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ILLINOIS POLLUTION CONTROL BOARD

April 16, 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) )

Report of proceedings from the hearing  
before the ILLINOIS POLLUTION CONTROL BOARD on  
Wednesday, April 16, 2025, 1:00 p.m., at 160 North  
LaSalle Street, Suite 505, Chicago, Illinois.

Reporter: Paul W. O'Connor, CSR  
CSR No. 084-002955

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PRESENT:

ATTENDING BOARD MEMBERS:

Michelle Gibson  
Michael D. Mankowski  
Angela Tin

BOARD STAFF:

Chloe Salk, Hearing Officer  
Dr. Anand Rao  
Essence Brown  
Tim Fox

OFFICE OF THE ILLINOIS ATTORNEY GENERAL:

Jason Clark  
Molly Kordas  
Karen Howard

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY:

Katherine A. Koehler

WITNESSES:

Kyle Rominger, IEPA

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1 MS. SALK: It's 1:00 p.m. Good afternoon. Welcome  
2 to this Illinois Pollution Control Board hearing. My  
3 name is Chloe Salk, I'm the hearing officer for this  
4 rulemaking proceeding entitled Standards For Universal  
5 Waste Management, 35 Illinois Administrative Code Part  
6 703, 720, 721, 724, 725, 728 and 733. The Board docket  
7 number for this rulemaking is R25-22.

8 To get started, I want to quickly go  
9 through three preliminary items: Introduction of the  
10 procedure to date and housekeeping. Including the order  
11 in which we will plan to proceed.

12 Present today from the Board are Board  
13 Member Michelle Gibson, the lead Board Member assigned  
14 this docket. Present from the Board staff are Anand Rao  
15 and Essence Brown of the Board's technical staff, as well  
16 as senior attorney Tim Fox who is in the audience today.

17 Second, the Board's procedure to date. On  
18 March 3, 2025, the Illinois Environmental Protection  
19 Agency filed this rulemaking proposal. In an order  
20 March 20, 2025, the Board accepted the proposal for  
21 hearing.

22 In an order on March 20, the hearing  
23 officer schedule two hearings.

24 Notice for this hearing was posted on

1 March 22, 2025, in the Chicago Sun-Times and on March 26,  
2 2025 in the State Journal-Register.

3 Today we are holding the first hearing.

4 In the order scheduling the hearings, the  
5 hearing officer directed participants intending to  
6 testify at this hearing to pre-file their testimony no  
7 later than April 2, 2025.

8 On April 1st, the Board received pre-filed  
9 testimony from Kyle Rominger.

10 On April 11th, the Board received  
11 pre-filed testimony from Suzanne Chang.

12 The order did not set a deadline for  
13 participants to pre-file questions based on that  
14 testimony, but the Board received pre-filed questions  
15 from the Illinois Attorney General's office on April 8th.  
16 In a hearing officer order on April 10th, the Board also  
17 submitted questions.

18 This morning, April 16th, IEPA filed  
19 written responses to these questions. These responses  
20 were not required but they are very helpful in expediting  
21 the hearing and the Board appreciates the time and effort  
22 of the participants' staff and counsel.

23 The Board posted all of these documents to  
24 its Clerk's Office On-Line or COOL under this docket

1 number R25-22 as they were filed.

2 Finally our housekeeping for the hearing.  
3 This hearing is governed by the Board's procedural rules.

4 Under Section 102.426 of those rules, all  
5 information that is relevant and not repetitious or  
6 privileged will be admitted by the hearing officer into  
7 the record.

8 Please bear in mind that any questions  
9 posed today by the Board and its staff are intended  
10 solely to help develop a clear and complete record for  
11 the Board's decision, and those questions do not reflect  
12 any determination or judgment on the proposal, testimony  
13 or questions.

14 For the sake of our court reporter, please  
15 speak clearly and avoid speaking at the same time as  
16 another person, so we can help produce a clear  
17 transcript. If you're asking a question, please state  
18 your name and organization you represent prior to any  
19 questions. Also if talking about the sections of the  
20 rules, please spell out the section number.

21 Court reporter, please feel free to stop  
22 me or anyone else at any point if we are going too fast,  
23 talking too softly or if you need something repeated.  
24 There is a sign-in sheet at the door for anyone who

1 wishes to sign up for public comment. So if there are  
2 any members of the public in person here today, please go  
3 ahead and write your name on the list.

4 As a reminder, anyone can submit written  
5 public comments on the Board clerk's office on-line  
6 system. The Board weighs oral and written public  
7 comments equally.

8 As to the order of today's proceeding, we  
9 will calling IEPA's witness Kyle Rominger. After being  
10 duly sworn in, the pre-filed testimony will be entered  
11 into the record as if read under section 102.424(f) of  
12 the Board's procedural rules.

