

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

In the Matter of: )  
 ) R 2022-018  
PROPOSED AMENDMENTS TO )  
GROUNDWATER QUALITY ) (Rulemaking – Public Water Supply)  
(35 ILL. ADM. CODE 620) )

**NOTICE OF FILING**

To: ALL PARTIES ON THE SERVICE LIST

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Illinois Pollution Control Board **JOINT MOTION FOR EXTENSION OF TIME TO COMMENT**, copies of which are hereby served upon you.

Dated: April 29, 2024

By           /s/ Scott B. Sievers          

**BROWN, HAY & STEPHENS, LLP**

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**JOINT MOTION FOR EXTENSION OF TIME TO COMMENT**

The NATIONAL WASTE AND RECYCLING ASSOCIATION (“NWRA”), by and through its attorneys, Brown, Hay + Stephens, LLP, along with the PFAS REGULATORY COALITION, by and through its attorneys, Barnes & Thornburg LLP, ILLINOIS ENVIRONMENTAL REGULATORY GROUP, by and through its attorneys, HelperBroom LLC, 3M COMPANY, by and through its attorneys, ArentFox Schiff LLP, and DYNEGY MIDWEST GENERATION, LLC, ELECTRIC ENERGY INC., ILLINOIS POWER GENERATING COMPANY, ILLINOIS POWER RESOURCES GENERATING, LLC; AND KINCAID GENERATION, LLC, by and through their attorneys, ArentFox Schiff LLP, hereby jointly move to extend the deadline to file their written public comments, and in support thereof state as follows:

1. On December 8, 2021, the Illinois Environmental Protection Agency (“Illinois EPA”) filed proposed amendments to Part 620 of the Board’s regulations, which for the first time would set groundwater standards for certain emerging contaminants, including various per- and polyfluorinated substances (“PFAS”), and which would require use of a new analytical method for PFAS.

2. The rulemaking is substantial in that it seeks to adopt strict, Illinois-specific groundwater standards for the above-referenced emerging contaminants at a time when a federal regulatory strategy is itself quickly evolving. *See* USEPA’s “PFAS Strategic Roadmap” at <https://www.epa.gov/pfas/pfas-strategic-roadmap-epas-commitments-action-2021-2024> .

3. To date, the Board has heard testimony from Illinois EPA and entertained questioning of that testimony by the participants in this rulemaking which, in addition to Illinois EPA, include the parties to this joint motion (“Movants”). Certain Movants also provided testimony, comments, and answers to the Board.

4. Three sets of hearings were held in March, June, and December 2022.

5. On March 7, 2024, the Board filed an Opinion and Order adopting for first notice publication amendments to the Board’s groundwater quality regulations. In this Order, the Board directed 10 questions towards Illinois EPA and set a 30-day deadline for Illinois EPA’s response following the publication of the rules in the *Illinois Register*. The first notice rule text was published in the *Illinois Register* on March 29, 2024. The deadline for Illinois EPA’s response is thus set for May 1, 2024.

6. The March 29, 2024, publication of the Board’s proposal in the *Illinois Register* also began a period of at least 45 days during which any person may file written public comment with the Board regardless of whether the person already has filed a public comment.

7. On April 3, 2024, representatives of Movants contacted counsel for Illinois EPA regarding Movants’ intention to seek an extension of the deadline for filing written public comments by 30 additional days, or until Monday, June 17, 2024. Counsel for Illinois EPA responded on April 5, 2024, indicating she was not opposed to a request from Movants to seek additional time.

8. On April 24, 2024, representatives of Movants contacted the Hearing Officer in this proceeding to advise her that, despite best efforts, participants would not be able to meet the deadline for filing written public comments and intended to seek an extension of those deadlines

from the Board. Representatives of Movants also shared Illinois EPA's lack of opposition to this extension.

9. On April 26, 2024, Illinois EPA filed its answers to the questions included in the Board's First Notice Opinion and Order. The filing is 471 pages in length and includes complex information that will require Movants to spend significant time reviewing for the purpose of preparing their own comments.

10. Accordingly, so that Movants may appropriately comment on the text of the proposed rules and Illinois EPA's answers to questions posed by the Board, and not for the purposes of delay, Movants respectfully move the Board to extend the deadline for the filing of written public comments until Monday, June 17, 2024.

By           /s/ Scott B. Sievers          

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**CERTIFICATE OF SERVICE**

I, the undersigned, certify that on this 29th day of April 2024, I electronically served Movants' **JOINT MOTION FOR EXTENSION OF TIME TO FILE PUBLIC COMMENT** upon the individuals on the attached service list. I further certify that my email address is ssievers@bhslaw.com

Dated: April 29, 2024

By           /s/ Scott B. Sievers          

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