



# ENVIRONMENTAL REGISTER

April 18, 2024 – Number 769

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A PUBLICATION OF THE ILLINOIS POLLUTION CONTROL BOARD

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

## 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

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The Board has continued its busy start to 2024. Today, I highlight Board hearings held and rules proposed or adopted since we published our first *Environmental Register* of this year on January 25, 2024. I also note an appellate court decision issued last month in an appeal of several of the Board's rules on coal ash ponds.

**Hearings.** In February and April, the Board held five public hearings in a wide array of proceedings. First, the Board held a two-day hearing over February 13 and 14 in an adjusted standard proceeding captioned Midwest Generation LLC's Petition for an Adjusted Standard and a Finding of Inapplicability for the Waukegan Station, docket [AS 21-3](#). Second, on February 29, after receiving hearing requests from three citizens, the Board held a hearing on a proposed settlement in a water enforcement action captioned People of the State of Illinois v. City of LaSalle, docket [PCB 24-33](#). Third, the Board held a hearing on April 10 in an underground storage tank appeal captioned 1441 Kingshighway, LLC v. Illinois Environmental Protection Agency, docket [PCB 24-32](#). Fourth, on April 15, the Board held a hearing in an air rulemaking captioned Amendments to 35 Ill. Adm. Code Parts 201, 202, and 212, docket [R23-18\(A\)](#). And fifth, the Board held a hearing on April 18 in an identical-in-substance rulemaking captioned National Ambient Air Quality Standards, USEPA Regulations Amendments (July 1, 2023 through December 31, 2023), docket [R24-15](#). The links above lead to the respective dockets in the "Clerk's Office On-Line" or "COOL," where you will find hearing transcripts and other filings, as well as Board and hearing officer orders.

**Rules.** In February and March, the Board proposed or adopted five sets of rules. First, on February 15, the Board adopted non-substantive amendments to clarify its agriculture-related water pollution rules in a rulemaking captioned Amendments to 35 Ill. Adm. Code Subtitle E, docket [R18-25](#). Second, the Board proposed first-notice amendments on March 7 to update its groundwater quality rules (35 Ill. Adm. Code 620), including standards for six PFAS, in a rulemaking captioned Proposed Amendments to Groundwater Quality 35 Ill. Adm. Code 620, docket [R22-18](#). Third, for public comment, the Board proposed identical-in-substance amendments to its hazardous waste regulations on March 7 in a rulemaking captioned RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2020 through December 31, 2020), RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2021 through December 31, 2021), Corrections to RCRA Subtitle C and UIC Permit Rules (35 Ill. Adm. Code 702 through 705), and RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (January 1, 2023 through June 30, 2023), dockets [R21-13](#), [R22-13](#), [R22-19](#), and [R24-4](#). Fourth, also on March 7, for public comment, the Board proposed identical-in-substance amendments to Illinois' wastewater pretreatment regulations in a rulemaking captioned Wastewater Pretreatment Update, USEPA Amendments (July 1, 2023 through December 31, 2023), docket [R24-14](#). Fifth and finally, again on March 7, the Board proposed identical-in-substance amendments to its ambient air quality standards in a rulemaking captioned National Ambient Air Quality Standards (NAAQS) Update, USEPA Amendments (July 1, 2023 through December 31, 2023), docket [R24-15](#). Each of these five rulemaking actions is discussed later in this *Environmental Register*.



**Court Decision.** Lastly, on March 13, the Fourth District Appellate Court affirmed the Board in an industry appeal of specified rules on coal combustion residual (CCR) surface impoundments. The Board adopted Illinois' CCR surface impoundment rules three years ago in a rulemaking captioned Standards for the Disposal of Coal Combustion Residuals in Surface Impoundments: Proposed New 35 Ill. Adm. Code 845, docket [R20-19](#). The court's opinion—Midwest Generation, LLC v. Illinois Pollution Control Board, [2024 IL App \(4th\) 210304](#)—is discussed later in this issue.

Sincerely,



Barbara Flynn Currie  
Chair



# APPELLATE UPDATE

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## Fourth District Appellate Court Upholds Board’s Coal Ash Rules

Midwest Generation, LLC v. Illinois Pollution Control Board

2024 IL App (4th) 210304

Board docket R20-19

In response to a host of power-generating companies appealing the Board’s new regulations on coal ash ponds, the Fourth District Appellate Court issued a unanimous opinion on March 13, 2024, affirming the Board. 2024 IL App (4th) 210304 ¶¶ 3, 4.

