

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In the Matter of:)
)
)
PROPOSED AMENDMENTS TO) R22-18(A)
GROUNDWATER QUALITY) (Rulemaking – Public Water Supplies)
35 ILL.ADM.CODE 620)
)

LAND AND LAKES COMPANY’S POST-HEARING PUBLIC COMMENT

Land and Lakes Company, by and through its attorneys, and pursuant to the September 30, 2025 Hearing Officer Order, hereby submits the following Post-Hearing Comment for the Illinois Pollution Control Board’s (“Board”) consideration in this rulemaking:

The Part 807 landfills, like the Parts 811 and 814 landfills, are subject to the Part 620 PFAS groundwater quality standards, absent an exemption. For the reasons explained in the testimony of Brad Hunsberger, Vice President and Director of Hydrogeological Services at Andrews Engineering, it is not economically reasonable for these old landfills to certify completion of post-closure if compliance with the Part 620 PFAS standards is now added as a condition to certification of completion of post-closure care. *See* Testimony of Brad Hunsberger, Transcript, PCB R22-18(A), at 25:20-26:2 (Sept. 16, 2025). The Illinois EPA’s opinion that the costs would be manageable was based solely on an estimated \$300/sample cost and did not consider any costs for PFAS monitoring and corrective action, which likely have no termination date. *See* Testimony of Joshua Rhoades, Illinois EPA, Transcript, PCB R22-18(A) at 34:16-39:5, Hunsberger Test. at 27:19-23.

The fact is that Part 807 landfills have little, if any, ability to prove compliance with a standard issued 30 years after they stopped operating. Illinois EPA seems to be saying that these landfills are now capable of designing and operating a sophisticated groundwater monitoring and remedial system and have unlimited funds to do so. Application of the PFAS standards to these

landfills is unreasonable and will result in no net environmental benefits because, without state funding, little will actually be done. Requiring Part 807 landfills to certify compliance with the Part 620 PFAS standards all but guarantees that most 807 landfills will be in a perpetual state of post-closure care, appearing on lists of unclosed landfills well into the next century, and with many of them becoming a state liability. *See Hunsberger Test.* at 27:1-23.

The Illinois EPA's suggestion that these landfills can seek regulatory relief from the Board through adjusted standard or variance proceedings, rather than the Board granting a blanket regulatory exemption, ignores the fact that there are approximately 97 Part 807 landfills that have not yet certified completion of post-closure care and ceased generating revenue 30 years ago, and such proceedings are costly and the outcomes uncertain. *See IEPA's Supplemental Responses to Board's September 10, 2025 Order* at 3; *Rhoades Test.* at 46:10-48:8.

Finally, going through the process of gathering monitoring data from these landfills would not change the ultimate conclusion that an exemption from the Part 620 PFAS standards is needed for these Part 807 landfills to certify completion of post-closure care. Having monitoring data would not take away from the fact that the Part 807 landfills closed more than 30 years ago without systems in place to comply with the Part 811 or 814 standards and lack the economic resources to treat PFAS. As such, requiring these old landfills to collect monitoring data for PFAS would require significant financial investment where no financial resources are available, and merely delay the inevitable conclusion.

When balancing the costs of compliance with the PFAS Part 620 standards against the likelihood of no net environmental benefits, the Board should determine that application of the Part 620 PFAS standards to Part 807 landfills is economically unreasonable. *See Granite City Div. of Nat. Steel Co. v. Illinois Pollution Control Bd.*, 155 Ill.2d 149, 183, 184 (1993) (Board must

balance any hardship the regulation may cause a discharger against the benefits to be achieved). Land and Lakes therefore respectfully requests that the Board grant the Part 807 landfills an exemption from the Part 620 PFAS groundwater quality standards, similar to the exemptions granted to the Parts 811 and 814 landfills in 35 Ill. Admin. Code 620.410(f) and 620.420(e).

Dated: October 14, 2025

Respectfully submitted,

LAND AND LAKES COMPANY

BY: /s/ Ann M. Zwick

One of its attorneys

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NOTICE OF ELECTRONIC FILING

TO: ALL PARTIES ON THE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that on October 14, 2025 , **Land and Lakes Company** electronically filed with the Office of the Clerk of the Illinois Pollution Control Board LAND AND LAKES COMPANY'S POST-HEARING PUBLIC COMMENT, a copy of which is hereby served upon you.

Dated: October 14, 2025

Respectfully submitted,

LAND AND LAKES COMPANY

BY: /s/ Ann M. Zwick
One of its attorneys

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CERTIFICATE OF E-MAIL SERVICE

The undersigned attorney certifies that she served a copy of the foregoing LAND AND LAKES COMPANY'S POST- HEARING PUBLIC COMMENT, to the above-listed parties, by sending a copy to the email addresses designated above on or before 4:30 p.m. on October 14, 2025.

/s/ Ann M. Zwick

One of the Attorneys for Land and Lakes Company