

ILLINOIS POLLUTION CONTROL BOARD
January 6, 2023

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

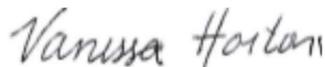
HEARING OFFICER ORDER

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 has held three hearings on this matter. Following the third hearing, on December 16, 2022, IEPA filed follow-up responses to outstanding questions. Any written questions related to IEPA’s December 16th filing were due January 6, 2023.

The Board and its staff have questions related to IEPA’s December 16th responses. Those 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 Questions for the IEPA**Follow-up to IEPA's Response to Question 2

IEPA's response regarding contaminants remaining in excess of the numerical groundwater standards states:

The Agency doesn't believe it has the authority to unilaterally change the applicable groundwater standards and would therefore require a decision by the Board or a court of competent jurisdiction to rule that such a change is allowable. Alternatively, the owner or operator of a site could seek an Adjusted Standard from the Board under Section 620.260.

Further, IEPA's suggested language changes under Section 620.250(d)(3) allows the Agency to determine that a groundwater management zone expires if "[a] person with a groundwater management zone provides a properly documented human health risk assessment and an ecological risk assessment demonstrating that the contaminants remaining *in excess of the numerical groundwater standards* do not pose a significant risk to human health or the environment" (emphasis added). In effect, Section 620.250(d)(3) allows the Agency to terminate a groundwater management zone when contaminants remain in excess of the numeric groundwater standards.

Please comment on whether an Agency's determination under Section 620.250(d)(3) must also require the owner or operator to submit either a site-specific rule change or an adjusted standard granted by the Board that allows the contaminants of concern to remain in excess of the numerical groundwater standards.