In April 2021, the Board adopted Illinois’ first statewide regulations on coal ash ponds or, more formally, coal combustion residual (CCR) surface impoundments. *Id.* ¶ 2. Industry challenged four of those rules in the appellate court: (1) the rule defining “inactive CCR surface impoundment” to include impoundments that no longer contain liquid; (2) the rule requiring the owner or operator of a CCR surface impoundment to conduct *monthly* groundwater elevation monitoring; (3) the rule requiring a CCR surface impoundment owner or operator to remove the impoundment liner if the owner or operator elects to close the impoundment by removing all the CCR; and (4) the rule requiring a CCR surface impoundment owner or operator to install a final cover system that is at least six feet thick if the owner or operator elects to close the impoundment by leaving the CCR in place. *Id.* ¶¶ 2, 34-37.

In its 56-page opinion, the appellate court found that the Board did not act arbitrarily or capriciously (*id.* ¶¶ 71-93, 109-111, 134-146, 170-174), did not exceed its statutory authority (*id.* ¶¶ 57-66), and did not fail to consider the technical feasibility or economic reasonableness of the rules (*id.* ¶¶ 188-191). The court also found that the Board did not impose improper retroactive obligations by using October 19, 2015 (the effective date of the federal regulations), as the cutoff date for considering CCR surface impoundments to be closed. *Id.* ¶¶ 211-222.

Two provisions of the Environmental Protection Act were central to the appellate court repeatedly finding against the industry petitioners. First, in Section 22.59(g)(1) of the Environmental Protection Act (415 ILCS 5/22.59(g)(1) (2022)), the General Assembly directed that the Board’s rules “must, at a minimum \*\*\* be *at least* as protective and comprehensive as the federal regulations \*\*\* in [part 257] governing CCR surface impoundments.” *Id.* ¶ 63 (emphasis by court) (referring to 40 C.F.R. 257). Therefore, the legislature authorized the Board to adopt “rules that were *more* protective than the federal ones.” *Id.* ¶ 64 (emphasis by court). Accordingly, it did not matter that the Board’s definition of “inactive CCR surface impoundment” is broader than USEPA’s (*id.* ¶¶ 55-56, 62-64) or that the Board’s rule requires a thicker final cover for closure in place than USEPA’s rule does (*id.* ¶ 173).

Second, in Section 22.59(a), the General Assembly describes the purposes of Section 22.59—to “promote a healthful environment, including clean water, air, and land, \*\*\* so as to protect public health”—and then, to carry out those purposes, requires that the Section’s provisions be “*liberally construed.*” *Id.* ¶¶ 63, 214 (emphasis by court). Especially when liberally construing



Section 22.59, it was clear to the appellate court that “the legislature intended that where the Board deemed appropriate, new duties could be imposed on existing impoundments.” *Id.* ¶¶ 214-216.

Here is a link the Fourth District Appellate Court’s [opinion](#). None of the industry petitioners sought rehearing in the appellate court or leave to appeal to the Illinois Supreme Court.



# RULEMAKING UPDATE

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## **Board Adopts Non-Substantive Amendments to Agriculture-Related Water Pollution Rules**

On February 15, 2024, the Board adopted non-substantive amendments to its agriculture-related water pollution rules. These final amendments are part of a larger undertaking by the Board to update its rules across multiple media and subject areas. The amendments include removing unnecessary language, replacing outdated text, updating statutory references, and reorganizing provisions for clarity. All four Parts of the Board’s Subtitle E rules are affected, *i.e.*, Parts 501, 502, 503, and 506 of Title 35 of the Illinois Administrative Code.

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. At its February 6, 2024 meeting, the Joint Committee on Administrative Rules issued a “Certification of No Objection” to the Board’s proposed second-notice amendments, subject to a handful of non-substantive changes, all of which the Board included in the final amendments. On February 14, 2024, the amendments took effect.

