

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Environmental Protection Act is amended by
5 changing Section 3.475 and by adding Section 22.23e as
6 follows:

7 (415 ILCS 5/3.475) (was 415 ILCS 5/3.45)

8 Sec. 3.475. Special waste. "Special waste" means any of
9 the following:

10 (a) potentially infectious medical waste;

11 (b) hazardous waste, as determined in conformance with
12 RCRA hazardous waste determination requirements set forth in
13 Section 722.111 of Title 35 of the Illinois Administrative
14 Code, including a residue from burning or processing hazardous
15 waste in a boiler or industrial furnace unless the residue has
16 been tested in accordance with Section 726.212 of Title 35 of
17 the Illinois Administrative Code and proven to be
18 nonhazardous;

19 (c) industrial process waste or pollution control waste,
20 except:

21 (1) any such waste certified by its generator,
22 pursuant to Section 22.48 of this Act, not to be any of the
23 following:

1 (A) a liquid, as determined using the paint filter
2 test set forth in subdivision (3) (A) of subsection (m)
3 of Section 811.107 of Title 35 of the Illinois
4 Administrative Code;

5 (B) regulated asbestos-containing waste materials,
6 as defined under the National Emission Standards for
7 Hazardous Air Pollutants in 40 CFR Section 61.141;

8 (C) polychlorinated biphenyls (PCB's) regulated
9 pursuant to 40 CFR Part 761;

10 (D) an industrial process waste or pollution
11 control waste subject to the waste analysis and
12 recordkeeping requirements of Section 728.107 of Title
13 35 of the Illinois Administrative Code under the land
14 disposal restrictions of Part 728 of Title 35 of the
15 Illinois Administrative Code; and

16 (E) a waste material generated by processing
17 recyclable metals by shredding and required to be
18 managed as a special waste under Section 22.29 of this
19 Act;

20 (2) any empty portable device or container, including
21 but not limited to a drum, in which a special waste has
22 been stored, transported, treated, disposed of, or
23 otherwise handled, provided that the generator has
24 certified that the device or container is empty and does
25 not contain a liquid, as determined pursuant to item (A)
26 of subdivision (1) of this subsection. For purposes of

1 this subdivision, "empty portable device or container"
2 means a device or container in which removal of special
3 waste, except for a residue that shall not exceed one inch
4 in thickness, has been accomplished by a practice commonly
5 employed to remove materials of that type. An inner liner
6 used to prevent contact between the special waste and the
7 container shall be removed and managed as a special waste;
8 or

9 (3) as may otherwise be determined under Section 22.9
10 of this Act.

11 "Special waste" does not mean fluorescent and high
12 intensity discharge lamps as defined in subsection (a) of
13 Section 22.23a of this Act, paint and paint-related waste as
14 defined in subsection (a) of Section 22.23e of this Act, waste
15 that is managed in accordance with the universal waste
16 requirements set forth in Title 35 of the Illinois
17 Administrative Code, Subtitle G, Chapter I, Subchapter c, Part
18 733, or waste that is subject to rules adopted pursuant to
19 subsection (c)(2) of Section 22.23a of this Act or subsection
20 (b) of Section 22.23e of this Act.

21 (Source: P.A. 92-574, eff. 6-26-02.)

22 (415 ILCS 5/22.23e new)

23 Sec. 22.23e. Paint and paint-related wastes.

24 (a) As used in this Section:

25 "Paint" means a pigmented or unpigmented powder coating,

1 or a pigmented or unpigmented mixture of binder and suitable
2 liquid, that forms an adherent coating when applied to a
3 surface. Powder coating is a surface coating that is applied
4 as a dry powder and is fused into a continuous coating film
5 through the use of heat. "Paint" includes architectural paint
6 as defined in the Paint Stewardship Act.