13 We will then turn to questions for each  
14 witness, with pre-filed questions from the Attorney  
15 General's office first -- sorry, this was from before.  
16 We will turn to any questions that weren't pre-filed if  
17 those weren't answered, including any follow-up question.

18 As I mentioned, the participants pre-filed  
19 written questions -- as I mentioned, the participants  
20 filed written responses to these questions and this will  
21 be an opportunity for any follow-up questions from any of  
22 the participants.

23 After finishing with witnesses  
24 questioning, I will ask if there are any public comments

1 from members of the public. I anticipate taking a  
2 ten-minute break around 2:30 p.m. if we haven't finished  
3 by then, and ending today around 5:00 p.m.

4 Are there any questions about the order of  
5 proceeding? Okay. Seeing none, we are ready to turn to  
6 testimony. Starting with Kyle Rominger. Would the court  
7 reporter please swear in the witness.

8 (Witness sworn in).

9 MS. SALK: The witness' testimony is entered into  
10 the record as if read and entered as Exhibit 1. We will  
11 proceed with questions first from the Attorney General's  
12 office. If you like to come up to the front or I don't  
13 know if we can hear you from there.

14 Please state your name first and proceed  
15 to questions.

16 MR. CLARK: Jason Clark, I am with the Attorney  
17 General's office. Reading my first question, does the  
18 way the Illinois Environmental Protection Agency's plan  
19 to implement a Paint Stewardship Act PA103-372 and its  
20 proposed associated regulations defer from the way IPEA  
21 implements other stewardship programs?

22 For instance, does it defer in significant  
23 ways from the Drug Take Back Act, 410 ILCS 720; Mercury  
24 Thermostat Collection Act, 415 ILCS 98; Electronic

1 Products Recycling and Reuse Acts, 415 ILCS 150, or the  
2 Mercury Switch Removal Act, 415 ILCS 97?

3 MS. SALK: I was not clear about this. We will be  
4 entering all of these into the record as if read, all the  
5 answers. So you don't have to go through each question  
6 again. It's just if you have any supplemental questions.

7 So we will enter in the answers that you  
8 provided this morning as here in Exhibit 2 for the AG's  
9 questions. Then Hearing Exhibit 3 for the Board's  
10 questions. The answers to those.

11 Sorry about the confusion about that.

12 MS. KORDAS: Molly Kordas, also with the Illinois  
13 Attorney General's Office. I have one follow-up question  
14 on the first, our first question.

15 Can you clarify what you mean by modern  
16 stewardship program and how those differ if at all from  
17 the Paint Stewardship Act program?

18 MR. ROMINGER: Well, there's -- of the acts that  
19 were listed, I guess we are sort of considering the Drug  
20 Take Back Act, the Electronic Products Act and the Paint  
21 Stewardship Act, those have been passed more recently,  
22 sort of more modern EPR acts.

23 The other two, The Mercury Act, Thermostat  
24 Collection Act, The Mercury Switch Removal Act, those

1 were older and those do require manufacturers to take  
2 some actions with respect to the mercury products. But  
3 since that time, sort of term of art become known as the  
4 extended producer responsibility programs that have been  
5 adopted not only in Illinois, but throughout the country,  
6 that's sort of a different type of program.

7 And so the Paint Stewardship Act is more  
8 in line with that type of program mas is the Drug Take  
9 Back Act and what's the other one. The Electronics Act.  
10 So under those acts, they are all quite similar.

11 When they come to Illinois, we sort of  
12 worked with each of the proponents of those acts to put  
13 them in a form that makes sense for Illinois law and is a  
14 program that the Illinois EPA can administer. So they  
15 are all fairly similar, but they have the basic  
16 foundations where the manufacturers are required to set  
17 up a collection program to take care of their products at  
18 the end of their useful life.

19 Generally like with the Paint Care Act,  
20 sorry, Paint Stewardship Act, and PaintCare operating  
21 that act, those others have a stewardship organization  
22 that implements the programs on behalf of the  
23 manufacturers.

24 MS. SALK: Thank you.

1 MR. CLARK: I have two questions. Regarding our  
2 question 7A, your response. The program is to collect  
3 leftover paint in its original container.

4 In order for the paint to be accepted,  
5 does it have to be dropped off in the original paint  
6 container or would for instance if they transferred it to  
7 like another container to actually use, would that  
8 container be allowed to be dropped off or just the  
9 original paint can?

10 MR. ROMINGER: Yeah, there's no requirement that it  
11 be in the original paint can. As far as what's in the  
12 law.

13 I'm not sure how PaintCare in their  
14 operations, if they ask for it to come in the original  
15 paint can or not, so I can't speak to that. But there's  
16 no -- under the regulations and statutes, there's no  
17 requirement that it be in the original container.

18 MR. CLARK: That kind of answers my second  
19 question, too.

20 MS. KORDAS: I had just one more. Question number  
21 five. Regarding the collection of paint and paint  
22 related waste. You mentioned that whether large  
23 quantities accumulate depends on what's being collected  
24 and how often it's being picked up and transported.

