

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

IN THE MATTER OF:

PROPOSED AMENDMENTS TO  
GROUNDWATER QUALITY  
(35 ILL. ADM. CODE 620)

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**R 2022-018**  
**(Rulemaking - Public Water Supply)**

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**NOTICE OF FILING**

To: ALL PARTIES ON THE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Illinois Pollution Control Board the attached **Prefiled Questions for the Illinois Environmental Protection Agency**, copies of which are hereby served upon you.

*/s/ Bina Joshi*

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Bina Joshi

Dated: February 18, 2022

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**PREFILED QUESTIONS FOR THE  
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**

NOW COMES Dynegy Midwest Generation, LLC, Electric Energy Inc., Illinois Power Generating Company, Illinois Power Resources Generating, LLC; and Kincaid Generation, LLC (collectively, “Dynegy”) by their attorneys, Schiff Hardin LLP, pursuant to the Hearing Officer’s January 13, 2022 Order and 35 Ill. Adm. Code 102.430, and hereby submit prefiled questions for the Illinois Environmental Protection Agency (the “Agency” or “IEPA”). Dynegy respectfully requests that the Hearing Officer allow follow-up questioning to be asked at the hearing based on the answers provided.

1. For the groundwater quality standards the Agency is proposing based on irrigation of crops or protection of livestock, has the Agency considered any information regarding whether groundwater in Illinois is used for the specific purpose the standard is based upon (for example the type of livestock, method of irrigation, and/or crop being irrigated)? If so, what information has the Agency considered?
2. Under the toxicity hierarchy the Agency has used to determine toxicity values for calculating Human Threshold Toxicant Advisory Concentrations (“HTTAC”) under Appendix A, would the Agency use a Tier 3 source over a Tier 2 source when the Tier 3 source has a higher confidence level in its toxicity value than the Tier 2 source?

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3. Are European sources, such as the European Food Safety Authority or Dutch National Institute of Public Health and the Environment, part of the Agency's hierarchy for determining toxicity values? If so, where do those sources lie in the hierarchy?
4. Has the Agency considered background concentrations in developing the proposed new Class I and Class II groundwater quality standards? If yes, please describe which datasets were used and how those concentrations were considered.
5. Please describe how background levels of a contaminant impact the applicability of the groundwater quality standards in Part 620 at a particular location.
6. Please describe how the groundwater quality standards in Part 620 are enforced.
7. How are background concentrations of a regulated constituent taken into consideration when evaluating whether there is an exceedance of a Part 620 groundwater quality standard at a particular location?
8. In those instances where background concentrations of a constituent are higher than the Part 620 groundwater quality standard for that constituent, how is it determined whether there is an exceedance?
9. What methodology/methodologies did the Agency use to establish lower limit of quantification (LLOQ) or lowest concentration minimum reporting levels (LCMRL) for constituents? Did that methodology (or those methodologies) include determining whether an LLOQ or LCMRL is an achievable target using unfiltered groundwater samples?
10. What information did IEPA consult to determine whether an alternative to the default 0.20 relative source contribution is appropriate when setting Class I groundwater quality standards using the HTTAC formula in Appendix A?

11. Did IEPA consider background dietary intake by children of molybdenum prior to utilizing a relative source contribution of 0.2 to derive the proposed Class I groundwater quality standard for molybdenum? If so, what information did IEPA consider?
12. Did the Agency consider whether any of the constituents for which it is proposing groundwater quality standards are essential nutrients? If so, in what way did the Agency take that into account?

*/s/ Bina Joshi*

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Bina Joshi

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**CERTIFICATE OF SERVICE**

I, the undersigned, certify that on this 18th day of February, 2022, I have electronically served the attached **Prefiled Questions for the Illinois Environmental Protection Agency** upon the individuals on the attached service list. I further certify that my email address is [bjoshi@schiffhardin.com](mailto:bjoshi@schiffhardin.com); the number of pages in the email transmission is 7; and the email transmission took place before 5:00 p.m.

*/s/ Bina Joshi*

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