

Board Goes to Second Notice with Universal Waste Rules for Hazardous Waste Paints

On July 10, 2025, the Board proposed second-notice amendments to regulate hazardous waste “paint and paint-related waste” (PPRW) as a universal waste. In all, the Board proposes amendments to seven Parts of its rules: Parts 703, 720, 721, 724, 725, 728, and 733 (35 Ill. Adm. Code 703, 720, 721, 724, 725, 728, 733).

This rulemaking was initiated by the Illinois Environmental Protection Agency (IEPA) to comply with Public Act 103-887, which took effect on January 1, 2025. Public Act 103-887 designated hazardous waste PPRW as a category of universal waste subject to the Board’s streamlined hazardous waste rules of 35 Ill. Adm. Code 733. Public Act 103-887 also required that IEPA, within 60 days after the legislation’s effective date, propose rules to the Board prescribing procedures and standards for managing hazardous waste PPRW as a universal waste. In addition, Public Act 103-887 requires that the Board adopt the rules within 180 days after receiving IEPA’s proposal.

Given this statutory deadline for final adoption, the Board proceeded to first notice with IEPA’s proposal, without commenting on its merits. The first-notice proposal was published in the *Illinois Register* on April 18, 2025. *See* 49 Ill. Reg. 5114, 5124, 5162, 5172, 5192, 5210, 5220 (Apr. 18, 2025). The Board held two public hearings on the proposal, one on April 16, 2025, and the second on May 20, 2025. Hearing participants included representatives of IEPA, the Illinois Attorney General’s Office, and the American Coatings Association.

Based on testimony and public comments received during the first-notice period, the Board at second notice made two substantive changes to the first-notice proposal. Specifically, the Board added two narrowly tailored exemptions for specified small quantity handlers of universal waste PPRW at retail drop-off/collection sites. The first exemption is from the proposed 50-foot setback requirement. That requirement calls for a small quantity handler to locate containers holding ignitable universal waste PPRW at least 50 feet from the facility property line, unless a written waiver is obtained from the local fire authority. The second exemption is from an existing notification requirement. That requirement calls for a small quantity handler—upon receiving a shipment containing hazardous waste that is not a universal waste—to immediately notify IEPA of the illegal shipment and the originating shipper. The Board found that with the proposed exemptions, adequate safety measures would be in place for these situations, but that without the proposed exemptions, retail small quantity handlers would be deterred from participating as drop-off/collection sites, which would risk the successful implementation of a paint stewardship program in Illinois.

The second-notice amendments are expected to be considered by the Joint Committee on Administrative Rules at its August 13, 2025 meeting. This rulemaking is captioned Standards for Universal Waste Management (35 Ill. Adm. Code Parts 703, 720, 721, 724, 725, 728, and 733), docket R25-22. Here is a link to the Board’s second-notice [opinion and order](#), which includes the text of the proposed amendments. For more information, please contact Chloe Salk at 312-814-3932 or chloe.salk@illinois.gov.