

ILLINOIS POLLUTION CONTROL BOARD

June 26, 2025

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

Reasons for Delay. Extension of Time.

ORDER OF THE BOARD (by M. Gibson):

In this reserved docket, the Board will amend the Illinois hazardous waste rules that are identical-in-substance (IIS) to amendments adopted by the United States Environmental Protection Agency (USEPA) during the second half of 2024. The Board today finds that additional time is needed to complete the amendments and extends the due date for final Board action until July 26, 2026.

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 that are IIS to USEPA's Resource Conservation and Recovery Act (RCRA) Subtitle C (42 U.S.C. §§ 6921 *et seq.* (2022)) rules. 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 (APA) (5 ILCS 100/5-35 and 5-40 (2024)) do not apply to the Board's adoption of IIS regulations. Section 7.2(b) of the Act requires the Board to complete action on amendments within one year of when USEPA adopted its rules. Section 7.2(b) further provides that the Board can extend the time to complete amendments upon a finding that the one-year period is insufficient to complete the rulemaking and specifically state the reasons for the extension. The Board must publish a notice of extension in the *Illinois Register*. 415 ILCS 5/22.4(b) (2024)

**SUMMARY OF USEPA ACTIONS THAT REQUIRE BOARD ACTION**

The Board reserved docket R25-12 to accommodate USEPA actions relating to hazardous waste during the second half of 2024. During this time, USEPA took three hazardous waste-related actions amending rules that have counterparts in the Illinois regulations:

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, and to various related regulations.

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

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

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).

### **EXTENSION OF DUE DATE AND REASONS FOR DELAY**

The Board finds that additional time is needed to complete the amendments in the R25-12 docket. The Board extends the due date for final action until July 26, 2026, the statutory due date for the amendments in the R25-12 docket.

The Board is reviewing the text of the Illinois hazardous waste regulations to make needed corrections. The Board staff member who worked on IIS updates for nearly 30 years retired and additional training time is required for the new staff member to make the comprehensive IIS changes passed by the USEPA in 2024.

The Board plans to complete the amendments in docket R25-12 on the following schedule:

|   |                |
|---|----------------|
| Proposal adopted date:                              | March 5, 2026  |
| Publication submission deadline:                    | March 13, 2026 |
| <i>Illinois Register</i> publication date:          | March 27, 2026 |
| End of 45-day public comment period:                | May 11, 2026   |
| Adoption date:                                      | June 4, 2026   |
| Possible filing and effective date:                 | June 12, 2026  |
| Possible <i>Illinois Register</i> publication date: | June 26, 2026  |

### **ORDER**

The Board directs the Clerk to submit a notice of this order for publication in the *Illinois Register*.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 26, 2025, by a vote of 5-0.



Don A. Brown, Clerk  
Illinois Pollution Control Board