



OFFICE OF THE SECRETARY OF STATE

ALEXI GIANNOULIAS • Secretary of State

March 26, 2025

POLLUTION CONTROL BOARD
DON BROWN
100 W RANDOLPH ST
STE 11-500
CHICAGO, IL 60601

Dear DON BROWN

Your rules Listed below met our codification standards and have been published in Volume 49, Issue 13 of the Illinois Register, dated 3/28/2025.

JCAR REVIEW OF EXISTING RULES STATEMENT OF RECOMMENDATIONS

Groundwater Quality

35 Ill. Adm. Code 620

3782

Point of Contact: Crystal Bockewitz

If you have any questions, you may contact the Administrative Code Division at (217) 782 - 7017.

ILLINOIS REGISTER

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

POLLUTION CONTROL BOARD

Heading of the Part: Goundwater Quality

Code Citation: 35 Ill. Adm. Code 620

<u>Section Numbers:</u>	620.105	320.210	620.302	620.430	620.610
	620.110	620.220	620.305	620.440	620.615
	620.115	620.230	620.310	620.450	620.App.A
	620.125	620.240	620.401	620.505	620.App.B
	620.130	620.250	620.405	620.510	620.App.C
	620.135	620.260	620.410	620.601	620.App.D
	620.201	620.301	620.420	620.605	620.App.E

Date Originally Published in the *Illinois Register*: 3/29/24
48 Ill. Reg. 4608

At its meeting on March 4, 2025, the Joint Committee on Administrative Rules considered the above-referenced rulemaking and recommended that the Board assess the makeup of potentially impacted parties under each pending rulemaking and approach its obligation to consider the "economic reasonableness" of its rulemakings by engaging substantively and specifically with concerns raised by commenters, rather than by relying exclusively on its past practice. Section 27 of the Environmental Protection Act requires the Board to consider the "technical feasibility and economic reasonableness" of each rulemaking before it. During this rulemaking's lengthy docket process prior to first notice, commenters repeatedly asserted that the proposed groundwater quality standards would have an adverse economic impact, particularly on landfills, since 35 Ill. Adm. Code 620 groundwater quality standards are cross-referenced in 35 Ill. Adm. Code 811 and 814, which regulate landfills. The Board did not respond to this point substantively, instead just asserting that compliance costs in general cannot be considered as following from numeric standards, since rules governing specific remediation programs must be amended before compliance costs are incurred. Only after JCAR sent the Board a letter outlining the inadequacy of its economic analysis did the Board acknowledge that the proposed standards could have an economic impact on landfills prior to any subsequent rulemaking.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's

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Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.