

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 AMERICAN COATINGS ASSOCIATION'S RESPONSES TO THE HEARING OFFICER'S HEARING QUESTIONS, a copy of which is herewith served upon you along with this notice.

Respectfully submitted,

AMERICAN COATINGS
ASSOCIATION

By: /s/ Suzanne Chang
Counsel
Government Affairs

DATED: May 28, 2025

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STANDARDS FOR UNIVERSAL)	R 2025- 22
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721, 724, 725, 728, and 733))	

**AMERICAN COATINGS ASSOCIATION’S RESPONSES TO HEARING OFFICER’S
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.

Response: As referenced in the prefiled testimony of Ms. Suzanne Chang, “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.

Response: To clarify, PaintCare will collect post-consumer architectural paints, including latex (also referred to as water-based paint) and universal waste paint (oil-based paint), not universal paint-related wastes.

All paint drop-off sites must have an agreement in place with PaintCare, follow PaintCare’s operational requirements, and operate in accordance with all applicable laws. PaintCare offers onsite training and a training binder for all drop-off sites. The binder includes but is not limited to the following: site guidelines (Attachment A), identification of program products, safe handling and storage of program products, and procedures for scheduling a paint pickup.

Retail sites are only to accept architectural paint in sealed, non-leaking containers with original manufacturer labels. Drop-off/collection sites are instructed and trained to screen for non-program products. If any non-program products are received, PaintCare requires its transporters and processors to appropriately manage such products in accordance with applicable law.

The drop-off site must be equipped with appropriate emergency response equipment (e.g., fire extinguisher, spill kit, and PPE), and post emergency procedures and emergency contact numbers including police, fire department, and emergency services by a phone and in close proximity to the collection bins. Bins are to be kept in a secure location, away from ignition sources, storm drains, and floor drains, in a well-ventilated area and where the public do not have access to the collection bins.

The standard set up at retail drop-off/collection sites is roughly two cubic-yard collection bins, which each holds approximately 100 gallons of architectural paint. Universal waste paint is only expected to make up about 20% of all paint collected based on PaintCare programs in other jurisdictions; the remainder is non-hazardous latex paint (also referred to as water-based paint).

PaintCare requires its transporters to provide service to paint drop-off sites on an on-call basis or on a set schedule. Once a site requests service, transporters are typically required to provide service to drop-off sites within five days in urban areas and ten days in rural areas. Universal waste paint cannot be stored longer than a year.

- 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.

Response: American Coatings Association (ACA) and PaintCare are only seeking an exemption from the 50-foot setback requirement at Section 733.113(f)(4)(A) as it applies to small quantity handlers at retail locations serving as a drop-off/collection site.

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.

Response: To clarify, PaintCare submitted a program plan to the Illinois Environmental Protection Agency (IEPA) on March 21, 2025, for review and approval. IEPA has ninety days to review the program plan; thus, a program plan has not been approved to date. Furthermore, PaintCare will collect post-consumer architectural paints, including latex (also referred to as water-based paint) and universal waste paint (oil-based paint), not universal paint-related wastes.

As mentioned above, the submitted program plan addresses proper bin management to ensure safety. The drop-off site must be equipped with appropriate emergency response equipment; post emergency procedures and emergency contact numbers by a phone and in close proximity to the collection bins; bins are to be kept in a secure location, away from ignition sources, storm drains, and floor drains, in a well-ventilated area and where the public do not have access to the collection bins. If required by federal, state, or local law, sites should familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of PaintCare products handled at the facility, and evacuation routes. PaintCare products must be immediately placed in the collection bin and collection bins must remain closed except when adding products.

- 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.

Response: To clarify, PaintCare will not collect universal paint-related waste. PaintCare will collect architectural coatings, including latex (also referred to as water-based paint) and oil-based paint. Universal waste paint collected by the program is expected to be “ignitable”.

