



OFFICE OF THE SECRETARY OF STATE

ALEXI GIANNOULIAS • Secretary of State

June 11, 2026

POLLUTION CONTROL BOARD
DON BROWN
100 W RANDOLPH ST
STE 11-500
CHICAGO, IL 60601

Dear DON BROWN

Your rules Listed below met our codification standards and have been published in Volume 50, Issue 24 of the Illinois Register, dated 6/12/2026.

REQUEST FOR EXPEDITED CORRECTION

Standards Applicable to Generators of Hazardous Waste

35 Ill. Adm. Code 722

8438

Point of Contact: Crystal Bockewitz

If you have any questions, you may contact the Administrative Code Division at (217) 782 - 7017.

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- 1) Heading of the Part: Standards Applicable to Generators of Hazardous Waste
- 2) Code Citation: 35 Ill. Adm. Code 722
- 3) Section Numbers: 722.116
722.117
- 4) Date Proposal published in the *Illinois Register*: August 9, 2024; 48 Ill. Reg. 11776
- 5) Date Adoption published in the *Illinois Register*: November 22, 2024; 48 Ill. Reg. 16994
- 6) Summary and Purpose of Expedited Correction:

By an opinion and order of November 7, 2024, in RCRA Subtitle C Update, USEPA Amendments (July 1, 2023 through December 31, 2023), docket R24-12, the Board adopted amendments to the Illinois hazardous waste rules intended to be "identical in substance" (IIS) to amendments made by the United States Environmental Protection Agency (USEPA) to its corresponding hazardous waste regulations under federal RCRA Subtitle C during the period July 1, 2023 through December 31, 2023. The Board filed its final amendments with the Office of the Secretary of State, and they became effective on November 7, 2024. Among them were amendments to 35 Ill. Adm. Code 722.116 and 722.117, which, as discussed below, contained errors.

By an opinion and order of April 16, 2026, in RCRA Subtitle C Update, USEPA Amendments (July 1, 2024 through December 31, 2024), docket R25-12, the Board proposed more IIS amendments to the Illinois hazardous waste rules, this time corresponding to USEPA's amendments to its hazardous waste regulations made during the period July 1, 2024 through December 31, 2024. While reviewing the Board's proposal for public comment prior to *Illinois Register* publication, staff of the Joint Committee on Administrative Rules (JCAR) discovered that background text in Sections 722.116 and 722.117 did not include some of the final amendments from the Board's earlier proceeding, docket R24-12, described above.

On April 29, 2026, JCAR staff advised Board staff of the omissions and described the expedited correction process. Upon investigating the errors, it was determined that although the Illinois Register published the Board's final amendments to Part 722 (48 Ill. Reg. 16994 (Nov. 22, 2024)), the Illinois Administrative Code pages filed by the Board with the Office of the Secretary of State for Sections 722.116 and 722.117 failed to include some of their respective amendments due to clerical oversight.

By a correction order of May 7, 2026, in docket R24-12, the Board determined that its

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inadvertent omissions from Sections 722.116 and 722.117 created unintentional discrepancies between the adopted rule text and the rule text published in the *Illinois Register* (48 Ill. Reg. 16994 (Nov. 22, 2024)). The Board also determined that these circumstances fit within Section 5-85(b)(2) of the Illinois Administrative Procedure Act [5 ILCS 100/5-85(b)(2)] and therefore qualify for expedited correction. As a result, the Board decided to request this expedited correction from JCAR. Those corrections are outlined as follows:

- 722.116(b)(3)(F) change "such" to "the", change "accordance" to "compliance".
- 722.116(b)(5) delete ", but are not limited to," and "both of".
- 722.116(b)(8)(D)(i) change "i.e." to "e.g.", delete "such", change "(a)(8)(B)" to "(b)(8)(B)".
- 722.116(b)(8)(D)(ii) change "i.e." to "e.g.", delete "such", change "(a)(8)(B)" to "(b)(8)(B)".
- 722.116(b)(9)(D) change "his or her" to "its".
- 722.116(e)(1) change "accordance" to "compliance".
- 722.116(e)(1)(B) change "accordance" to "compliance".
- 722.116(f) change "accordance" to "compliance", change "in lieu" to "instead".
- 722.116 after "727" change "and" to "or", after "(42 USC 6930)" add "for treatment, storage, and disposal facilities", change "provided that" to "if".

- 722.117(a)(1)(F)(ii) delete ", but not limited to,".
- 722.117(a)(4) delete ", but not limited to,".
- 722.117(a)(5)(B)(ii) delete ", but not limited to,".
- 722.117(a)(7)(A)(i) after "(a)(7)(D)" add "(iii)".
- 722.117(a)(7)(A)(iv) change "provided that" to "if".
- 722.117(a)(7)(B) change "he or she has" to "they have".
- 722.117(a)(8)(A) after "unit" add "but not undergoing final closure".
- 722.117(a)(8)(C)(iii) change "accordance" to "compliance".
- 722.117(a)(8)(C)(iv) change "(a)(8)(B)(ii)" to "(a)(8)(C)(ii)", after the first "is" add "considered", change "accordance" to "compliance", after "meet all" delete "of the", delete "the purposes of".
- 722.117(b) after "(42 USC 6930)" add "for treatment, storage, and disposal facilities", after the first "Agency" delete "has".
- 722.117(c) after the second "F006" add a comma, after "(42 USC 6930)" add "for treatment, storage, and disposal facilities".
- 722.117(c)(4) change "accordance" to "compliance".
- 722.117(c)(4)(D)(ii) delete ", but are not limited to,".
- 722.117(d) after the second "F006" add a comma, after "(42 USC 6930)" add "for treatment, storage, and disposal facilities".

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722.117(e) change "accordance" to "compliance", after "(42 USC 6930)" add "for treatment, storage, and disposal facilities".

Making these corrections to 35 Ill. Adm. Code 722.116 and 722.117 on an expedited basis will serve the public interest, result in no hardship, and not circumvent the public notice considerations of the Illinois Administrative Procedure Act. In addition to being provided in this publication, the intended versions of Sections 722.116 and 722.117 appear in the Board's November 7, 2024 opinion and order and May 7, 2026 correction order for docket R24-12, both of which are publicly available on the Board's website and were served upon interested participants. The correct versions of Sections 722.116 and 722.117 were also published on November 22, 2024, in the Illinois Register. It is the errors in Sections 722.116 and 722.117 of the Illinois Administrative Code that created discrepancies and now require expedited correction to avoid confusion. Using the expedited correction process will also allow the Board's proposed amendments to Part 722 in docket R25-12 to be timely published in the *Illinois Register* for public comment and be adopted as final amendments in compliance with the Board's statutory deadline for rulemaking completion [415 ILCS 5/7.2(b)]. In addition, the Board will post on its website in docket R24-12 this Request for Expedited Correction, as well as any Certification of Correction issued by JCAR and resulting Notice of Expedited Correction.

7) Information and Questions regarding this Request should be directed to:

Questions or comments on this request for expedited correction should reference docket R24-12 and be addressed to:

Don A. Brown, Clerk
Pollution Control Board
60 East Van Buren Street, Suite 630
Chicago, Illinois 60605

312-814-3461
don.brown@illinois.gov

8) The full text of the Expedited Correction begins on the following page: