

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In the Matter of:)	
)	
)	
PROPOSED AMENDMENTS TO)	R22-18(A)
GROUNDWATER QUALITY)	(Rulemaking – Public Water Supplies)
35 ILL.ADM.CODE 620)	
)	

LAND AND LAKES COMPANY’S RESPONSE TO BOARD QUESTIONS

Land and Lakes Company, by and through its attorneys, hereby submits the following responses to questions from the Illinois Pollution Control Board:

1. *The Illinois Administrative Procedure Act (5 ILCS 100/1-75 (2024)) defines “small business” as “a corporation or a concern, including its affiliates, that is independently owned and operated, not dominant in its field, and employs fewer than 50 full-time employees or has gross annual sales of less than \$4,000,000.”*

A. *Are any Part 811 or 814 landfills owned or operated by a “small business”?*

ANSWER: Yes.

B. *If yes, please provide responses to items 13 and 14 of the attached “Notice of Proposed Rules” form (Attachment A) (1 Ill. Adm. Code 100.Appendix A, Illustration A) regarding “small business.” See 1 Ill. Adm. Code 100.410(a)(13),*

ANSWER: See the following responses to items 13 and 14 of the Notice of Proposed Rules form:

13. *Initial Regulatory Flexibility Analysis:*

A. *Description of the type of small business, not for profit corporations or small municipalities subject to the proposed rule (amendment, repealer):*

ANSWER: Land and Lakes Co. and its affiliated company, Stony Island Reclamation Co. are both for-profit businesses that are privately-owned firms with less than ten employees. Both firms own Section 811 non-hazardous solid waste landfills that are no longer accepting waste. The closed landfills have no operating revenue. Financial assurance required for regulatory compliance was provided based upon anticipated costs of closure and post-closure care prior to impact of the proposed rule.

B. *Description of the proposed reporting, bookkeeping and other procedures required for compliance with the rule (amendment, repealer):*

ANSWER: The proposed rule would require, at a minimum, the following compliance procedures for each reporting period:

- 1) Scheduling of periodic sampling of groundwater wells at facilities subject to the proposed rule;
- 2) Field sampling of groundwater wells by certified sampling technicians;
- 3) Laboratory analysis at laboratories certified by the Illinois EPA (IEPA) to perform PFAS analysis;
- 4) Statistical analysis of test results by an environmental scientist familiar with groundwater reporting;
- 5) Re-sampling of wells that have statistical exceedances;
- 6) Database management of well testing data;
- 7) Permit preparation, submission and communication to IEPA to document exceedances (if any);
- 8) Analysis and approval by party(ies) with purchasing duties to determine suitable firms to provide the above services at reasonable costs;
- 9) Accounting department recording of costs; adjustment (if any) in required financial assurance; and
- 10) Preparation, submission and communication with IEPA regarding permit modifications to reflect financial assurance for changes in groundwater monitoring costs to be incurred during the remainder of closure and post-closure periods of affected landfills;

C. Description of the types of professional skills necessary for compliance:

ANSWER: The proposed rule would require, at a minimum, the following compliance professional skills for each reporting period:

- 1) Project Manager for scheduling of periodic sampling of groundwater wells at facilities subject to the proposed rule;
- 2) Field Sampling Team for field sampling of groundwater wells by certified sampling technicians;
- 3) Chemists and laboratory managers for laboratory analysis at laboratories certified by the IEPA to perform PFAS analysis;
- 4) Environmental Scientist familiar with groundwater reporting for statistical analysis of test results;
- 5) All of the above listed professionals for re-sampling of wells that have statistical exceedances;
- 6) Information Technology Professional for database management of well testing data;
- 7) Professional Geologist or Professional Engineer for permit preparation, submission and communication to IEPA to document exceedances (if any);
- 8) Accounting and Purchasing professional for analysis and approval by party(ies) with purchasing duties to determine suitable firms to provide the above services at reasonable costs;
- 9) Accounting professional for recording of costs and revision of required financial assurance mechanism(s), (if any); and

- 10) Accounting professional, Professional Engineer and Administrative Professional for preparation, submission and communication with IEPA regarding permit modifications to reflect financial assurance for changes in groundwater monitoring costs to be incurred during the remainder of closure and post-closure periods of affected landfills;

14. *Small Business Economic Impact Analysis*

Determine whether the rulemaking has an adverse impact on small business (fewer than 50 full-time employees or less than \$4,000,000 in gross annual sales). An adverse impact is one that can be reasonably foreseen on small businesses including, but not limited to, a loss of customers, loss of revenue, or increased business expenses. If the proposed rule (amendment, repealer) has an adverse impact on small business, the agency must provide an economic impact analysis including:

- A. *Types of businesses subject to the proposed rule (amendment, repealer) (Check all that apply);*

- ANSWER:**
- 11 Agriculture, Forestry, Fishing and Hunting
 - 21 Mining
 - 22 Utilities
 - 23 Construction
 - 31-33 Manufacturing
 - 42 Wholesale Trade
 - 44-45 Retail Trade
 - 48-49 Transportation and Warehousing
 - 51 Information
 - 52 Finance and Insurance
 - 53 Real Estate Rental and Leasing
 - 54 Professional, Scientific, and Technical Services
 - 55 Management of Companies and Enterprises
 - 56 Administrative and Support and Waste Management and Remediation Services
 - 61 Educational Services
 - 62 Health Care and Social Assistance
 - 71 Arts, Entertainment, and Recreation
 - 72 Accommodation and Food Services
 - 81 Other Services (except Public Administration)
 - 92 Public Administration

- B. *Estimated number of small business subject to the proposed rule (amendment, repealer):*

ANSWER: Respondent is unaware of how many small businesses other than the two entities identified above are affected by the proposed rule.