- c. If not, comment on the typical proportions of ignitable and non-ignitable PPRW that is collected at retail facilities.

Response: Typically, latex-based products make up 80% of what PaintCare accepts at all drop-off sites; while oil-based products (ignitable) make up about 20% of the products collected at all drop-off sites. To clarify, PaintCare will not collect universal paint-related waste. PaintCare will collect architectural coatings, including latex (also referred to as water-based paint) and oil-based paint.

- 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.

Response: Oil-based paint falls under universal waste and would be considered ignitable; therefore, it would not be reasonable to require a retail drop-off/collection site to accept only non-ignitable universal waste paint. To clarify, PaintCare will not collect universal paint-related waste. PaintCare will collect architectural coatings, including latex (also referred to as water-based paint) and oil-based paint. The Paint Stewardship Act requires the program to collect all architectural paint, including both latex and oil-based paint, and meet convenience criteria. If retail drop-off/collection sites are not able to collect oil-based paint, the program will not be able to meet convenience criteria nor will the program be able to comply with its statutory mandate to collect oil-based paint.

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.

Response: Although there is a process identified for these retail locations to obtain an exemption from this requirement, this very process will be an impediment to those same retail locations. This "allowance process" places an unnecessary burden on both the retail store as well as the local municipal services. Furthermore, even if a location seeks an allowance, there is no guarantee that it will be granted. To meet convenience, the PaintCare program must have a minimum of 256 sites, the majority of which will be retailers. Any additional barriers for these sites will decrease the number of sites that voluntarily participate in the program and ultimately result in reduced convenience for residents of Illinois.

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.

Response: An alternate setback distance like a 50-foot setback from the nearest building or residence would not be acceptable. For the same reasons mentioned above in response 3, a 50-foot setback requirement will deter participation as a drop-off/collection site in the program. Regardless of whether the 50-foot setback requirement is from the property line or the nearest building or residence, retail sites with a small footprint may not be able to meet either setback requirement. Furthermore, retail sites already have this type of material on their retail shelves.

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.

Response: ACA is concerned about the notification requirements that apply to the small quantity retail drop-off/collection sites (Section 733.118(g)) and destination facilities (Section 733.161(c)) as the notification requirements will deter retail location from participating in the program as a drop-off/collection site.

- 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.

Response: Retail participation in the program is voluntary. As previously mentioned, additional requirements deter retail participation in the program. In order to run a successful program in Illinois and meet the convenience criteria requirements, retail participation in the program is necessary. To clarify, PaintCare will not collect universal paint-related waste. PaintCare will collect architectural coatings, including latex (also referred to as water-based paint) and oil-based paint.

- 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.

Response: ACA's primary concern is with retail drop-off sites, which would be small quantity handlers. ACA is also concerned with the notification requirements on destination facilities. The concern with notification requirements for destination facilities is that a drop-off site may perceive a liability or enforcement risk if a destination facility notifies IEPA of any non-universal hazardous waste that is incidentally accepted at their drop-off site. This perception may discourage their participation in a voluntary program. For reference, while ACA does not have specific details for Illinois since the program is not yet operational, a selection of several facilities serving the PaintCare program in other states range in size from approximately 36,000-46,000 square feet. Based on PaintCare's experience in other jurisdictions, the Illinois program is projected to collect roughly 1,000,000 gallons of architectural paint annually. As previously mentioned, the vast majority of that paint is expected to be non-hazardous latex paint; a small portion will be oil-based paint (universal waste). ACA is not concerned with notification requirements for large quantity handlers.

- 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.

Response: Small quantity handlers at retail drop-off/collection sites are trained to identify and reject non-program products.

- e. If so, do the training and procedures include how to properly dispose of hazardous waste that is not universal waste, if accepted inadvertently?

Response: PaintCare's transporters and downstream processors are required to manage non-program products in accordance with the law. The transportation provider and downstream processor must also notify PaintCare when non-program products are collected. If collection of non-program products becomes prevalent, 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 non-program products, or (3) in extreme cases, remove the site from the program.

