

**BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS**

IN THE MATTER OF:)	
)	
SDWA UPDATE, USEPA AMENDMENTS	)	R25-1
(January 1, 2024, through June 30, 2024)	)	(Identical-in-Substance
	)	Rulemaking - Public
	)	Water Supply)
)	
SDWA UPDATE, USEPA AMENDMENTS	)	R25-9
(July 1, 2024, through December 31, 2024)	)	(Identical-in-Substance
	)	Rulemaking – Public
	)	Water Supply)

NOTICE OF FILING

To: Don Brown, Clerk
Illinois Pollution Control Board
60 E. Van Buren St., Ste. 630
Chicago, Illinois 60605

And Attached Service List

Please take notice that on December 12, 2025, I filed electronically with the Office of the Clerk of the Illinois Pollution Control Board the attached **Appearance of Deborah J. Williams** and **First Notice Comments of the City of Springfield, Office of Public Utilities d/b/a City Water, Light and Power**, a copy of which is attached and served upon you.

Respectfully submitted,

THE CITY OF SPRINGFIELD,
a municipal corporation

Deborah J. Williams

By _____
One of its Attorneys

Dated: December 12, 2025

Deborah J. Williams
Regulatory Affairs Director
Office of Public Utilities
800 East Monroe
Springfield, Illinois 62701
(217) 789-2116

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)	Rulemaking – Public
)	Water Supply)

APPEARANCE OF DEBORAH J. WILLIAMS

The undersigned, as one of its attorneys, hereby enters her appearance on behalf of the City of Springfield, Office of Public Utilities d/b/a City Water, Light and Power (CWLP).

Respectfully submitted,

THE CITY OF SPRINGFIELD,
a municipal corporation

By: *Deborah J. Williams*

One of its Attorneys

Dated: December 12, 2025

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**BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS**

IN THE MATTER OF:)	
)	
SDWA UPDATE, USEPA AMENDMENTS (January 1, 2024, through June 30, 2024)	)	R25-1 (Identical-in-Substance Rulemaking - Public Water Supply)
)	
SDWA UPDATE, USEPA AMENDMENTS (July 1, 2024, through December 31, 2024)	)	R25-9 (Identical-in-Substance Rulemaking – Public Water Supply)
)	

**FIRST NOTICE COMMENTS OF THE CITY OF SPRINGFIELD, OFFICE OF PUBLIC
UTILITIES d/b/a CITY WATER, LIGHT AND POWER**

Now comes the City of Springfield, Office of Public Utilities, d/b/a City Water, Light and Power (“CWLP”), by and through one of its attorneys and timely files these First Notice Comments in the above-captioned rulemaking proceeding.

Background

The City of Springfield owns and operates the municipal utility referred to as City Water, Light and Power (“CWLP”) and provides water service to a population of nearly 150,000 people in and around Springfield. This includes retail service to Springfield as well as Southern View, Leland Grove and certain unincorporated areas around the city. Wholesale service is provided to the surrounding communities of Grandview, Jerome, Loami, Rochester, Sugar Creek Public Water District, Williamsville-Sherman Water Commission and Round Prairie Water Cooperative. Springfield also serves as a back-up, secondary water supply for the Village of Chatham and the Curran-Gardner Townships Public Water District.

CWLP is responsible for planning, constructing and maintaining the City's integrated water supply, purification, and distribution system — which includes Lake Springfield, the Water Purification Plant, three water storage tanks, and approximately 760 miles of water mains. The Water Division's primary mission is to ensure that all utility customers will have a safe and plentiful water supply in both the immediate and long-term future. Toward this end, the Division operates its water purification facility 24-hours/day 365 days a year and consistently and continually monitors drinking water quality throughout the water system. Division employees are also actively involved in researching and implementing best management practices for protecting our current supply source.

The Pollution Control Board (“Board”) issued a First Notice Opinion and Order in this matter on October 2, 2025 and the Secretary of State published the proposal in the Illinois Register on October 24, 2025. (49 Ill. Reg. 13118). On November 6, 2025 the Board extended the comment period to January 8, 2026.