7 "Paint-related waste" is (i) material contaminated with
8 paint that results from the packaging of paint, wholesale and
9 retail operations, paint manufacturing, and paint application
10 or removal activities or (ii) material derived from the
11 reclamation of paint-related wastes that is recycled in a
12 manner other than burning for energy recovery or used in a
13 manner constituting disposal.

14 (b) (1) Paint and paint-related waste that are hazardous
15 waste are hereby designated as a category of universal waste
16 subject to the streamlined hazardous waste rules set forth in
17 35 Ill. Adm. Code 733. Within 60 days after the effective date
18 of this amendatory Act of the 103rd General Assembly, the
19 Agency shall propose, and within 180 days after receipt of the
20 Agency's proposal the Board shall adopt, rules that reflect
21 this designation and that prescribe procedures and standards
22 for the management of hazardous waste paint and paint-related
23 waste as a universal waste consistent with the provisions set
24 forth within this Section.

25 (2) If the United States Environmental Protection Agency
26 adopts streamlined hazardous waste regulations pertaining to

1 the management of hazardous waste paint or paint-related
2 waste, or otherwise exempts such paint or paint-related waste
3 from regulation as hazardous waste, the Board shall adopt an
4 equivalent rule in accordance with Section 7.2 of this Act
5 within 180 days of adoption of the federal regulation. The
6 equivalent Board rule may serve as an alternative to the rules
7 adopted under paragraph (1) of this subsection (b).

8 (c) Until the Board adopts rules pursuant to paragraph (1)
9 of subsection (b) that prescribe procedures and standards for
10 the management of hazardous waste paint and paint-related
11 waste by small quantity handlers of universal waste, the
12 following requirements shall apply to small quantity handlers
13 of universal waste managing hazardous waste paint and
14 paint-related waste as a universal waste:

15 (1) Waste Management. A small quantity handler of
16 universal waste shall manage universal waste paint and
17 paint-related waste in a way that prevents releases of any
18 universal waste or any component of universal waste to the
19 environment, including, but not limited to, in accordance
20 with the following requirements:

21 (A) The small quantity handler of universal waste
22 shall collect and store universal waste paint and
23 paint-related waste in containers that are
24 structurally sound, leakproof, and compatible with the
25 universal waste paint and paint-related waste.

26 (B) The small quantity handler of universal waste

1 shall ensure that containers in which the universal
2 waste paint and paint-related waste are contained do
3 not leak and remain closed, except when wastes are
4 being added to or removed from the container.

5 (C) The small quantity handler of universal waste,
6 upon detection of a release of universal waste paint
7 and paint-related waste, shall do the following:

8 (i) Stop the release.

9 (ii) Contain the released universal waste
10 paint and paint-related waste.

11 (iii) Clean up and properly manage the
12 released universal waste paint and paint-related
13 waste and other materials generated from the
14 cleanup.

15 (iv) Remove any leaking container from service
16 by transferring the contents to another container.

17 (v) Repair any leaking container before
18 returning it to service.

19 (D) A small quantity handler of universal waste
20 shall manage universal waste paint and paint-related
21 waste that is ignitable or reactive in accordance with
22 local fire codes.

23 (E) A small quantity handler of universal waste
24 shall manage universal waste paint and paint-related
25 waste that are incompatible in separate containers.

26 (F) A small quantity handler of universal waste

1 shall design, maintain, and operate areas of its
2 facility where universal waste paints and
3 paint-related wastes are collected and stored to
4 minimize the possibility of a fire, explosion, or
5 unplanned sudden or non-sudden release of universal
6 waste or hazardous constituents to air, soil, or
7 surface water which could threaten human health or the
8 environment.

9 (2) Labeling or marking. Each container in which
10 universal waste paint and paint-related waste is
11 accumulated shall be labeled to identify the contents of
12 the container.

13 (3) Accumulation time limits.

