

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	R 2025-022
STANDARDS FOR UNIVERSAL)	(Rulemaking – Land)
WASTE MANAGEMENT)	
(35 ILL. ADM. CODE PARTS 703, 720,)	
721, 724, 725, 728 and 733))	

NOTICE

TO: Don A. Brown, Clerk
Illinois Pollution Control Board
60 E. Van Buren Street
Suite 630
Chicago, Illinois 60605
(VIA ELECTRONIC MAIL)

Chloe Salk, Hearing Officer
Illinois Pollution Control Board
60 E. Van Buren Street
Suite 630
Chicago, Illinois 60605
(VIA ELECTRONIC MAIL)

See attached Service List

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Illinois Pollution Control Board PRE-FILED QUESTIONS FOR THE AMERICAN COATING ASSOCIATION, a copy of which is herewith served upon you along with this notice.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Katherine A. Koehler
Katherine A. Koehler
Assistant Counsel
Division of Legal Counsel

DATED: May 15, 2025

115 S. LaSalle Street
Suite 2203
Chicago, Illinois 60603
312/832-2171
katherine.koehler@illinois.gov

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	
STANDARDS FOR UNIVERSAL)	R 2025- 22
WASTE MANAGEMENT)	(Rulemaking–Land)
(35 ILL. ADM. CODE PARTS 703, 720,)	
721, 724, 725, 728, and 733))	

**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY’S PRE-FILED QUESTIONS
FOR THE AMERICAN COATINGS ASSOCIATION**

Illinois Environmental Protection Agency’s (“IEPA” or “Agency”) Questions for the American Coatings Association (“ACA”) based upon its public comment filed on May 1, 2025 (PC 4) and its pre-filed testimony submitted on April 11, 2025 (PFT):

“In all other PaintCare programs, PaintCare’s transporters and downstream processors are required to track and manage any incidental nonprogram products that they receive in accordance with applicable law.” – PC 4 at 4; PFT at 2.

1. Is PaintCare planning to implement its Illinois Program in the same way as its other state programs? If not, what differences will it implement?

“They are instructed to notify PaintCare of incidents and identify the specific drop-off site from where the nonprogram products originated and the quantity and type that were found.” – PC 4 at 4.

“In all other PaintCare programs, the transporters and downstream processors are required to track and manage any incidental nonprogram products received...as well as contact PaintCare.” – PFT at 2.

2. Regarding nonprogram hazardous wastes that are improperly received at the relevant collection sites, how are these hazardous wastes manifested? Who is the generator of the hazardous waste and where is it considered to be generated?

“Depending on the number of non-program products, PaintCare may do one or more of the following: (1) contact the site to let them know about the incident, (2) provide additional/refresher training on identification of program and nonprogram products, or (3) in extreme cases, remove the site from the paint stewardship program.” – PC 4 at 4.

“This notification requirement will significantly deter potential drop-off/collection sites from voluntarily participating in the program.” – PFT at 2.

3. How many drop-off sites across PaintCare’s collective programs have received non-program materials that were hazardous? What are the typical number of occurrences, and

the total volume of non-program hazardous materials received at a typical drop-off site each year?

“This alternative still provides proper disposition of the hazardous non-universal waste, while not placing the burden on the retail sites that volunteered as drop-off/collection sites.” – PC 4 at 4.

“ACA proposes an alternative to this and is based on how all of the PaintCare programs currently operate.” – PFT at 2.

4. To clarify, the “alternative” for the “proper disposition of the hazardous non-universal waste” is for PaintCare’s transporters and downstream processors “to track and manage any incidental nonprogram products that they receive in accordance with applicable law,” correct? If so, what proposed amendments to Sections 733.118(g), 733.138(g), and 733.161(c) does ACA suggest to reflect this?
5. Has the United States Environmental Protection Agency (USEPA) commented on PaintCare’s procedures dealing with the receipt and handling of nonprogram materials that meet the definition of hazardous waste? If so, has USEPA expressed an opinion as to whether these procedures would affect federal approval of a state’s RCRA hazardous waste program?

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Katherine A. Koehler
Katherine A. Koehler
Assistant Counsel
Division of Legal Counsel

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	R 2025-022
STANDARDS FOR UNIVERSAL)	(Rulemaking – Land)
WASTE MANAGEMENT)	
(35 ILL. ADM. CODE PARTS 703, 720,)	
721, 724, 725, 728 and 733))	

CERTIFICATE OF SERVICE

I, the undersigned, an attorney, state the following:

I have electronically served the attached PRE-FILED QUESTIONS FOR THE AMERICAN COATINGS ASSOCIATION upon the following:

See attached Service List

I affirm that my e-mail address is katherine.koehler@illinois.gov; the number of pages in the e-mail transmission is 5; and the e-mail transmission took place before 5:00 p.m. on May 15, 2025.

Respectfully submitted,

**ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY**

By: /s/ Katherine A. Koehler
Katherine A. Koehler
Assistant Counsel
Division of Legal Counsel

DATED: May 15, 2025

115 S. LaSalle Street
Suite 2203
Chicago, Illinois 60603
312/832-2171
katherine.koehler@illinois.gov

SERVICE LIST

Illinois Pollution Control Board Mr. Don A. Brown, Clerk of the Board Chloe Salk, Hearing Officer 60 E. Van Buren Street Suite 630 Chicago, Illinois 60605 don.brown@illinois.gov chloe.salk@illinois.gov	Office of the Attorney General Environmental Bureau Jason E. James Assistant Attorney General 201 West Point Drive, Suite 7 Belleville, IL 62226 Jason.james@ilag.gov enviro@ilag.gov
Illinois Department of Natural Resources Renee Snow General Counsel One Natural Resource Way Springfield, Illinois 62702 renee.snow@illinois.gov	Illinois Environmental Protection Agency Nick M. San Diego Deputy General Counsel 2520 West Iles Avenue P.O. Box 19276 Springfield, Illinois 62974 nick.m.sandiego@illinois.gov
Office of the Attorney General Molly Kordas Jason Clark Assistant Attorney Generals 69 West Washington Street, Suite 1800 Chicago, IL 60602 Molly.kordas@ilag.gov Jason.clark@ilag.gov	USEPA – Region 5 Daniel Leonard Ralph H. Metcalfe Federal Building 77 West Jackson Boulevard Chicago, IL 60604 Leonard.daniel@epa.gov
American Coatings Association Suzanne Chang 901 New York Ave NW, Ste 300 Washington DC, 20001 schang@paint.org	