

ILLINOIS POLLUTION CONTROL BOARD
April 16, 2026

IN THE MATTER OF:)
)
RCRA SUBTITLE C UPDATE, USEPA) R25-12
AMENDMENTS (July 1, 2024 through) (Identical-in-Substance Rulemaking - Land)
December 31, 2024))

Proposed Rule. Proposal For Public Comment.

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

Today, the Board proposes amendments to the Illinois hazardous waste rules for public comment. The proposed amendments include United States Environmental Protection Agency (USEPA) updates to Subtitle C of the Resource Conservation and Recovery Act (RCRA) and additional, limited non-substantive corrections identified by the Board.

This is an “identical in substance” rulemaking. Section 22.4(a) of the Environmental Protection Act (Act) (415 ILCS 5/22.4(a) (2024)) requires the Board to adopt hazardous waste rules identical in substance to the USEPA’s RCRA (42 U.S.C. § 6901 et seq. (2024)) Subtitle C regulations. Section 22.4(a) requires the Board to use the IIS rulemaking procedure of Section 7.2(b) of the Act (415 ILCS 5/7.2(b) (2024)). Section 22.4(a) also provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (5 ILCS 100/5-35 and 5-40 (2024)) do not apply to the Board’s adoption of IIS regulations.

In this opinion and order, the Board first extends the due date for final action on the amendments and sets a timetable to complete this rulemaking. Next, it identifies the USEPA actions that require this IIS rulemaking. Finally, the Board invites public comment on the proposed amendments for 45 days before it proceeds to final adoption in the *Illinois Register* before September 1, 2026. The text of the Board’s proposed amendments is appended to this opinion and order.

EXTENSION OF DUE DATE AND REASONS FOR DELAY

The Board finds it necessary to set forth the reasons for delay and extend the due date for final Board adoption of amendments.

Under Section 7.2(b) of the Act (415 ILCS 5/7.2(b) (2024)), the Board must complete this rulemaking within one year after the corresponding federal action. Based on the date of the USEPA action, the Board’s current deadline to adopt final rules in this docket is July 26, 2026. The Board finds it necessary to extend the date for completion until October 1, 2026.

The Board encountered unanticipated delays in developing this proposal for public comment due to the retirement of the Board staff member who worked on IIS rules. This has required the remaining Board staff to take over review of all IIS rules. Additionally, the large volume of text and effort needed to review the Board’s rules required additional time. The

Board now anticipates adopting these proposed amendments no later than October 1, 2026. Therefore, the Board extends the deadline until that date.

SCHEDULE TO COMPLETE RULEMAKING

Adopting this proposal for public comment today will allow the Board to complete this rulemaking by October 1, 2026, barring unforeseen delays. The Board intends to adhere to the following schedule:

Board order proposing amendments:	April 16, 2026
Submission for <i>Illinois Register</i> publication:	April 24, 2026
Estimated <i>Illinois Register</i> publication:	May 8, 2026
Estimated end of 45-day public comment period:	June 22, 2026
Board order adopting amendments:	July 9, 2026
Estimate of when rules take effect:	July 10, 2026
Estimated <i>Illinois Register</i> publication:	July 24, 2026

SUMMARY OF PROPOSED AMENDMENTS

Federal Actions Implemented

July 26, 2024 (89 Fed. Reg. 60692):

The USEPA finalized amendments to the hazardous waste manifest regulations, and the hazardous waste electronic manifest (e-Manifest) regulations under RCRA to increase utility of the e-Manifest system in delivering benefits, to reduce administrative burden and improve tracking of hazardous waste shipments.

October 11, 2024 (89 Fed. Reg. 82682):

USEPA established alternative RCRA standards for certain ignitable spent refrigerants being recycled for reuse.

October 31, 2024 (89 Fed. Reg. 86758)

USEPA made four minor corrections to the final rule that appeared in the Federal Register on July 26, 2024.

December 11, 2024 (89 Fed. Reg. 99727):

The USEPA withdrew five amendments from its December 6, 2023, final rule revisions to the 2016 Hazardous Waste Generator Improvements Rule, the 2019 Hazardous Waste Pharmaceuticals Rule and the 2018 Vacatur of the Definition of Solid Waste Rule (88 FR 54086).


PUBLIC COMMENTS

The Board requests comments on the proposed amendments. The Board will receive public comments on this proposal for 45 days following its publication in the *Illinois Register*. After that time, the Board will immediately consider adopting final amendments, making any necessary changes made evident through the public comments. The Board expects to file any adopted rules with the Secretary of State immediately after adoption, likely by July 10, 2026, according to the timetable above.

ORDER

The Board directs the Clerk to provide notice in the *Illinois Register* of the appended proposed amendments to the Illinois hazardous waste rules.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on April 16, 2026, by a vote of 4-0.

A handwritten signature in cursive script that reads "Don A. Brown".

Don A. Brown, Clerk
Illinois Pollution Control Board