Identical In Substance Procedures

Sections 7.2 and 17.5 of the Illinois Environmental Protection Act (“Act”) (415 ILCS 5/7.2 and 17.5) provide for quick adoption by the Board of regulations identical in substance (“IIS”) to regulations the United States Environmental Protection Agency (“U.S.EPA”) adopts to implement Sections 1412(b), 1414(c), 1417(a), and 1445(a) of the federal Safe Drinking Water Act (SDWA) (42 U.S.C. §§ 300g-1(a), 300g-3(c), 300g-6(a), and 300j-4(a) (2021)). Section 17.5 of the Act also provides that Title VII of the Act and Section 5 of the Illinois Administrative Procedure Act (APA) (5 ILCS 100/5-35 and 5-40 (2024)) do not apply to the Board’s adoption of IIS regulations.

While the Board is not required to follow the Illinois APA in adopting IIS regulations, it is required to provide opportunity for notice and public comment before finalizing IIS regulations. The Board is allowed to consolidate any U.S. EPA proposals in a six month period into a single docket, and in this case, the Board chose to combine two six month dockets (or a full year) of IIS regulations into a single proposal.

As explained in Section 7.2 of the Act, the purpose of these procedures is to allow Illinois to maintain primacy or delegation of various U.S. EPA programs. In general, “[i]n adopting "identical in substance" regulations, the only changes that may be made by the Board to the federal regulations are those changes that are necessary for compliance with the Illinois Administrative Code, and technical changes that in no way change the scope or meaning of any portion of the regulations...” 415 ILCS 7.2(a). The Act gives the Board one year to adopt IIS regulations or it must publish a finding that one year is insufficient to extend the time period. 415 ILCS 7.2(b).

Comments on Identical In Substance Proposals for LCRI and PFAS MCLs

The Board is proposing in this consolidated docket to update its rules to reflect six actions taken by U.S. EPA in 2024. CWLP has no objection to the Board proceeding expeditiously to finalize four of the six federal actions. But CWLP does submit these comments to encourage the Board to delay final adoption of two of the six actions. As described in the Board’s October 2nd Opinion the two actions at issue are:

“April 26, 2024 (89 Fed. Reg. 32743): USEPA approved NPDWRs and health-based Maximum Contaminant Levels (MCLs) and Goals (MCLGs) for five PFAS, including perfluorooctanoic acid (PFOA), perfluorooctane sulfonic acid (PFOS), perfluorohexane sulfonic acid (PFHxS), perfluorononanoic acid (PFNA), hexafluoropropylene oxide dimer acid (HFPO– DA, commonly

known as GenX Chemicals), and perfluorobutane sulfonic acid (PFBS).¹ USEPA set MCLGs for PFOA and PFOS at zero and MCLs at 4.0 nanograms per liter (ng/L). For PFHxS, PFNA, and HFPO-DA USEPA set MCLGs and MCLs at 10 ng/L. Additionally, USEPA added the Hazard Index (HI) of 1 for any mixture with two or more PFHXS, PFNA, HFPO-DA(GenX) and PFBS. Additionally, USEPA added PFAS to the public notification (PN) and consumer confidence report rules (CCR). The Board incorporated PFAS testing methods and added USEPA's extensive PFAS regulations into the Illinois rules without substantive deviation from the federal amendments.”

and

“October 30, 2024 (89 Fed. Reg. 45980): USEPA revised the NPDWR for lead and copper to replace lead and specific galvanized service lines. The final rule eliminates the lead trigger level, lowers the lead action level, and strengthens tap sampling procedures to improve public health. The Board added USEPA's Lead and Copper Rule Improvements (LCRIs) into the Illinois rules without substantive deviation from the federal amendments.”

R25-1 and 25-9 (Consolidated) at p. 3 (October, 2, 2025).

