

February 18, 2021

IPCB 2022-0018

Proposed Amendments to Groundwater 35 Ill. Adm Code 620

The Illinois Groundwater Advisory Council (GAC) submits these 35Ill Ad. Code 620 Groundwater Rule recommendations to the IL Pollution Control Board (Board) for their review and comment.

The GAC was established as part of the statutory requirements in the Illinois Groundwater Protection Act. In proposed rules pertaining to Illinois groundwater protection issues, the GAC submits recommendations to the Intergovernmental Coordinating Committee on Groundwater (ICCG) for review, who then in turn reviews and provides comment prior to submittal to the Illinois EPA (IEPA) prior to proposed rule going to the Board.

On September 19, 2021, the GAC provided their recommendations for review to the ICCG. A copy was also sent to the IEPA. (copy attached)

On October 14, 2021, the ICCG responded to both the GAC and IEPA, with neither an endorsement or disapproval of the recommendations or proposed rule, with no further issues to raise.

On November 18, 2021, the IEPA notified the GAC that each of their applicable point of concern has been sufficiently addressed in the Statement of Reasons and accompanied Testimony that was to be filed before the IPCB.

In the GAC's review of the IEPA's filing to the Board, we were unable to find any specific responses to our questions/concerns that we felt were needed to make the final rule a more reasonable and workable rule for all impacted parties to work with.

As a result, we are submitting these recommendations for your review and response during this rulemaking.

Thank you,

Robert Elvert

Chairman, Illinois Groundwater Advisory Council

GAC RECOMMENDATIONS TO PROPOSED 35 Ill. 35Adm. CODE 620

The Illinois Advisory Council (GAC) held meetings on June 16, 2021, July 19, 2021, and August 25, 2021, in part to discuss the Illinois Environmental Protection Agency's (Illinois EPA) current draft Part 620 rulemaking proposal and public comments regarding the same. The Illinois EPA has expressed an urgency to file these proposed rules with the Illinois Pollution Control Board (IPCB), but has provided no specific reason for the urgency other than it being over 12 years since Part 620's last update

After the three GAC meetings referenced above and reviewing public comments submitted before the May 25th deadline, the GAC believes the Illinois EPA has not yet provided the following information:

1. A description of the basis for the Illinois EPA's reluctance to work with all impacted parties during the drafting of these rules, which could have resulted in discussions answering many of the questions raised during the comment period that ended May 25, 2021. Per the 12/17/20 GAC remote meeting call, the Illinois EPA Agency had already started working on the draft proposal.
2. A description of the basis for the Agency's urgency to file these proposed rules with the IPCB without prior response to all comments submitted during the comment period that ended May 25, 2021.
3. A description of the basis for not following the federal or surrounding state approaches, methodologies, and standards.
4. A description of the basis for **justifying** Illinois standards to be more stringent than federal and/or surrounding state approaches, **as well as why the Illinois EPA seeking to revise these standards before the US EPA has updated their federal standards?**
5. A description of how testing will be performed in state laboratories at the levels recommended in the proposal, **including calculation assumptions and technical research references.**
6. A description of the methods regulated entities should use to analyze for **per/polyfluoroalkyl (PFA's) substances** and other materials in wastewater, biosolids, and other products.
7. A description of state and/or federal resources available for regulated entities to treat to the proposed standards.

Based upon Illinois EPA statements at the August 25th meeting that they would not provide responses to raised nor previously submitted questions prior to proposing the amendments to the IPCB, the GAC will not have the benefit of knowing the Illinois EPA's responses and/or how it might revise the proposal. As a result, the GAC cannot offer a recommendation that the Illinois EPA move forward in this filing. Should the Illinois EPA continue to move forward with the proposal, it is the GAC's position that the Illinois EPA sufficiently address these questions in

the Proposed Rulemaking and/or Statement of Reasons to provide the most robust and transparent proposal to the Illinois Pollution Control Board for a more effective and workable standard.

September __ 2021

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