6. Please propose specific language changes to the appropriate sections of the proposed rules that reflect the ACA's suggested revisions.

Response: Below is the proposed regulatory text for Section 733.113(f)(4) addressing the 50-foot setback requirement for small quantity handlers, and Sections 733.118(g) and 733.161(c) addressing the notification requirement for small quantity handlers and destination facilities.

Proposed language regarding the 50-foot setback requirement for small quantity handlers.

The proposed text removes the first paragraph and maintains the second paragraph as it was originally worded. Strikethrough represents removal of text. No changes are proposed for Section 733.133(f)(4), which addresses large quantity handlers of paint and paint-related waste.

Section 733.113(f)(4)

A small quantity handler of universal waste must locate containers holding ignitable universal waste paint or paint-related waste at least 50 feet from the facility property line, unless the small quantity handler obtains written approval from the authority having jurisdiction over the local fire code to allow ignitable universal waste paint or paint-related waste to be located within 50 feet of the facility property line. The small quantity handler must maintain a record of the written approval as long as universal waste paint or paint-related waste is located within 50 feet of the facility property line. *Retail sites participating as a drop-off/collection site under an approved Paint Stewardship program plan are exempt from the 50-foot setback requirement for small quantity handlers.*

A small quantity handler of universal waste must take precautions to prevent accidental ignition of universal waste paint or paint-related waste. The small quantity handler must separate and protect universal waste paint and paint-related waste from sources of ignition, including, but not limited to, the following: open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), or radiant heat. While handling universal waste paint or paint-related waste, the small quantity handler must confine smoking and open flames to specifically designated locations. The small quantity handler must conspicuously place "No Smoking" signs wherever there is an ignitability hazard from universal waste paint or paint-related waste.

Proposed language regarding the notification requirement.

Below is the proposed regulatory text for Section 733.118(g), which addresses the notification requirements for a small quantity handler and Section 733.161(c), which addresses the notification requirement for destination facilities. Strikethrough represents removal and *underline italics* represents new text.

Section 733.118(g)

If a small quantity handler of universal waste receives a shipment containing hazardous waste that is not a universal waste, the handler must *either (1)* immediately notify the Agency (Bureau of Land, Illinois EPA, 1021 North Grand Avenue East, Springfield, Illinois 62794-9276 (telephone: 217-782-6761)) of the illegal shipment, and provide the name, address, and phone number of the originating shipper. The Agency will provide instructions for managing the hazardous waste-; *or (2) abide by the procedures set forth in an approved Paint Stewardship program plan.*

Section 733.161(c)

If the owner or operator of a destination facility receives a shipment containing hazardous waste that is not a universal waste, the owner or operator of the destination facility must *either (1)* immediately notify the Agency (Bureau of Land, Illinois EPA, 1021 North Grand Avenue East, Springfield, Illinois 62794-9276 (telephone: 217-782-6761)) of the illegal shipment, and provide the name, address, and phone number of the shipper. The Agency will provide instructions for managing the hazardous waste-; *or (2) abide by the procedures set forth in an approved Paint Stewardship program plan.*

Respectfully submitted,

AMERICAN COATINGS
ASSOCIATION

By: /s/ Suzanne Chang
Suzanne Chang
Counsel
Government Affairs

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APPENDIX A
**ILLINOIS POSTCONSUMER PAINT COLLECTION PROGRAM
DROP-OFF SITE GUIDELINES**



PAINT STEWARDSHIP PROGRAM IN THE U.S.

Illinois State Guidelines

Storage Time Limit: no longer than one year or as otherwise authorized by law/permit

Storage Volume Limit: less than 5,000 kg of universal waste, unless otherwise authorized by law/permit

Spill Requirements: All spills must be managed in accordance with applicable law. The handler of universal waste must: 1) immediately contain any spill, and 2) determine whether any material resulting from the release is hazardous waste, and if so, manage the hazardous waste in compliance with all applicable requirements of 35 Ill. Adm. Code 702 through 705 and 720 through 728. Notify PaintCare within 24 hours of any such spill.

