

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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

**NOTICE OF FILING**

PLEASE TAKE NOTICE that on March 3, 2023, we electronically filed with the Clerk of the Pollution Control Board of the State of Illinois, PFAS Regulatory Coalition's Post-Hearing Comments, copies of which are attached hereto and served upon you.

Dated: March 3, 2023

Respectfully submitted,

**PFAS REGULATORY COALITION**

By: /s/ Fredric P. Andes  
Fredric P. Andes

Fredric P. Andes  
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**CERTIFICATE OF SERVICE**

I, Fredric Andes, hereby certify that I have filed the attached Notice of Filing and PFAS Regulatory Coalition’s Post-Hearing Comments upon the below service list by electronic mail on March 3, 2023.

Dated: March 3, 2023

/s/ Fredric Andes

**SERVICE LIST**

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**PFAS REGULATORY COALITION'S**  
**POST-HEARING COMMENTS**

The PFAS Regulatory Coalition, by and through its attorneys, Barnes & Thornburg, LLP, and pursuant to the Illinois Pollution Control Board's ("Board") Hearing Officer Order dated February 16, 2023, submits the following Post-Hearing Comments.

The Board should not proceed further with this rulemaking. As shown by the testimony to date, the proposed groundwater standards developed by the Illinois Environmental Protection Agency ("IEPA" or "the Agency") for per- and polyfluoralkylated substances ("PFAS"), and the record supporting those proposed standards, suffer from serious legal, procedural, policy and scientific flaws. IEPA should be directed by this Board to address those flaws before it returns to the Board with a revised proposal.

The flaws in the Agency's proposal and supporting record, which must be addressed before a valid proposal can be submitted for rulemaking, include the following:

1. IEPA has refused to provide any estimate of the costs that will need to be incurred by regulated parties to comply with the proposed standards for PFAS.
2. The other parties to the rulemaking have provided information showing that the PFAS-related compliance costs resulting from the proposal will likely be substantial, and IEPA has not provided any persuasive reason why that information is not relevant and appropriate for the Board to consider before this rulemaking proceeds.

3. IEPA has refused to consider the serious objections to its proposal that have been raised by the State's Groundwater Advisory Council, despite its obligation to consult with that important group of members of the public, each appointed by the Governor.
4. The parties have provided detailed information providing reasons why the scientific basis for IEPA's proposed PFAS standards is not adequate, and IEPA has not provided any persuasive reason why that additional scientific information should not be used in developing groundwater standards that are based on the best available science.
5. IEPA has refused to consider or explain how its actions to develop groundwater standards for PFAS fit into the overall context of other regulatory actions as to PFAS that are being taken, including by the U.S. Environmental Protection Agency ("USEPA"). Pursuant to its "PFAS Roadmap" ( [PFAS Strategic Roadmap: EPA's Commitments to Action 2021-2024 | US EPA](#) ), USEPA is moving ahead with numerous regulatory activities. Those activities include a proposed action to list several PFAS substances as "hazardous substances" under the Federal "Superfund" law ( <https://www.epa.gov/superfund/proposed-designation-perfluorooctanoic-acid-pfoa-and-perfluorooctanesulfonic-acid-pfos> ), and proposed Federal drinking water standards that are expected to be issued this month.
6. IEPA has refused to explain why its proposed PFAS groundwater standards are so much more restrictive than PFAS standards proposed or adopted by other States (as shown in the testimony of the PFAS Regulatory Coalition's witness, Ned Beecher), some of which drew different scientific conclusions than IEPA from the same studies that IEPA has relied on.

7. IEPA has refused to gather or consider data on background levels of PFAS in the environment, which (as shown in the Beecher testimony) are often found to be higher than the levels of IEPA's proposed groundwater standards, therefore raising substantial concerns as to whether IEPA's proposed PFAS standards are even attainable.
8. During the time since this rulemaking commenced, there have been significant scientific developments on issues related to its proposed groundwater standards for PFAS, including recent health effects studies being considered by EPA and its Science Advisory Board, reports issued by the World Health Organization ( [Water Sanitation and Health \(who.int\)](https://www.who.int) ) and other organizations around the world concerning PFAS risk assessments, and new analytical methods that are currently undergoing validation testing by USEPA. While these developments could have a significant impact on any groundwater standards to be adopted in Illinois, those potential impacts on the pending Agency proposal have not been considered or assessed by IEPA.

Dated: March 3, 2023

Respectfully submitted,

**PFAS REGULATORY COALITION**

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