14 (A) A small quantity handler of universal waste
15 may accumulate universal waste paint and paint-related
16 waste for no longer than one year from the date the
17 universal waste is generated. However, handlers may
18 accumulate universal waste for longer than one year if
19 the activity is solely for the purpose of accumulating
20 quantities to facilitate proper recovery, treatment,
21 or disposal. The handler bears the burden of proving
22 that this activity is solely for the purpose of
23 accumulation of the quantities of universal waste
24 necessary to facilitate proper recovery, treatment, or
25 disposal.

26 (B) A small quantity handler of universal waste

1 who accumulates universal waste must be able to
2 demonstrate the length of time that the universal
3 waste has been accumulated. The handler may make this
4 demonstration by any of the following methods:

5 (i) placing the universal waste paint and
6 paint-related waste in a container and marking or
7 labeling the container with the earliest date that
8 universal waste paint or paint-related waste in
9 the container became a waste or was received;

10 (ii) marking or labeling each individual item
11 of universal waste paint and paint-related waste
12 with the date the universal waste paint and
13 paint-related waste became a waste or was
14 received;

15 (iii) maintaining an inventory system on-site
16 that identifies the date each unit of universal
17 waste paint and paint-related waste became a waste
18 or was received;

19 (iv) placing universal waste paint and
20 paint-related waste in a specific accumulation
21 area and identifying the earliest date that any of
22 the universal waste paint and paint-related waste
23 in the area became a waste or was received; or

24 (v) any other method that clearly demonstrates
25 the length of time the universal waste paint and
26 paint-related waste have been accumulated from the

1 date they become a waste or are received.

2 (4) Employee training. A small quantity handler of
3 universal waste shall inform all employees who handle or
4 have responsibility for managing universal waste paint and
5 paint-related waste. The information shall describe proper
6 handling and emergency procedures appropriate to the
7 universal waste paint and paint-related waste.

8 (5) Response to releases.

9 (A) A small quantity handler of universal waste
10 must immediately contain all releases of universal
11 waste paint and paint-related waste and other residues
12 from universal waste paint and paint-related waste.

13 (B) A small quantity handler of universal waste
14 must determine whether any material resulting from the
15 release is hazardous waste and, if so, must manage the
16 hazardous waste in compliance with all applicable
17 hazardous waste requirements of this Act and rules
18 adopted under this Act. The handler is considered the
19 generator of the material resulting from the release
20 and must manage the material in compliance with this
21 Act and rules adopted under this Act.

22 (6) Off-site shipments.

23 (A) A small quantity handler of universal waste is
24 prohibited from sending or taking universal waste
25 paint and paint-related waste to a place other than
26 another universal waste handler, a destination

1 facility, or a foreign destination.

2 (B) If a small quantity handler of universal waste
3 self-transportes universal waste paint and
4 paint-related waste offsite, the handler becomes a
5 universal waste transporter for those
6 self-transportation activities and shall comply with
7 the Board's existing rules for universal waste
8 transporters.

9 (C) If universal waste paint and paint-related
10 waste being offered for off-site transportation meets
11 the definition of hazardous materials under 49 CFR
12 Parts 171 to 180, a small quantity handler of
13 universal waste shall package, label, mark and placard
14 the shipment, and prepare the proper shipping papers
15 in accordance with the applicable United States
16 Department of Transportation regulations under 49 CFR
17 Parts 172 to 180.

18 (D) Prior to sending a shipment of universal waste
19 paint and paint-related waste to another universal
20 waste handler, the originating handler shall ensure
21 that the receiving handler agrees to receive the
22 shipment.

23 (E) If a small quantity handler of universal waste
24 sends a shipment of universal waste paint and
25 paint-related waste to another handler or to a
26 destination facility and if the shipment is rejected

1 by the receiving handler or destination facility, the
2 originating handler shall either:

3 (i) receive the universal waste paint and
4 paint-related waste back when notified that the
5 shipment has been rejected; or

6 (ii) agree with the receiving handler on a
7 destination facility to which the shipment will be
8 sent.