Basic Local Emergency Contacts

Facility Emergency Coordinator
(name/phone):

Alternate Emergency Coordinator (name/phone):

Fire Department Phone Number

Police Phone Number

Hospital Phone Number

911
911

****These Illinois State-Specific Guidelines are not intended to replace or supersede the requirements that Drop-Off Sites must follow pursuant to their state-issued permits, registrations, or other applicable law. Applicable laws and regulations take precedence if there is a conflict with these Illinois State-Specific Guidelines.****

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Drop-Off Site Guidelines

This document contains detailed information on PaintCare's program guidelines and operations procedures. In combination with the state-specific guidelines, it is designed to be used by new staff for self-training and for site refresher training without PaintCare staff.

Note: The supplemental training slides included in the training binder summarize only the most important information from these Drop-Off Site Guidelines. The slides are used during training by PaintCare staff and can also be used to supplement refresher training.

Adherence to these guidelines is critical for drop-off sites participating in the program. Exceptions to these guidelines can be made only with PaintCare's express written permission. If your site is unable to comply with any of these guidelines, please contact your PaintCare representative so that we may try to find a solution that works for your site but still achieves compliance with applicable legal and operational requirements for the program.

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Section 1. Training and Safety

Training

For the safety of the program and your staff, all employees handling PaintCare products must receive training in product identification, acceptance, handling, packaging, inspection, and emergency response procedures before collecting PaintCare products or engaging in any PaintCare program activities.

Training helps ensure that employees:

- Conduct PaintCare products collection activities in a safe manner that protects workers and the environment
- Are equipped for and understand hazards associated with PaintCare products

Training plans and records should be maintained for each employee. Record staff training using the log included in the training binder.

Safety

Store personal protective equipment (PPE) and spill response equipment in an accessible location adjacent to the collection bins. Ensure those materials are protected from impacts of weather.

The drop-off site must be equipped with appropriate emergency response equipment including a fire extinguisher, spill kit, and PPE. Monthly inspections of equipment are recommended.

PaintCare products collection activities need to follow general safety practices including proper lifting techniques.

Post emergency procedures and emergency contact numbers including police, fire department, and emergency services by a phone and in close proximity to the collection bins, if possible.

If applicable, develop and maintain an emergency action plan as required by OSHA.

If required by federal, state, or local law, familiarize police, fire departments, and emergency response teams with the layout of your facility, properties of PaintCare products handled at your facility, and evacuation routes.

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Section 2. General Guidelines

PaintCare Provides Your Site:

- Training binder with recordkeeping logs/forms
- Signage identifying your site as a PaintCare drop-off site
- Printed educational materials for the public

PaintCare's Transporter Provides Your Site:

- Paint collection bins and liners for cardboard/single-use collection bins
- Labels and/or markings for paint collection bins
- Spill kits (excluding HHW programs)

General Guidelines for Drop-Off Sites

Each PaintCare drop-off site has unique logistical and operational considerations. Each drop-off site must make its own decisions and use its best judgment to operate in the safest manner possible in accordance with applicable law. To ensure the highest standards of safety for you and your staff, drop-off sites must:

- Have appropriate signage that informs the public of the hours of operation
- Accept PaintCare products from participants during your regular advertised or posted operating hours
- Display PaintCare signage to identify you as a drop-off site; signage should be posted in a highly visible area, at the entrance of your site
- Assist and supervise participants when they visit to drop off PaintCare products. Site staff should greet participants and must verify eligibility of their leftover paint products as PaintCare products
- **IMPORTANT:** Never allow a participant to open a PaintCare product container
- Have adequate space, staffing, and training to collect and store PaintCare products
- Provide a secure space for empty and full collection bins
- Place all PaintCare products immediately in collection bins approved for use by PaintCare and its transporters
- Pack only PaintCare products into collection bins
- Schedule shipments of PaintCare products from your drop-off site
- Maintain all records relating to the program
- Train staff to be familiar with the requirements and practices of this guide and applicable law

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Section 3. Collection Bins and Storage Area

Storage Area and Collection Bin Placement

Establish a dedicated storage area for collection bins and PaintCare products.

