

ILLINOIS POLLUTION CONTROL BOARD  
May 15, 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) )

**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.

The hearing officer scheduled the second hearing in this proceeding for May 20, 2025, with a deadline to pre-file testimony by May 7, 2025. On April 11, 2025, the American Coatings Association (ACA) filed the testimony of Suzanne Chang.

The Board and its staff have reviewed the pre-filed testimony filed by ACA in this matter, and submit questions listed in the attachment to this order. Although the questions are directed to ACA, any participant may respond to the attached questions or submit a comment.

All filings in this proceeding will be available on the Board's website at [pcb.illinois.gov](http://pcb.illinois.gov) under this docket number R25-22. 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.

IT IS SO ORDERED.



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Chloe Salk, Hearing Officer  
Illinois Pollution Control Board  
60 East Van Buren Street, Suite 630  
Chicago, Illinois 60605  
(312) 814-3932  
[chloe.salk@illinois.gov](mailto:chloe.salk@illinois.gov)

**Attachment to Hearing Officer Order of May 15, 2025**  
**R25-22: Universal Waste Rules**

**Hearing Questions on the American Coatings Association's**  
**Prefiled Testimony of Ms. Suzanne Chang**

1. On pages 1-2, you ask the Board to provide an exemption from the 50-foot setback requirement for small quantity handlers of universal waste paint or paint-related waste (PPRW) for retail locations participating as voluntary drop-off/collection sites under the approved paint stewardship program plan.
  - a. Please clarify whether “drop-off” and “collection” sites mean the same retail location.
  - b. Explain how a typical retail PPRW drop off/collection site operates under PaintCare program addressing drop-off protocols, volume of paint stored at the site, and duration of storage before PPRW is shipped offsite for processing.
  - c. Please clarify whether you are seeking an exemption from the 50-foot setback requirement at Section 733.113(f)(4)(A) applicable to small quantity handlers at retail locations that serve as a drop-off/collection site and not for large quantity universal waste handlers and downstream facilities that accept PPRW for processing.
2. The 50-foot setback under Section 733.113(f)(4)(A) is applicable to “ignitable” universal waste PPRW.
  - a. Please describe the provisions of an approved paint stewardship program plan that address fire safety requirements that are not already covered under the proposed rules.
  - b. Please clarify if all universal waste PPRW collected at a retail drop-off/collection site under PaintCare program falls under the “ignitable” universal waste category.
  - c. If not, comment on the typical proportions of ignitable and non-ignitable PPRW that is collected at retail facilities.
  - d. Comment on whether it would be reasonable to require a retail drop-off/collection site to accept only non-ignitable universal waste PPRW if the location cannot comply with the proposed 50-foot setback requirement.
3. Please explain why the proposed option of obtaining written approval from the authority having jurisdiction over the local fire code to avoid the 50-foot setback requirement is unworkable for retail drop-off/collection sites. Comment on whether the approval could be part of a facility's local fire safety code compliance.
4. Please comment on whether an alternate setback distance like a 50-foot setback from the nearest building or residence would be acceptable rather than measuring the distance from the property line.

5. On page 2, you ask the Board to reconsider the notification requirements when hazardous waste that is not universal waste has been either unintentionally or intentionally dropped off at a retail location participating in the program.
  - a. Please clarify whether ACA is concerned about the notification requirements that apply to the small quantity retail drop-off/collection sites (Section 733.118(g)), or also with those that apply to large quantity handlers (Section 733.138(g)), and destination facilities (Section 733.161(c)). ACA comment (PC 4) includes all three requirements.
  - b. Given the notification requirements under Sections 733.118(g), 733.138(g), and 733.161(c) are part of the existing rules that apply to universal waste, including batteries, pesticides, mercury-containing equipment, lamps, and aerosol cans, some of which are collected at retail sites like PPRW, explain why handlers of PPRW at retail sites must be treated differently.
  - c. If ACA's concern is with retail drop-off/collection sites, please explain why notification requirements applicable to large quantity handlers and destination facilities would deter potential drop-off/collection sites from voluntarily participating in the program.
  - d. Please comment on whether small quantity handlers at retail drop-off/collection sites are trained to identify non-program wastes, i.e., hazardous waste that is not universal waste, and reject such waste.
  - e. If so, do the training and procedures include how to properly dispose of hazardous waste that is not universal waste, if accepted inadvertently?
6. Please propose specific language changes to the appropriate sections of the proposed rules that reflect the ACA's suggested revisions.