



ENVIRONMENTAL REGISTER

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A PUBLICATION OF THE ILLINOIS POLLUTION CONTROL BOARD

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BOARD MEMBERS

- ❖ Barbara Flynn Currie, Chair
- ❖ Jennifer Van Wie
- ❖ Michelle Gibson
- ❖ Michael D. Mankowski

The **Illinois Pollution Control Board** is an independent, five-member board that adopts environmental control regulations and decides enforcement actions and other environmental cases for the State of Illinois.

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CHAIR'S UPDATE

In this issue of the *Environmental Register*, I highlight some of the Illinois environmental legislation that took effect on January 1 of this year. I include links to the corresponding Public Acts from the 2023 session of the 103rd General Assembly.

First, [Public Act 103-333](#) (House Bill 3095) amended the Environmental Protection Act to require that the Board adopt rules for placing limestone residual materials—generated from a municipal utility treating drinking water—in an underground limestone mine located wholly or partially within the municipality that operates the municipal utility.

Second, [Public Act 103-172](#) (House Bill 2901) amended the Environmental Protection Act by creating a fixed fee of \$2,500 as the advance partial payment for the Illinois Environmental Protection Agency's review and evaluation services under the Site Remediation Program. The amendment eliminates setting the fee at an amount not exceeding \$5,000 or one-half of IEPA's total anticipated costs, whichever is less. The amendment also provides that any deadline for IEPA action on a Remediation Applicant's submission is tolled until the Remediation Applicant pays all fees due.

Third, [Public Act 103-342](#) (House Bill 3277) amended the Environmental Protection Act to exclude the "incidental sale of finished compost" from counting as compost that must be applied and used in specified ways for certain landscape waste composting operations to qualify for a permit exemption.

And fourth, [Public Act 103-93](#) (Senate Bill 1563) amended the Environmental Protection Act to require that IEPA, by March 1, 2024, provide a public webpage with information about microplastics and, by October 1, 2024, submit a report to the General Assembly and the Governor on microplastics, including what other states are doing about microplastics in the environment.

Finally, Illinois environmental legislation was not limited to the Environmental Protection Act. Other bills that became law on the first of this month include House Bill 2278, amending the Uniform Environmental Covenants Act ([Public Act 103-0028](#)), House Bill 2217, amending the Illinois Radon Awareness Act ([Public Act 103-0298](#)), and Senate Bill 0836, creating the Paint Stewardship Act ([Public Act 103-0372](#)). For more information on the work of the General Assembly, please consult the [Illinois General Assembly's website](#).

Sincerely,



Barbara Flynn Currie
Chair



RULEMAKING UPDATE

Board Adopts “Identical-in-Substance” Amendments to Drinking Water Rules

On October 19, 2023, the Board adopted amendments to Illinois’ primary drinking water regulations at 35 Ill. Adm. Code 611. The amendments are “identical in substance” to amendments adopted by the United States Environmental Protection Agency (USEPA) under the federal Safe Drinking Water Act (SDWA) during the second half of 2020 and the first half of 2021. Among its amendments, USEPA revised standards for lead in plumbing fixtures and plumbing materials, adopted the Lead and Copper Rule Revisions (LCRR), and approved new alternative test procedures (ATPs) for demonstrating compliance with the National Primary Drinking Water Regulations.

In addition to the revisions prompted by USEPA’s updates, the Board found more amendments necessary. For example, the Board corrected the Radionuclides Rule. The Board also removed rules made obsolete because they had applied to suppliers that no longer exist in Illinois—namely, unfiltered system suppliers using surface water sources and groundwater under the direct influence of surface water. A supplier using either of these sources now must apply filtration treatment and disinfection to water it provides to the public.

The Board received public comments from USEPA, the Joint Committee on Administrative Rules, and the Illinois Environmental Protection Agency, as well as one comment filed by 15 different environmental, religious, and citizens’ organizations. The Board addressed all the comments in its final opinion and order, a link to which is provided below.

The Board’s rulemaking is captioned [SDWA Update, USEPA Amendments \(July 1, 2020 through December 31, 2020\)](#) and [SDWA Update, USEPA Amendments \(January 1, 2021 through June 30, 2021\)](#), dockets R21-10 and R22-2 (consol.). Here are links to (1) the Board’s [opinion and order](#); (2) the Board’s [adopted amendments](#); and (3) the Board’s [addendum](#), which provides tables of information concerning the rulemaking. For more information, please contact Carlie Leoni at 312-814-3886 or carlie.leoni@illinois.gov.

Board Proposes “Identical-in-Substance” Amendments to VOM Definition

On October 19, 2023, for public comment and hearing, the Board proposed an amendment to keep Illinois’ definition of “volatile organic material” (VOM) “identical in substance” to the federal definition of “volatile organic compound” (VOC). The proposal reflects action taken by the United States Environmental Protection Agency (USEPA) on February 8, 2023. Specifically, USEPA excluded HFO–1336mzz(E) from its VOC definition (40 C.F.R. § 51.100(s)) after determining that the compound makes a negligible contribution to the formation of tropospheric ozone, commonly known as “smog.” The Board also made a few non-substantive changes to its VOM definition (35 Ill. Adm. Code 211.7150).

The Board will continue accepting public comments on the proposed amendments until December 18, 2023, which is the 45th day after the November 3, 2023 publication of the



proposal in the *Illinois Register*. The Board will also hold a public hearing on December 7, 2023. The hearing will take place by videoconference between Springfield and Chicago; anyone may participate in person at either location.

The Board's rulemaking is captioned Definitions of VOM, USEPA Amendments (January 1, 2023 through June 30, 2023), docket R24-8. Here are links to the Board's [opinion and order](#), as well as the Board's [addendum](#), which includes the proposed amendments. For more information, please contact Hearing Officer Vanessa Horton at 312-814-5053 or vanessa.horton@illinois.gov.

Board Adopts “Identical-in-Substance” Amendments to Drinking Water Rules

On December 7, 2023, the Board adopted amendments to Illinois' primary drinking water regulations at 35 Ill. Adm. Code 611. The amendments are “identical in substance” to amendments adopted by the United States Environmental Protection Agency (USEPA) under the federal Safe Drinking Water Act (SDWA) during the second half of 2022. During this period, USEPA did not amend the federal National Primary Drinking Water Regulations (NPDWRs), but it did grant summary approval of seven additional alternative test procedures (ATPs) for analyzing contaminants in drinking water. The Board therefore added these additional ATPs to the Illinois drinking water monitoring rules.

During this rulemaking, the Board received comments from the Illinois Secretary of State, the Joint Committee on Administrative Rules, and the Illinois Environmental Protection Agency. The Board addressed these comments in its December 7, 2023 opinion, a link to which is provided below.

The Board's rulemaking is captioned SDWA Update, USEPA Amendments (July 1, 2022 through December 31, 2022), docket R23-9. Here are links to (1) the Board's [opinion and order](#), which includes the adopted amendments; and (2) the Board's [addendum](#), which provides tables of information concerning the rulemaking. For more information, please contact Chloe Salk at 312-814-3932 or chloe.salk@illinois.gov.

Board Proposes “Identical-in-Substance” Amendment to Wastewater Pretreatment Regulations

On December 7, 2023, for public comment, the Board proposed an amendment to keep Illinois' wastewater pretreatment regulations “identical in substance” to the federal regulations. The proposal reflects action taken by the United States Environmental Protection Agency (USEPA) during the first half of calendar year 2023. USEPA amended a provision of the steam electric power generating point source category within the effluent limitation guidelines. Specifically, USEPA extended the date by which existing coal-fired power plants must submit a notice if they plan to participate in a subcategory of electric generating units permanently ceasing coal combustion by December 31, 2028. The Board proposed adding the extended deadline to the Illinois sewer discharge criteria rules for steam electric power generating.