Place collection bins on an impermeable surface (i.e., paved asphalt, concrete, or other surface) at all times.

Place collection bins away from ignition sources, storm drains, and floor drains.

Ensure there is adequate ventilation if bins are stored indoors.

If stored outdoors, protect collection bins from the elements (e.g., precipitation, temperature extremes, rain, and snow). Keep collection bins under cover to prevent exposure to precipitation to protect against temperature extremes. If you store collection bins outdoors, you may need approval from your local fire or hazardous materials oversight agency.

Comply with any local fire codes or other regulations that might pertain to your storage of collection bins at your site.

Maintain enough space around collection bins to inspect for leakage and emergency access.

Use good housekeeping standards; keep paint storage areas clean and orderly.

Setting Up, Packing and Maintaining Collection Bins

Collection bins must be set up, used, and closed according to the manufacturer's instructions. PaintCare's transporters should set up the collection bins that they provide, unless otherwise requested by the drop-off site staff.

Ensure liners are inserted in cardboard collection bins. The liners provide secondary containment to contain liquids in the event a can leaks while in storage or transit. Reusable plastic bins that are leak-proof by design do not need liners.

Collection bins must be structurally sound. If you see any evidence of damage to bins (or liners) that may cause a leak or spill, notify PaintCare immediately.

Mark the collection bin with the date the first PaintCare product is placed in it.

Place PaintCare products in bins immediately upon receipt. Keep collection bins closed except when adding PaintCare products.

Pack 5-gallon buckets on the bottom layer of the collection bins for stability.

Pack all PaintCare products (cans, buckets) upright and as tight as possible in the collection bins to protect contents from shifting and leaking in transit.

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- Do not open containers to verify product.
- Do not overfill collection bins; allow enough space for a lid to fit securely.
- Do not take PaintCare product out of the bin.

Security

- Never allow "self-serve," public access to the collection bins.
- The collection bin storage area must be secured and locked when not attended.
- Only drop-off site staff should have access to the collection bins and storage area until the collection bins are ready for pick-up by PaintCare's transporter.

Section 4. Identifying and Accepting PaintCare Products

What are PaintCare Products

PaintCare drop-off sites should accept only PaintCare products (architectural paint products) for management under the PaintCare program. Only those PaintCare products accepted from individuals residing in the state and businesses/organizations located in the state can be managed under the PaintCare program.

Listed below are the primary examples of architectural paint products accepted by the PaintCare program and paint or paint-related products not accepted by the PaintCare program.

Generally, PaintCare products include latex and oil-based house paint, stains, and clear coatings (varnish, shellac, etc.). The program excludes anything that is:

- In an aerosol spray can
- Intended and labeled "for industrial use only"
- Mostly used in the manufacture of equipment
- On the list of specifically excluded products for some other reason

PaintCare products are classified as either latex (water-based) or oil-based (alkyd) and the classification is important in order to decide how the product should be handled and processed.

