



Thomas P. McNamara  
Mayor  
Office of the Mayor

December 30, 2025

Clerk's Office  
Illinois Pollution Control Board  
Docket No. R25-1/R25-9  
60 E. Van Buren St., Ste. 630  
Chicago, IL 60605

Members of the Illinois Pollution Control Board:

The City of Rockford owns and operates a municipal utility referred to as the City of Rockford Water Division ("Rockford Water"). Rockford Water provides water service to a population of nearly 150,000 individuals in and around Rockford, including retail service to the City of Rockford, as well as to various large residential communities and unincorporated areas within and around the City. Rockford Water also serves as a back-up, secondary water supply for the Village of Cherry Valley.

Rockford Water is responsible for the planning, construction, operation, and maintenance of the City's water supply, treatment facilities, and distribution system. The system consists of 26 groundwater wells, 24 treatment plants (15 of which include filtration), two elevated water towers, five storage tanks with capacities exceeding three million gallons each, and approximately 815 miles of water mains. Rockford Water's primary mission is to provide safe, reliable, and affordable water to all utility customers at the present time and in the immediate and long-term future. The City's water system is operated on a continuous basis (24 hours a day/365 days a year) and drinking water quality is continually monitored. Additionally, Rockford Water employees are actively involved in researching and implementing best management practices for protecting the City's water supply source, treatment plans, and distribution system.

As owner and operator of Rockford Water, the City of Rockford is concerned with the Illinois Pollution Control Board's (PCB) proposed amendments to the Illinois rules amending the comprehensive Lead and Copper Rules to be consistent with the United States Environmental Protection Agency (USEPA) Lead and Copper Rule Improvements (LCRI) and to the Illinois rules amending PFAS regulations.

With regard to the LCRI, the City of Rockford is concerned with the 10-year replacement timeline set forth in the LCRI, which would require all lead service lines in the City to be replaced by 2037. This timeline is unrealistic and impossible for multiple reasons, including lack of funding and insufficient skilled labor. Illinois is one of a few states that currently have laws mandating lead service line replacement. Rockford initiated a lead service line replacement program in 2017 and formerly defined the program in 2019 in

anticipation of the Illinois Lead Service Line Replacement and Notification Act (415 ILCS 5/17.12) (the "Act"). Under the Act, Rockford is required to replace no less than three percent (3%) of its lead and/or galvanized service lines annually beginning in April of 2027 and must complete replacement by 2061.

Rockford has identified approximately 30,000 service lines that need to be replaced. While Rockford has been fortunate to receive multiple principal forgiveness loans from the Illinois Environmental Protection Agency since 2019, even with this funding and Rockford Water operating funds, the City has not yet been able to reach its target of 900 service line replacements per year, which is necessary to meet the three percent (3%) annual replacement rate under the Act.

While Rockford is confident that it will ultimately be able to comply with the Act, the LCRI would require Rockford Water to replace more than three times that number (approximately 3,000 service lines) annually, which is not achievable under current conditions. Despite the significant effort and measurable progress Rockford Water has made, meeting the new replacement rate demanded by the LCRI would require a substantial increase in staffing levels, a significant expansion of contractual engineering services, and the use of contractors who are already in high demand. In addition, the financial burden associated with replacing services lines at the required rate would necessitate additional sources of funding, including a significant increase in water rates for Rockford's customers.

The LCRI is currently being contested in the D.C. Circuit Court in *American Water Works Association v. EPA*, 24-1376, and that litigation is moving forward expeditiously. The American Water Works Association (AWWA) is challenging the LCRI on two grounds: first, the legality of the EPA's requirement that public water systems replace privately-owned service lines; and second, the EPA's conclusion that all lead service lines nationwide can be replaced within a ten-year period.

While Rockford acknowledges that the PCB must adopt the LCRI if it is ultimately upheld by the courts, the LCRI compliance date is November 1, 2027, nearly two years away. The PCB is therefore not required to finalize a rulemaking now that may not withstand judicial review and would likely need to be immediately amended through a subsequent identical-in-substance rulemaking.

With regard to the amendments related to PFAS, the EPA issued a rule under the Safe Drinking Water Act regulating PFAS as drinking water contaminants in 2024. That rule was challenged in the D.C. Circuit Court in *AWWA v. EPA*, 24-1188. On September 11, 2025, the EPA filed a Motion for Partial Vacatur, in which it agreed that parts of the rulemaking process were invalid and that parts of the Rule were thus also invalid. Under these circumstances, Rockford submits that it is reasonable and prudent for the PCB to await a ruling from the Court on the pending Motion for Partial Vacatur before adopting the PFAS rulemaking. Should any portion of the federal rule be vacated, adoption of corresponding State rules at this time could result in unnecessary administrative action to subsequently repeal or amend those provisions.

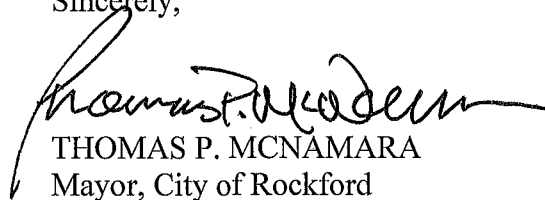
Further, while Rockford does not offer a substantive position regarding the validity of the rules as applied to individual PFAS compounds, Rockford does wish to comment on the proposal to repeal or vacate the Hazard Index (HI) of 1 for mixtures containing two or more of PFHxS, PFNA, HFPO-DA (GenX), and PFBS. The use of an HI in this manner represents a relatively novel and largely untested regulatory approach to establishing a maximum contaminant level. In addition, the inclusion of PFBS in the HI, despite the absence of an individual MCL for that compound, raises scientific and technical questions that may be difficult to support or defend.

Rockford is concerned that this regulatory framework may set a precedent with potential unintended consequences and warrants further evaluation. Numerous professionals in the drinking water treatment field have expressed concern that the HI approach is complex and may present challenges for consistent and effective implementation at individual water utilities. While scientific opinions vary, there is a reasonable public health basis for questioning whether the HI structure represents sound regulatory policy.

With respect to the PFAS compounds addressed in the Motion for Partial Vacatur, as compared to those proposed to remain in effect, Rockford notes there is broader scientific and public health consensus regarding PFOA and PFOS, for which more extensive data exists demonstrating associations with adverse human health outcomes. Rockford acknowledges that this data provides a scientific basis for maintaining regulatory standards for these compounds, while additional research and data may be warranted for other PFAS compounds.

Allowing a limited delay in the adoption of R25-1 and R25-9 to permit the processes in both of the aforementioned court cases to play out would promote regulatory efficiency and conserve State resources. The City of Rockford appreciates the opportunity to provide comments and express its concerns with the proposed amendments and the timing of the PCB's adoption of the federal rules. In the interest of fairness and to avoid the waste of PCB resources, Rockford recommends that the PCB delay adoption of the LCRI rule and at least those portions of the PFAS rule subject to the EPA's Motion for Partial Vacatur by an additional six (6) months and ask the parties to file a status update on these two federal proceedings at that time.

Sincerely,



THOMAS P. MCNAMARA  
Mayor, City of Rockford

TPM/cb