The Board will continue accepting public comments on the proposed amendment until the 45th day after publication of the proposal in the *Illinois Register*.



The Board’s rulemaking is captioned SDWA Update, USEPA Amendments (January 1, 2023, through June 30, 2023), docket R24-6. Here is a link to the Board’s [opinion and order](#), which includes the proposed amendment. For more information, please contact Daniel Pauley at 312-814-6931 or daniel.pauley@illinois.gov.

Board Proposes Non-Substantive Amendments to Agriculture-Related Water Pollution Rules for Second Notice

On January 4, 2024, the Board proposed non-substantive amendments to its agriculture-related water pollution rules for second-notice review by the Joint Committee on Administrative Rules (JCAR). These proposed amendments are part of a larger undertaking by the Board to update its rules across multiple media and subject areas. The proposal will remove unnecessary language, replace outdated text, update statutory references, and reorganize provisions for clarity.

During this rulemaking, the Board held two public hearings, receiving testimony from the Illinois Environmental Protection Agency (IEPA). The Board also received three public comments from IEPA, as well as a collective public comment from the Illinois Beef Association, Illinois Farm Bureau, Illinois Milk Producers Association, and the Illinois Pork Producers Association. In addition, JCAR suggested numerous changes to the rules proposed by the Board at first notice. The Board’s proposed second-notice amendments impact all four Parts of the Board’s Subtitle E rules, *i.e.*, Parts 501, 502, 503, and 506 of Title 35 of the Illinois Administrative Code. The amendments are scheduled to be considered by JCAR at its February 6, 2024 meeting.

The rulemaking is captioned Amendments to 35 Ill. Adm. Code Subtitle E, docket R18-25. Here is a link to the Board’s [second-notice opinion and order](#), which includes the text of the proposed amendments. For more information, please contact Hearing Officer Carlie Leoni at 312-814-3886 or carlie.leoni@illinois.gov.

Board Adopts “Identical-in-Substance” Amendments to VOM Definition

On January 4, 2024, the Board adopted amendments to keep Illinois’ definition of “volatile organic material” (VOM) “identical in substance” to the federal definition of “volatile organic compound” (VOC). The amendments reflect one action taken by the United States Environmental Protection Agency (USEPA) during the first half of 2023. Specifically, USEPA excluded HFO–1336mzz(E) from its VOC definition (40 C.F.R. § 51.100(s)) after determining that the compound makes a negligible contribution to the formation of tropospheric ozone, commonly known as “smog.” The Board also made a few non-substantive changes to its VOM definition (35 Ill. Adm. Code 211.7150).

The Board’s rulemaking is captioned Definitions of VOM, USEPA Amendments (January 1, 2023 through June 30, 2023), docket R24-8. Here are links to (1) the Board’s [opinion and order](#) and (2) the Board’s [addendum](#), which provides the rule text of the adopted changes. For more information, please contact Hearing Officer Vanessa Horton at 312-814-5053 or vanessa.horton@illinois.gov.



BOARD ACTIONS

October 19, 2023 Regular Meeting By videoconference in Chicago and Springfield

RULEMAKING

- [R21-10](#) SDWA Update, USEPA Amendments (July 1, 2020 through December 31, 2020)
- [R22-2](#) SDWA Update, USEPA Amendments (January 1, 2021 through June 30, 2021)
[Consol.](#) (Public Water Supply) – The Board adopted a final opinion and order in this consolidated “identical-in-substance” rulemaking to amend the Board’s drinking water regulations.
- [R24-1](#) SDWA Update, USEPA Amendments (January 1, 2023 through June 30, 2023)
(Public Water Supply) – The Board dismissed this reserved “identical-in-substance” docket because the United States Environmental Protection Agency did not amend the National Primary Drinking Water Regulations (NPDWR) during the update period of January 1, 2023 through June 30, 2023.
- [R24-2](#) UIC Update, USEPA Amendments (January 1, 2023 through June 30, 2023)
(Land) – The Board dismissed this reserved “identical-in-substance” docket because the United States Environmental Protection Agency did not amend its corresponding underground injection control (UIC) regulations during the update period of January 1, 2023 through June 30, 2023.
- [R24-3](#) RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Regulations (January 1, 2023 through June 30, 2023) (Land) – The Board dismissed this reserved “identical-in-substance” docket because the United States Environmental Protection Agency did not amend its corresponding municipal solid waste landfill (MSWLF) regulations during the update period of January 1, 2023 through June 30, 2023.
- [R24-5](#) UST Update, USEPA Amendments (January 1, 2023 through June 30, 2023)
(Land) – The Board dismissed this reserved “identical-in-substance” docket because the United States Environmental Protection Agency did not amend its corresponding underground storage tank (UST) regulations during the update period of January 1, 2023 through June 30, 2023.
- [R24-7](#) National Ambient Air Quality Standards, USEPA Regulations (January 1, 2023 through June 30, 2023) (Air) – The Board dismissed this reserved “identical-in-substance” docket because the United States Environmental Protection Agency did not amend the National Ambient Air Quality Standards (NAAQS) during the update period of January 1, 2023 through June 30, 2023.



[R24-8](#)

Definition of VOM, USEPA Amendments (January 1, 2023 through June 30, 2023) (Air) – The Board adopted a proposal for public comment in this “identical-in-substance” rulemaking to amend the Board’s air pollution control regulations.

ADJUDICATORY CASES

[PCB 22-36](#)

North Park Public Water District v. Illinois Environmental Protection Agency (Public Water Supply – Permit Appeal) – The Board granted North Park Public Water District’s unopposed motion for voluntary dismissal.

[PCB 23-41](#)

People of the State of Illinois v. 502 Garfield Properties, LLC d/b/a Four Seasons Citgo, Hussein Saleh, Ali Musa, and Naswer M. Ali (Air – Enforcement) – Upon receiving a stipulation, a proposed settlement, and an agreed motion for relief from the hearing requirement in this enforcement action concerning a Cook County gas station, the Board directed the Clerk to provide the required newspaper notice.

[PCB 23-92](#)

Bunge Milling, Inc. v. Illinois Environmental Protection Agency (Air, FESOP – Permit Appeal) – The Board granted Bunge Milling’s motion for partial stay, subject to specified conditions. Under the order, the partial stay remains in effect until the Board takes final action or orders otherwise.

[PCB 23-132](#)

People of the State of Illinois v. Midwest Trailer Manufacturing, LLC (Land, RCRA – Enforcement) – In this enforcement action concerning a steel dump trailer manufacturing facility in Henry County, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2022)), accepted a stipulation and proposed settlement, and ordered Midwest Trailer to pay a \$15,000 civil penalty and to cease and desist from further violations.

[PCB 24-13](#)

People of the State of Illinois v. Kappa Products Corporation (Air – Enforcement) – In this enforcement action concerning a rendering facility in Cook County, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2022)), accepted a stipulation and proposed settlement, and ordered Kappa Products to pay a \$32,000 civil penalty and to cease and desist from further violations.

[PCB 24-14](#)

People of the State of Illinois v. Norma Bonelli-Zook d/b/a Fountain Valley Mobile Home Park (Water, NPDES – Enforcement) – In this enforcement action concerning a mobile home facility in Champaign County, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2022)), accepted a stipulation and proposed settlement, and ordered Bonelli-Zook to pay a \$7,500 civil penalty and to cease and desist from further violations.



[PCB 24-15](#) People of the State of Illinois v. Cores For You, Inc. (Air – Enforcement) – In this enforcement action concerning a mobile home facility in Hancock County, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2022)), accepted a stipulation and proposed settlement, and ordered Cores For You to pay a \$20,000 civil penalty and to cease and desist from further violations.

[PCB 24-24](#) Dobb’s Tire and Auto Center, Inc. v. Illinois Environmental Protection Agency (UST Appeal) – The Board granted the parties’ request to extend the appeal period to January 16, 2024.

