

ILLINOIS POLLUTION CONTROL BOARD

May 15, 2025

IN THE MATTER OF:)
)
PROPOSED AMENDMENTS TO) R22-18(A)
GROUNDWATER QUALITY) (Rulemaking – Public Water Supplies)
35 ILL. ADM. CODE 620)

Board Order.

OPINION AND ORDER OF THE BOARD (by B.F. Currie and M. Gibson)

On October 17, 2024, the Board issued a proposed second notice in R22-18 to receive public comment on proposed amendments to the Board’s groundwater quality standards. Several participants commented, including the National Waste & Recycling Association and the Illinois Association of Wastewater Agencies. The Executive Director of the Joint Committee on Administrative Rules (JCAR) also provided comment and asked that the Board consider the technical feasibility and economic reasonableness of the numeric standards within R22-18 “insofar as they may have a regulatory impact prior to any subsequent rulemaking, whether through the permitting process, landfill regulation, or any other regulatory activity.” PC 79 at 2.

On January 23, 2025, in the Board’s second notice opinion and order (Sec. Not.), the Board evaluated and discussed the economic impact of the amended numeric groundwater quality standards. Sec. Not. at 2-19. In doing so, the Board evaluated how setting numeric standards for per- and polyfluoroalkyl substances (PFAS) could potentially impact new or expanded landfills under 35 Ill. Adm. Code 811 and 814. The Board found the following:

This record does not include cost estimates for remediating PFAS-contaminated groundwater. But, for the reasons provided above, the Board anticipates that adopting Part 620 PFAS standards would have little, if any, impact on remediation costs under the programs using TACO unless and until those programs and TACO are amended. During any such rulemaking, the Board – as it has in the past – will evaluate associated costs to regulated entities.

Participants’ economic concerns with adoption of the proposed PFAS standards have centered on the Board’s current landfill rules at Parts 811 and 814. This record, however, lacks information on any additional compliance costs (e.g., for modeling, monitoring, remediation) expected to be incurred under those landfill rules due solely to adding the PFAS standards to Part 620, i.e., without any subsequent amendment to Part 811 or Part 814.

Therefore, while the Board proceeds to second notice with the PFAS standards, the Board adds to Part 620 an exception to their applicability for landfills that are subject to Part 811 or Part 814. *See* proposed Sections 620.410(f) and 620.420(e). Sec. Not. at 18.

At second notice, the Board opened this sub-docket to further develop the record on the economic impact of Part 620 PFAS standards on landfills. The Board said that the “main purpose of the sub-docket is to receive testimony and evidence on any economic impact that adding the PFAS standards to Part 620 would have on compliance costs under the current versions of Part 811 and Part 814.” Sec. Not. at 19. The Board indicated that it expects to receive economic information that may be considered for removing the Part 620 exception from the PFAS standards for Part 811 and Part 814 landfills. *Id.* In addition, the Board said that it “will consider any amendments to Part 811 or Part 814 proposed in response to adoption of the Part 620 PFAS standards.” *Id.*

The Board expects to move expeditiously with this sub-docket and therefore directs any participant to provide the Board with testimony and evidence on potential economic impacts of the application of the new Part 620 PFAS standards on landfills regulated under the current versions of Part 811 and 814. Any participant is welcome to provide information and comment, including the Illinois Environmental Protection Agency, advocacy organizations, and stakeholders that can provide relevant cost information. The participants may also propose amendments to Parts 811 and 814 to address any concerns with the adoption of Part 620 PFAS standards.

The Board directs participants provide information regarding landfills that are regulated under Parts 811 and 814 that would be affected by the addition of Part 620 PFAS groundwater quality standards (absent any amendments to Parts 811 and 814).

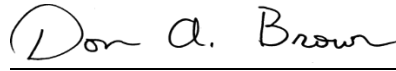
1. Provide a list of affected landfills in Illinois, i.e., landfills planning expansion and landfills undergoing assessment monitoring.
2. How many of the affected landfills currently monitor for PFAS?
3. Do the affected landfills monitor on a quarterly, semi-annual, or annual basis?
4. What would be the potential incremental cost of adding Part 620 PFAS constituents to existing monitoring program at affected landfills?
5. What additional cost do landfills incur to monitor for PFAS?
6. How many of the affected landfills in the State are expected to begin corrective action to address PFAS if Part 620 PFAS constituents are included under the groundwater quality standards?
7. What is the estimated cost of PFAS-related corrective action for each landfill?
8. Provide cost breakdowns for PFAS-related remediation efforts for landfills in other states.

Participants proposing amendments to Parts 811 or 814 in response to Part 620 PFAS standards must comply with the proposal content requirements of 35 Ill. Adm. Code 102.202, except for subsection 102.202(g).

Any proposals and pre-filed testimony are due on July 14, 2025. The hearing officers are directed to hold a hearing in Springfield on August 12, 2025. The Board is cognizant of the adverse health effects of PFAS to the citizens of Illinois who rely on groundwater for drinking water. Therefore, absent information demonstrating the infeasibility of landfills to comply with the applicable PFAS-related monitoring or corrective action requirements triggered by Part 620 PFAS standards, the Board will consider removing the exception for Parts 811 and 814 landfills from Part 620 PFAS provisions under 35 Ill. Adm. Code 620.410(f) and 620.420(e).

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on May 15, 2025, by a vote of 5-0.

A handwritten signature in cursive script that reads "Don A. Brown". The signature is written in dark ink and is positioned above a horizontal line.

Don A. Brown, Clerk
Illinois Pollution Control Board