

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	R25-1
)	(Identical-in-Substance
SDWA UPDATE, USEPA AMENDMENTS)	Rulemaking – Public Water Supply)
(January 1, 2024, through June 30, 2024))	
)	R-25-9
SWDA UPDATE, USEPA AMENDMENTS)	(Identical-Substance
(July 1, 2024, through December 31, 2024))	Rulemaking – Public Water Supply)
)	(Consolidated
)	

NOTICE OF ELECTRONIC FILING

To: Attached Service List

PLEASE TAKE NOTICE that on January 7, 2026, I electronically filed with the Clerk of the Illinois Pollution Control Board (“Board”) **COMMENTS OF THE ENVIRONMENTAL LAW AND POLICY CENTER**, copies of which are served on you along with this notice.

Dated: January 7, 2026

Respectfully submitted,

/s/ Robert Michaels

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COMMENTS OF ENVIRONMENTAL LAW & POLICY CENTER

Environmental Law & Policy Center (“ELPC”) appreciates the opportunity to engage in this docket and respectfully submits these comments in support of the Illinois Pollution Control Board’s (“IPCB”) proposal to limit the amount of per- and polyfluoroalkyl substances (“PFAS”) in drinking water.

ELPC is a nonpartisan, nonprofit environmental legal advocacy organization, with members across nine states in the Midwest, including 8,958 members in Illinois. Among other issues, ELPC is dedicated to ensuring that Midwesterners have access to safe, clean drinking water. These comments are submitted on behalf of ELPC by Robert Michaels, a Managing Attorney at ELPC with 35 years of experience litigating environmental and other matters in courts and administrative agencies throughout the Midwest, and Nancy Stoner, a senior attorney at ELPC with 38 years of experience engaging in environmental litigation and environmental policy matters as an attorney with the U.S. Department of Justice, U.S. Environmental Protection Agency, Natural Resources Defense Council, Pisces Foundation, Potomac Riverkeeper Network, and, for the last year, with ELPC. She served as the Acting Assistant Administrator for Water in the Obama Administration.

PFAS Background

According to a recent study published by the National Institute of Health,

<https://pmc.ncbi.nlm.nih.gov/articles/PMC12028640/>,

PFASs are ubiquitous substances found in various environmental compartments, such as air, surface water, drinking water, groundwater, sediment, soil, plants, food, and animals. Routes of exposure to PFASs by inhalation and dermal contact include dietary intake, indoor air, dust, and drinking water [20,21]. As a result, PFASs are found in multiple human tissues, such as blood, urine, hair, nails, urine, placenta, and breast milk.

The most studied PFASs include PFOA and PFOS, which are most frequently detected in matrices such as plasma, serum, and breast milk. The most significant health effects associated with exposure to long-chain PFASs (such as PFOA and PFOS) include lipid disorders, hypertension, diabetes mellitus, thyroid disorders, infertility, cancer, obesity, autism, neurodevelopmental issues, cardiovascular diseases, and kidney and liver disorders.

Long-chain PFASs are being replaced by new short-chain alternatives, such as perfluorobutanoic acid (PFBA), perfluorobutanesulfonic acid (PFBS), GenX (hexafluoropropylene oxide dimer acid [HFPO-DA]), ADONA (dodecafluoro-3H-4,8-dioxananoate), and F-53B (6:2 chlorinated polyfluoroalkyl ether sulfonate [6:2 Cl-PFAES] and 8:2 Cl-PFAES). Manufacturers claim that the replacement PFASs are not associated with adverse health effects. However, studies have shown that some of these substitutes may exhibit even higher toxicity [12,13].

The NIH study also emphasized that drinking water is a primary route to PFAS exposure but that we have technologies to greatly reduce that risk:

PFAS are ubiquitous in the environment and there are many routes of exposure for humans, but the oral route predominates (>90%), mainly through contaminated food and drinking water [36].

Removal of long-chain PFASs from contaminated water can be achieved by non-destructive (using granular activated carbon, ion exchange resins, and reverse osmosis), destructive (biodegradation, incineration, advanced oxidation, etc.), and hybrid technologies (combining two or more treatment processes). Membrane filtration has an efficiency of >99%, but its disadvantage is energy consumption [46].

ELPC provides that background on the routes of exposure, health risks, and treatment options for PFAS because it strongly supports IPCB's approach to address PFAS in drinking water, which is based on the scientific analysis and regulatory considerations underlying the Biden administration's U.S. EPA regulation of PFAS in drinking water from 2024.

Response to IPCB Questions

ELPC submits these comments solely as to the portion of IPCB's proposal related to PFAS, as identified below:

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). 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.