November 2, 2023 Regular Meeting
By videoconference in Chicago and Springfield

ADMINISTRATIVE CITATIONS

[AC 24-2](#) Illinois Environmental Protection Agency v. H & S Recycling LLC (Land) – After H & S Recycling failed to timely file a petition to contest the administrative citation, the Board found that it violated Section 21(p)(1), (p)(3), and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (2022)), as alleged. Because there were three violations of Section 21(p), the Board ordered H & S Recycling to pay a total civil penalty of \$4,500, reflecting the statutory penalty of \$1,500 per violation.

ADJUDICATORY CASES

[PCB 13-15](#) Sierra Club, Environmental Law and Policy Center, Prairie Rivers Network, and Citizens Against Ruining the Environment v. Midwest Generation, LLC (Land – Enforcement, Citizen) – The Board granted in part Midwest Generation’s motion for extension of time to file post-hearing briefs. Accordingly, the parties’ respective opening briefs are due January 18, 2024, and the parties’ respective response briefs are due March 4, 2024.

[PCB 22-34](#) People of the State of Illinois v. City of Hoopeston (Water, NPDES – Enforcement) – In this enforcement action concerning a treatment works in Vermilion County, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2022)), accepted the parties’ stipulation and proposed settlement, and ordered the City of Hoopeston to pay a \$500 civil penalty and to cease and desist from further violations.

[PCB 22-70](#) People of the State of Illinois v. KJS Properties LLC (Air – Enforcement) – In this enforcement action concerning a Cook County gas station, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2022)), accepted a stipulation and proposed settlement, and ordered KJS Properties to pay a \$5,000 civil penalty and to cease and desist from further violations.



[PCB 23-5](#) People of the State of Illinois v. Khalid Siddiqui (Air – Enforcement) – In this enforcement action concerning a Cook County gas station, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2022)), accepted a stipulation and proposed settlement, and ordered Siddiqui to pay a \$5,000 civil penalty and to cease and desist from further violations.

[PCB 23-28](#) People of the State of Illinois v. Shabeena Afridi, individually and d/b/a One Stop Gas Station, and Arathi Property, Inc. (Air – Enforcement) – In this enforcement action concerning a Cook County gas station, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2022)), accepted a stipulation and proposed settlement, and ordered respondents to pay a \$5,000 civil penalty and to cease and desist from further violations.

[PCB 23-101](#) People of the State of Illinois v. Rick E. Heidner, James Edward Sayre, David R. Heidner, and Parkway Bank and Trust Company, as Trustee under Trust Agreement dated May 28, 2022, and known as Trust No. 13296, an Illinois Land Trust (Air – Enforcement) – In this enforcement action concerning a Cook County gas station, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2022)), accepted a stipulation and proposed settlement, and ordered respondents to pay a \$5,000 civil penalty and to cease and desist from further violations.

[PCB 23-106](#) People of the State of Illinois v Hill Top Group, Inc. (Air – Enforcement) – Upon receiving a stipulation, a proposed settlement, and an agreed motion for relief from the hearing requirement in this enforcement action concerning a Cook County gas station, the Board directed the Clerk to provide the required newspaper notice.

[PCB 24-9](#) Paul Christian Pratapas v. Pulte Home Company, LLC (Water, NPDES – Enforcement, Citizen) – The Board granted Pratapas’ motion to amend his complaint and directed him to file an amended complaint by December 4, 2023. The Board also deferred ruling on Pulte Home’s motion to dismiss the complaint until after December 4, 2023.

[PCB 24-10](#) People of the State of Illinois v. Redline Metals, Inc. (Water, NPDES – Enforcement) – In this enforcement action concerning a Kane County metal scrapyards, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2022)), accepted a stipulation and proposed settlement, and ordered Redline Metals to pay a \$15,000 civil penalty and to cease and desist from further violations.



[PCB 24-21](#) People of the State of Illinois v. AEP NVH OPCO, LLC d/b/a Applied Acoustics International (Air – Enforcement) – In this enforcement action concerning a Cook County sound dampening pad production facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2022)), accepted a stipulation and proposed settlement, and ordered Applied Acoustics International to pay a \$10,000 civil penalty and to cease and desist from further violations.

[PCB 24-25](#) People of the State of Illinois v. Khalid Siddiqui and 55th Food Mart Inc. (Air – Enforcement) – The Board accepted for hearing the People’s complaint concerning Siddiqui and 55th Food Mart’s Cook County gas station.

[PCB 24-26](#) BP Products North America, Inc. v. Illinois Environmental Protection Agency (Land, RCRA – Permit Appeal) – The Board granted the parties’ request to extend the appeal period to February 5, 2024.

[PCB 24-27](#) CIMA Developers LP v. Illinois Environmental Protection Agency (UST Appeal) – The Board granted the parties’ request to extend the appeal period to February 5, 2024.

[PCB 24-28](#) CIMA Developers LP v. Illinois Environmental Protection Agency (UST Appeal) – The Board granted the parties’ request to extend the appeal period to February 5, 2024.

[PCB 24-29](#) BFI Waste Systems of North America, LLC v. Illinois Environmental Protection Agency (Land, RCRA – Permit Appeal) – The Board granted the parties’ request to extend the appeal period to January 30, 2024.

November 16, 2023 Regular Meeting
By videoconference in Chicago and Springfield

RULEMAKING

[R23-18\(A\)](#) Amendments to 35 Ill. Adm. Code Parts 201, 202, and 212 (Air) – The Board granted the motion of the Attorney General’s Office to hold a third hearing. The Board also directed the hearing officer to expeditiously schedule a third hearing after the proponents submit the information requested by the Illinois Environmental Protection Agency.



ADMINISTRATIVE CITATIONS

[AC 24-1](#) Illinois Environmental Protection Agency v. Leslie Mandrell and Thomas Fann d/b/a Fann Tree Service (Land) – The Board granted respondents’ motion to reconsider and reconsidered its default order of October 5, 2023. On reconsideration, the Board found that respondents timely filed a petition for review. The Board directed respondents to file an amended petition addressing specified deficiencies by December 18, 2023.

[AC 24-3](#) County of LaSalle v. Daniel Partridge, Shirley Partridge, and Four-Star Campground (Land) – The Board granted the County of LaSalle’s motion for voluntary dismissal of this administrative citation concerning a site in Marseilles.

ADJUDICATORY CASES

[PCB 20-15](#) Jeet Singh d/b/a Aman Food & Gas v. Illinois Environmental Protection Agency (UST Appeal) – The Board granted Singh’s motion for voluntary dismissal of this appeal concerning an underground storage tank site in Rock Island County.

[PCB 22-27](#) J.D. Streett & Company, Inc. v. Illinois Environmental Protection Agency (UST Appeal) – The Board granted in part and denied in part the parties’ respective cross motions for summary judgment. First, the Board granted J.D. Streett’s motion concerning IEPA’s denial of Underground Storage Tank (UST) Fund reimbursement for \$3,340.34 in costs to backfill the tank field. The Board therefore denied IEPA’s motion on that issue and reversed that part of IEPA’s denial. Second, the Board granted IEPA’s motion regarding its denial of UST Fund reimbursement for \$8,450.94 in costs to remove the tanks. Therefore, the Board denied J.D. Streett’s motion on that issue and affirmed that part of IEPA’s denial. Finally, the Board directed J.D. Streett to file a statement of legal fees eligible for UST Fund reimbursement, to which IEPA may respond.

[PCB 22-77](#) People of the State of Illinois v. Lala Kala, Inc. (Air – Enforcement) – In this enforcement action concerning a DuPage County gas station, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2022)), accepted a stipulation and proposed settlement, and ordered Lala Kala to pay a \$5,000 civil penalty and to cease and desist from further violations.