On page 15 of its Opinion, the Board specifically requested comments on:

“USEPA's plans to rescind current PFAS regulations. Although no repeal has been filed in the Federal Register, the announcement to rescind and delay PFAS MCL levels has been publicized. However, the announcement does not provide evidence of reduced risk to human health or scientifically based reasoning for the delay and removal of the 2024 PFAS regulations. U.S. Environmental Protection Agency (EPA), EPA Announces It Will Keep Maximum Contaminant Levels for PFOA, PFOS, (May 14, 2025) <https://www.epa.gov/newsreleases/epa-announces-it-will-keep-maximum-contaminantlevels-pfoa-pfos>.”²

CWLP wants to make clear for the record that although no repeal of any portions of the PFAS MCL rule have yet been published by U.S. EPA, the Agency's

¹ It does not appear that U.S. EPA technically adopted an MCL for PFBS. However, U.S. EPA still included that compound in its novel “Hazard Index”.

² On December 12, 2025 this link did not pull up the identified announcement.

intent with regard to this rulemaking is more definitive than just a public announcement in a press release. Following the issuance of this public announcement, U.S. EPA has filed a motion in the D.C. Circuit for partial vacatur of the regulation of three of the individual PFAS and the regulation of the mixture of four PFAS compounds (one of which does not have sufficient data to establish its own MCL) through a “hazard index.” See, Respondents’ Motion for Partial Vacatur, AWWA v. EPA, 24-1188 (D.C.Cir.) (September 11, 2025). While scheduling was delayed during the government shutdown due to lapse in appropriations, under the updated scheduling order, U.S. EPA filed its reply in support of its motion for partial vacatur on December 3, 2025. As the briefing of this motion is completed, it only makes sense for the Board to wait for the D.C. Circuit Court to rule on this motion before adopting the PFAS MCL IIS rulemaking – at least for the portions of the rule that may be subject to partial vacatur. If portions of the rule are vacated or vacated and remanded in the near future, the Board will have created unnecessary work to repeal a vacated IIS rule. Allowing for a short delay in adoption of R25-1 and R25-9 (consolidated) to allow this procedural process to play out is only logical and the most efficient use of State resources. In addition, as the Board has pointed out, going forward after January 1, 2026, the Illinois Safe Public Drinking Water Act, P.A. 103-1077, will require PFAS MCL adoption within one year of promulgation by the U.S. EPA. Depending on the outcome of this litigation, the Board could potentially be under the deadline from this new Act to revise the PFAS MCL if changes are needed to what is proposed in R25-1.

CWLP does not have a substantive comment on the validity of these plans with respect to particular PFAS compounds, but does want to comment on the proposal to

repeal or vacate the “Hazard Index (HI) of 1 for any mixture with two or more PFHXS, PFNA, HFPO-DA(GenX) and PFBS.” A Hazard Index like this is a very novel and untested form of MCL. Additionally, the scientific justification for including PFBS in the Hazard Index when it does not have a corresponding MCL seems difficult to justify and defend. CWLP believes there is a strong scientific and technical argument to be made that this form of regulation sets a dangerous precedent and should be reconsidered. There are many experts in the drinking water treatment field that find the Hazard Index too complex and confusing to be implemented effectively and safely at individual drinking water utilities. While there are differing scientific opinions, there is a public health basis to argue that this Hazard Index represents bad policy. With regard to the PFAS compounds chosen for placement in the partial vacatur motion and those left out to remain on the books, CWLP believes that there is also a strong scientific and public health consensus that PFOA and PFOS are the compounds with the most available data demonstrating levels that result in human health impacts and there is certainly a scientific basis for suggesting these should be maintained but more data is needed on other compounds.

With regard to the LCRI, as explained by the Board, U.S. EPA’s LCRI’s were effective on December 30, 2024, with a compliance date of November 1, 2027. R25-1 and 25-9 (Consolidated) at p. 8. With a compliance date nearly two years away, there is no urgency to adopt a proposal that may have to be immediately changed.

