

Board Proceeds to First Notice in PFAS Groundwater Rulemaking Regarding Landfills

On March 20, 2025, in rulemaking docket R22-18, the Board amended 35 Ill. Adm. Code 620 by establishing groundwater quality standards for six poly- and perfluoroalkyl substances (PFAS). The PFAS standards are based on the United States Environmental Protection Agency's drinking water maximum contaminant levels and health-based water concentrations. Requirements in the Board's landfill rules at 35 Ill. Adm. Code 811 and 814 cross-reference Part 620's groundwater quality standards. Therefore, these landfill rules ordinarily would have imposed requirements on Part 811 "new" landfills and Part 814 "existing" landfills that are based on the Part 620 PFAS standards.

But because the R22-18 rulemaking record lacked sufficient information on additional compliance costs that these landfills would be expected to incur due to the new Part 620 PFAS standards, the Board adopted exemptions (35 Ill. Adm. Code 620.410(f), 620.420(e)) from the PFAS standards for Part 811 and Part 814 landfills and opened sub-docket R22-18(A) to further explore potential economic impacts on these landfills. The Board stated that it would consider amendments in response to the Part 620 PFAS standards and use cost information received in the sub-docket to consider whether to eliminate the PFAS exemptions.

In the sub-docket, the Board held a public hearing and received public comments. Witnesses testified on behalf of landfills regarding potential economic impacts on landfills due to the Part 620 PFAS standards. The Illinois Environmental Protection Agency (IEPA) provided data relating to landfill groundwater sampling, along with maps highlighting the proximity of landfills to aquifers and public water supplies throughout Illinois.

The exemptions at Sections 620.410(f) and 620.420(e) allow Part 811 and Part 814 landfills to avoid complying with otherwise applicable requirements of Part 811 or Part 814 that are based on Part 620 PFAS standards, including requirements for groundwater monitoring and corrective action. Groundwater monitoring is integral to detecting, at an early stage, any leakage of contaminants from landfill waste into the uppermost aquifer, ensuring timely corrective action is taken. In the original rulemaking docket (R22-18), the Board found that PFAS pose a significant threat to human health and the environment. PFAS are commonly called "forever chemicals" as they do not easily degrade and are bio-accumulative, meaning they can concentrate in tissues of living organisms, including humans.

In sub-docket R22-18(A), the Board thoroughly considered the potential economic impacts of requiring landfills to comply with monitoring and corrective action requirements for the Part 620 PFAS constituents. Detailed cost information is discussed in the Board's first-notice opinion and order of June 18, 2026. The Board found that potential additional costs to landfills to monitor groundwater for PFAS releases from those landfills are reasonable when weighed against the many adverse health effects of PFAS. Further, potential corrective action costs stemming from the results of PFAS monitoring at landfills are also reasonable, especially as many of the affected landfills are within proximity of potable water wells.

The Board concluded that requiring the landfills to address Part 620 PFAS constituents is economically reasonable, technically feasible, and necessary to protect human health and the

environment. The Board therefore proposed, for first notice, amending Part 620 by eliminating the PFAS exemptions available to landfills regulated by Part 811 or Part 814. The Board also declined the request of a landfill owner and operator to add a PFAS exemption for landfills regulated by 35 Ill. Adm. Code 807—thus, Part 807 landfills (required to close by the end of 1992 but may still be in post-closure care) would remain subject to Part 620 PFAS standards through IEPA permitting.

When the Board's proposed amendments are published in the *Illinois Register*, a period of at least 45 days will begin during which anyone may file a public comment with the Board concerning the first-notice proposal. This rulemaking is captioned Proposed Amendments to Groundwater Quality 35 Ill. Adm. Code 620, sub-docket R22-18(A). Here are links to the Board's June 18, 2026 [first-notice opinion and order](#), along with its [addendum](#) showing the rule text proposed to be stricken. For more information, please contact Vanessa Horton at 312-814-5053 or vanessa.horton@illinois.gov or Chloe Salk at 312-814-3932 or chloe.salk@illinois.gov.