9 (F) A small quantity handler of universal waste
10 may reject a shipment containing universal waste paint
11 and paint-related waste, or a portion of a shipment
12 containing universal waste paint and paint-related
13 waste, received from another handler. If a handler
14 rejects a shipment or a portion of a shipment, the
15 rejecting handler shall contact the originating
16 handler to notify the originating handler of the
17 rejection and to discuss reshipment of the load. The
18 receiving handler shall:

19 (i) send the shipment back to the originating
20 handler; or

21 (ii) if agreed to by both the originating and
22 receiving handler, send the shipment to a
23 destination facility.

24 (G) If a small quantity handler of universal waste
25 receives a shipment of nonhazardous, non-universal
26 waste, the handler may manage the waste in any way that

1 is in compliance with applicable law.

2 (d) Until the Board adopts rules pursuant to subsection
3 (b), the following additional requirements shall apply:

4 (1) Paints and paint-related wastes that are exempt
5 household wastes or very small quantity generator wastes
6 under existing Board rules remain exempt from the
7 hazardous waste rules but may be managed as universal
8 wastes under 35 Ill. Adm. Code 733.108.

9 (2) Universal waste transporters that transport paints
10 or paint-related wastes that are universal wastes are
11 subject to the existing Board rules for universal waste
12 transporters.

13 (3) Universal waste destination facilities that manage
14 paints or paint-related wastes that are universal wastes
15 are subject to the existing Board rules for universal
16 waste destination facilities.

17 Section 10. The Paint Stewardship Act is amended by
18 changing Sections 15, 25, and 40 as follows:

19 (415 ILCS 175/15)

20 Sec. 15. Paint stewardship program plan.

21 (a) Each manufacturer of architectural paint sold or
22 offered for sale at retail in the State shall submit to the
23 Agency a plan for the establishment of a postconsumer paint
24 stewardship program. The program shall seek to reduce the

1 generation of postconsumer paint, promote its reuse and
2 recycling, and manage the postconsumer paint waste stream
3 using environmentally sound management practices.

4 (b) A plan submitted under this Section shall:

5 (1) Provide a list of participating manufacturers and
6 brands covered by the program.

7 (2) Provide information on the architectural paint
8 products covered under the program, such as interior or
9 exterior water-based and oil-based coatings, primers,
10 sealers, or wood coatings.

11 (3) Describe how it will provide for the statewide
12 collection of postconsumer architectural paint in the
13 State. The manufacturer or representative organization may
14 coordinate the program with existing household hazardous
15 waste collection infrastructure as is mutually agreeable
16 with the person operating the household waste collection
17 infrastructure.

18 (4) Provide a goal of sufficient number and geographic
19 distribution of collection sites, collection services, or
20 collection events for postconsumer architectural paint to
21 meet the following criteria:

22 (A) at least 90% of State residents shall have a
23 collection site, collection service, or collection
24 event within a 15-mile radius; and

25 (B) at least one collection site, collection
26 service, or collection event for every 50,000

1 residents of the State.

2 (5) Describe how postconsumer paint will be managed
3 using the following strategies: reuse, recycling, and
4 disposal.

5 (6) Describe education and outreach efforts to inform
6 consumers about the program. These efforts should include:

7 (A) information about collection opportunities for
8 postconsumer paint;

9 (B) information about the fee for the operation of
10 the program that shall be included in the purchase
11 price of all architectural paint sold in the State;
12 and

13 (C) efforts to promote the source reduction,
14 reuse, and recycling of architectural paint.

15 (7) Include a certification from an independent
16 auditor that any added fee to paint sold in the State as a
17 result of the postconsumer paint stewardship program does
18 not exceed the costs to operate and sustain the program in
19 accordance with sound management practices. The
20 independent auditor shall verify that the amount added to
21 each unit of paint will cover the costs and sustain the
22 postconsumer paint stewardship program.

