

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	
PROPOSED AMENDMENTS TO)	R 22-18
GROUNDWATER QUALITY)	(Rulemaking – Public Water Supplies)
35 ILL. ADM. CODE 620)	

NOTICE OF FILING

TO: Mr. Don A. Brown, Clerk of the Board Illinois Pollution Control Board 100 West Randolph Street Suite 11-500 Chicago, Illinois 60601 (VIA ELECTRONIC MAIL)	Vanessa Horton, Hearing Officer Illinois Pollution Control Board 100 West Randolph Road Suite 11-500 Chicago, Illinois 60601 (VIA ELECTRONIC MAIL)
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(See Persons on Attached Service List)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board, **PRE-FILED QUESTIONS OF ILLINOIS EPA WITNESS SUBMITTED BY THE ILLINOIS ENVIRONMENTAL REGULATORY GROUP**, copies of which are hereby served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
REGULATORY GROUP

Dated: February 18, 2022

By: /s/ Melissa S. Brown
One of Its Attorneys

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**PRE-FILED QUESTIONS OF ILLINOIS EPA WITNESSES
SUBMITTED BY THE ILLINOIS ENVIRONMENTAL REGULATORY GROUP**

The Illinois Environmental Regulatory Group (“IERG”), by and through its attorneys, HEPLERBROOM, LLC, and pursuant to the Illinois Pollution Control Board’s (“Board”) Notice of Hearing dated January 13, 2022, submits the following Pre-filed Questions of Illinois Environmental Protection Agency (“Agency or Illinois EPA”) witnesses for the hearing scheduled on March 9-10, 2022. While the below questions are directed to a specific witness, IERG has no objection to the answers being presented by the most appropriate Illinois EPA witness for each question.

Questions Directed to Mr. Lynn Dunaway

Changes to Class I: Potable Resource Groundwater

1. Please provide an illustration of how the addition of proposed subsection (a)(5) to Section 620.210 will be implemented.
 - a. What additional areas, not currently defined as Class I waters, will become Class I waters as a result of the proposed change?

PFAS Sampling Effort at Community Water Supplies

2. What were the detection levels, guidance levels, and/or minimum reporting levels used for each PFAS compound in the community water supply sampling conducted by Illinois EPA?
 - a. What was the basis for each?
 - b. How do they compare to the groundwater quality standards proposed in this matter?

3. What are the final results of Illinois EPA's PFAS sampling efforts at community water supplies?
 - a. How might those findings relate to the proposed groundwater rules in this rulemaking?
4. It is IERG's understanding that Illinois EPA is in the process of drafting a report regarding the PFAS sampling effort at community water supplies. What is the status of that report?
 - a. Does the final report being drafted include any recommendations based on the sampling data? If so, what are the recommendations?
 - b. Are you aware whether the final report discusses Illinois EPA's development of the groundwater standards proposed in this rulemaking?
5. Outside of community water supplies, where is PFAS found in Illinois?
 - a. What is the basis for your answer to the above question?
 - b. Why did Illinois EPA prioritize a PFAS sampling program focused on community water supplies over other areas of the environment that PFAS may exist?

Relationship between this Rulemaking and Other PFAS Efforts

6. It is IERG's understanding that Illinois EPA is in the process of developing an MCL for PFAS for drinking water. What is the status of that effort?
 - a. How does the Illinois EPA develop an MCL?
 - b. In what ways is the process of developing an MCL similar to the development of standards proposed in this matter? In what ways is the process different?
 - c. How does the development of an MCL for PFAS for drinking water relate to this groundwater rulemaking?
 - d. Why did Illinois EPA choose to move forward with this groundwater rulemaking before developing and proposing an MCL for PFAS for drinking water?
7. Is Illinois EPA aware of USEPA's aggressive schedule to propose National Primary Drinking Water regulations for PFAS by Fall of 2022?
 - a. If so, is Illinois EPA aware of the current status of that effort?
 - b. Why did Illinois EPA choose to move forward with this groundwater rulemaking in advance of the rapidly progressing federal drinking water standards?