ELPC offers no view as to any other aspect of the proposal. With respect to the questions as to which IPCB requests comment, ELPC provides the following views:

1. The proposed amendments appear consistent with the National Primary Drinking Water Regulations ("NPDWRs"), <https://www.epa.gov/ground-water-and-drinking-water/national-primary-drinking-water-regulations>, for PFAS as to which IPCB proposes to adopt maximum contaminant level goals and maximum contaminant levels at the same levels as those promulgated by U.S. EPA. More specifically, U.S. EPA set MCLGs for PFOA and PFOS at zero (0) and enforceable MCLs for PFOA and PFOS at 4.0 ng/L. Additionally, U.S. EPA established MCLGs and MCLs for PFHxS, PFNA, and HFPO-DA at 10 ng/L each. USEPA finalized an MCLG and enforceable Hazard Index (HI) for compound mixtures of PFHxS, PFNA, HFPO-Da and PFBS of 1.2

IPCB proposes to adopt those same MCLGs and MCLs based on the same analysis and rationale as the 2024 US EPA regulation. While EPA's regulation of PFAS in drinking

water fails to cover all of the thousands of PFAS chemicals in the environment, it covers those found most frequently in human tissue (PFOA and PFOS) as well as several of the emerging substitutes for those PFAS, and it establishes a scientifically-based approach for limiting the compound mixtures of PFAS that will be increasingly common routes of exposure as production of PFOS and PFOA is reduced.

2. With respect to the alternative equivalent methods contained in U.S. EPA's 2024 PFAS regulations, ELPC commends IPCB for leading state environmental agencies in its approach to regulating mixtures of PFAS. This is critically important because human exposure to PFAS is almost always through mixtures, not a single form of PFAS, and because new PFAS are developed constantly as industry attempts to lower the toxicity yet maintain the effectiveness of the PFAS that it develops for industrial and home use. PFAS are ubiquitous not only because they are long lasting, but also because they are so useful. While the search for nontoxic alternatives has not yet been successful, it will continue and controlling PFAS in drinking water will need to evolve as well to limit the amount of the mixtures to which humans are exposed.
3. ELPC supports the 30-day adoption effective date since regulated entities have had since April of 2024 to prepare to comply with the PFAS rules.
4. With respect to EPA's announced intention to delay the compliance date for the MCLs for certain PFAS (PFOA and PFOS) and to rescind others, U.S. EPA has not yet issued a proposal so its rationale is not yet outlined in detail. The public notice of its intention, however, indicates that the purpose is "to reduce the burden on drinking water systems and the cost of water bills, all while continuing to protect public health and ensure that the agency is following the law in establishing impactful regulations such as these." [EPA Announces It Will Keep Maximum Contaminant Levels for PFOA, PFOS | US EPA](#)

Delaying compliance deadlines for any contaminant is likely to reduce the cost and burden on drinking water systems, but the purpose of establishing drinking water limits for contaminants is to protect public health, not reduce the burden on utilities. So far at least, U.S. EPA has provided no evidence to support its assertion that these MCLs are no longer necessary to protect public health, and ELPC is aware of none. PFAS can be removed from tap water by drinking water utilities with technologies that exist and are in use by many utilities today.

While reducing the cost and burden on drinking water utilities is not the primary purpose of the Safe Drinking Water Act, it is a worthy consideration, especially since those costs are often passed along to utility customers. But rather than weakening public-health based

protections, ELPC urges the IPCB and its sister agencies to consider measures that would reduce the PFAS in drinking water source waters, including establishing water quality standards for PFAS in surface and groundwaters, setting effluent limitations guidelines for industries that manufacture PFAS, and limiting the manufacture and sale of products containing PFAS.

Given that U.S. EPA appears to be on the verge of delaying and also likely weakening federal drinking water protections for PFAS, ELPC commends the IPCB for stepping up to protect the people of Illinois from unnecessary exposure to these toxic chemicals that are potentially hazardous to their health. ELPC supports the IPCB's proposal to adopt a regulation "identical in substance" to U.S. EPA's 2024 proposal to set limits for certain PFAS in drinking water.

Dated: January 7, 2026

Respectfully submitted,

/s/ Robert Michaels

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CERTIFICATE OF SERVICE

I, the undersigned, on oath state the following: that I have served the attached **COMMENTS OF THE ENVIRONMENTAL LAW & POLICY CENTER** by email upon the Clerk and the individuals with email addresses named on the Service List provided on the Board's website, available at <https://pcb.illinois.gov/Cases/GetCaseDetailsById?caseId=17495>; that my email address is rmichaels@elpc.org; that the number of pages in the e-mail transmission is 8 pages; and that the e-mail transmission took place before 5:00 p.m. CT on January 7, 2026.

Dated: January 7, 2026

Respectfully submitted,

/s/ Robert Michaels

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