hearing officers consider when determining whether to hold a hearing by videoconference. 35 Ill. Adm. Code 101.600(b). With the availability of videoconference facilities, the Board expects that using available facilities will accommodate attendance and participation at these hearings. In addition, videoconference hearings would reduce the time and cost of travel for the Board Members and staff and hearing participants including IEPA. Having considered these factors, the Board concludes to conduct the required hearings by videoconference between its Springfield and Chicago offices. 35 Ill. Adm. Code 101.600(b).

Participants pre-filing testimony for either of the two hearings are directed to serve it on all persons on the Service List at the time of pre-filing. *See* 35 Ill. Adm. Code 102.424(c). Before filing any document with the Board's Clerk, please obtain the current version of the Service List through the Clerk's Office On-Line (COOL) on the Board's Web site (pcb.illinois.gov) or by calling the Clerk's Office at 312-814-3461. Documents may generally be served by e-mail if the recipient has consented to e-mail service and has not revoked the consent. 35 Ill. Adm. Code 101.1060. Participants in this rulemaking are encouraged to provide consent to e-mail service of documents. *See* 35 Ill. Adm. Code 101.1070(a).

All persons wishing to testify at either hearing will be sworn in and subject to questioning. 35 Ill. Adm. Code 102.428(a). At both hearings, all pre-filed testimony will be entered into the record as if read. *See* 35 Ill. Adm. Code 102.424(f).

For a videoconference hearing, any document to be offered as a hearing exhibit must be received by the Clerk's Office at least 24 hours before the scheduled start of the hearing. 35 Ill. Adm. Code 102.424(h). If not filed at least 24 hours before the scheduled start of the videoconference hearing, the document will not be admitted as an exhibit at the hearing but may be filed as a public comment after the hearing. *Id.*

Participants wishing to offer a public comment will be allowed to do so as time allows before the end of a hearing. Participants may also file post-hearing comments. *See* 35 Ill. Adm. Code 102.108(b).

Unless the Board, hearing officer, Clerk, or procedural rules provide otherwise, all documents in this proceeding must be filed electronically through the Clerk's Office On-Line (COOL). 35 Ill. Adm. Code 101.302(h), 101.1000(c), 101.Subpart J.

First Hearing

Participants who intend to testify at the first hearing are directed to pre-file all their testimony and related exhibits no later than Wednesday, April 2, 2025. *See* 35 Ill. Adm. Code 102.424(a).

Although Section 27 of the Act (415 ILCS 5/27 (2022)) does not set the order of the hearing, the hearing officer intends to begin the first hearing with questions directed to witnesses who pre-file testimony for it. *See* 35 Ill. Adm. Code 102.428(c). After the witnesses who pre-filed testimony have responded to questions, participants who did not pre-file testimony may testify as time allows.

Second Hearing

Participants who intend to testify at the second hearing are directed to pre-file all their testimony and related exhibits no later than Wednesday, May 7, 2025. *See* 35 Ill. Adm. Code 102.424(a).

The hearing officer intends to begin the second hearing with questions directed to participants who pre-filed testimony for it. Participants who did not pre-file testimony for the second hearing will be allowed to testify and respond to questions as time permits. *See* 35 Ill. Adm. Code 104.424(g).

Service and Notice Lists

The Board has established and will maintain both a Notice List and Service List for this proceeding. *See* 35 Ill. Adm. Code 102.422(a), (b). The Notice List includes participants who wish to receive only the Board's opinions and orders and hearing officer orders. 35 Ill. Adm.

Code 102.422(a). The Service List includes participants who expect to participate more actively and wish also to receive other filings such as pre-filed testimony. *See* 35 Ill. Adm. Code 102.422(b).

Note that any interested person may request electronic notice of filings by providing an email address through COOL under this docket number R25-22. This electronic notice includes notice of filing of documents that are not typically provided to persons on the Notice List. In addition, COOL provides links to documents filed with the Board, which can be viewed, downloaded, and printed free of charge as soon as they are posted to COOL.

Economic Impact Study

In a letter dated March 20, 2025, the Board's Chair requested that the Department of Commerce and Economic Opportunity (DCEO) conduct an economic impact study of the proposed rule and respond to the request no later than Wednesday, April 30, 2025. At the second hearing, the Board will receive testimony on any response received by DCEO. *See* 415 ILCS 5/27(b) (2022).

IT IS SO ORDERED.



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