- PCB 23-41** People of the State of Illinois v. 502 Garfield Properties, LLC d/b/a Four Seasons Citgo, Hussein Saleh, Ali Musa, and Naswer M. Ali (Air – Enforcement) – In this enforcement action concerning a Cook County gas station, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2022)), accepted a stipulation and proposed settlement, and ordered respondents to pay a \$5,000 civil penalty and to cease and desist from further violations.
- PCB 23-90** Jeet Singh d/b/a Aman Food & Gas v. Illinois Environmental Protection Agency (UST Appeal) – In this underground storage tank (UST) appeal involving a Rock Island County gas station, the Board granted Singh’s motion to modify the Board’s interim order. The Board therefore ordered IEPA to approve Singh’s budget of \$30,706.90 for the six-inch replacement concrete engineered barrier. The Board also granted Singh’s request to authorize the payment of legal fees. Accordingly, the Board directed IEPA to reimburse Singh \$19,759.77 in legal fees from the UST Fund.
- PCB 24-30** People of the State of Illinois v. Autotrol Corporation (Air – Enforcement) – The Board accepted the People’s complaint for hearing concerning Autotrol’s manufacturing facility in McHenry County.
- PCB 24-31** Newman Farms – Lynn Center v. Illinois Environmental Protection Agency (Water – Tax Certification) – The Board found and certified that Newman Farms’ livestock waste management facilities in Henry County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2022)).
- PCB 24-32** 1441 Kingshighway LLC v. Illinois Environmental Protection Agency (UST Appeal) – The Board accepted for hearing this underground storage tank appeal involving a St. Clair County site.
- PCB 24-33** People of the State of Illinois v. City of LaSalle (Water, NPDES – Enforcement) – Upon receiving a complaint, a stipulation, a proposed settlement, and an agreed motion for relief from the hearing requirement in this enforcement action concerning the City of LaSalle’s wastewater treatment plant, the Board accepted the complaint and directed the Clerk to provide the required newspaper notice of the settlement-related filings.



December 7, 2023 Regular Meeting
By videoconference in Chicago and Springfield

RULEMAKING

[R23-9](#)

SDWA Update, USEPA Amendments (July 1, 2022 through December 31, 2022) (Public Water Supply) – The Board adopted a final opinion and order in this “identical-in-substance” rulemaking to amend the Board’s drinking water regulations.

[R24-6](#)

Wastewater Pretreatment Update, USEPA Amendments (January 1, 2023 through June 30, 2023) (Water) – The Board adopted a proposal for public comment in this “identical-in-substance” rulemaking to amend the Board’s wastewater pretreatment regulations.

ADJUDICATORY CASES

[PCB 17-51](#)

Jeet Singh d/b/a Aman Food & Gas v. Illinois Environmental Protection Agency (UST Appeal) – The Board granted Singh’s motion for voluntary dismissal of this appeal concerning an underground storage tank site in Rock Island County.

[PCB 21-45](#)

People of the State of Illinois v. Youth Fair Chance, Inc., d/b/a Capitol Reuse Center, and Dale Rowden (Land, RCRA – Enforcement) – The Board granted the People’s unopposed motion to deem facts admitted and for summary judgment against Rowden. The Board therefore found that Rowden violated Sections 21(a), 21(e), and 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(a), 21(e), 21(p)(1) (2022)) and Section 808.121(c)(1) of the Board’s waste disposal regulations (35 Ill. Adm. Code 808.121(c)(1)), as the People’s complaint alleged. The Board also ordered Rowden to pay a \$5,000 civil penalty, as the People’s motion requested.

[PCB 22-94](#)

People of the State of Illinois v. Norman Junejo (Air – Enforcement) – In this enforcement action concerning a Cook County gas station, the Board granted the People’s motion for voluntary dismissal of their complaint without prejudice.

[PCB 23-9](#)

People of the State of Illinois v. La Fox BP, Inc. and Fox River Petro, LLC (Air – Enforcement) – The Board granted the People’s unopposed motion to deem facts admitted and for summary judgment. The Board therefore found that La Fox BP and Fox River Petro violated Section 9(a) of the Environmental Protection Act (415 ILCS 5/9(a) (2022)) and Section 218.586(i)(1)(B) and (i)(2)(C) of the Board’s air pollution control regulations (35 Ill. Adm. Code 218.586(i)(1)(B), (i)(2)(C)), as the People’s complaint alleged. The Board also ordered each respondent to pay a \$10,000 civil penalty, as the People’s motion requested.



- [PCB 23-60](#) Paul Christian Pratapas v. Lexington Trace LLC (Water, NPDES – Enforcement, Citizen) – The Board denied Lexington Trace’s motion to dismiss with prejudice and Pratapas’ motions to amend his complaint. The Board dismissed the case because Pratapas failed to timely file an amended complaint.
- [PCB 23-106](#) People of the State of Illinois v. Hill Top Group, Inc. (Air – Enforcement) – In this enforcement action concerning a Cook County gas station, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2022)), accepted a stipulation and proposed settlement, and ordered Hill Top to pay a \$5,000 civil penalty and to cease and desist from further violations.
- [PCB 23-117](#) People of the State of Illinois v. Qasem Ahmed d/b/a Harvey Marathon (Air – Enforcement) – Upon receiving a stipulation, a proposed settlement, and an agreed motion for relief from the hearing requirement in this enforcement action concerning a Cook County gas station, the Board directed the Clerk to provide the required newspaper notice.
- [PCB 23-118](#) People of the State of Illinois v. SJK1 Inc. (Air – Enforcement) – The Board granted the People’s unopposed motion to deem facts admitted and for summary judgment. The Board therefore found that SJK1 violated Section 9(a) of the Environmental Protection Act (415 ILCS 5/9(a) (2022)) and Section 218.586(i)(1)(B) and (i)(2)(C) of the Board’s air pollution control regulations (35 Ill. Adm. Code 218.586(i)(1)(B), (i)(2)(C)), as the People’s complaint alleged. The Board also ordered SJK1 to pay a \$10,000 civil penalty, as the People’s motion requested.
- [PCB 24-16](#) People of the State of Illinois v. Nasser Yafai, Quick Gas & Mini Mart, Inc., CYPR Harvey, Inc. d/b/a Quick Gas & Mini Mart, Inc., and Harvey Real Estate, Inc. (Air – Enforcement) – Upon receiving a stipulation, a proposed settlement, and an agreed motion for relief from the hearing requirement as to Yafai and Quick Gas & Mini Mart in this enforcement action concerning a Cook County gas station, the Board directed the Clerk to provide the required newspaper notice.
- [PCB 24-34](#) Raccoon Creek Farm, LLC – Raccoon Creek Turkey Farm v. Illinois Environmental Protection Agency (Water – Tax Certification) – The Board found and certified that Raccoon Creek Farm’s poultry manure storage building in Lawrence County is a pollution control facility for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2022)).



[PCB 24-35](#) People of the State of Illinois v. Techo-Bloc Midwest Corp. (Air – Enforcement) – Upon receiving a complaint, a stipulation, a proposed settlement, and an agreed motion for relief from the hearing requirement in this enforcement action concerning a concrete block plant in Rock Island County, the Board accepted the complaint and directed the Clerk to provide the required newspaper notice of the settlement-related filings.

[PCB 24-37](#) People of the State of Illinois v. Enterprise ANS LLC (Air – Enforcement) – The Board accepted for hearing the People’s complaint concerning this Cook County gas station.

[PCB 24-39](#) People of the State of Illinois v. Ferrara Candy Company (Air, CAAPP – Enforcement) – Upon receiving a complaint, a stipulation, a proposed settlement, and an agreed motion for relief from the hearing requirement in this enforcement action concerning a Cook County candy production plant, the Board accepted the complaint and directed the Clerk to provide the required newspaper notice of the settlement-related filings.