- c. What action will Illinois need to take once a federal drinking water standard for PFAS is promulgated?
8. How does USEPA's efforts concerning PFAS relate to this groundwater rulemaking?
9. Is Illinois EPA aware of USEPA's "PFAS Strategic Roadmap: EPA's Commitments to Action 2021-2024" announced on October 18, 2021?
 - a. Is Illinois EPA aware of USEPA's goals within the Strategic Roadmap, including the first central directive, which is as follows: "Invest in research, development, and innovation to increase understanding of PFAS exposures and toxicities, human health and ecological effects, and effective interventions that incorporate the best available science."?
 - b. Is Illinois EPA aware that on November 16, 2021, USEPA Administrator Regan tasked the Science Advisory Board with reviewing draft scientific documents for PFOA and PFOS?
 - c. Why has Illinois EPA decided to promulgate groundwater standards now before we have more settled science that is forthcoming?
10. Is Illinois EPA aware of the ongoing PFAS assessments by USEPA's Integrated Risk Information System ("IRIS"), and that IRIS assessments for PFHxS and PFNA are expected to be issued later this year?
 - a. Will the results of the IRIS assessments have any impact on the proposed groundwater standards?
11. Did Illinois EPA consult with USEPA regarding this groundwater proposal prior to filing it with the Board?
 - a. If so, please summarize USEPA's comments on the proposal. If not, why?
12. It is IERG's understanding that some other states have moved forward with proposals for addressing PFAS in drinking water regulations. Is Illinois EPA aware of any of those efforts?
 - a. If so, did Illinois EPA consider taking a similar approach as those states (i.e., of addressing drinking water prior to groundwater standards) when developing its PFAS strategy?
 - b. Is Illinois EPA aware of any other states that are proposing PFAS groundwater standards before proposing PFAS drinking water standards?

- i. If so, how does the proposal in this rulemaking compare to the other states' proposals?
13. Assuming the Board adopts Illinois EPA's proposal in this rulemaking, and the Illinois EPA moves forward with developing an MCL for PFAS for drinking water in the future, is it possible that the PFAS MCL for drinking water could be less stringent than the PFAS groundwater standard?

Other

14. How would a facility or property owner that has found PFAS present on its property determine whether the cause of the PFAS was an on-site impact or off-site impact?
15. Illinois EPA accepted comments on the groundwater standards proposed in this rulemaking prior to filing with the Board. Does the proposal in this rulemaking take into account those comments?
 - a. If so, please identify the comments that were taken into account and identify the changes to the proposed rules based on those comments.
16. Has the change in the federal administration affected Illinois EPA's PFAS strategy and timeline? If so, how?
17. Is USEPA required to approve the proposed rules in this proceeding, if adopted by the Board?
18. How did Illinois EPA determine to add Gen X as a chemical for a standard after Illinois EPA received comments on the proposed rules before filing with the Board?

Questions Directed to Ms. Carol Hawbaker

19. It was indicated that, for the proposed standards for boron, copper, fluoride, and selenium that the basis for those standards is the 1972 "Water Quality Criteria." What was the basis for the Agency's determination that 2022 was the appropriate time to add standards for those constituents?
 - a. Are you aware whether their inclusion in any previous revisions to Part 620 was considered by the Agency, and if so, why did the Agency elect to not include them previously?
 - b. Please elaborate as to the specific uses for which the proposed standards are protective, i.e., which crops or livestock are sensitive to those constituents?
 - c. Is the Agency aware of any incidents in Illinois where harm to livestock or crops has occurred due to the presence of these constituents in the groundwater? If so, please provide examples.

- d. Have any additional studies been performed relative to these constituents since their inclusion in the 1972 "Water Quality Criteria" document or is the information contained therein reflective of the state of the science for those?

20. Please describe your role as a member of USEPA's ECOS PFAS Science Group.

- a. In that role, please describe your interactions with the federal team working on the new drinking water standards.

IERG would like to thank the Board for the opportunity to submit these questions.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
REGULATORY GROUP,

Dated: February 18, 2022

By: /s/ Melissa S. Brown

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CERTIFICATE OF SERVICE

I, Melissa S. Brown, the undersigned, hereby certify that I have served the attached **PRE-FILED QUESTIONS OF ILLINOIS EPA WITNESS SUBMITTED BY THE ILLINOIS ENVIRONMENTAL REGULATORY GROUP** on February 18, 2022, to the following:

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That my email address is Melissa.Brown@heplerbroom.com

That the number of pages in the email transmission is 8.

That the email transmission took place before 5:00 p.m. on the date of February 18 2022.

Date: February 18, 2022

/s/ Melissa S. Brown
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