PaintCare Products and Non-PaintCare Products

Acceptable products (PaintCare products)

- Interior and exterior paints: latex, acrylic, water-based, alkyd, oil-based, enamel (including textured coatings)
- Deck coatings and floor paints (including elastomeric)
- Primers, sealers, undercoaters
- Stains
- Shellacs, lacquers, varnishes, urethanes (single component)
- Waterproofing concrete/masonry/wood sealers and repellents (not tar or bitumen-based)
- Metal coatings, rust preventatives
- Field and lawn paints

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Unacceptable products (Non-PaintCare products)

- Paint thinner, mineral spirits, solvents
- Aerosol coatings
- Auto and marine paints
- Art and craft paints
- Caulking compounds, epoxies, glues, adhesives
- Paint additives, colorants, tints, resins
- Wood preservatives (containing pesticides)
- Roof patch and repair
- Asphalt, tar, and bitumen-based products
- 2-component coatings
- Deck cleaners
- Traffic and road marking paints
- Industrial Maintenance (IM) coatings
- Original Equipment Manufacturer (OEM) (shop application) paints and finishes

For more information, please see www.paintcare.org/products

If non-PaintCare products end up in a drop-off site's bin, such products will not be returned to the drop-off site and will be managed by PaintCare's transporter. Transporters identify non-PaintCare products and report all instances to PaintCare. PaintCare staff will notify the site of any contamination in the bins. If the problem persists, additional training may be provided.

Acceptable Containers vs. Unacceptable Containers

Before accepting products from participants for management under the PaintCare program, drop-off site staff must (1) check the condition of the container for acceptance in the program, and (2) check the product label to verify that it contains a PaintCare product.

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Acceptable

- The PaintCare product must be in its original container
- The container is labeled as containing one of the designated PaintCare products listed above
- The container must be in good condition and not leaking
- The container must be 5 gallons in size or smaller
- The container contains dry latex paint

Not Acceptable

- The container is not original (e.g., paint was transferred into a jar)
- The container does not have an original label
- The container is leaking or has no lid
- The container is larger than 5 gallons
- The container is empty

However, drop-off sites permitted to accept household hazardous waste may accept unlabeled and leaking containers by following the procedures described below.

Unlabeled and Leaking Containers

A drop-off site permitted to accept household hazardous waste may, at its discretion, choose to accept unlabeled and/or leaking containers if it follows the protocols below and otherwise complies with all applicable laws:

Unlabeled Containers

A drop-off site may accept containers that do not have an original label if a staff person appropriately trained in identifying unknown wastes (1) identifies the material in the container as a PaintCare product, and (2) applies a label identifying the contents to the container before placing it in a collection bin.

Leaking Containers

A drop-off site may accept a leaking container or a container with no lid if an appropriately trained drop-off site staff person (1) verifies that the container contains a PaintCare product, (2) places the contents of the leaking/open container into an appropriate substitute container (which can include bulking such PaintCare products into 55-gallon drums), and (3) applies an appropriate label to the substitute container.

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Refusing an Unacceptable Product or Container

Do not accept non-PaintCare products from any participant unless they are received as part of normal site operations and are not placed in PaintCare collection bins.

When refusing a material at a drop-off site, drop-off site staff must explain why the material cannot be accepted (for example, material is not a PaintCare product). If a participant tries to drop off products that your location cannot manage, refer the participant to an appropriate alternative resource, such as their local household hazardous waste disposal program, garbage transporter, environmental health agency, or public works department. Local contact information is provided at the front of the training binder.

Paint Volume Acceptance Rules

The program accepts PaintCare products from households and businesses/organizations.

Households. Households may drop off any volume of PaintCare product, subject to the volume limit set by the site.

Businesses/Organizations. In Illinois, non-households may also drop off any volume of latex and oil-based PaintCare products, subject to the volume limit set by the site.

Transporter/Recycler Drop-Off Sites

Maintaining Paint Drop-Off Logs for All Participants

Drop-off sites operated by a PaintCare-contracted transporter and/or recycler must keep and maintain separate drop-off logs to record both latex and oil-based paint volumes from both businesses/organizations and households. While PaintCare offers template logs, an alternative may be used if approved by PaintCare.