The LCRI has been challenged in the D.C. Circuit Court in American Water Works Association v. EPA, 24-1376 (D.C. Cir.). Unlike in other litigation over Biden

administration rules, the Trump administration has confirmed its intent to defend the LCRI and the briefing schedule is moving forward expeditiously. Opening briefs were filed on September 12, 2025 and prior to the Government Shutdown final briefs were originally scheduled to be filed by January 30, 2026. Following the shutdown, the Court granted an extension to the schedule which has resulted in a new date for final briefs of April 17, 2026.

AWWA is challenging the LCRI on two specific points: the legality of USEPA requiring public water supplies to replace privately owned service lines and the complete infeasibility of U.S. EPA's conclusion that all lead service lines in the country can possibly be replaced in a 10-year period. CWLP believes these are significant issues and AWWA's unusual decision to challenge a Safe Drinking Water Act rule demonstrates the importance of the issues raised by the case.

CWLP has been ramping up a lead service line replacement program since 2019 in preparation for the requirements of the State's Lead Service Line Replacement and Notification Act (415 ILCS 17.12) which would require Springfield to replace 5 percent of its lead or galvanized service lines per year beginning in April of 2027. Despite being fortunate to receive multiple principal forgiveness loans from Illinois EPA, having additional resources made available through the American Rescue Plan Act ("ARPA") funds and having the advantage of full time City crews that perform replacement work on the City owned side of the service line, CWLP has been unable to achieve the goal it is working towards of approximately 500 lines per year to achieve a 5 percent replacement rate. While Springfield is hopeful that goal can be reached through dedication of additional resources by the City, there is no question that the LCRI

requirement to replace double that number is not going to be achievable under current conditions. Despite the progress the City has made, looking to the future the City will face additional competition for a limited pool of contractors from towns that have waited to begin replacements for the legal requirement take effect. In addition, the funding that has been available during this ramp up period has almost completely been exhausted or eliminated. CWLP has already begun sampling protocols under the LCRI and has no exceedances of the new action levels. So, while there is no risk to public health in the City of Springfield from lead in drinking water, the LCRI will ask us to achieve an impossible task or face non-compliance. These are significant practical and engineering concerns and while CWLP recognizes that the Board must adopt the LCRI if it is upheld in Court, the Board is not required to proceed to finalizing a rulemaking that may not be upheld in Court and will have to be immediately amended through another IIS rulemaking.

As with adoption of the PFAS MCL, if portions of the rule are vacated, the Board will have one year to repeal the same provisions or provide an explanation of why more time is needed. It doesn't make sense for the Board to not give the matter a bit more time to play out so the Board is not forced to undo the same work that it is doing now. While an additional 6 months may not be enough time to address all the outstanding issues, it is reasonable to move cautiously to see what changes over the next few months to avoid finalizing rules that would be required to be undone. Especially where the effective date of the regulation is almost two years away.

Conclusion

The City of Springfield, Office of Public Utilities appreciates this opportunity to provide additional comments and express our concerns with the timing of the Board's adoption of this Identical-In-Substance rulemaking proposal. In the interest of fairness and to avoid the waste of Board resources, CWLP recommends that the Board delay adoption of the identical in substance LCRI proposal and at least those portions of the PFAS MCLs subject to U.S. EPA's motion for partial vacatur by an additional 6 months and ask the parties to file a status update on these two federal proceedings at that time.

Respectfully submitted,

The City of Springfield, Office of Public Utilities

Deborah J. Williams

By _____
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CERTIFICATE OF SERVICE

The undersigned, Deborah J. Williams, an attorney, certifies that I have served electronically upon the Clerk and by email upon the individuals named in the attached Service List, a true and correct copy of the **NOTICE OF FILING, APPEARANCE OF DEBORAH J. WILLIAMS AND FIRST NOTICE COMMENTS OF THE CITY OF SPRINGFIELD, OFFICE OF PUBLIC UTILITIES d/b/a CITY WATER, LIGHT AND POWER**, from the email address deborah.williams@cwlp.com of this 13 page document before 5:00 p.m. Central Time on December 12, 2025 to the email address provided on the attached Service List.

Deborah J. Williams

SERVICE LIST R25-1 and R25-9 (consolidated)

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