January 4, 2024 Regular Meeting
By videoconference in Chicago and Springfield

RULEMAKING

[R18-25](#) Amendments to 35 Ill. Adm. Code Subtitle E: Agriculture Related Water Pollution (Water) – The Board adopted a second-notice opinion and order in this rulemaking to non-substantively amend the Board’s agriculture-related water pollution rules.

[R24-8](#) Definition of VOM, USEPA Amendments (January 1, 2023 through June 30, 2023) (Air) – The Board adopted a final opinion and order in this “identical-in-substance” rulemaking to amend the Board’s air pollution control rules.

ADMINISTRATIVE CITATION

[AC 24-1](#) Illinois Environmental Protection Agency v. Leslie Mandrell and Thomas Fann d/b/a Fann Tree Service (Land) – The Board accepted for hearing Mandrell and Fann’s amended petition for review to contest the administrative citation.

ADJUDICATORY CASES

[PCB 22-51](#) Illinois Power Resources Generating, LLC v. Illinois Environmental Protection Agency (Water, NPDES – Permit Appeal) – The Board granted IPRG’s unopposed motion for voluntary dismissal, dismissed the appeal, and closed the docket.



- PCB 23-50** People of the State of Illinois v. William M. Longwell (Land, Air – Enforcement) – The Board granted the People’s unopposed motion to deem facts admitted and for summary judgment against Longwell. The Board therefore found that Longwell violated Sections 9(a), 9(c), 21(a), 21(d)(1), 21(e), 21(p)(1), 21(p)(3), and 21(p)(7)(i) of the Environmental Protection Act (415 ILCS 5/9(a), 9(c), 21(a), 21(d)(1), 21(e), 21(p)(1), 21(p)(3), 21(p)(7)(i) (2022)), as the People’s complaint alleged. The Board also ordered Longwell to pay a \$50,000 civil penalty, as the People’s motion requested.
- PCB 23-76** Paul Christian Pratapas v. Wille Brothers Company and DuPage County Sheriff (Water – Enforcement, Citizen) – The Board granted Pratapas’ motion for voluntary dismissal without prejudice, dismissed the case, and closed the docket.
- PCB 23-103** People of the State of Illinois v. Aurora Metals Division, LLC (Air – Enforcement) – The Board granted the People’s motion to voluntarily dismiss count II of the complaint without prejudice. In addition, upon receiving a stipulation, a proposed settlement, and an agreed motion for relief from the hearing requirement in this enforcement action concerning a nonferrous metal foundry and machine shop in Kane County, the Board directed the Clerk to provide the required newspaper notice.
- PCB 23-112** People of the State of Illinois v. Inland-Frycek, Inc. and 969 Northwest Hwy LLC (Land, Water – Enforcement) – Upon receiving a stipulation, a proposed settlement, and an agreed motion for relief from the hearing requirement as to 969 Northwest Hwy in this enforcement action concerning a Cook County gas station, the Board directed the Clerk to provide the required newspaper notice.
- PCB 23-121** People of the State of Illinois v. Chicago Magnesium Casting Company (Air – Enforcement) – Upon receiving a stipulation, a proposed settlement, and an agreed motion for relief from the hearing requirement in this enforcement action concerning a Cook County magnesium and aluminum foundry, the Board directed the Clerk to provide the required newspaper notice.
- PCB 23-133** Anna Andrushko v. Thomas Egan (Noise – Enforcement, Citizen) – The Board directed Andrushko to file an amended complaint addressing specified deficiencies by February 5, 2024.
- PCB 24-19** Casey’s Retail Company v. Illinois Environmental Protection Agency (UST Appeal) – Because Casey’s Retail failed to file a petition during the extended appeal period, the Board dismissed the case and closed the docket.
- PCB 24-38** Village of Davis Junction v. Illinois Environmental Protection Agency (Public Water Supply – Permit Appeal) – The Board granted the Village of Davis Junction’s motion for voluntary dismissal, dismissed the case, and closed the docket.



[PCB 24-40](#) People of the State of Illinois v. Ensono, LLC (Air – Enforcement) – Upon receiving a complaint, a stipulation, a proposed settlement, and an agreed motion for relief from the hearing requirement in this enforcement action concerning Ensono’s emergency generators in DuPage County, the Board accepted the complaint and directed the Clerk to provide the required newspaper notice of the settlement-related filings.

[PCB 24-41](#) Conserv FS, Inc. – Waterman v. Illinois Environmental Protection Agency (Water – Tax Certification) – The Board found and certified that Conserv FS’ liquid fertilizer storage facilities in DeKalb County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2022)).

[PCB 24-43](#) Illinois Power Generating Company v. Illinois Environmental Protection Agency (Land, CCR – Appeal) – The Board accepted for hearing this appeal involving a coal combustion residual (CCR) surface impoundment at IPGC’s Newton Power Plant in Jasper County. The Board also reserved ruling on IPGC’s motion for partial stay.

[PCB 24-44](#) E&E Arndt Farms v. Illinois Environmental Protection Agency (Water – Tax Certification) – The Board found and certified that E&E Arndt Farms’ livestock waste management facilities in DeKalb County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2022)).

[PCB 24-45](#) Electric Energy, Inc. v. Illinois Environmental Protection Agency (Land, CCR – Appeal) – The Board accepted for hearing this appeal involving a coal combustion residual (CCR) surface impoundment at Electric Energy’s Joppa Power Plant in Massac County. The Board also reserved ruling on Electric Energy’s motion for stay.

January 18, 2024 Regular Meeting
By videoconference in Chicago and Springfield

ADJUDICATORY CASES

[PCB 13-72](#) People of the State of Illinois v. Petco Petroleum Corporation (Water – Enforcement) – The Board denied Petco’s motion for oral argument on both Petco’s motion to dismiss and the People’s motion to strike.

[PCB 23-91](#) People of the State of Illinois v. Rochelle Energy LLC (Air, CAAPP – Enforcement) – Upon receiving a stipulation, a proposed settlement, and an agreed motion for relief from the hearing requirement in this enforcement action concerning an Ogle County landfill gas-to-energy facility, the Board directed the Clerk to provide the required newspaper notice.



[PCB 23-117](#) People of the State of Illinois v. Qasem Ahmed d/b/a Harvey Marathon (Air – Enforcement) – In this enforcement action concerning a Cook County gas station, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2022)), accepted a stipulation and proposed settlement, and ordered Ahmed to pay a \$5,000 civil penalty and to cease and desist from further violations.

[PCB 23-129](#) People of the State of Illinois v. Leif’s Auto Salvage, Inc. (Air – Enforcement) – The Board granted the People’s unopposed motion to deem facts admitted and for summary judgment against Leif’s Auto Salvage. The Board therefore found that Leif’s Auto Salvage violated Section 201.302(a) of the Board’s air pollution regulations (35 Ill. Adm. Code 201.302(a)) and Section 9(a) of the Environmental Protection Act (415 ILCS 5/9(a) (2022)), as the People’s complaint alleged. The Board also ordered Leif’s Auto to pay a \$15,000 civil penalty by February 20, 2024, as the People’s motion requested.

[PCB 24-16](#) People of the State of Illinois v. Nasser Yafai, Quick Gas & Mini Mart, Inc., CYPR Harvey, Inc. d/b/a Quick Gas & Mini Mart, Inc., and Harvey Real Estate, Inc. (Air – Enforcement) – In this enforcement action concerning a Cook County gas station, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2022)), accepted a stipulation and proposed settlement, and ordered Yafai and Quick Gas & Mini Mart to pay a \$5,000 civil penalty and to cease and desist from further violations.

The Board also granted the People’s unopposed motions against CYPR Harvey and Harvey Real Estate to deem facts admitted and for summary judgment. The Board therefore found that they violated Section 218.586(i)(1)(B) and (i)(2)(C) of the Board’s air pollution regulations (35 Ill. Adm. Code 218.586(i)(1)(B), (i)(2)(C)) and Section 9(a) of the Environmental Protection Act (415 ILCS 5/9(a) (2022)), as the People’s complaint alleged. The Board also ordered CYPR Harvey and Harvey Real Estate to each pay a \$10,000 civil penalty by February 20, 2024, as the People’s motion requested, and to cease and desist from further violations.

