

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 **NATIONAL WASTE & RECYCLING ASSOCIATION’S PUBLIC COMMENT**, copies of which are hereby served upon you.

Dated: December 6, 2024

By: s/Scott B. Sievers
Scott B. Sievers

BROWN, HAY & STEPHENS, LLP

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NATIONAL WASTE & RECYCLING ASSOCIATION’S PUBLIC COMMENT

NOW COMES the NATIONAL WASTE AND RECYCLING ASSOCIATION (“NWRA”), by and through its attorneys, Scott B. Sievers, Lauren Lurkins, and Claire Meyer of Brown, Hay + Stephens, LLP, and submits this public comment to the Illinois Pollution Control Board (“Board”) regarding the Board’s Proposed Second Notice Amendments in the above-referenced proceeding. NWRA and its member companies continue to emphasize the comments and testimony NWRA has provided throughout the course of the above-referenced proceeding and incorporates the same herein. NWRA submits the following comments:

NWRA and its member companies continue to be significantly concerned with the fact that the Agency, and the Board in its Proposed Second Notice Amendments, are not considering the immediate regulatory and financial implications of these revised Part 620 Groundwater Quality Standards. Specifically, both the Agency and the Board fail to recognize or address the impact the revised Groundwater Quality Standards will have on other Board regulatory programs, especially programs that are required to monitor and meet Part 620 Groundwater Quality Standards, such as the Board’s landfill regulations.

Based on NWRA and its member companies’ past experiences with Agency and Board regulatory programs, once these Groundwater Quality Standards are revised, they could be woven into facility permits when such permits are up for renewal. There is no opportunity for future rulemaking before that occurs. The absence of such a rulemaking eliminates the opportunity for

stakeholder involvement and eliminates the opportunity for the Board to consider either technical feasibility or economic reasonableness of either this action or any later impact on facility operations. The Board's understanding of the impact of its amendments to Part 620 is inaccurate. The amendments considered in this proceeding do not exist in a vacuum, but instead have an incredible impact on other regulatory programs and permits immediately upon their effective date. Furthermore, during the rulemaking, the Agency indicated its intention to make these revised Groundwater Quality Standards immediately enforceable in the context of other regulatory programs that utilize such standards. *See* June 21, 2022, Hearing Transcript at 27:4–12. Thus, the entire universe of Groundwater Quality Standards and the regulations that utilize them will immediately become part of landfill permits upon renewal.

In addition to what has been presented above, NWRA once again would like to reiterate that the record of the above-referenced rulemaking is not supported as to the cost of achieving the Groundwater Quality Standards proposed herein. Instead, both the Agency and the Board continue to ignore the obligations set forth by the General Assembly that, in adopting regulations, Illinois must consider the cost and feasibility of achieving the proposed regulations.

Therefore, the Board's Proposed Second Notice Amendments present enormous and immediate regulatory uncertainty for NWRA and its member companies associated with several aspects of landfill operation and maintenance. NWRA respectfully requests that the Board not move forward with this proposed rulemaking. In the alternative, if the Board chooses to move forward with this rulemaking, in order to provide a modicum of comfort for NWRA and its member companies, NWRA and its member companies respectfully request that the Board open a sub-docket or stand-alone docket for these future rulemakings to ensure the Agency will, in fact,

provide this transparency and perform the required analyses regarding technical feasibility and economic reasonableness.

Dated: December 6, 2024

By: s/Scott B. Sievers
Scott B. Sievers

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CERTIFICATE OF SERVICE

I, the undersigned, certify that on this sixth day of December 2024, I electronically served **NATIONAL WASTE & RECYCLING ASSOCIATION'S PUBLIC COMMENT** upon the individuals on the attached service list. I further certify that my email address is ssievers@bhslaw.com.

Dated: December 6, 2024

By: s/Scott B. Sievers
Scott B. Sievers

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