

ILLINOIS POLLUTION CONTROL BOARD

January 22, 2026

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)
)	(Consolidated)

Adopted Rule. Final Order.

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

SUMMARY OF THIS ACTION

Today, the Board adopts amendments to the Illinois rules “identical in substance” (IIS) to the drinking water regulations adopted by the United States Environmental Protection Agency (USEPA). In 2024, USEPA took six actions under the National Primary Drinking Water Regulations (NPDWRs) expediting approval of 93 alternative testing methods (ATMs) for analyzing contaminants in drinking water, adding new regulations for six per- and poly-fluoroalkyl substances (PFAS), and updating the comprehensive Lead and Copper Rules. The Board now adds these provisions to the Illinois drinking water rules.

Sections 7.2 and 17.5 of the Illinois Environmental Protection Act (Act) (415 ILCS 5/7.2 and 17.5 (2024)) provide for quick adoption by the Board of regulations that are IIS to regulations that USEPA 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)). The National Primary Drinking Water Regulations (NPDWRs) implement these sections of SDWA. SDWA regulations are found at 40 C.F.R. 141 through 143.

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.

In this opinion, the Board provides a summary of the public comments received, including responses to questions presented in the proposal. The Board finds that stylistic corrections and revisions ordinarily requested by the Joint Committee on Administrative Rules (JCAR) and technical corrections in the proposed text are needed. The Board does not discuss these stylistic or technical changes in this opinion. The text of the Board’s

adopted amendments can be found in the addendum to this order and “Identical-in-Substance-Rulemaking-Addendum (Final)” IISRAF. The Board directs its Clerk to open a sub-docket to further explore historical issues raised that are not addressed in today’s rulemaking but listed in Appendix A to IISRAF.

PROCEDURAL HISTORY

The Board adopted a proposal for public comment on October 2, 2025.¹ A Notice of Proposed Amendments appeared in the *Illinois Register* on October 24, 2025, at 49 Ill. Reg. 13118. The initial 45-day public comment period was extended 30 days from December 9, 2025 to January 8, 2026. *See* Board Order Granting Extension 11-6-2025. The October 2, 2025 opinion and order found that the Board needed additional time to complete action on the proposed amendments and extended the due date until January 30, 2026. During the public comment period, the Board received nine public comments from stakeholders and other interested parties.

For a discussion of the USEPA actions addressed in today’s rulemaking, please refer to the Board’s October 2, 2025 opinion. In that opinion, the Board requested comments on the proposed amendments. The Board specifically requested comments on four issues: whether the proposed amendments ensure that Illinois’ primary drinking water regulations remain consistent with the national public drinking water regulations, the incorporation of USEPA alternative equivalent methods, the thirty-day post adoption effective date, and pending USEPA initiatives to both delay and repeal parts of the PFAS regulations published on April 26, 2024 (89 Fed. Reg. 7624).

The proposed IIS amendments were published in the *Illinois Register* on October 24, 2025 (49 Ill Reg. 13118). The Board received nine comments during the 75-day extended comment period from the following participants:

- Cheyrl Knudson, Joint Committee on Administrative Rules (JCAR)
- The Illinois Municipal League (IML) (PC 2)
- The Illinois Environmental Regulatory Group (IERG) (PC 3)
- City of Springfield, Office of Public Utilities d/b/a City Water, Light and Power (CWLP) (PC 4)
- City of Rockford (PC 5)
- USEPA (PC 6)
- The Environmental Law and Policy Center (ELPC) (PC 7)
- The Illinois Environmental Protection Agency (IEPA) (PC 8)
- The Illinois Attorney General’s Office (AG) (PC 9)

The Board carefully considered all the public comments in these consolidated

¹ SDWA Update, USEPA Amendments (January 1, 2024 through July 1, 2024), R25-1 and SDWA Update, USEPA Amendments (July 1, 2024 through December 31, 2024), R25-9 (consol.) (January 23, 2025).

dockets and proposes for final adoption rules that are “identical in substance” as that term is used in Section 7.2 of the Act to USEPA’s rules.

PUBLIC COMMENTS

Discussion

JCAR proposed revisions to the text of the amendments as prepared for publication in the *Illinois Register*. The Board responded to each of the JCAR suggestions and made modifications which can be viewed in detail in both the Addendum and IISRAF. The Board does not reiterate those changes in this opinion.

PC 2 is a comment from IML, representing 1,294 cities, villages, and towns in Illinois, that expresses concerns that the 10-year timeline imposed is impossible to comply with for financial, skilled labor, and material shortage issues.

