

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN MATTER OF:)	
)	
STANDARDS FOR UNIVERSAL)	R 25-22
WASTE MANAGEMENT:)	(Rulemaking - Land)
PROPOSED 35 ILL. ADM. CODE)	
PARTS 703, 720, 721, 724, 725, 728, AND 733)	

NOTICE OF FILING

To: Persons on Attached Service List

PLEASE TAKE NOTICE THAT on the April 8, 2025, I caused to be electronically filed with the Clerk of the Illinois Pollution Control Board, via the “COOL” System, the Illinois Attorney General’s Questions for Illinois Environmental Protection Agency, a copy of which is hereby attached and served upon you.

PEOPLE OF THE STATE OF ILLINOIS
KWAME RAOUL
Attorney General of the State of Illinois

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CERTIFICATE OF SERVICE

I, Jason James, an Assistant Attorney General, caused to be served on this 8th day of April 2025, the foregoing Notice of Filing of and Illinois Attorney General's Questions to Illinois Environmental Protection Agency on the parties named on the attached Service List, by email or electronic filing, as indicated on the attached Service List.

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN MATTER OF:)
)
STANDARDS FOR UNIVERSAL WASTE) R 25-22
MANAGEMENT) (Rulemaking - Land)
AMENDMENTS TO 35 ILL. ADMIN. CODE)
PARTS 703, 720, 721, 724, 725, 728, and 733)

**Illinois Attorney General's Questions for the
Illinois Environmental Protection Agency**

1. Does the way Illinois Environmental Protection Agency's ("IEPA") plan to implement the Paint Stewardship Act (P.A. 103-372) and its proposed associated regulations differ from the way IEPA implements other stewardship programs? For instance, does it differ in significant ways from the Drug Take-Back Act (410 ILCS 720), Mercury Thermostat Collection Act (415 ILCS 98), Electronic Products Recycling and Reuse Act (415 ILCS 150), or the Mercury Switch Removal Act (415 ILCS 97)?
2. Does IEPA have the authority to implement requirements for the statutorily-required "paint stewardship program plan" (P.A. 103-372 at Section 15) or "annual report" (P.A. 103-372 at Section 40)? In particular, does IEPA have the authority to implement the statutory requirement that the paint stewardship program "shall seek to reduce the generation of postconsumer paint, promote its reuse and recycling, and manage the postconsumer paint waste stream using environmentally sound management practices"? (P.A. 103-372 at Section 15(a))
3. Is IEPA aware of any major differences between the way it proposes to implement the Paint Stewardship Act and the way other states implement similar paint stewardship programs?
4. Are there regulatory responsibilities currently performed by IEPA that would instead be performed by PaintCare after adoption of these regulations? If so, are there legal mechanisms by which IEPA could resume these responsibilities?
5. Would these regulations lead to large quantities of waste paint being stored at collection sites? Would some collection sites become large quantity handlers if paint accumulates over long periods of time? *See* proposed Section 733.133(f), IEPA's Statement of Reasons ("SR") at 125. Are expected paint collection sites located in environmental justice communities?
6. The proposed definition of "paint" does not include "other types of coatings such as industrial original equipment or specialty coatings". Proposed Section 720.110, SR at 37. *See also* SR at 102.

- a. Does this exemption create potential for confusion from consumers or individual collection sites?
 - b. Are these substances excluded from the regulatory definition of “paint” marketed or generally referred to as a type of paint?
7. For the proposed definition of “paint-related waste” (SR at 37), what types of waste does subsection (ii) describe? For instance:
- a. Does “material derived from the reclamation of paint-related wastes that is ... used in a manner constituting disposal” include paint-related waste that has been previously disposed in a landfill?
 - b. Does “paint-related waste” include items that are covered in paint but are discarded? For instance, a piece of metal or other substance that has been powder coated with a pigmented or unpigmented powder coating?
8. For proposed Section 733.107(b)(1), would the solvents or other materials that are mixed with the paint or paint-related waste that alter the physical properties of the paint or paint-related waste work to reduce the potential ignitability, corrosivity, reactivity, and/or toxicity characteristics of the paint or paint-related waste?
- a. Is there any instance where paint or paint-related waste with solvents or other materials mixed in increases the ignitability, corrosivity, reactivity, and/or toxicity characteristic of the paint or paint-related waste?
 - b. For proposed Section 733.107(c)(2), is there any instance where paint-related waste also goes unused? Why is paint-related waste not included in (c)(2) but is included in (c)(1)?
9. In proposed Section 733.113(f) Waste Management, if the small quantity handler of universal waste collect and stores paint and paint-related waste in containers pursuant to Section 733.113(f)(1), would the container become paint-related waste since it would then be a “material contaminated with paint that results from ... removal activities”?
- a. Further in Section 733.113(f)(3)(D), would the leaking container then be “paint-related waste and need to be disposed of pursuant to these proposed regulations?
 - b. Likewise for Section 733.133(f)(1) and (f)(3)(D), would the leaking container then be “paint-related waste and need to be disposed of pursuant to these proposed regulations?

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