

AN ACT concerning safety.

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

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

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

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

(a) potentially infectious medical waste;

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

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

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

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

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

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

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

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

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

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

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

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

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

(415 ILCS 5/22.23e new)

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

(a) As used in this Section:

"Paint" means a pigmented or unpigmented powder coating,

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

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

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

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

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

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

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

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

(B) The small quantity handler of universal waste

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

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

(i) Stop the release.

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

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

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

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

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

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

(F) A small quantity handler of universal waste

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

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

(3) Accumulation time limits.

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

(B) A small quantity handler of universal waste

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

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

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

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

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

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



date they become a waste or are received.

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

(5) Response to releases.

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

(B) A small 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 hazardous waste requirements of this Act and rules adopted under this Act. The handler is considered the generator of the material resulting from the release and must manage the material in compliance with this Act and rules adopted under this Act.

(6) Off-site shipments.

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

facility, or a foreign destination.

(B) If a small quantity handler of universal waste self-transport universal waste paint and paint-related waste offsite, the handler becomes a universal waste transporter for those self-transportation activities and shall comply with the Board's existing rules for universal waste transporters.

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

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

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

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

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

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

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

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

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

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

is in compliance with applicable law.

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

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

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

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

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

(415 ILCS 175/15)

Sec. 15. Paint stewardship program plan.

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

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

(b) A plan submitted under this Section shall:

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

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

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

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

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

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

residents of the State.

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

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

(A) information about collection opportunities for postconsumer paint;

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

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

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

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

(A) the collection of postconsumer architectural

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

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

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

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

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

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

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

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

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



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

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

(415 ILCS 175/25)

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

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

(415 ILCS 175/40)

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

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

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

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

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

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

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

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