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

## **Board Proposes Amendments to Groundwater Quality Standards for First Notice**

On March 7, 2024, the Board proposed first-notice amendments to update its groundwater quality rules in 35 Ill. Adm. Code 620. The proposed changes will uphold the policy of the Illinois Groundwater Protection Act “to restore, protect, and enhance the groundwaters of the State, as a natural and public resource.” 415 ILCS 55/2(b) (2022). Among the amendments, the Board proposes adding groundwater quality standards for ten new chemicals detected in Illinois groundwater, including six per- and polyfluoroalkyl substances or “PFAS.”

The Illinois Environmental Protection Agency (IEPA) initiated this rulemaking by filing with the Board a proposal designed to ensure that Illinois’ groundwater quality standards match current scientific data and methodologies for groundwater quality. During the rulemaking, the Board held three public hearings and received numerous public comments. As discussed in its first-notice opinion, the Board considered all the testimony, evidence, and comments received in arriving at its proposed amendments.

Publication of the Board’s proposal in the *Illinois Register* on March 29, 2024, started the first-notice public comment period of at least 45 days. During this period, anyone may file a public comment with the Board. Further, in its first-notice opinion, the Board posed a series of questions to IEPA and requested that IEPA file answers to them within 30 days after the



proposed amendments are published in the *Illinois Register*. However, anyone else may also file answers to those questions by the same 30-day deadline. With the March 29, 2024 publication of the proposed amendments in the *Illinois Register*, the Board’s hearing officer issued an order setting May 1, 2024, as the deadline for answering questions. As that date precedes the close of the first-notice public comment period, comments may be filed that are responsive to the answers received.

The rulemaking is captioned Proposed Amendments to Groundwater Quality 35 Ill. Adm. Code 620, docket R22-18. Here are links to (1) the Board’s first-notice [opinion and order](#) and (2) the [addendum](#) to the Board’s first-notice opinion and order, which contains the text of the proposed amendments. For more information, please contact Vanessa Horton at 312-814-5053 or [vanessa.horton@illinois.gov](mailto:vanessa.horton@illinois.gov).

### **Board Proposes “Identical-in-Substance” Amendments to Hazardous Waste Regulations**

On March 7, 2024, for public comment, the Board proposed amendments to keep Illinois’ hazardous waste regulations “identical in substance” to the federal regulations. The proposal reflects action taken by the United States Environmental Protection Agency (USEPA) during the second half of calendar years 2020 and 2021, as well as the first half of calendar year 2023. During these timeframes, USEPA updated its regulations for identifying ignitable hazardous waste, modernized test methods that currently require the use of mercury thermometers, harmonized its regulations on hazardous waste import-export recovery and disposal operations with new Canadian disposal code numbers and descriptions, and revised Method 23.

Publication of the Board’s proposed amendments in the *Illinois Register* on March 29, 2024, started a period of at least 45 days during which anyone may file a public comment with the Board. In June of this year, the Board expects to adopt final amendments.

The Board’s rulemaking is captioned RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2020 through December 31, 2020), RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2021 through December 31, 2021), Corrections to RCRA Subtitle C and UIC Permit Rules (35 Ill. Adm. Code 702 through 705), and RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (January 1, 2023 through June 30, 2023), dockets R21-13, R22-13, R22-19, and R24-4. Here are links to (1) the Board’s [opinion and order](#), which includes the text of the proposed 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](mailto:chloe.salk@illinois.gov).

### **Board Proposes “Identical-in-Substance” Amendments to Wastewater Pretreatment Rules**

On March 7, 2024, for public comment, the Board proposed amendments to Illinois’ wastewater pretreatment regulations. The proposed amendments are “identical in substance” to rule amendments adopted by the United States Environmental Protection Agency (USEPA) during the second half of 2023. Specifically, on August 9, 2023, USEPA updated the reporting and recordkeeping requirements for dental offices as a point source category (40 C.F.R. § 441.50).



Publication of the Board’s proposed amendments in the *Illinois Register* on March 29, 2024, started a period of at least 45 days during which anyone may file a public comment with the Board. In May of this year, the Board expects to adopt final amendments.

The Board’s rulemaking is captioned Wastewater Pretreatment Update, USEPA Amendments (July 1, 2023 through December 31, 2023), docket R24-14. Here is a link to the Board’s [opinion and order](#), which includes the text of the proposed amendments. For more information, please contact Daniel Pauley at 312-814-6931 or [daniel.pauley@illinois.gov](mailto:daniel.pauley@illinois.gov).