C. *Categories that the agency reasonably believes the rulemaking will impact, including (Check all that apply):*

- ANSWER:**
- i. hiring and additional staffing;
 - ii. regulatory requirements;
 - iii. purchasing;
 - iv. insurance charges;
 - v. licensing fees;
 - vi. equipment and material needs;
 - vii. training requirements;
 - viii. record keeping;
 - ix. compensation and benefits; or
 - x. other potential impacted categories. (please describe below)

The Respondent reasonably believes that the rulemaking will impact each and every one of the categories marked i. through x. The proposed rule will also affect project the categories of project supervision, administrative services, ground water sampling services, analytical services, engineering services, and permitting services.

D. *Projected reporting, recordkeeping and other administrative costs for compliance with the proposed rule (amendment, repealer):*

ANSWER: See Table 14 d. attached as Attachment 1 to this Response.

E. *Type of professional skills necessary for preparation of any report or record required for compliance with the imposed rule or amendment.*

ANSWER: At a minimum, the preparation of the report or record required for compliance would require the skills of the following professionals: administrative professional; environmental scientist; professional geologist; and an accounting professional.

F. *Statement of the probable positive or negative economic effect on small business:*

ANSWER: The proposed rule requires significant professional services and substantial costs for each reporting period. For small businesses, the burden of covering the costs to meet the requirements of the rule (whether performed internally or externally) will be catastrophically negative. As there is no known termination of the proposed periodic expenditure, the proposed rule would lead to insolvency.

G. *Description of any less intrusive or costly alternative methods of achieving the purposes of the rule (amendment, repealer):*

ANSWER: None are known that would satisfy the requirements of the proposed rule.

ATTACHMENT 1

ATTACHMENT 1

Land and Lakes Company's Response to Board Questions

R22-18(A) (Rulemaking - Public Water Supplies)

Answer to Question 14. d. Projected reporting, recordkeeping and other administrative costs for compliance with the proposed rule:

Table 14.d.

Professional	Tasks per Reporting Period	<i>Note (A)</i>	Estimated Hrs/Occurrence	Estimated Laboratory Cost	<i>Note (D)</i>	Annual Estimated Cost (in 2026 prices)
		Annual Occurrences			CEC 2026 Cost	
Project Manager I	Scheduling, reviewing data, compiling reports	8	20		\$ 178.00	\$ 28,480.00
Field Sampling Team	Initial sampling	4	<i>Note (B)</i>	\$ 5,000.00		\$ 20,000.00
	Re-Sampling	4	<i>Note (C)</i>	\$ 2,500.00		\$ 10,000.00
Chemists and Laboratory Manager	Laboratory Analysis and Quality Assurance	4	<i>Note (B)</i>	\$ 6,250.00		\$ 25,000.00
	Analysis and QA of Re-Samples	4	<i>Note (C)</i>	\$ 3,125.00		\$ 12,500.00
Environmental Scientist	Statistical Analysis of Laboratory Results	8	10		\$ 137.00	\$ 10,960.00
Info Technology Professional	Database Management	8	5		\$ 137.00	\$ 5,480.00
Accounting/Purchasing Professional	Purchasing, Recording Costs, Cost Estimates for Permits, Financial Assurance Revisions	8	15	\$ 75.00		\$ 9,000.00
Professional Geologist	Review of Reporting Data, Permit Submittals	8	20		\$ 294.00	\$ 47,040.00
Professional Engineer	Review fo Closure/Post Closure Permits	4	10		\$ 294.00	\$ 11,760.00
Administrative Professional	Preparation of Reporting Data, Permit Submittals	8	10		\$ 95.00	\$ 7,600.00
TOTAL:					\$	187,820.00

- Notes:
- (A) Assumes quarterly sampling and re-sampling events. Assumes exceedance every quarter that requires permit submittal and annual revision of closure/post closure costs
 - (B) Assumes sampling cost of \$200/well, analysis costs of \$250/well, and 25 groundwater wells.
 - (C) Assumes 1/2 of results are re-sampled.
 - (D) Based upon Civil and Environmental Consultants, Inc. published hourly rates for 2026.

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NOTICE OF ELECTRONIC FILING

TO: ALL PARTIES ON THE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that on June 11, 2026, **Land and Lakes Company** electronically filed with the Office of the Clerk of the Illinois Pollution Control Board the **LAND AND LAKES COMPANY'S RESPONSE TO BOARD QUESTIONS** a copy of which is hereby served upon you.

Dated: June 11, 2026

Respectfully submitted,

LAND AND LAKES COMPANY

BY: /s/ Ann M. Zwick

One of its attorneys

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<p>Metropolitan Water Reclamation District of Greater Chicago Interested Party Jorge T. Mihalopoulos - Head Assistant Attorney jorge.mihalopoulos@mwrld.org Susan T. Morakalis - General Counsel morakaliss@mwrld.org J. Mark Powell - Senior Attorney PowellJ@mwrld.org 100 E. Erie Street Chicago, IL 60611</p>	<p>Barnes & Thornburg Interested Party Fredric P. Andes fandes@btlaw.com Ian Surdell ian.surdell@btlaw.com 1 North Wacker Drive Suite 4400 Chicago, IL 60606</p>
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CERTIFICATE OF E-MAIL SERVICE

The undersigned attorney certifies that she served a copy of the foregoing LAND AND LAKES COMPANY'S RESPONSE TO BOARD QUESTIONS, to the above-listed parties, by sending a copy to the email addresses designated above on or before 4:30 p.m. on June 11, 2026.

/s/ Ann M. Zwick

One of the Attorneys for Land and Lakes Company