In PC 3, IERG requests the Board not to adopt the rules due to the risk of non-alignment with future federal law regarding PFAS that may be delayed or cancelled. (PC 3)

CWLP submitted PC 4 and requested that the Board postpone adoption of the PFAS regulations due to UESPA’s intent and legal actions to delay or remove the PFAS regulations passed in 2024. Additionally, CWLP argues that the Lead and Copper Rule Improvements (LCRI) regulations should not be adopted at this time because of the current legal challenges to the LCRI federal rules.

The City of Rockford states in PC 5 that the proposed modifications to the Illinois water rules incorporating the federal LCRI regulations’ 10-year timeline are not feasible and in fact “unrealistic” and “impossible” due to lack of funding and skilled labor. The City of Rockford argues that the future resources required to implement the LCRI incorporations will significantly impact water rates for Rockford’s customers.

The Board received extensive comments from USEPA in PC 6 addressing current rulemaking errors and over 25 years of technical and substantive issues with Illinois water regulations and how they incorporated the NPDWRs from the following federal updates and years:

- Lead and Copper Rule Improvements (LCRI) (2024)
- Lead and Copper Rule Revisions (LCRR) (2021)
- Lead and Copper – Short Term Revisions (LCR-STR) (2007)
- Lead and Copper – Minor Revisions (LCR-MR) (2000)
- Control of Per- and Polyfluoroalkyl Substances (PFAS) (2024)
- Consumer Confidence Report Rule Revisions (CCR3) (2024)
- Updated Analytical Methods (2024)

Not all of USEPA’s suggestions appear in today’s final rules unless the comment specifically addressed the technical or substantive errors in the current rulemaking, those

were modified. If USEPA's comment does not appear in the addendum or IISRAF as a change, the Board moved it to the sub-docket to further assess historical substantive or technical issues outside the scope of today's IIS rulemaking and listed the comments that were not addressed in Appendix A to the IISRAF.

In PC 7, the ELPC with 8,958 Illinois members, suggests support for adoption to help reduce the harmful effects of PFAS in drinking water. Their comment includes recent studies on the health impacts of PFAS which describes drinking water as one of the main sources of exposure. PC 7 at 3. Furthermore, ELPC supports the 30-day post adoption effective date and supports all measures aimed at removing PFAS from drinking water.

The Board received extensive comments from the IEPA in PC 8. The comments were similar in nature to the USEPA's in that they addressed both technical and substantive errors relevant to today's amendments and historical rulemakings. IEPA's suggestions that do not appear in today's rulemaking will be moved to the sub-docket for comprehensive review and listed in Appendix A to IISRAF.

IEPA provided responses to each of the Board's questions. In summary, the IEPA agrees that if the Board incorporates the changes requested by the USEPA in PC 6, the proposed amendments appear to be consistent with the NPDWRs. PC 8 at 4. IEPA does not specifically address the historical technical and substantive issues raised by the USEPA in PC 6 as being inconsistent with the NPDWRs. In further support of today's amendments, IEPA provides significant details providing evidence for each PFAS MCLG, MCL, and HBWC standard implemented. Finally, IEPA does not indicate that there are any issues with the thirty-day post-adoption effective date proposed by the Board. PC 8 at 5.

PC 9 is a comment received from the AG outlining the Board's legal obligation under the Act to adopt IIS provisions and support scientific evidence that PFAS are a threat to human health and the environment in Illinois. The information filed by the AG regarding the health effects of PFAS presents specific studies showing that PFAS are highly toxic to humans and animals even in extremely low doses. PC 9 at 2. The AG's comment points to evidence supporting the threat of PFAS toxicity to humans in much smaller doses, therefore indicating an increased need to remove the chemicals from the water supply as quickly as possible. PC 9 at 2, 3.

The AG further emphasizes that USEPA has not changed the regulations promulgated in 2024 and its intent or announcement to do so does not represent an "irrevocable" decision by the USEPA. PC 9 at 5. As such, the AG states that the Board is obligated to adopt the standards in this rulemaking without further delay. Finally, the AG notes that the Board does not have the "legal authority" to consider potential future changes in adopting IIS regulations. PC 9 at 6.

The Board has considered these public comments and issues. To comply with the Act, the Board adopted "verbatim" the text of USEPA regulations promulgated in 2024. In identical-in-substance rulemakings, the Board does not evaluate economic reasonableness of the amendments, rather the Board relies upon the evaluation made by USEPA. The Board

agrees with the AG that future potential actions are not relevant in IIS rulemakings and that the Board is obligated under the Act to adopt the amendments. PC 7 at 6. However, should USEPA make changes to the standards in the future, the Board will address those changes at that time.

ORDER

The Board directs the Clerk to file the adopted amendments with the Office of the Secretary of State and provide notice in the *Illinois Register* of the appended adopted amendments to the Illinois primary drinking water regulations.

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 January 22, 2026, by a vote of 5-0.

A handwritten signature in cursive script that reads "Don A. Brown".

Don A. Brown, Clerk
Illinois Pollution Control Board