

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)
)

NOTICE OF ELECTRONIC FILING

To: *See Attached Service List*

PLEASE TAKE NOTICE that on August 31, 2026, **Land and Lakes Company.** electronically filed with the Office of the Clerk of the Illinois Pollution Control Board the LAND AND LAKES COMPANY'S PUBLIC COMMENT, a copy of which is hereby served upon you.

Dated: August 31, 2026

Respectfully submitted,

LAND AND LAKES COMPANY

BY: /s/ Ann M. Zwick

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CERTIFICATE OF E-MAIL SERVICE

The undersigned attorney certifies that she served a copy of the foregoing NOTICE OF FILING and LAND AND LAKES COMPANY'S PUBLIC COMMENT, to the parties on the attached service list, by sending a copy to the email addresses designated on the service list on or before 4:30 p.m. on August 31, 2026.

/s/ Ann M. Zwick

One of the Attorneys for Land and Lakes
Company

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LAND AND LAKES COMPANY’S PUBLIC COMMENT

Land and Lakes Company, by and through its attorneys, hereby submits the following comment to the Illinois Pollution Control Board’s (“Board”) First Notice proposal in this rulemaking:

I. Introduction

The Board’s First Notice wrongly places the unknown risks and costs of complying with never-before-implemented PFAS groundwater quality standards squarely upon the very landfill sector that cannot afford to comply with them: Part 807 landfills. The record fails to support the Board’s conclusion that it is economically reasonable for the Part 807 landfills to comply with the Part 620 PFAS groundwater quality standards. As the Board acknowledges, these old landfills ceased accepting waste and initiated closure by 1992 under the old Part 807 rules. (First Notice at 4, 20). As such, they have not been generating revenue from waste disposal for approximately 34 years. (First Notice at 11). The Part 807 landfills are already facing significant challenges in being able to certify completion of post-closure under the existing rules, and will likely require sophisticated ground water monitoring and remedial systems, such as new final cover systems, to comply with the new Part 620 PFAS standards. Adding compliance with the Part 620 PFAS standards will surely cause costs for PFAS monitoring and corrective action to continue without end for these Part 807 facilities, which are already lacking financial resources, leading to

insolvency. (See Testimony of Brad Hunsberger, Transcript, PCB R22-18A, at 27:1-23; see also Land and Lakes Company's Response to Board Questions, at 4 (answer to 14.F)).

While protecting the State's groundwater resources is a worthwhile objective, promulgating a rule without any basis for believing it can be implemented is an empty and wasteful exercise. The First Notice lacks the type of careful consideration of the economic realities facing old, closed landfills that are expected to somehow find funds to comply with a whole new set of regulations applicable to a contaminant emerging decades after waste acceptance activities ceased. The landfill financial assurance rules do not anticipate the costs of complying with a never-ending series of "emerging" contaminants, particularly one with the uncertainties of PFAS.

The Board's solution appears to be to require each and every one of the ninety-seven (97) Part 807 landfills that are still in post-closure care to seek regulatory relief based on site-specific conditions. (First Notice at 22). This is a costly and uncertain undertaking for facilities that haven't had income from waste disposal activities in decades. For any such approach to work, the guidelines and procedures must be clearly spelled out. Instead, the Board's First Notice leaves Part 807 landfills with a vast, uncharted territory to explore, without any practical means to comply with the proposed regulations.

The other alternative suggested by the Board is for these facilities to craft other changes to Part 807 with Illinois EPA for the Board to consider, while at the same time complying with the Part 620 PFAS standards. (*Id.*) That is just another costly and uncertain process that should have been undertaken by the Illinois EPA when it proposed the rule in the first place. It was evident throughout the rulemaking process that the Illinois EPA did not do its homework with respect to Part 807 landfills, including determining whether Part 807 sites were even solvent or actually conducting any regular groundwater monitoring. In order to propose regulatory changes, the

Illinois EPA needs to conduct additional evaluation of the Part 807 landfills, including conducting outreach with stakeholders.

At a minimum, the Board should grant a blanket exemption to Part 807 landfills to allow stakeholders to work with Illinois EPA on a proposed regulatory fix to this untenable situation. The exemption could be for a fixed period of time, to allow the necessary discussions to take place and proposed rule to be drafted. As it is, the Part 620 PFAS standards are currently in effect for the Part 807 landfills and apply to all groundwater until a rule update is made.

Lastly, the Board's lofty statements that the "threat to human and health and the environment far outweighs the costs" (First Notice at 22) imposed on the Part 807 landfills ignores the simple facts in the record that application of the PFAS standards to these landfills will result in no net environmental benefits because they lack the funding to comply with these new standards. The Board must face the reality of what it is doing: imposing uncertain, stringent regulations upon Part 807 landfills, with no basis to believe they can be complied with, is unreasonable.

II. PFAS Monitoring Costs Are Not Consistent With Other Constituents

In reaching its conclusion that it was economically reasonable to include PFAS in groundwater monitoring programs at Part 807 landfills, the Board assumed that the "PFAS monitoring costs for detection and assessment monitoring or establishment of background . . . *should not be very different from that of other constituents* added to Part 620 in previous rulemakings." (First Notice at 17) (emphasis added). Contrary to the Board's findings, the characteristics of the PFAS constituents are not the same as "other constituents." Many constituents historically regulated under Part 620, including volatile organic compounds and other carbon-based compounds, degrade over time through biological, chemical, or physical processes and generally exhibit measurable reductions in concentration with distance from the source. As a

result, the fate and transport behavior of those constituents is relatively well understood and can often be evaluated within a reasonably defined area of investigation.

