

ILLINOIS POLLUTION CONTROL BOARD
September 3, 2026

IN THE MATTER OF:	)	
	)	
POTENTIALLY INFECTIOUS MEDICAL	)	R 25-24
WASTE (PIMW): PROPOSED	)	(Rulemaking – Land)
AMENDMENT OF 35 ILL. ADM. CODE	)	
1422 APPENDIX A, TABLE B –	)	
INDICATOR MICROORGANISMS	)	

Proposed Rule. Second Notice.

OPINION AND ORDER OF THE BOARD (By J.A. Van Wie):

On May 7, 2026, the Board proceeded to first notice in this rulemaking docket after proposing the rules for public comment and holding two hearings. *See, Potentially Infectious Medical Waste (PIMW): Proposed Amendment of 35 Ill. Adm. Code 1422 Appendix A, Table B – Indicator Microorganisms, R25-24 (May 7, 2026).* Today, the Board issues its second notice opinion and order in compliance with the Illinois Administrative Procedure Act and directs its Clerk to submit the proposal to the Joint Committee on Administrative Rules (JCAR) for second-notice review. *See 5 ILCS 100/5-40(c) (2024).* The Board notes that it has not made any changes to the rule proposed at first notice.

In this opinion and order, the Board first provides an abbreviated procedural history of this rulemaking docket. Next, the Board addresses the sole first-notice comment. The Board then addresses the technical feasibility and economic reasonableness of this proposal before concluding to submit amended rules for second-notice review. The proposed amendments appear in the addendum to this opinion and order.

ABBREVIATED PROCEDURAL HISTORY

On March 20, 2025, BioSAFE Engineering (BioSAFE) filed a proposal to amend Part 1422 of the Board’s rules for potentially infectious medical waste (PIMW). BioSAFE’s filing included a Statement of Reasons, the proposed amendments, and a Motion for Waiver of Signature Requirement. On April 3, 2025, the Board accepted the proposal for hearing and granted the motion. For the Board’s procedural history before first notice, please see the Board’s first notice opinion and order, Potentially Infectious Medical Waste (PIMW): Proposed Amendment of 35 Ill. Adm. Code 1422 Appendix A, Table B – Indicator Microorganisms, R25-24 (May 7, 2026).

After adopting a proposal for public comment, holding hearings, and receiving comments, the Board on May 7, 2026 adopted a first-notice opinion and order. *See, R25-24 (May 7, 2026).* The Board’s first-notice proposal included amendments proposed by the Board, by the Illinois Environmental Protection Agency (IEPA), and by BioSAFE. It included both substantive and non-substantive amendments to promote clarity and consistency. Substantive

amendments were made to the indicator microorganisms listed for use in testing, which include adding *Bacillus Atrophaeus* and updating *Bacillus stearothermophilus* to the current nomenclature of *Geobacillus stearothermophilus*, as well as to clarify the operating parameters for treatment units. Non-substantive amendments were made to clarify language and update outdated terms. The proposed amendments were published in the *Illinois Register* on May 22, 2026. 50 Ill. Reg. 7317 (May 22, 2026).

On May 18, 2026, the Board docketed as a public comment (PC 2¹) an email between the staff of the Board and JCAR, which posed a question about the first-notice proposal. Also on May 18, 2026, the Board filed as a public comment (PC 3) its response to JCAR's question.

FIRST-NOTICE COMMENT

During the first-notice comment period, the Board received a single comment. On May 18, 2026, the Board docketed an email from JCAR's staff to the Board as PC 2. JCAR asked whether a reference in one line of Appendix A to a different subsection of Appendix A should be corrected. The Board responded to JCAR clarifying the reference and confirming that no change was necessary to the rule text that the Board proposed, and docketed the email exchange as PC 3.

TECHNICAL FEASIBILITY AND ECONOMIC REASONABLENESS

As described in the Board's first-notice opinion and order, on May 15, 2025, the Board requested that DCEO perform an economic impact study of the Board's proposal no later than July 14, 2025. *See* 415 ILCS 5/27(b) (2024). The Board has not yet received any response from DCEO to this request. No participant at either hearing testified or commented on the Board's request or lack of response from DCEO.

When it adopted its first-notice proposal, the Board carefully considered the record, particularly the parties' pre-filed hearing testimonies, questions, and answers to pre-filed questions, and concluded that BioSAFE's proposal was supported by the record in this proceeding. R25-24, slip op. at 2-8 (May 7, 2026). The Board found that its first-notice proposal was both technically feasible and economically reasonable. *See* 415 ILCS 5/27(a) (2024). The Board further found that its proposed non-substantive amendments would not have any adverse economic impact on the people of the State of Illinois. *See* 415 ILCS 5/27(b) (2024).

Since the Board made those findings and adopted its first-notice proposal, no addition to the record has altered those conclusions. Based on its review of the record now before it, the Board concludes that its second-notice proposal is both technically feasible and economically reasonable. The Board also again finds that these proposed amendments would not have any adverse economic impact on the people of the State of Illinois. *See* 415 ILCS 5/27(b) (2024).

¹ On December 29, 2025, prior to the Board's publication of its first-notice proposal, the Board received a comment from BioSAFE's counsel concerning a procedural question that was recorded as PC 1 in this rulemaking. Accordingly, JCAR's question, which is the first comment received on the Board's first-notice proposal, was recorded as PC 2.

CONCLUSION

For the reasons above, the Board concludes to revise its PIMW rules to add *Bacillus atrophaeus* to the indicator list for microorganisms, to update *Bacillus stearothermophilus* to the current nomenclature of *Geobacillus stearothermophilus*, and to make amendments for clarity and consistency. The Board finds that its proposed rules are technically feasible and economically reasonable and will not have an adverse economic impact on the people of the State of Illinois. The Board submits its proposed rules to JCAR for second-notice review. The proposed amendments appear in the addendum to this opinion.

ORDER

The Board directs the Clerk to submit the proposed amendments to its potentially infectious medical waste rules that appear in the addendum to this opinion to JCAR for second-notice review.

IT IS SO ORDERED.

I, Daniel Pauley, Acting Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on September 3, 2026, by a vote of 5-0.

A handwritten signature in black ink, reading "Daniel L. Pauley". The signature is written in a cursive style with a large, looped 'D' and a trailing flourish.

Daniel Pauley, Acting Clerk
Illinois Pollution Control Board