

ILLINOIS POLLUTION CONTROL BOARD
June 16, 2022

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

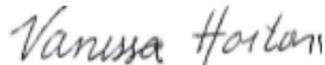
HEARING OFFICER ORDER

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 second hearing in this matter is scheduled for June 21, and if necessary, June 22, 2022. That upcoming hearing will focus on follow-up questions to IEPA’s May 6, 2022, pre-filed answers.

The Board and Staff have follow-up questions based on the May 6, 2022, pre-filed answers filed by IEPA. For the ease of the witnesses, and to expedite the 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: Amendments to Part 620

Board's Follow-up Questions for the Illinois Environmental Protection Agency

Follow-up to Illinois Pollution Control Board's Questions

1. In response to Question (2), the Agency states, "Most sites that have achieved cleanup and received No Further Remediation Letters under the Site Remediation Program (5,103 out of 5,675) utilized an institutional control, engineered barrier, or both as part of their corrective action." Please comment on whether the current practice of groundwater remediation of leaving contamination in place with institutional controls or engineered barriers is appropriate for remediating groundwater contaminated with PFAS.
2. In responding to the Board's first three follow-up questions to the Board's questions 8(q)(ii)-8(q)(v), IEPA provided helpful information about controls, reducing contaminant concentrations, and minimizing risks. But IEPA did not explain whether the items specified in those follow-up questions would be *set forth in IEPA's determination letter*. The follow-up questions are therefore repeated below with emphasis added.

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:*

- a. *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))?
 - b. *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))?
 - c. *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))?
3. As relevant for the question, Note 1 to Appendix D states: "Parts I and II are to be submitted to IEPA at the time that the facility claims the alternative groundwater standards. Part III is to be submitted at the completion of the site investigation." With IEPA's newly added language to its proposed subsection (g) of Section 620.250 (*i.e.*, "in addition to 620.Appendix D, Parts I, II and III."), it appears that the owner or operator would be required to submit Parts I, II, and III of Appendix D *simultaneously*. Is that IEPA's intent? If so, should Note 1 to Appendix D be amended?

4. IEPA stated that Note 3 to Appendix D should be amended to “include sites using 35 Ill. Adm. Code Parts 734 and 740.” But IEPA’s proposed Attachment 3 amendments include no changes to Note 3. Please propose changes to Note 3 that reflect IEPA’s intent regarding Part 734 (Petroleum Underground Storage Tanks) and Part 740 (Site Remediation Program).
5. On June 15, 2022, USEPA issued interim updated drinking water health advisories for perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS), and final health advisories for hexafluoropropylene oxide (HFPO) dimer acid and its ammonium salt (together referred to as “GenX chemicals”) and perfluorobutane sulfonic acid and its related compound potassium perfluorobutane sulfonate (together referred to as “PFBS”). See Prepublication Federal Register notice on Lifetime Drinking Water Health Advisories for Four Perfluoroalkyl Substances (PFAS) (pdf) (June 15, 2022). Please comment on whether these updated health advisories have any impact on the proposed groundwater quality standards for PFOA, PFOS, GenX chemicals and PFBS.

Follow up to American Chemistry Council Question 1

6. The Agency stated US EPA SW-846 Method 8327 has recently been approved to be added to the scope of accreditation by the IEPA’s Laboratory Accreditation Program.
 - a. Does the Agency have an idea of how long it will take for laboratories to become accredited for Method 8327?
 - b. Does IEPA expect many laboratories in Illinois to apply for accreditation to use Method 8327?

Follow up to NWRA Questions

7. The Agency’s response states that NWRA’s Question 1 on US EPA SW-846 Method 8327 is addressed in Attachment 2. However, Attachment 2 is a list of approved GMZs under Part 620.250(a). Please provide the correct attachment that addresses NWRA’s question.
8. In response to NWRA’s Question 4c on GMZs established under the Site Remediation Program, the Agency states that GMZs are not tracked in the SRP database.
 - a. Please comment on how the Agency would know if an approved GMZ under the SRP is still active or terminated other than relying on staff memory.
 - b. Comment on whether it would be feasible to track the status of any approved GMZ in the SRP database going forward.

9. Regarding NWRA's Question 34 on US EPA SW-846 Method 3512, does the Agency have guidance for the regulated community on what compounds may be analyzed using Method 3512?

PFAS Regulatory Coalition Questions

10. On page 2 of Exhibit A of the PFAS Regulatory Coalition's Questions, the PFAS Regulatory Group has raised concerns regarding stakeholder notification, "[t]he PFAS Regulatory Coalition has general concerns with the State's decision to notice only a limited number of affected stakeholders."
 - a. Please explain how the Agency conducts outreach on draft proposals specifically with respect notifying interested parties, organizations, or groups.
 - b. Comment on whether the current notification procedures can be improved to make the outreach process more inclusive.
11. Regarding PFAS Regulatory Coalition's questions 7-11, the Agency states that it did not rely on the US EPA Office of Water's Toxicology assessments for PFOA and PFOS to develop the proposed standards. Please comment on whether IEPA considered any of the studies referenced in the comments included in Exhibits D-J of the PFAS Regulatory Coalition's Questions in developing the proposed standards. (Examples of the studies include the 2021 Shearer study - "Serum concentrations on per-polyfluoroalkyl substances and risk of renal cell carcinoma"; and the 2019 Wikström study - "Maternal serum levels of polyfluoroalkyl substances in early pregnancy and offspring birthweight".)