

ILLINOIS POLLUTION CONTROL BOARD

July 18, 2024

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

HEARING OFFICER ORDER

This order poses additional questions to the Illinois Environmental Protection Agency (IEPA). Other participants in this rulemaking are welcome to provide comment regarding the questions as well. All responses or comments are to be filed with the Board by August 9, 2024.

Board Questions:

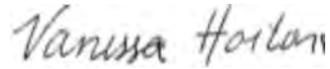
1. In PC 62, the International Molybdenum Association cites an undated letter written by the United States Environmental Protection Agency (USEPA), Region 8 regarding a site-specific Colorado molybdenum water quality standard for protection of the water supply use classification. PC 62 at 4. The letter supports the choice of the 2020 ATSDR intermediate oral minimal risk level (MRL) for the reference dose to use in the proposed molybdenum water quality standard at issue in that case.
 - a. Please comment on whether the Board should consider the USEPA Region 8’s finding concerning 2020 ATSDR molybdenum MRL in this rulemaking to revise the proposed molybdenum groundwater quality standards (GWQS). *Id.* at 5.
 - b. If so, propose revised molybdenum Class I and Class II GWQS based on the 2020 ATSDR MRL of 0.06 mg/kg-day.

2. In PC 63, the Illinois Environmental Regulatory Group questions whether Illinois “laboratories will have the capacity to process a sudden and unprecedented influx of Illinois groundwater PFAS tests.” PC 63 at 3.
 - a. Please comment on whether IEPA expects a sudden increase in number of PFAS tests performed by Illinois laboratories upon the adoption of the proposed rules as well as USEPA’s PFAS drinking water MCLs.
 - b. If so, is IEPA aware of whether Illinois laboratories have adequate capacity to meet the increased demand to conduct the required PFAS analyses?
 - c. If not, would it be possible for IEPA to contact Illinois laboratories regarding capacity issues for analyzing PFAS samples resulting from the potential adoption of proposed groundwater quality standards as well as the recent USEPA drinking water MCLs and report back to the Board?

- d. Please clarify whether Part 620 requires PFAS analyses to be performed by only Illinois laboratories.
3. The City of Springfield (CWLP) and Dynegy again raise the issue of shifting the basis of the proposed Class I and Class II standards for selenium from health-based USEPA MCL to a beneficial use criterion for irrigation of crops. PC 65 at 8-9; PC 66 at 4. The participants ask the Board to look to more recent scientific data rather than the 1972 Water Quality Criteria relied upon in this rulemaking proposal. Please comment on Dynegy's concerns (below) regarding the reliance on the 1972 Water Quality Criteria as the basis of the proposed selenium and fluoride standards.
 - a. The 1972 selenium criterion is based "on studies done in areas (Oregon, Wyoming, New Zealand and Denmark) with different agricultural conditions than Illinois." PC 66 at 4 *citing* Ex. 24 at 9. These studies "relate to livestock *foraging on range plants*, which do not typically serve as forage for livestock in Illinois." *Id.* at 5 *citing* Ex. 24 at 6, 8-9. Thus, "range plants typically require higher levels of irrigation than the types of forage crops that exist in Illinois." *Id.* *citing* Ex. 30 at 3-4.
 - b. The 1972 selenium criterion is based on three acre-feet water use per acre, per year. PC 66 at 5 *citing* Ex. 24 at 7. The average irrigation in Illinois is estimated at 0.5 acre-foot of water use per acre, per year. *Id.* Dynegy argues that there is no evidence in the record or the Board's order "refuting the fact that irrigation rates in Illinois are much lower than the irrigation rate that serves as a basis for the 0.02 mg/L recommendation." *Id.*
 4. Dynegy notes that the proposed fluoride standards are intended afford protection for livestock from potential aesthetic dental impact and not any other harmful effects which are expected until concentrations are multiple times higher. PC 66 at 5.
 - a. Please comment on whether there are any harmful effects of fluoride on livestock other than "tooth mottling" that the Board should consider to support the proposed standards.
 - b. If not, comment on whether the Board should withdraw the proposed fluoride standards and maintain the current Class I and Class II standards, as suggested by Dynegy.
 5. Dynegy claims that evidence in the record "clearly demonstrates that selenium deficiency is a problem for Illinois livestock and that supplements are recommended for livestock to protect against selenium deficiency." PC 66 at 5 *citing* Exh. 24, Dynegy's Post-Hearing Comment at Exh. D and E (Mar. 3, 2023) (P.C. #57). Please review the cited information and comment on whether the proposed selenium standard is necessary or detrimental for the protection of livestock.

6. Following the Board's first notice order, many participants have again raised the issue of the economic reasonableness of the proposed rule amendments, specifically concerning the PFAS GWQS. Some participants have pointed to other states that have performed an economic reasonableness evaluation of their own PFAS standards. *See*, PC 61 at 2, pointing to a Minnesota rulemaking. Does IEPA have any additional information on economic reasonableness of the proposed PFAS GWQS that could be considered by the Board?

IT IS SO ORDERED.



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