

Board Proposes Amendments to Groundwater Quality Rules for Second Notice and Opens Sub-Docket

On January 23, 2025, the Board issued an opinion and order proposing second-notice amendments to update its groundwater quality rules in 35 Ill. Adm. Code 620. In turn, the Board submitted these Part 620 amendments to the Joint Committee on Administrative Rules (JCAR) for its review. The amendments appear on the agenda for JCAR's February 4, 2025 meeting.

This rulemaking, docket R22-18, was initiated with the Illinois Environmental Protection Agency's filing of its proposal to amend Part 620. Before proceeding to second notice, the Board held three public hearings, admitted 33 hearing exhibits, received 79 public comments, and issued opinions and orders for both first notice and a proposed second notice.

The proposed amendments to Part 620 would establish numerical groundwater quality standards for ten new constituents that have been detected in Illinois groundwater, including six per- and polyfluoroalkyl substances commonly called "PFAS." PFAS are known as "forever chemicals" because their carbon-fluorine bonds are very strong. They do not easily degrade. PFAS are bio-accumulative, which means that they can concentrate in tissues of living organisms, including humans. The abbreviated names of the six PFAS constituents for which the Board is adding Part 620 standards are as follows: PFOA; PFOS; PFNA; PFBS; PFHxS; and HFPO-DA (also known as "GenX"). The other new constituents receiving Part 620 standards are molybdenum, lithium, aluminum, and 1-methylnaphthalene. Along with these new groundwater quality standards, the Board's amendments to Part 620 include provisions addressing the interplay between Part 620 and the rules at 35 Ill. Adm. Code 845 on coal combustion residual (CCR) surface impoundments, as well as extensive clarifications of the rules on groundwater management zones.

In addition, as the Board found at second notice, because the landfill rules in 35 Ill. Adm. Code 811 and 814 impose requirements by cross-referencing Part 620, the current landfill rules could subject landfills to potentially significant costs once the Part 620 PFAS standards take effect. To investigate this issue further, including through testimony and evidence at a public hearing, the Board opened a sub-docket, R22-18(A). The Board stated that it would use the sub-docket to consider any proposed amendments to Part 811 or Part 814 prompted by adoption of the Part 620 PFAS standards.

At second notice, the Board also proposed adding "exception" language to Part 620 to ensure—for the time being—that Part 811 and Part 814 facilities need not comply with any provision of those landfill rules to the extent the provision incorporates or is otherwise based on a Part 620 PFAS constituent or standard. The Board stated that it would use the information received in the sub-docket to consider removing this exception from Part 620.

The rulemaking is captioned Proposed Amendments to Groundwater Quality 35 Ill. Adm. Code 620, R22-18. Here are links to (1) the Board's [second-notice opinion and order](#); and (2) the Board's [addendum](#) to its second-notice opinion and order, which contains the text of the proposed amendments. For more information, please contact Vanessa Horton at 312-814-5053 or vanessa.horton@illinois.gov.