1                   Are there any requirements proposed as to  
2 the frequency of pickup and transportation of the waste?

3                   MR. ROMINGER: Not as far as that. In the  
4 Universal Waste Rules there's a independent provision  
5 that limits accumulation to one year from receipt.  
6 There's also a provision that allows an extension of that  
7 time for certain reasons.

8                   And I could point you to that provision.  
9 It's under Section 733-115 for small handlers and there's  
10 a corresponding provision under the large quantity  
11 handlers as well. So generally it cannot be accumulated  
12 for more than one year. But you can go longer than a  
13 year if the universal waste generator received from  
14 another handler, if such activity is solely for purpose  
15 of accumulations of universal waste as are necessary to  
16 facilitate proper recovery, treatment or disposal.

17                  MS. KORDAS: Thank you. I think that's all we  
18 have.

19                  MS. SALK: Are there any other questions from any  
20 other participants besides the Board? Okay. Seeing  
21 none, we will turn to Board questions.

22                  MR. RAO: We have one follow-up based on the EPA  
23 answers to our questions. Question ten.

24                               In response to our questions for the

1 agency to clarify the word properly managing relief  
2 universal waste, you responded that Section 733-137  
3 describes large quantity handlers required response.

4 Wanted to know if it's acceptable to the  
5 agency to provide a cross reference in Section 733-133  
6 lower case (f)3, upper case C, in that subsection.

7 MR. ROMINGER: I'm sorry. That provision could be  
8 cross referenced. I would just note that the one that's  
9 in the answer pertains to large quantity handlers and  
10 it's also corresponding provisions for the small quantity  
11 handlers that could also be referenced.

12 MR. RAO: If you can provide any revisions in your  
13 comments, that would be helpful with those two  
14 provisions.

15 MR. ROMINGER: Okay.

16 MR. RAO: I had one more. I wanted clarification  
17 from the agency whether these rules, when you submit this  
18 rule once it's adopted as a package to USEPA, does USEPA  
19 have to approve these rules or it is just notifying them  
20 these rules are adopted?

21 MR. ROMINGER: It's part of the approval of our  
22 whole program. As the Board adopts rules and packages  
23 those together and adopts the identical in substance  
24 rules, after that we will package those together and

1 submit them to the USEPA. So the USEPA reviews them to  
2 make sure they are at least as stringent as the federal  
3 program. So that we can maintain our approval of the  
4 federal program. So they will review it in that context.

5 MR. RAO: Thank you.

6 MS. SALK: I have one question.

7 Do you have a position on American  
8 Coatings Association's two suggested edits in their  
9 April 11th submission? It's the setback requirement and  
10 the notification requirement.

11 MR. ROMINGER: I don't think we really have a  
12 position on those two suggestions. We were aware they  
13 raised that with us. But as we told them, we are not  
14 proposing any changes to those sections. So we  
15 recommended they raise that with the Board if they wanted  
16 to see those changes in there.

17 MS. SALK: Okay. Thank you. Just checking if  
18 there's any other questions. Okay.

19 Moving on to public comments. Is there  
20 anyone present who would like to give a public comment?  
21 Okay. Seeing none, I'd like to go off the record for  
22 minute.

23 (Short recess)

24 MS. SALK: Back on the record.

1                   Copies of the transcript of today's  
2 hearing are expected to be available no later than Monday  
3 April 21, 2025. When the Board receives the transcript,  
4 we will promptly post it to COOL, from which it can be  
5 viewed and printed.

6                   The second hearing is scheduled on  
7 Tuesday, May 20, 2025 beginning at 10:30 a.m. by video  
8 conference between the Michael A. Bilandic Building in  
9 Chicago and the Board's conference room in its  
10 Springfield office. The deadline for pre-file testimony  
11 for the second hearing is May 7, 2025. And before the  
12 second hearing adjourns we will set a post hearing  
13 comment deadline.

14                   Are there any other matters that need to  
15 be addressed at this time? Hearing none, I would like to  
16 thank everyone for participating today. The first  
17 hearing is adjourned.

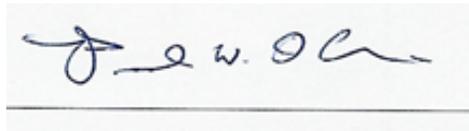
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19                   (Whereupon, proceedings were  
20 adjourned)

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STATE OF ILLINOIS )  
 ) SS  
COUNTY OF COOK )

I, PAUL W. O'CONNOR, do hereby certify that I reported in machine shorthand and via real time transcription the Hearing before the ILLINOIS POLLUTION CONTROL BOARD on April 16, 2025; and that this transcript is a true and accurate transcription of my machine shorthand notes so taken to the best of my ability, and contains all of the proceedings given at said Hearing.



Paul W O'Connor, CSR  
License No. 084.002955

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