### **Board Proposes “Identical-in-Substance” Amendments to Ambient Air Quality Standards**

On March 7, 2024, the Board proposed amendments to keep Illinois’ ambient air quality standards “identical in substance” to the National Ambient Air Quality Standards (NAAQS). The amendments reflect two actions taken by the United States Environmental Protection Agency (USEPA) during the second half of 2023. First, USEPA updated the current ozone absorption cross-section to the recommended consensus-based cross-section value. Second, USEPA updated its *List of Designated Reference and Equivalent Method*. This update modified existing method designations and designated a new Federal Equivalent Method (FEM) for measuring concentrations of fine particulate matter (PM<sup>10</sup>) in ambient air.

Publication of the Board’s proposed amendments in the *Illinois Register* on March 22, 2024, started a period of at least 45 days during which anyone may file a public comment with the Board. The Board also held a public hearing on April 18, 2024. In May of this year, the Board expects to adopt final amendments.

The Board’s rulemaking is captioned National Ambient Air Quality Standards (NAAQS) Update, USEPA Amendments (July 1, 2023 through December 31, 2023), docket R24-15. Here are links to (1) the Board’s [opinion and order](#); and (2) the Board’s [addendum](#) to the opinion and order, which contains the text of the proposed amendments. For more information, please contact Vanessa Horton at 312-814-5053 or [vanessa.horton@illinois.gov](mailto:vanessa.horton@illinois.gov).





# BOARD ACTIONS

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**February 1, 2024 Regular Meeting**  
**By videoconference in Chicago and Springfield**

## ADJUDICATORY CASES

[PCB 23-103](#) People of the State of Illinois v. Aurora Metals Division, LLC (Air – Enforcement) – In this enforcement action concerning Aurora Metals’ nonferrous metal foundry and machine shop in Kane 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 Aurora Metals to pay a \$7,500 civil penalty and to cease and desist from further violations.

[PCB 23-107](#) Protect West Chicago v. City of West Chicago, West Chicago City Council, and Lakeshore Recycling Systems, LLC

[PCB 23-109 \(consol.\)](#) People Opposing DuPage Environmental Racism v. City of West Chicago and Lakeshore Recycling Systems (Land – Third-Party Pollution Control Facility Siting Appeal) – The Board vacated the City of West Chicago City Council’s February 28, 2023 decision granting Lakeshore Recycling Systems’ application for pollution control facility siting. Because notice of the siting application was improper, the Board vacated the City Council’s decision for lack of jurisdiction.

[PCB 23-121](#) People of the State of Illinois v. Chicago Magnesium Casting Company (Air – Enforcement) – In this enforcement action concerning Chicago Magnesium Casting’s magnesium and aluminum foundry in Cook County, the Board issued an order *nunc pro tunc* to correct its January 4, 2024 order, which addressed publishing notice of the parties’ stipulation, proposed settlement, and request for relief from the hearing requirement.

[PCB 24-20](#) RDK Ventures, LLC v. Illinois Environmental Protection Agency (UST Appeal) – Because RDK Ventures failed to file a petition during the extended appeal period, the Board dismissed the case and closed the docket.

[PCB 24-24](#) Dobb’s Tire and Auto Center, Inc. v. Illinois Environmental Protection Agency (UST Appeal) – Because Dobb’s Tire and Auto Center failed to file a petition during the extended appeal period, the Board dismissed the case and closed the docket.



[PCB 24-40](#) People of the State of Illinois v. Ensono, LLC (Air – Enforcement) – In this enforcement action concerning Ensono’s emergency generators in DuPage 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 Ensono to pay a \$20,000 civil penalty and to cease and desist from further violations.

[PCB 24-45](#) Electric Energy, Inc. v. Illinois Environmental Protection Agency (Land, CCR – Appeal) – The Board granted Electric Energy’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 exceedances of the cobalt and pH groundwater protection standards at the Joppa Power Plant’s Joppa East Ash Pond, a coal combustion residual (CCR) surface impoundment in Massac County.

[PCB 24-48](#) Illinois Power Resources Generating, LLC v. Illinois Environmental Protection Agency (Land, CCR – Appeal) – The Board accepted for hearing this appeal involving a coal combustion residual (CCR) surface impoundment (Gypsum Management Facility Pond) at IPRG’s Duck Creek Power Plant in Fulton County. The Board also reserved ruling on IPRG’s motion for partial stay.