PFAS constituents, however, are fundamentally different. PFAS compounds were specifically engineered to resist degradation and environmental breakdown. As a result, PFAS compounds can remain mobile in groundwater and migrate substantial distances while continuing to be detected at concentrations exceeding applicable regulatory standards. These characteristics make PFAS fate and transport significantly more complex than that of traditional groundwater contaminants and increase uncertainty regarding plume extent, migration, and long-term behavior. Consequently, determining the rate and extent of a PFAS release frequently requires a broader geographic area of investigation, additional monitoring locations, and a longer period of data collection than would be necessary for more traditional constituents.

Illinois EPA has acknowledged the unique and uncertain nature of PFAS fate and transport during this rulemaking. As cited by the Board, Illinois EPA explained that corrective action costs are “difficult to determine, *especially specific to PFAS*,” due to numerous factors including the “*extent of contamination, its fate and transport*, emerging technologies, site specific conditions, existing site infrastructure, space constraints and availability at the site, water quality variation, PFAS concentrations and speciation, and chemistry of the facility’s groundwater.” (First Notice at 8, citing 7/25/25 IEPA Resp. at 7) (emphasis added). Illinois EPA's own acknowledgment demonstrates that PFAS assessments and remedial responses involve technical considerations and uncertainties that are not typically associated with traditional groundwater constituents.

The difficulties associated with PFAS assessment are compounded by the extraordinarily low groundwater quality standards adopted in Part 620. The applicable PFAS standards are orders of magnitudes lower than many of the groundwater standards historically applied to landfill-related

constituents. As such, assessment costs are expected to be significantly greater for PFAS constituents than for traditional groundwater constituents.

For these reasons, the Board erred in assuming that PFAS monitoring and assessment costs will be comparable to the costs associated with constituents added to Part 620 in prior rulemakings. Because PFAS constituents can persist in groundwater, migrate beyond the areas typically associated with traditional landfill constituents, and trigger regulatory obligations at extremely low concentrations, the rate and extent determination for PFAS exceedances will likely require a larger area of investigation, additional drilling and monitoring wells, increased sampling frequency, more complex analytical programs, and a longer duration of assessment. These factors will result in assessment costs greater than those historically associated with other Part 620 constituents.

III. Corrective Action Costs Are Not Reasonable

The Board's conclusion that corrective action cost estimates for Part 807 are reasonable (First Notice at 20) is based on faulty assumptions. First, the Board concludes that, because "many landfills with PFAS contamination may already be in corrective action phase for other constituents, [] the burden of corrective action costs other than treatment may not be significant." (First Notice at 20). This conclusion is speculative at best, and ignores the testimony and costs provided by Brad Hunsberger (7/25/25 Hunsberger Test. at 14, Table 2), which were based on current technology and likely scenarios. As stated by Mr. Hunsberger in his pre-filed testimony, treatment facilities may not accept PFAS-containing liquids and, even if they do, the treatment and disposal costs for PFAS-containing liquids is "currently unknown." (*Id.* at 13.) Further, transportation costs to a facility accepting these liquids "could be very significant depending upon the distance." (*Id.*) Lastly, Mr. Hunsberger testified that the "total costs are highly uncertain and cannot be calculated"

because the remedial costs will “likely have no termination date.” (*Id.*) None of these potential costs are insignificant.

Second, while the Board recognizes that most of the Part 807 landfills are publicly owned and do not have revenue coming in, it appears to discount the lack of funding by stating that those municipally-owned landfills are exempt from financial assurance requirements for corrective action. (First Notice at 20). An exemption from financial assurance requirements, however, has no impact on funding assessment monitoring or corrective action. Municipalities that may be exempt from financial assurance requirements will still incur costs for assessment monitoring and corrective action in the event of a confirmed exceedance.

Third, the Board’s assumption that the cost estimate can be “spread over the life of the landfills, including post-closure care” is completely unrealistic for Part 807 landfills. (First Notice at 22). The costs cannot be spread out over the active life of the Part 807 landfills, which ceased accepting waste approximately 34 years ago. These landfills were designed, constructed and closed under the standards of Part 807 and they planned for 15 years of post-closure care costs based on the regulatory program then in effect. There could be no planning or preparation for a rule change 34 years later that adds PFAS constituents to the Part 620 groundwater quality standards.

IV. Environmental Benefits Are Not Achievable

Land and Lakes has previously commented that, despite the Board’s aspirations, there will be no net environmental benefits from imposing the Part 620 PFAS groundwater quality standards on Part 807 landfills because these landfills simply lack the resources to comply. Nonetheless, the Board is expecting the Illinois EPA to “ensure compliance with Part 620 groundwater standards, including PFAS, by utilizing existing enforcement tools or voluntary measures.” (First Notice at

20). Needless to say, instituting enforcement on an entity with no financial resources or mechanism to conduct assessments and corrective actions will not result in compliance with Part 620.

V. Conclusion

The Board acknowledges the significant challenges facing the Part 807 landfills in complying with the Part 620 groundwater standards due to lack of funding and the fact that these landfills closed almost 35 years ago under the standards of Part 807. However, the Board has not provided any relief to the Part 807 landfills, beyond suggesting that Illinois EPA find a way to enforce the standards or that each of the ninety-seven (97) Part 807 landfills still in post-closure care seek site-specific relief. This is an unrealistic and untenable situation, resulting in no net environmental benefits. Therefore, Land and Lakes respectfully requests that the Board grant the Part 807 landfills an exemption from the Part 620 PFAS groundwater quality standards, as either a blanket exemption, or for a set period of time, to allow the Illinois EPA and the Part 807 stakeholders time to propose appropriate changes to Part 807 to address the specific challenges facing the Part 807 landfills in complying with these standards.

Dated: August 31, 2026

Respectfully submitted,

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