

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	
STANDARDS FOR UNIVERSAL)	R 2025-22
WASTE MANAGEMENT)	(Rulemaking-Land)
(35 ILL. ADM. CODE PARTS 703, 720,)	
721, 724, 725, 728, and 733))	

NOTICE

TO: ATTACHED CERTIFICATE OF SERVICE LIST

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Illinois Pollution Control Board the Illinois Environmental Protection Agency's ("IEPA" or "Agency") IEPA REVISED RESPONSE TO THE HEARING OFFICER'S HEARING QUESTION NO. 10, a copy of which is herewith served upon you.

Respectfully submitted,

**ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY**

By: /s/ Nick M. San Diego
Nick M. San Diego
Deputy General Counsel
Division of Legal Counsel

DATED: April 21, 2025

2520 West Iles Avenue
P.O. Box 19726
Springfield, Illinois 62794-9276
217/782-5544
nick.m.sandiego@illinois.gov

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
STANDARDS FOR UNIVERSAL) R 2025-22
WASTE MANAGEMENT) (Rulemaking–Land)
(35 ILL. ADM. CODE PARTS 703, 720,)
721, 724, 725, 728, and 733))

**IEPA REVISED RESPONSE TO THE HEARING OFFICER’S
HEARING QUESTION NO. 10**

NOW COMES the Illinois Environmental Protection Agency (“IEPA” or “Agency”), by and through its counsel, and hereby submits its revised response to the Hearing Officer’s Hearing Question No. 10 attached to the Hearing Officer Order of April 10, 2025, pursuant to the Board’s request during the April 16, 2025, First Hearing:

10. In Section 733.133(f)(3)(C), please clarify what “properly” managing the released universal waste entails with examples. If appropriate, propose revisions by replacing the word “properly” with more descriptive language.

RESPONSE: Section 733.137 describes a large quantity handler’s required response to releases. It states:

“Section 733.137 Response to Releases

- a) A large quantity handler of universal waste must immediately contain all releases of universal waste and other residues from universal waste.
- b) A large quantity handler of universal waste must determine whether any material resulting from the release is hazardous waste, and if so, must manage the hazardous waste in compliance with all applicable requirements of 35 Ill. Adm Code 702 through 705 and 720 through 728. The handler is considered the generator of the material resulting from the release, and is subject to 35 Ill. Adm. Code 722.” 35 Ill. Adm. Code 733.137.

REVISED RESPONSE: The Agency thought it appropriate to point out the corresponding existing regulation at Section 733.137, which specifies a large quantity handler’s required response to releases. The Agency notes that the phrase “properly manage the released universal waste” (for large quantity handlers) is derived from Section 22.23e(c)(1)(C)(iii) of the Act (text of Section from P.A. 103-887) in relation to small quantity handler waste management of universal waste PPRW, 415 ILCS 5/22.23e(c)(1)(C)(iii).

In response to the Hearing Officer’s request, the Agency recommends not providing examples as Section 733.137 already specifies what steps should be taken and instead offers

the following revisions to proposed Section 733.133(f)(3)(C) in relation to large quantity handlers of universal waste PPRW. To be consistent, the Agency also recommends the following revisions to proposed Section language for Section 733.113(f)(3)(C) for small quantity handlers of universal waste PPRW:

Revised proposed Section 733.133(f)(3)(C) – Large Quantity Handlers (revised text underlined):

- f) Paint and Paint-related waste. A large quantity handler of universal waste must manage universal waste paint and paint-related waste in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

- 3) The large quantity handler of universal waste, upon detection of a release of universal waste paint or paint-related waste, must do the following:
- A) Stop the release.
 - B) Contain the released universal waste paint or paint-related waste.
 - C) Clean up and properly manage the released universal waste paint or paint-related waste in accordance with this Part, including but not limited to, Section 733.137, and other materials generated from the cleanup in accordance with the Act and applicable Board regulations.
 - D) Remove any leaking container from service by transferring the contents to a container that meets the requirements of 733.133(f)(1).
 - E) Repair any leaking container to meet the requirements of 733.133(f)(1) before returning it to service.

Revised proposed Section 733.113(f)(3)(C) – Small Quantity Handlers (revised text underlined):

- f) Paint and Paint-related waste. A small quantity handler of universal waste must manage universal waste paint and paint-related waste in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

- 3) The small quantity handler of universal waste, upon detection of a release of universal waste paint or paint-related waste, must do the following:
 - A) Stop the release.
 - B) Contain the released universal waste paint or paint-related waste.
 - C) Clean up and properly manage the released universal waste paint or paint-related waste in accordance with this Part, including but not limited to, Section 733.137, and other materials generated from the cleanup in accordance with the Act and applicable Board regulations.
 - D) Remove any leaking container from service by transferring the contents to a container that meets the requirements of 733.113(f)(1).
 - E) Repair any leaking container to meet the requirements of 733.113(f)(1) before returning it to service.

Respectfully submitted,

**ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY**

By: /s/ Nick M. San Diego
Nick M. San Diego
Deputy General Counsel
Division of Legal Counsel

DATED: April 21, 2025

2520 West Iles Avenue
P.O. Box 19726
Springfield, Illinois 62794-9276
217/782-5544
nick.m.sandiego@illinois.gov

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	
STANDARDS FOR UNIVERSAL)	R 2025-22
WASTE MANAGEMENT)	(Rulemaking–Land)
(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 IEPA’S REVISED RESPONSE TO THE HEARING OFFICER’S HEARING QUESTION NO. 10, on behalf of the Illinois EPA, upon the following:

See attached Service List

I affirm that my e-mail address is nick.m.sandiego@illinois.gov; the number of pages in the e-mail transmission is 6; and the e-mail transmission took place before 5:00 p.m. on April 21, 2025.

Respectfully submitted,

**ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY**

By: /s/ Nick M. San Diego
Nick M. San Diego
Deputy General Counsel
Division of Legal Counsel

DATED: April 21, 2025

2520 West Iles Avenue
P.O. Box 19726
Springfield, Illinois 62794-9276
217/782-5544
nick.m.sandiego@illinois.gov

SERVICE LIST

<p>Illinois Pollution Control Board Don A. Brown, Clerk of the Board Chloe Salk, Hearing Officer 60 East Van Buren Street Suite 630 Chicago, Illinois 60605 don.brown@illinois.gov chloe.salk@illinois.gov</p>	<p>Illinois Department of Natural Resources Renee Snow General Counsel One Natural Resource Way Springfield, Illinois 62702 renee.snow@illinois.gov</p>
<p>Office of the Illinois Attorney General Jason E. James Assistant Attorney General Environmental Bureau 201 West Point Drive Suite 7 Belleville, Illinois 62226 jason.james@ilag.gov</p>	<p>Illinois Environmental Protection Agency Katherine A. Koehler Assistant Counsel Division of Legal Counsel 115 S. LaSalle Street Suite 2203 Chicago, Illinois 60603 katherine.koehler@illinois.gov</p>
<p>Office of the Illinois Attorney General Molly Kordas Jason Clark Assistant Attorneys General Environmental Bureau 69 West Washington Street Suite 1800 Chicago, Illinois 60602 molly.kordas@ilag.gov jason.clark@ilag.gov</p>	<p>United States Environmental Protection Agency – Region 5 Daniel Leonard Illinois State Authorization Ralph H. Metcalfe Federal Building 77 West Jackson Boulevard Chicago, Illinois 60604 leonard.daniel@epa.gov</p>