[PCB 24-49](#) BK Wilmette Lodge, LLC v. Illinois Environmental Protection Agency UST Appeal – The Board granted the parties’ request to extend the appeal period to May 10, 2024.

**February 15, 2024 Regular Meeting**  
**By videoconference in Chicago and Springfield**

**RULEMAKINGS**

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

[R24-9](#) SDWA Update, USEPA Amendments (July 1, 2023 through December 31, 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 July 1, 2023 through December 31, 2023.

[R24-11](#) RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Regulations (July 1, 2023 through December 31, 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 July 1, 2023 through December 31, 2023.



[R24-13](#) UST Update, USEPA Amendments (July 1, 2023 through December 31, 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 July 1, 2023 through December 31, 2023.

[R24-16](#) Definition of VOM, USEPA Amendments (July 1, 2023 through December 31, 2023) (Land) – The Board dismissed this reserved “identical-in-substance” docket because the United States Environmental Protection Agency did not amend its corresponding air pollution control regulations during the update period of July 1, 2023 through December 31, 2023.

#### ADJUDICATORY CASES

[PCB 21-112](#) J.D. Streett & Company, Inc. v. Illinois Environmental Protection Agency (UST Appeal) – The Board partially granted J.D. Streett’s request to authorize payment of attorney’s fees. The Board directed IEPA to reimburse J.D. Streett \$3,375.96 in legal fees from the Underground Storage Tank (UST) Fund under Section 57.8(l) of the Environmental Protection Act (415 ILCS 5/57.8(l) (2022)).

[PCB 23-112](#) People of the State of Illinois v. Inland-Frycek, Inc. and 969 Northwest Hwy LLC (Land, Water – Enforcement) – In this enforcement action concerning 969 Northwest Hwy’s Cook County property at which there is a former 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 969 Northwest Hwy to pay a \$8,800 civil penalty and to cease and desist from further violations.

[PCB 23-121](#) People of the State of Illinois v. Chicago Magnesium Casting Company (Air – Enforcement) – In this enforcement action concerning Chicago Magnesium Casting’s magnesium and aluminum foundry 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 Chicago Magnesium Casting to pay a \$10,000 civil penalty and to cease and desist from further violations.

[PCB 24-26](#) BP Products North America Inc. v. Illinois Environmental Protection Agency (Land, RCRA – Permit Appeal) – The Board accepted for hearing BP Products North America’s appeal of this IEPA determination to issue a renewed Resource Conservation and Recovery Act (RCRA) post-closure permit with conditions for the Riverfront facility in Madison County.

[PCB 24-27](#) CIMA Developers LP v. Illinois Environmental Protection Agency (UST Appeal) – Because CIMA Developers failed to file a petition during the extended appeal period, the Board dismissed the case and closed the docket.



- [PCB 24-28](#) CIMA Developers LP v. Illinois Environmental Protection Agency (UST Appeal) – Because CIMA Developers failed to file a petition during the extended appeal period, the Board dismissed the case and closed the docket.
- [PCB 24-29](#) BFI Waste Systems of North America, LLC v. Illinois Environmental Protection Agency (Land, RCRA – Permit Appeal) – The Board accepted for hearing BFI Waste Systems’ appeal of this IEPA determination to issue a renewed Resource Conservation and Recovery Act (RCRA) post-closure permit with conditions for the Davis Junction Landfill in Ogle County.
- [PCB 24-48](#) Illinois Power Resources Generating, LLC v. Illinois Environmental Protection Agency (Land, CCR – Appeal) – The Board granted IPRG’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 specified pH exceedances at the Gypsum Management Facility Pond, a coal combustion residual (CCR) surface impoundment at IPRG’s Duck Creek Power Plant in Fulton County.
- [PCB 24-50](#) Qik-N-EZ v. Illinois Environmental Protection Agency (UST Appeal) – The Board granted the parties’ request to extend the appeal period to May 13, 2024.
- [PCB 24-51](#) Aero Plating Works v. Illinois Environmental Protection Agency (Land, RCRA – Permit Appeal) – The Board granted the parties’ request to extend the appeal period to May 16, 2024.
- [PCB 24-52](#) People of the State of Illinois v. Clean Cut Lawn Care, LLC (Land, Air – Enforcement) – The Board accepted for hearing the People’s complaint concerning Clean Cut’s lawn care and landscaping business and its clean construction or demolition debris recycling facility, both in Kankakee County.
- [PCB 24-53](#) Dynegy Midwest Generation, LLC v. Illinois Environmental Protection Agency (Land, CCR – Appeal) – The Board accepted for hearing this appeal involving a coal combustion residual (CCR) surface impoundment (New East Ash Pond) at DMG’s Vermilion Power Plant in Vermilion County. The Board also reserved ruling on DMG’s motion for partial stay.
- [PCB 24-54](#) People of the State of Illinois v. All American Ready Mix, Inc. (Water, NPDES – Enforcement) – The Board accepted for hearing the People’s complaint concerning All American’s ready mixed concrete facility in Cass County.



