

ILLINOIS POLLUTION CONTROL BOARD
March 11, 2022

IN THE MATTER OF:)
)
PROPOSED AMENDMENTS TO) R22-18
GROUNDWATER QUALITY) (Rulemaking – Public Water Supplies)
35 ILL. ADM. CODE 620)

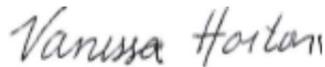
HEARING OFFICER ORDER

On December 7, 2021, the Illinois Environmental Protection Agency (IEPA, or Agency) filed a proposal to amend Part 620 of the Board’s groundwater quality regulations. The Board held the first hearing in this matter on March 9, 2022. That hearing focused on testimony from IEPA witnesses. The hearing officer set the deadline for pre-filed follow-up questions directed to IEPA for March 18, 2022.

The Board and Staff have follow-up questions based on pre-filed answers filed by IEPA and based on testimony presented at the first hearing. Those follow-up questions are included with this order as Attachment A.

All filings in this proceeding will be available on the Board’s website at <https://pcb.illinois.gov/> in the rulemaking docket [R22-18](#). Unless the Board, hearing officer, Clerk, or procedural rules provide otherwise, all documents in this proceeding must be filed electronically through the [Clerk's Office On-Line](#). 35 Ill. Adm. Code 101.302(h), 101.1000(c), 101.Subpart J.

IT IS SO ORDERED.



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ATTACHMENT A**R22-18: Proposed Amendments to Part 620 Groundwater Quality Standards
Board and Staff Follow-up Questions for the Agency Witnesses****Questions based on the Agency's testimony at the March 9, 2022, hearing.**

1. Please provide the following information regarding the detection of the PFAS constituents in community water supply (CWS) wells, private wells as well as monitoring wells at other regulated sites during the last five years in a table format:
 - a. Name of the owner or operator of the well(s).
 - b. Location of the well(s). If possible, show the locations on a map.
 - c. Type of well (CWS, private or monitoring well).
 - d. For monitoring wells, identify the regulatory program under which monitoring is being conducted
 - e. Name of the PFAS constituent(s) detected.
 - f. Concentration of the constituent(s).
 - g. Whether the concentration exceeds the proposed standards or the preventive notification levels.
 - h. Whether remediation would be required to meet the proposed PFAS standards or the preventive activities requirements.
2. Based on the number of sites that may require remediation, please comment on potential cost of remediating the sites not considering exposure pathway elimination under 35 Ill Adm Code 742.

Follow-up questions based on the Agency's pre-filed responses to the Board's Groundwater Management Zone Related Questions.**Follow-up to Agency Answer 8(b)**

Please specify the dates on which each of the 20 active GMZs were established.

Follow-up to Agency Answer 8(c)

For the two GMZs that were terminated after attaining the applicable Subpart D standards, what was the duration of each GMZ?

Follow-up to Agency Answers 8(g), 8(h), 21(a), 21(b), 21(c), 21(e), and 21(f)

Would the Agency consider filing proposed amendments to Section 620.250 and Appendix D (“Confirmation of an Adequate Corrective Action Pursuant to 35 Ill. Adm. Code 620.250(a)(2)”) clarifying that Appendix D is the “application” required by both subsections (a)(1) and (a)(2) of Section 620.250 and by proposed subsection (g) of Section 620.250?

Please explain the import of Note 3 to Appendix D, which reads: “If the facility is conducting a cleanup of a unit which is subject to the requirements of the Resource Conservation and Recovery Act (RCRA) or the 35 Ill. Adm. Code 731 regulations for Underground Storage Tanks, this confirmation process is not applicable and cannot be used.”

Follow-up to Agency Answers 8(j) and 8(k)

Under Section 620.250(b), is the GMZ established on the date of the Agency’s written “concurrence”?

Follow-up to Agency Answer 8(l)

Looking at the word “continues” in Section 620.250(b), does the Agency’s written concurrence determine that groundwater management *will continue* for a period of time consistent with the action described in subsection (a), rather than determining that groundwater management “continues” for that period?

Follow-up to Agency Answer 8(n)

For this rulemaking’s record, please provide a copy of both determinations that the Agency has issued under Section 620.250(c).

Follow-up to Agency Answers 8(p) and 38

Section 620.250(c) appears to contemplate GMZ termination in only two scenarios, both initiated by the owner/operator:

- The owner/operator makes a submittal demonstrating completed action and attainment of Section 620.450(a)(4)(A) concentrations. *See* the first sentence of subsection (c).
- The owner/operator makes a submittal demonstrating completed action and that Section 620.450(a)(4)(B) concentrations should be the applicable standards. *See* the last two sentences of subsection (c).

Should Section 620.250(c) also address GMZ termination initiated *by the Agency*, such as when the owner/operator has

Stopped implementing the Agency-approved action?

Refused to implement additional or different action that the Agency determines is necessary to attain the applicable Subpart D standards?

For clarity under Section 620.250(c), should a GMZ terminate on the date of the corresponding written Agency determination letter?

Follow-up to Agency Answers 8(q)(ii)-8(q)(v)

If the Agency were to issue a determination letter terminating a GMZ and making Section 620.450(a)(4)(B) concentrations the applicable standards, would that letter specify:

The requirements to which the owner/operator would be subject for “controls and continued management” and submitting “results . . . in a written report” (Section 620.250(c))?

The reasons for the Agency’s determination that, “[t]o the extent practicable, the exceedence has been minimized and beneficial use, as appropriate for the class of groundwater, has been returned” (Section 620.450(a)(4)(B)(i))?

The reasons for the Agency’s determination that “[a]ny threat to public health or the environment has been minimized” (Section 620.450(a)(4)(B)(ii))?

Under Section 620.250(c), what types of “results” would the Agency expect to see in the owner/operator’s “written report”?

Section 620.250(c) requires the Agency’s review—of the on-going adequacy of controls and continued management at the site—to “take place no less often than every 5 years.” For clarity under Section 620.250(c), should that initial five-year period run from the date of the Agency’s determination letter terminating the GMZ and making Section 620.450(a)(4)(B) concentrations the applicable standards?

Would the Agency issue a letter documenting each of its “review[s]” of “the on-going adequacy of controls and continued management at the site”?

Under Section 620.250(c), might an owner/operator ever be relieved of the requirements for “controls and continued management” and “written report[s]”? If so, what form would that relief take?

Follow-up to Agency Answer 9(d)

Please describe the types of sites or facilities where “the remaining six GMZs which are not related to CCR” are located.

Please comment on whether providing an annual update on the status of the non-CCR related GMZs for publication in the Board’s Environmental Register would place a significant burden on the Agency’s resources.

Follow-up to Agency Answer 24

Must an owner/operator seeking to establish a GMZ submit Parts I, II, and III of Appendix D simultaneously?

Must an owner/operator seeking to terminate a GMZ submit Part IV of Appendix D?