23 (8) Describe how the paint stewardship program will
24 incorporate and compensate service providers for
25 activities conducted under the program that may include:

26 (A) the collection of postconsumer architectural

1 paint and architectural paint containers through
2 permanent collection sites, collection events, or
3 curbside services;

4 (B) the reuse or processing of postconsumer
5 architectural paint at a permanent collection site;
6 and

7 (C) the transportation, recycling, and proper
8 disposal of postconsumer architectural paint.

9 (c) Independent audits conducted for the purposes of this
10 Act must be conducted in accordance with generally accepted
11 auditing standards. The work product of the independent
12 auditor shall be submitted to the Agency as part of the annual
13 report required by Section 40. The cost of any work performed
14 by the independent auditor shall be funded by the program.

15 (d) Not later than 90 ~~60~~ days after submission of the plan
16 under this Section, the Agency shall determine in writing
17 whether to approve the plan as submitted or disapprove the
18 plan. The Agency shall approve a plan if it contains all of the
19 information required under subsection (b). If the plan is
20 disapproved, the manufacturer or representative organization
21 shall resubmit a plan within 45 calendar days of receipt of the
22 notice of disapproval.

23 (e) If a manufacturer or representative organization
24 determines that the paint stewardship fee should be adjusted
25 because the independent audit reveals that the cost of
26 administering the program exceeds the revenues generated by

1 the paint stewardship fee, the manufacturer or representative
2 organization shall submit to the Agency a justification for
3 the adjustment as well as financial reports to support the
4 adjustment, including a 5-year projection of the financial
5 status of the organization. The submission shall include a
6 certification from an independent auditor that the proposed
7 fee adjustment will generate revenues necessary and sufficient
8 to pay the program expenses, including any accumulated debt,
9 and develop a reasonable reserve level sufficient to sustain
10 the program. The Agency shall approve the fee adjustment if
11 the submission contains all of the information required under
12 this subsection.

13 (f) Within 45 calendar days after Agency approval of a
14 plan, the Agency shall post on its website, and the
15 manufacturer or representative organization shall post on its
16 website, the names of the manufacturers participating in the
17 plan, the brands of architectural paint covered by the
18 program, and a copy of the plan.

19 (g) Each manufacturer under the plan shall include in the
20 price of any architectural paint sold to retailers or
21 distributors in the State the per container amount of the fee
22 set forth in the plan or fee adjustment. If a representative
23 organization is implementing the plan for a manufacturer, the
24 manufacturer is responsible for filing, reporting, and
25 remitting the paint stewardship fee assessment for each
26 container of architectural paint to the representative

1 organization. A retailer or distributor shall not deduct the
2 amount of the fee from the purchase price of any paint it
3 sells.

4 (Source: P.A. 103-372, eff. 1-1-24.)

5 (415 ILCS 175/25)

6 Sec. 25. Plan submission. The plan required by Section 15
7 shall be submitted not later than July 1, 2025 ~~12 months~~ after
8 the effective date of this Act.

9 (Source: P.A. 103-372, eff. 1-1-24.)

10 (415 ILCS 175/40)

11 Sec. 40. Annual report. By July 1, 2028 ~~2026~~, and each July
12 1 thereafter, a manufacturer or representative organization
13 shall submit a report to the Agency that details the
14 implementation of the manufacturer's or representative
15 organization's program during the prior calendar year. The
16 report shall include:

17 (1) a description of the methods used to collect and
18 transport the postconsumer paint collected by the program;

19 (2) the volume and type of postconsumer paint
20 collected and a description of the methods used to process
21 the paint, including reuse, recycling, and other methods;

22 (3) samples of the educational materials provided to
23 consumers of architectural paint; and

24 (4) the total cost of the program and an independent

1 financial audit of the program. An independent financial
2 auditor shall be chosen by the manufacturer or
3 representative organization.

4 The Agency and the manufacturer or manufacturer's
5 representative organization shall post a copy of each annual
6 report on their websites.

7 (Source: P.A. 103-372, eff. 1-1-24.)