**March 7, 2024 Regular Meeting**  
**By videoconference in Chicago and Springfield**

**RULEMAKING**

- [R21-13](#) RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2020 through December 31, 2020)
- [R22-13](#) RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2021 through December 31, 2021)
- [R22-19](#) Corrections to RCRA Subtitle C and UIC Permit Rules (35 Ill. Adm. Code 702 through 705)
- [R24-4](#) RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (January 1, 2023 through June 30, 2023)  
Consol.  
(Land) – In this “identical-in-substance” rulemaking to amend the Board’s hazardous waste regulations, the Board dismissed docket R22-19, provided reasons for delay, extended the deadline for final adoption to July 1, 2024, and adopted a proposal for public comment.
- [R22-18](#) Proposed Amendments to Groundwater Quality (35 Ill. Adm. Code 620) (Public Water Supply) – The Board adopted a first-notice proposal in this rulemaking to amend the Board’s groundwater quality standards.
- [R24-10](#) UIC Update, USEPA Amendments (July 1, 2023 through December 31, 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 July 1, 2023 through December 31, 2023.
- [R24-14](#) Wastewater Pretreatment Update, USEPA Amendments (July 1, 2023 through December 31, 2023) (Water) – The Board adopted a proposal for public comment in this “identical-in-substance” rulemaking to amend the Board’s wastewater pretreatment regulations.
- [R24-15](#) National Ambient Air Quality Standards (NAAQS), USEPA Amendments (July 1, 2023 through December 31, 2023) (Air) – The Board adopted a proposal for public comment in this “identical-in-substance” rulemaking to amend the Board’s air quality regulations.

**ADMINISTRATIVE CITATIONS**

- [AC 24-4](#) County of LaSalle v. Joseph & Stephanie Stevens (Land) – After neither Joseph Stevens nor Stephanie Stevens timely filed a petition to contest this administrative citation, the Board found that they had violated Section 21(p)(1) and (p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3) (2022)) as alleged. Because there were two violations of Section 21(p), the Board ordered the Stevens to pay a total civil penalty of \$3,000, reflecting the statutory penalty of \$1,500 per violation.



## ADJUDICATORY CASES

- [PCB 20-47](#) IMTT Illinois, LLC v. Illinois Environmental Protection Agency (Water, NPDES – Permit Appeal) – The Board granted IMTT’s motion for voluntary dismissal, dismissed the appeal, and closed the docket.
- [PCB 23-91](#) People of the State of Illinois v. Rochelle Energy LLC (Air, CAAPP – Enforcement) – In this enforcement action concerning Rochelle Energy’s landfill gas-to-energy facility in Ogle 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 Rochelle Energy to pay a \$35,000 civil penalty and to cease and desist from further violations.
- [PCB 24-37](#) People of the State of Illinois v. Enterprise ANS LLC (Air – Enforcement) – Upon receiving a stipulation, proposed settlement, and motion for relief from the hearing requirement in this enforcement action concerning Enterprise’s Cook County gas station, the Board directed the Clerk to provide the required newspaper notice.
- [PCB 24-46](#) Conserv FS, Inc. – Caledonia v. Illinois Environmental Protection Agency (Water – Tax Certification) – The Board found and certified that Conserv’s agrichemical containment structures are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2022)).
- [PCB 24-47](#) People of the State of Illinois v. Advantage Automation Midwest, Inc. (Air – Enforcement) – Upon receiving a stipulation, proposed settlement, and motion for relief from the hearing requirement in this enforcement action concerning Advantage’s equipment manufacturing plant in Macon County, the Board directed the Clerk to provide the required newspaper notice.
- [PCB 24-55](#) 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 (Ash Pond No. 2) at IPGC’s Coffeen Power Plant in Montgomery County. IEPA issued a non-concurrence in response to IPGC’s alternative source demonstration (ASD) for cobalt. The Board reserved ruling on IPGC’s motion for a partial stay.