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Section 5. Participant Paint Volume

How Much Paint to Accept from Participants

While the PaintCare program intends to collect as many PaintCare products as possible, we recognize that your drop-off site may have storage limitations. PaintCare drop-off sites, in agreement with PaintCare, may limit the amount of PaintCare products they accept per participant, however, drop-off sites must accept up to 5 gallons at a minimum per participant. However, drop-off sites must not accumulate 5,000 kilograms or more of universal waste (batteries, pesticides, mercury-containing equipment, lamps, aerosol cans, and paint and paint-related waste, calculated collectively) at any time unless otherwise authorized by law/permit.

What if Bins are Full?

If your collection bins are completely full, inform the participant that you are temporarily unable to accept PaintCare products and redirect them to the nearest alternative PaintCare drop-off site. Refer them to the site locator at www.paintcare.org or the PaintCare hotline at 855-724-6809, or ask them to come back at a later date. Contact the PaintCare transporter immediately to have collection bins picked up and replaced.

If a participant has a significant amount of PaintCare products that your location cannot manage, ask the participant to contact PaintCare directly for additional assistance. PaintCare may direct the participant to another drop-off site or offer our Large Volume Pickup service.

Large Volume Pickup (LVP) Service

PaintCare offers a free pick-up service to painting contractors, property managers, households, and others with a large quantity of leftover PaintCare products. Typically, a minimum of 100 gallons (by container size) is required to qualify for the LVP service.

To refer a participant to the LVP service:

- Provide the participant a LVP fact sheet
- Ask the participant to request a pick-up using the online LVP form
- The LVP fact sheet and online form are available at www.paintcare.org (select the "Request a Pickup" button on the homepage)
- For additional questions, refer the participant to PaintCare for assistance

Electronic Filing: Received Clerk's Office 05/28/2025
APPENDIX A
ILLINOIS POSTCONSUMER PAINT COLLECTION PROGRAM
DROP-OFF SITE GUIDELINES

Section 6. Working with Transporters

PaintCare contracts with transporters for the delivery of supplies, delivery of empty collection bins, and pick-up of full collection bins.

Scheduling the Transporter to Pick Up Collection Bins

When you anticipate your collection bins will be full within your site's pick-up timeframe (generally 5 business days in urban areas, 10 business days in rural areas), call your transporter to schedule a pickup, or use their online order system if they have one. The name and contact information of your transporter is provided at the front of the training binder.

When establishing an appointment for pick-up, please indicate:

- Your site is a PaintCare drop-off site
- Name of drop-off site and address
- Your name
- Your phone number
- Number of full collection bins to be picked up
- Number of empty collection bins needed for replacement

Preparing Collection Bins for Pickup

On the scheduled pickup day, collection bins and the loading area must be readily accessible to the transporter for quick and efficient loading. Complete the following steps:

- Identify which bins are full and ready for pickup
- Make sure the path between your bins and the transporter's vehicle is clear and at least 4 feet wide to accommodate movement of bins
- Sign and keep copies of any shipping documents for your records

The transporter is responsible for labeling, loading/off-loading collection bins, and preparing shipping documents.

Section 7. Spill Response

Spills

The information in this section will assist with spills from damaged or leaking program containers. It is important that all drop-off site staff understand corrective actions to minimize exposure to people and the environment.

Reporting

Report spills as required by law, summarized in the state-specific guidelines. Contact PaintCare within 24 hours of any spill or making such a report.

Spill Response Procedures

Always follow all applicable spill response procedures set forth in your operating permit or as otherwise required by applicable law.