[PCB 24-35](#) People of the State of Illinois v. Techo-Bloc Midwest Corp. (Air – Enforcement) – In this enforcement action concerning a Rock Island County concrete block plant, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2022)), accepted a stipulation and proposed settlement, and ordered Techno-Bloc to pay a \$6,650 civil penalty and to cease and desist from further violations.



- [PCB 24-39](#) People of the State of Illinois v. Ferrara Candy Company (Air, CAAPP – Enforcement) – In this enforcement action concerning a Cook County candy production plant, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2022)), accepted a stipulation and proposed settlement, and ordered Ferrara to pay a \$13,300 civil penalty and to cease and desist from further violations.
- [PCB 24-43](#) Illinois Power Generating Company v. Illinois Environmental Protection Agency (Land, CCR – Appeal) – The Board granted IPGC’s unopposed motion to stay the requirements of 35 Ill. Adm. Code 845.650(d), 845.660, 845.670, and 845.680 as they apply to the exceedance of the chloride groundwater protection standard at the Newton Primary Ash Pond.
- [PCB 24-46](#) Conserv FS, Inc. – Caledonia v. Illinois Environmental Protection Agency (Water – Tax Certification) – The Board directed IEPA to file an amended recommendation addressing specified items by February 20, 2024.
- [PCB 24-47](#) People of the State of Illinois v. Advantage Automation Midwest, Inc. (Air – Enforcement) – The Board accepted for hearing the People’s complaint concerning this Macon County equipment manufacturing plant.



CALENDAR

Thursday, February 1, 2024 (11:00 AM)

Board meeting by videoconference

Michael A. Bilandic Building, 160 N. LaSalle St., Room N-505, Chicago and
1021 North Grand Avenue East, Room 1244 N (First Floor), Springfield

Wednesday, February 7, 2024 (11:00 AM)

Pre-Hearing Conference: Amendments to 35 Ill. Adm. Code 201, 202, and 212, R23-18(A)

Teleconference Phone Number: 1-888-494-4032

Access Code: 713 923 7824 #

Tuesday, February 13, 2024 (9:00 AM)

Hearing: Midwest Generation LLC's Petition for an Adjusted Standard and a Finding of Inapplicability for the Waukegan Station, AS 21-3

Waukegan City Hall, City Council Chambers, 2nd Floor, 100 N. Martin Luther King Jr. Avenue, Waukegan

Continuing, if necessary, on Wednesday, February 14, 2024 (9:00 AM)

Hearing: Midwest Generation LLC's Petition for an Adjusted Standard and a Finding of Inapplicability for the Waukegan Station, AS 21-3

Waukegan City Hall, City Council Chambers, 2nd Floor, 100 N. Martin Luther King Jr. Avenue, Waukegan

Thursday, February 15, 2024 (11:00 AM)

Board meeting by videoconference

Michael A. Bilandic Building, 160 N. LaSalle St., Room N-505, Chicago and
1021 North Grand Avenue East, Room 1244 N (First Floor), Springfield

Thursday, February 29, 2024 (10:00 AM)

Hearing: People of the State of Illinois v. City of LaSalle, PCB 24-33

LaSalle County Courthouse, Courtroom 206, 119 W. Madison Street, Ottawa

Thursday, March 7, 2024 (11:00 AM)

Board meeting by videoconference

Michael A. Bilandic Building, 160 N. LaSalle St., Room N-505, Chicago and
1021 North Grand Avenue East, Room 1244 N (First Floor), Springfield

Thursday, March 21, 2024 (11:00 AM)

Board meeting by videoconference

Michael A. Bilandic Building, 160 N. LaSalle St., Room N-505, Chicago and
1021 North Grand Avenue East, Room 1244 N (First Floor), Springfield



Thursday, April 4, 2024 (11:00 AM)

Board meeting by videoconference

Michael A. Bilandic Building, 160 N. LaSalle St., Room N-505, Chicago and
1021 North Grand Avenue East, Room 1244 N (First Floor), Springfield

Thursday, April 18, 2024 (11:00 AM)

Board meeting by videoconference

Michael A. Bilandic Building, 160 N. LaSalle St., Room N-505, Chicago and
1021 North Grand Avenue East, Room 1244 N (First Floor), Springfield

The events listed above are subject to change, and more events may be added. Here is a link to the [Board's current calendar](#).



HEALTH ADVISORY UPDATE

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
Office of Toxicity Assessment



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

HEALTH ADVISORY UPDATE FOR PERFLUOROHEXANOIC ACID (PFHxA) CHEMICAL ABSTRACT SERVICES REGISTRY NUMBER (CASRN) 307-24-4

Prepared by:
Office of Toxicity Assessment
Illinois Environmental Protection Agency
April 26, 2023

REASON FOR ACTION

On January 28, 2021, Illinois Environmental Protection Agency (Illinois EPA) issued a health advisory for Perfluorohexanoic Acid (PFHxA) as a result of a Per- and Polyfluoroalkyl Substances (PFAS) sampling initiative of community water supplies (CWS) undertaken by the Illinois Environmental Protection Agency (Illinois EPA), PFHxA has been confirmed in a well at a CWS. In accordance with 35 Illinois Administrative Code 620.605(a), the Illinois EPA is issuing a health advisory for PFHxA. Section 620.605(a) directs the Illinois EPA to issue a health advisory for a chemical substance if all of the following conditions are met:

- 1) A community water supply well is sampled, and a substance is detected and confirmed by resampling;
- 2) There is no standard under Section 620.410 for such chemical substance; and

2125 S. First Street, Champaign, IL 61820 (217) 278-5800
1101 Eastport Plaza Dr., Suite 100, Collinsville, IL 62234 (618) 346-5120
9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000
595 S. State Street, Elgin, IL 60123 (847) 608-3131

2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200
412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022
4302 N. Main Street, Rockford, IL 61103 (815) 987-7760

PLEASE PRINT ON RECYCLED PAPER



- 3) The chemical substance is toxic or harmful to human health according to the procedures of Appendix A, B, or C.

The health advisory guidance level listed in the January 28, 2021, health advisory for PFHxA was 0.56 milligrams per liter (mg/L), or 560,000 nanograms per liter (ng/L) or parts per trillion (ppt). The health advisory guidance level was based on the State of Michigan Science Advisory Workgroup, published 2019.

On April 10, 2023, U.S. EPA, Integrated Risk Information System (IRIS) published its final toxicity assessment for PFHxA, resulting in Illinois EPA's issuance of an updated PFHxA health advisory guidance level of 0.0035 milligrams per liter (mg/L), or 3,500 nanograms per liter (ng/L) or parts per trillion (ppt).

The updated health advisory will be published in the Environmental Register (publication of the Illinois Pollution Control Board), and placed at the website:

<https://pcb.illinois.gov/Resources/News>

The health advisory will also be placed on Illinois EPA's website at:

<https://epa.illinois.gov/topics/water-quality/pfas/pfas-healthadvisory.html>

PURPOSE OF A HEALTH ADVISORY

In accordance with 35 Ill. Adm. Code 620.601, the purpose a health advisory is to provide guidance levels that, in the absence of an applicable groundwater quality standard under Section 620.410, must be considered by Illinois EPA in: 1) establishing groundwater cleanup or action levels whenever there is a release or substantial threat of a release of a hazardous substance, pesticide, or another contaminant that represents a significant hazard to public health or the environment; 2) determining whether a community water supply is taking its raw water from a site or source consistent with regulatory requirements; and 3) developing Illinois Pollution Control Board (Board) rulemaking proposals for new or revised numerical standards.