[PCB 24-56](#) 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 (Ash Pond No. 2) at IPGC’s Coffeen Power Plant in Montgomery County. IEPA issued a non-concurrence in response to IPGC’s alternative source demonstration (ASD) for sulfate and total dissolved solids (TDS). The Board reserved ruling on IPGC’s motion for a partial stay.

[PCB 24-57](#) People of the State of Illinois v. Chachy, Inc. and Leah Mol, Inc. (Air – Enforcement) – The Board accepted for hearing the People’s complaint concerning this Cook County gas station.

[PCB 24-58](#) People of the State of Illinois v. Prestone Products Corporation (Air – Enforcement) – The Board accepted for hearing the People’s complaint concerning this Cook County wiper-fluid formulation facility.

[PCB 24-59](#) People of the State of Illinois v. Stony Island Real Estate, Inc. and PAV2, LLC (Air – Enforcement) – The Board accepted for hearing the People’s complaint concerning this Cook County gas station.

**March 21, 2024 Regular Meeting**  
**By videoconference in Chicago and Springfield**

**ADJUSTED STANDARDS**

[AS 21-6](#) Petition of Southern Illinois Power Cooperative for an Adjusted Standard from 35 Ill. Admin. Code Part 845 or, in the Alternative, a Finding of Inapplicability (Land) – The Board denied SIPC’s motion to strike the Environmental Groups’ filing opposing a stay. The Board also denied SIPC’s motion for a stay of the proceeding. Additionally, the Board found that SIPC’s amended petition meets the requirements of the Environmental Protection Act and the Board’s procedural rules and accepted it for hearing.

**ADMINISTRATIVE CITATIONS**

[AC 24-5](#) County of LaSalle v. Derrick Moore (Land) – The Board found that the County failed to timely serve the administrative citation within 60 days after the date of the observed violation. The Board therefore, on its own motion, dismissed this case and closed the docket.

**ADJUDICATORY CASES**

[PCB 23-133](#) Anna Andrushko v. Thomas Egan (Noise – Enforcement, Citizen) – The Board found that, as modified by its order, the amended complaint is neither frivolous nor duplicative. The Board therefore accepted the amended complaint as modified for hearing.



- [PCB 24-60](#) Gleeson Farm v. Illinois Environmental Protection Agency (Water – Tax Certification) – Due to apparent discrepancies in IEPA’s recommendation, the Board directed IEPA to file an amended recommendation by April 22, 2024.
- [PCB 24-61](#) Schultz Wilbert Vault Co. v. Illinois Environmental Protection Agency (UST Appeal) – The Board granted the parties’ request to extend the appeal period to June 13, 2024.
- [PCB 24-62](#) Schultz Wilbert Vault Co. v. Illinois Environmental Protection Agency (UST Appeal) – The Board granted the parties’ request to extend the appeal period to June 13, 2024.
- [PCB 24-63](#) Wind 2 Farm v. Illinois Environmental Protection Agency (Water – Tax Certification) – The Board found and certified that Wind 2 Farms’ livestock waste management facilities in McLean County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2022)).

**April 4, 2024 Regular Meeting**  
**By videoconference in Chicago and Springfield**

**ADMINISTRATIVE CITATION**

- [AC 24-1](#) Illinois Environmental Protection Agency v. Leslie Fann and Thomas Fann d/b/a Fann Tree Service (Land) – The Board granted IEPA’s motion to voluntarily withdraw the administrative citation and dismissed the case.

**ADJUDICATORY CASES**

- [PCB 23-112](#) People of the State of Illinois v. Inland-Frycek, Inc. (Land, Water – Enforcement) – The Board denied IFI’s motions to dismiss based on failure to state a claim and for other affirmative matter. IFI has 60 days from receipt of the order to file an answer to the complaint.
- [PCB 24-42](#) Paul Christian Pratapas v. Lexington Homes (Water, NPDES – Enforcement, Citizen) – The Board granted Lexington’s motion to dismiss items in the complaint that are beyond the Board’s authority. The Board gave Mr. Pratapas until May 6, 2024, to file an amended complaint curing identified factual deficiencies. If the amended complaint is not filed by then or if the amended complaint does not plead the alleged violations with sufficient factual specificity, the Board will dismiss the case with prejudice. Finally, the Board reserved ruling on Lexington’s motion for sanctions but cautioned Mr. Pratapas that if he makes any further inappropriate comments, the Board will dismiss the case with prejudice.





