

ILLINOIS POLLUTION CONTROL BOARD

September 17, 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))

Adopted Rule. Final Order.

OPINION AND ORDER OF THE BOARD (by M. Gibson):

Today, the Board adopts amendments to the Illinois hazardous waste rules. The amendments include United States Environmental Protection Agency (USEPA) updates to Subtitle C of the Resource Conservation and Recovery Act (RCRA) adopted in the second half of 2024 and additional, limited non-substantive corrections identified by the Board.

This is an “identical in substance” (IIS) 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 (APA) (5 ILCS 100/5-35 and 5-40 (2024)) do not apply to the Board’s adoption of IIS regulations.

The Board adopted a proposal for public comment on April 16, 2026. The Notices of Proposed Amendments appeared in the *Illinois Register*, as follows: Part 703 at 50 Ill. Reg. 6571, Part 720 at 504 Ill. Reg. 6068, Part 721 at 50 Ill. Reg. 6141, Part 723 at 50 Ill. Reg. 6228, Part 724 at 50 Ill. Reg. 6241, Part 725 at 50 Ill. Reg. 6310, and Part 726 at 50 Ill. Reg. 6371 on May 8, 2026, and Part 722 at 50 Ill. Reg. 9675 on July 17, 2026.

Today, the Board adopts the final amendments with corrections from the proposal for public comment.

DISCUSSION

In this opinion, the Board will not reiterate its discussion of the April 16, 2026, proposal for public comment. The proposal discussion can be found on the Board’s website at the Clerk’s Office On-line (COOL) under the rulemaking docket for this matter, R25-12. Please *see* RCRA SUBTITLE C UPDATE, USEPA AMENDMENTS July 1, 2024 through December 31, 2024) (Proposal for Public Comment), R25-12 (April 16, 2026).

The Board received six public comments from the Joint Committee on Administrative Rules (JCAR) addressing multiple issues with the proposed amendments. The Board summarizes JCAR’s concerns below.

In public comments (PC) 1 through 3, JCAR raised the issue of the Board deleting multiple incorporations by reference in the proposed amendments. The Board acknowledges the deletions and adds them back into the adopted regulations.

In PC 4 and 5, JCAR identified issues with the background text that required an expedited correction in Part 722. The Board acknowledged the errors and completed the expedited correction process in Part 722 on July 14, 2026.

Finally, in PC 6, JCAR emphasized multiple typographical and naming inconsistency errors. The Board acknowledges the errors and modifies the regulations adopted today.

In addition to JCAR's suggested changes, the Board updated the federal rules and statutes incorporated by reference to the most recent publication dates.

The Board received no other suggestions or comments on the amendatory language. Therefore, after carefully considering JCAR's public comments and with the abovementioned revisions, the Board proposes final adoption of the amendments that are "identical in substance" to USEPA's regulations per Section 7.2 of the Act.

ORDER

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

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on September 17, 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