Health advisories serve as informal technical guidance, intended to provide information about contaminant exposures and potential public health impacts. The guidance levels represent concentrations in drinking water at which no adverse health effects are expected to occur. Guidance levels are not enforceable or intended to be used as drinking water standards, also known as maximum contaminant levels (MCLs).

HEALTH ADVISORY GUIDANCE LEVEL FOR PFHxA

Through issuance of this updated Health Advisory, Illinois EPA is providing public notice of its updated guidance level for PFHxA in drinking water. For non-carcinogenic health effects, the updated guidance level is 0.0035 milligrams per liter (mg/L), or 3,500 nanograms per liter (ng/L) or parts per trillion (ppt).



Section 620.605 prescribes the methods for developing health advisories for carcinogens and non-carcinogens. PFHxA does not meet the definition of a “carcinogen”, as defined in Section 620.110; therefore, the method for developing a health advisory for non-carcinogens was used. Briefly, this method specifies that the United States Environmental Protection Agency (U.S. EPA) MCL or maximum contaminant level goal (MCLG) is the guidance level, if available, or the human threshold toxicant advisory concentration (HTTAC) must be determined using the procedures contained in Appendix A of Section 620. U.S. EPA has not published an MCL or MCLG for PFHxA; therefore, Illinois EPA used the Appendix A procedures to calculate a HTTAC for PFHxA.

Appendix A specifies, in prescribed order, the toxicological data to be used in developing guidance levels. To determine appropriate toxicological data in accordance with nationally accepted guidelines, pursuant to the Illinois Groundwater Protection Act (415 ILCS 55-8(a)), Illinois EPA relied upon U.S. EPA guidance titled, “*Tier 3 Toxicity Value White Paper*” (paper), dated May 16, 2013, prepared by the U.S. EPA Office of Solid Waste and Emergency Response (OSWER) Human Health Regional Risk Assessors Forum. The paper lists a hierarchy of sources to be used when determining an appropriate toxicological value for use in human health assessments. The hierarchy for selection of toxicity values is as follows:

- Tier 1: U.S. EPA Integrated Risk Information System (IRIS).
- Tier 2: U.S. EPA Provisional Peer-Reviewed Toxicity Values (PPRTVs).
- Tier 3: In the order in which they are presented:
 - 1) The U.S. Health and Human Services Agency for Toxic Substances and Disease Registry (ATSDR) Dose Minimal Risk Levels (dose MRLs).
 - 2) California EPA, Office of Environmental Health Hazard Assessment (OEHHA).
 - 3) PPRTV “Appendix” Values.
 - 4) Health Effects Assessment Summary Table (HEAST).

On April 10, 2023, U.S. EPA IRIS published a final peer reviewed toxicological profile titled, “*IRIS Toxicological Review of Perfluorohexanoic Acid [PFHxA, CASRN 307-24-4] and Related Salts.*” U.S. EPA IRIS is listed as a Tier 1 toxicity value source. The IRIS toxicological profile recommends a chronic oral reference dose (RfD) equal to 0.0005 (5E-04) mg/kg-day. The value is based on a critical effect of decreased offspring body weight in neonatal rats from exposure through gestation and lactation from a study by Loveless et. al., titled, “*Toxicological evaluation of sodium perfluorohexanoate,*” published in 2009. A benchmark dose 95% lower confidence limit at the 5% relative deviation response level (BMDL_{5RD}) of 10.62 mg/kg-day was identified



and used as the point of departure (POD). A human equivalent dose POD (POD_{HED}) of 0.048 mg/kg-day was then derived by applying the ratio of the clearance between female rats and humans.

A total composite uncertainty factor (UF) of 100 (UF of 3 to account for toxicodynamic differences between humans and animals, UF of 10 to account for intrahuman variability, and UF of 3 to account for database uncertainties) was applied to the POD_{HED}.

The overall RfD for PFHxA was calculated by dividing the POD_{HED} by the composite uncertainty factor.

$$RfD = \frac{POD_{HED}}{UF}$$
$$RfD = \frac{0.048 \text{ mg/kg-day}}{100}$$
$$RfD = 0.00048 \text{ mg/kg-day}$$

Rounded to one significant digit:

$$RfD = 0.0005 \text{ mg/kg-day}$$

Using the RfD of 0.0005 (5E-4) mg/kg-day, and the procedures outlined in Section 620. Appendix A, the recommended guidance level for drinking water is 0.0035 milligrams per liter (mg/L), or 3,500 nanograms per liter (ng/L) or parts per trillion (ppt).

CHEMICAL CHARACTERISTICS **AND** **POTENTIAL ADVERSE HEALTH EFFECTS**

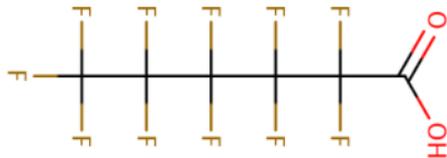
General Description of PFHxA

Perfluorohexanoic Acid (PFHxA) (CASRN 307-24-4), also known as undecafluorohexanoic acid or PFHxA, is a synthetic chemical which is part of a larger class of chemicals referred to as per- and polyfluoroalkyl substances. PFAS have been manufactured since the middle 20th Century and are known for their chemical and physical properties that impart oil and water repellency, temperature resistance, and friction reduction to a wide range of products, including, but not limited to, textile coatings, paper products, food wrappers, cosmetic and personal care products, non-stick cookware and fire-fighting foams. PFAS are also used in the semiconductor, aerospace, oil production and mining, and metal plating industries, to name a few. PFAS enter the environment through industrial manufacturing and the use and disposal of PFAS-containing products. The chemical and physical properties of PFHxA make it mobile, persistent and bioaccumulative, meaning fish and other animals may accumulate PFHxA in animal tissue when



their food sources are contaminated with PFHxA. PFHxA is known to be persistent in the environment.

Structural Identifier



Chemical Identifier



Potential Adverse Health Effects of PFHxA

Epidemiological studies on human health effects from exposure to PFHxA are limited in their ability to draw conclusions on the associations between health effects and exposure.

Information regarding health effects of PFHxA are primarily derived from animal studies, via the ingestion, or oral exposure, route. Laboratory studies observed the following effects in animals exposed to PFHxA:

- Increased liver weight
- Increased hepatocellular hypertrophy
- Increased perinatal mortality
- Decreased weight of offspring
- Reduced red blood cell count
- Decreased thyroid hormone

Carcinogenic Potential

Section 620.110. defines a carcinogen as a contaminant that is classified as: 1) a Category A1 or A2 Carcinogen by the American Conference of Governmental Industrial Hygienists (ACGIH); 2) a Category 1 or 2A/2B Carcinogen by the World Health Organization's International Agency for Research on Cancer (IARC); 3) a "Human Carcinogen" or "Anticipated Human Carcinogen" by the United States Department of Health and Human Service National Toxicological Program (NTP); or 4) a Category A or B1/B2 Carcinogen by the U.S. EPA in IRIS or a Final Rule issued in a Federal Register notice by the USEPA. PFHxA is not classified as a carcinogen by any of the above sources.



**ATTACHMENT TO HEALTH ADVISORY
FOR
PERFLUOROHEXANOIC ACID (PFHxA)
CASRN 307-24-4**

OVERVIEW OF KEY STUDIES

For information regarding the studies used by IRIS for the derivation of its PFHxA RfD, refer to the IRIS Toxicological Review of Perfluorohexanoic Acid, located at: https://cfpub.epa.gov/ncea/iris_drafts/recordisplay.cfm?deid=357314

DERIVATION OF THE HEALTH ADVISORY FOR PFHxA

The first step in the derivation of a health advisory is to determine whether the chemical substance presents a carcinogenic risk to humans. PFHxA does not meet the definition of a carcinogen as specified in Section 620. Therefore, the guidance level will be based on non-carcinogenic effects of this chemical.