- [PCB 24-54](#) People of the State of Illinois v. All American Ready Mix, Inc. (Water, NPDES – Enforcement) – Upon receiving a stipulation, a proposed settlement, and an agreed motion for relief from the hearing requirement in this enforcement action concerning a Cass County ready-mixed concrete facility, the Board directed the Clerk to provide the required newspaper notice.
- [PCB 24-64](#) West Chicago Park District v. Illinois Environmental Protection Agency (UST Appeal) – The Board granted the parties’ request to extend the appeal period to June 26, 2024.
- [PCB 24-65](#) Republic Services, Inc. v. McLean County, Illinois, McLean County Board, and Lakeshore Recycling Systems, LLC (Land – Third-Party Pollution Control Facility Siting Appeal) – The Board accepted Republic Services’ petition for review of the McLean County Board’s grant of a pollution control facility siting approval.
- [PCB 24-66](#) RCH Newco II, LLC v. Illinois Environmental Protection Agency (Land, RCRA – Permit Appeal) – The Board granted the parties’ request to extend the appeal period to July 22, 2024.



# CALENDAR

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**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

**Wednesday, April 18, 2024 (11:30 AM)**

**Hearing: National Ambient Air Quality Standards (NAAQS), USEPA Amendments (July 1, 2023 through December 31, 2023), R24-15**

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, May 2, 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, May 16, 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, June 6, 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, June 20, 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, July 11, 2024 (11:00 AM)**

**Board meeting by videoconference**

Chicago location (to be determined) and 1021 North Grand Avenue East, Room 1244 N (First Floor), Springfield

**Thursday, July 25, 2024 (11:00 AM)**

**Board meeting by videoconference**

Chicago location (to be determined) 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

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9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000  
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- 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<sub>5RD</sub>) of 10.62 mg/kg-day was identified



and used as the point of departure (POD). A human equivalent dose POD (POD<sub>HED</sub>) 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<sub>HED</sub>.

The overall RfD for PFHxA was calculated by dividing the POD<sub>HED</sub> 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**

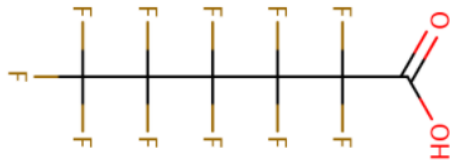
### General Description of PFHxA

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 20<sup>th</sup> 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](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](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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JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

## 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 <sup>1</sup>	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

<sup>1</sup> CASRN = Chemical Abstract Services Registry Number

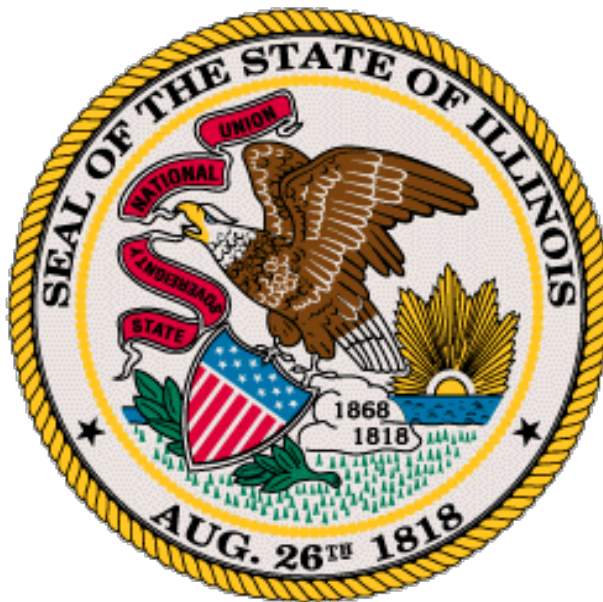
For more information regarding Illinois EPA Health Advisories, please refer to the following link:  
<https://epa.illinois.gov/topics/water-quality/pfas/pfas-healthadvisory.html>

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**April 2024**

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