If a spill is small enough to be managed by drop-off site staff, follow these steps:

- Isolate the area and restrict access to the spill
- Ensure personal safety, put on protective gear (glasses and gloves) provided in the spill kit
- Stop the movement of paint by placing the leaking container upright or in a position where the least amount will spill, and place leaking container in plastic bags provided in spill kit, or into the spill kit container
- Contain the spill by placing absorbent pads or granular absorbent around and on the spill – if outdoors, place barriers around storm drains to prevent a release to the environment
- Collect the contaminated absorbent and place it in plastic bag(s) or spill kit container, along with the leaking container and contaminated PPE, seal the bag(s), label it and place in the collection bin
- Remove any clothing that may be contaminated, wash thoroughly to remove spilled material from your hands or body
- Document the date, location, and amount and type of material spilled
- Replace any used spill control supplies as soon as possible

Section 8. Inspections and Records

Inspections and Record Keeping

Drop-off site staff are responsible for regularly inspecting collection bins and spill kits to ensure that such materials are in proper working order and include any necessary labeling. Please report any damaged bins or other problems to PaintCare immediately so PaintCare may arrange for prompt replacement or repair.

Maintain the following records for a minimum of 3 years:

- Internal and external inspection records (if applicable)
- Transporter/Recycler Paint Drop-Off Log or forms (copy provided in the training binder)
- Paint Waivers (copy provided in the training binder; only for sites that do reuse)
- Employee training logs (copy provided in the training binder)
- Shipping documents and/or other documentation required by applicable law for outgoing shipments of PaintCare products

ILLINOIS POSTCONSUMER PAINT COLLECTION PROGRAM DROP-OFF SITE GUIDELINES

Section 9. Direct Reuse

Direct reuse is an additional service permitted for certain site types, e.g., HHW programs, material reuse stores, and solid waste management facilities. PaintCare may compensate sites for this service. Please see the terms of your PaintCare agreement or contact PaintCare if you need assistance determining if direct reuse is an authorized additional service at your site.

Requirements for Direct Reuse

PaintCare encourages reuse of leftover paint through direct reuse. Reuse sites return good quality unused paint to the local community at low or no cost.

Products offered for reuse to the public must be in their original container, have an original label, and be in good physical and aesthetic condition. Contents must be liquid and relatively new. The container must be closed securely before placing it in the reuse storage area. Containers must never be opened by customers at the drop-off site. Reuse products must be displayed by drop-off site in an area separate from the PaintCare collection bins.

An individual customer may not take more than twenty-five (25) gallons of reuse product per day. If you have a customer that would like to take more paint, let your PaintCare contact know in advance.

Paint Waiver

Customers taking reuse paint from a drop-off site must sign the Paint Waiver included in the training binder (or an approved equivalent thereof). The waiver explains that the material is taken "as-is" with no guarantee of quality or contents and the customer accepts the risks and liability for the materials.

The customer must read the waiver, fill in the date and name fields, and sign their name. Site staff must verify what has been taken by the customer, record on the log the gallons of latex and gallons of oil-based products taken, and add their initials.

When a paint waiver is full or when a site wants to invoice PaintCare, the latex and oil-based columns should be totaled at the bottom of the form. PaintCare does not require the submission of the waiver to PaintCare, but they must be kept by the site for at least three years and made available for review by PaintCare staff upon request.

Drop-off sites may use their own version of the waiver, but it must be approved by PaintCare in advance.

Invoicing Procedures

Drop-off sites should invoice for reuse on a monthly basis by filling out and submitting the Invoice for Direct Reuse at paintcare.org/invoices. This is an online form and is submitted directly on PaintCare's website. If you are unable to submit an online form, contact your PaintCare contact.

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 AMERICAN COATINGS ASSOCIATION'S RESPONSES TO HEARING OFFICER'S HEARING QUESTIONS ON THE AMERICAN COATINGS ASSOCIATION'S PREFILED TESTIMONY OF MS. SUZANNE CHANG upon the following:

See attached Service List

I affirm that my e-mail address is schang@paint.org; the number of pages in the e-mail transmission is 24, and the e-mail transmission took place before 5:00 p.m. on May 28, 2025.

Respectfully submitted,

**AMERICAN COATINGS
ASSOCIATION**

By: /s/ Suzanne Chang
Suzanne Chang
Counsel
Government Affairs

DATED: May 28, 2025

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