In deriving a guidance level to protect against a health effect for which there is a threshold dose below which no damage occurs (i.e., non-carcinogen effects), Section 620.605 specifies that U.S. EPA's MCLG, if available, is the guidance level. U.S. EPA has not published a MCLG for PFHxA; therefore, Illinois EPA must calculate the HTTAC as the guidance level, using the procedures specified in Appendix A of Section 620.

Appendix A specifies in subsection (a) that the HTTAC is calculated as follows:

$$HTTAC = \frac{RSC \cdot ADE}{W}$$

Where:

HTTAC = Human threshold toxicant advisory concentration in milligrams per liter (mg/L).

RSC = Relative source contribution, the relative contribution of the amount of exposure to a chemical via ingestion of drinking water when compared to total exposure to that chemical from all sources. Valid chemical-specific data shall be used if available. If valid chemical-specific data are not available, a value of 20% (= 0.20) must be used.



ADE = Acceptable daily exposure of a chemical in milligrams per day (mg/d) as determined in accordance with Appendix A, subsection (b).

W = Per capita daily water consumption equal to 2 liters per day (L/d).

Subsection (b) of Appendix A specifies that the ADE be calculated using, in specified order: a U.S. EPA verified RfD (an estimate of a daily exposure to a chemical which is expected to be without adverse health effects for humans for a lifetime of exposure in units of mg/kg-day); a NOAEL which has been identified as a result of human exposures; a LOAEL which has been identified as a result of human exposures; a NOAEL which has been determined from studies with laboratory animals; and a LOAEL which has been determined from studies with laboratory animals.

Illinois EPA selected an RfD of 0.0005 (5E-4) mg/kg-day, as the verified RfD for use in calculating the ADE. The ADE equals the product of multiplying the toxicity value by 70 kilograms (kg), which is the assumed average body weight of an adult human per Section 620:

$$ADE = 0.0005 \text{ mg/kg-day} \cdot 70 \text{ kg} = 0.035 \text{ mg/day}$$

The next step in the development of the HTTAC is the evaluation of chemical-specific RSC data available for the chemical. Illinois EPA evaluated data from ATSDR, U.S. EPA Office of Water, and values developed by other states. There is little scientific consensus regarding the contribution of drinking water to the total amount of PFAS exposure to humans. Humans are exposed to PFHxA through a variety of media, including, but not limited to air emissions, ingestion of fish or other animals exposed to PFHxA, dermal exposure and incidental exposure from PFHxA-containing consumer products, much of which varies on a site-specific basis. Due to this lack of consensus, Illinois EPA elected to use the conservative default value of 20% (0.20) for its HTTAC calculation.

Finally, the HTTAC is calculated by the product of the RSC and the ADE, divided by the per capita daily water ingestion rate, specified in Appendix A as equal to 2 L/day:

$$HTTAC \text{ (mg/L)} = \frac{0.20 \cdot 0.035 \text{ mg/day}}{2 \text{ L/day}}$$

$$HTTAC \text{ (mg/L)} = \frac{0.007 \text{ mg/day}}{2 \text{ L/day}}$$

$$HTTAC = 0.0035 \text{ mg/L}$$

or:

$$3,500 \text{ ng/L or ppt}$$



The final step in ensuring a calculated guidance level is appropriate is to compare the guidance level to the chemical's practical quantitation limit (PQL), or minimum reporting level (MRL). U.S. EPA's Method 537.1 for analyses of PFAS drinking water samples states the PFHxA MRL is 2 ng/L, which is below the calculated guidance level of 3,500 ng/L. Therefore, the guidance level is appropriate.



REFERENCES

IGA (Illinois General Assembly). Illinois Groundwater Protection Act (IGPA). 415 ILCS 55. Available at: <https://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1595&ChapterID=36>

Loveless, SE; Slezak, B; Serex, T; Lewis, J; Mukerji, P; O'Connor, JC; Donner, EM; Frame, , SR; Korzeniowski, SH; Buck, RC. 2009. Toxicological evaluation of sodium perfluorohexanoate. *Toxicology* 264: 32-44.

PCB (Pollution Control Board). Title 35: Environmental Protection: Subtitle F: Public Water Supplies: Chapter I: Pollution Control Board. Part 620: Groundwater Quality. Available at: <https://pcb.illinois.gov/SLR/IPCBandIEPAEnvironmentalRegulationsTitle35>

U.S. EPA (United State Environmental Protection Agency) Office of Solid Waste and Emergency Response (OSWER). 2013. Tier 3 Toxicity Value White Paper. OSWER Document Number 9285.7-86. Available at: <https://www.epa.gov/sites/production/files/2015-11/documents/tier3-toxicityvalue-whitepaper.pdf>

U.S. EPA. Toxicological Review of Perfluorohexanoic Acid (PFHxA) and Related Salts (Final Report, 2023). U.S. Environmental Protection Agency, Washington, DC, EPA/635/R-23/027F, 2023. Available at: https://cfpub.epa.gov/ncea/iris_drafts/recordisplay.cfm?deid=357314



HEALTH ADVISORY SUMMARY LIST

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
Office of Toxicity Assessment



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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HEALTH ADVISORY SUMMARY LIST

Prepared by:
Office of Toxicity Assessment
Illinois Environmental Protection Agency
October 4, 2023

In accordance with 35 Illinois Administrative Code 620.610(b), the Illinois Environmental Protection Agency (Illinois EPA) is issuing a Health Advisory summary list. Section 620.610(b) directs the Illinois EPA to publish and make available to the public, at intervals of not more than 6 months, a comprehensive and up-to-date summary list of all Health Advisories.

The following table provides a summary list of all Illinois EPA Health Advisories currently in effect:

CASRN ¹	Chemical	Statewide Health Advisory Guidance Level (ng/L)	Health Advisory Issuance Date
355-46-4	Perfluorohexanesulfonic acid (PFHxS)	140	January 28, 2021
307-24-4	Perfluorohexanoic acid (PFHxA)	3,500	April 26, 2023
335-67-1	Perfluorooctanoic acid (PFOA)	2	January 28, 2021
375-73-5	Perfluorobutanesulfonic acid (PFBS)	2,100	April 16, 2021
1763-23-1	Perfluorooctanesulfonic acid (PFOS)	14	April 16, 2021
375-95-1	Perfluorononanoic acid (PFNA)	21	July 27, 2021

¹ CASRN = Chemical Abstract Services Registry Number

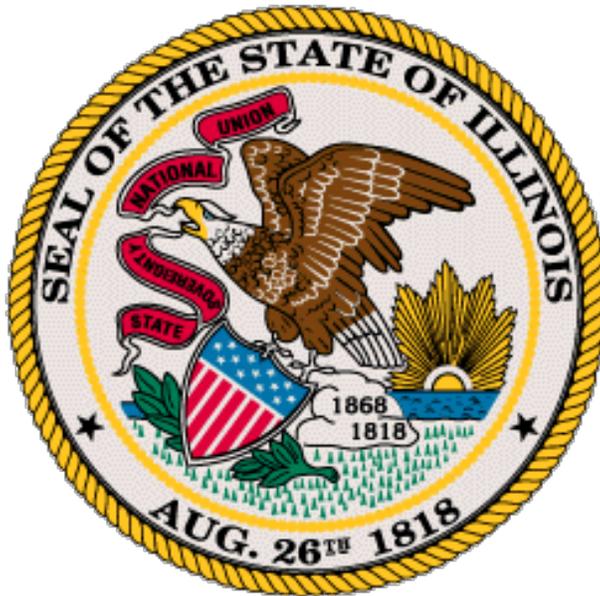
For more information regarding Illinois EPA Health Advisories, please refer to the following link:
<https://epa.illinois.gov/topics/water-quality/pfas/pfas-healthadvisory.html>

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