



Illinois
Department of Commerce

& Economic Opportunity

OFFICE OF ENTREPRENEURSHIP,
INNOVATION & TECHNOLOGY

JB Pritzker, Governor

TO: Kim Schultz, Executive Director
Joint Committee on Administrative Rules

FROM: Jonathan Eastvold
Office of Small Business Regulatory Flexibility

DATE: August 31, 2026

RE: Pollution Control Board – Groundwater Quality (35 Ill. Adm. Code 620; [50 Ill. Reg. 9650](#); July 17, 2026) – Docket R22-18(A)

In response to the JCAR request for a Small Business Impact Analysis on the above-mentioned rulemaking, we submit the following:

To quote the [Flinn Report](#):

“The Pollution Control Board proposed amendments to Groundwater Quality (35 IAC 620; 50 Ill Reg 9650) that remove exemptions granted to landfills regulated under 35 IAC 811 (Standards for New Solid Waste Landfills) and 35 IAC 814 (Standards for Existing Landfills and Units) from the groundwater quality standards established in this Part for poly- and perfluoroalkyl substances (PFAS, also known as "forever chemicals"). These exemptions were granted in a previous rulemaking docket (R22-18) due to concerns about economic impact on affected landfills. PCB has since determined, after holding a public hearing, receiving public comment and analyzing data supplied by the Illinois Environmental Protection Agency, that the additional cost landfills may incur by monitoring PFAS releases into groundwater sources as generally required in this Part is reasonable given the potential adverse health effects of PFAS contamination in groundwater (e.g., increased cancer risks, effects on fetal and infant/child development). Landfills previously exempt from the PFAS requirements of this Part are affected.”

Small Businesses Affected

NWRA listed 19 landfills regulated under Part 811 (new solid waste landfills) or Part 814 Subpart C (existing landfills accepting chemical or putrescible wastes that may remain open for more than seven years). Of these, two appear to be owned by small businesses under the IAPA: River Bend Prairie (Land and Lakes Company) and Winnebago Landfill (Winnebago Landfill Company LLC).

Of the 43 landfills listed by NWRA as being regulated under Part 814 Subpart D (existing units accepting chemical or putrescible wastes that were required to initiate closure within seven years), DCEO staff could identify two small businesses: Harbor View Landfill (Stony Island Reclamation Co.) and Envotech – Illinois (Envotech Illinois LLC).¹

Potential Effects on Small Businesses

The Board [estimates](#) the cost per monitoring well for sampling, laboratory analysis, and compilation/reporting is approximately \$420 per event. Since landfills may have multiple monitoring wells, the \$420 must be multiplied by the number of wells sampled and the number of sampling events over the applicable monitoring period (including any remaining post-closure care period).

Land and Lakes Company, which has fewer than 10 employees, [noted](#) that its landfill is not accepting waste, is no longer generating revenue, and that the financial assurance it maintains is based on the anticipated costs of closure and post-closure care but does not take into account the compliance costs of the proposed rule.

In a follow-up to Board questions, Land and Lakes [estimated](#) its own annual compliance costs at \$187,820. “For small businesses,” Land and Lakes [wrote](#), “the burden of covering the costs to meet the requirements of the rule...will be catastrophically negative. As there is no known termination of the proposed periodic expenditure, the proposed rule would lead to insolvency.” Land and Lakes stated that it was unaware of any less intrusive or costly alternative that would satisfy the requirements of the proposed rule. The Board likewise stated that it was unaware of a less intrusive or less costly generally applicable alternative, although it noted that individual landfills may pursue regulatory relief mechanisms such as groundwater management zones, site-specific rules, and adjusted standards.

The Board concluded that the potential compliance costs are reasonable when weighed against the health and environmental risks associated with PFAS contamination. The amendments may introduce substantial ongoing monitoring and compliance expenses for small businesses that own or operate solid waste landfills, particularly closed landfills with limited or no revenue generation. These costs could be further elevated if PFAS contamination requiring corrective action is discovered.

If you have any questions, please contact me at Jonathan.Eastvold@illinois.gov.

cc: Don Brown, PCB (Don.Brown@illinois.gov)

¹ Landfill data from prefiled [testimony](#) of Eric Ballenger on Behalf of National Waste & Recycling Association, R22-18(A), 7/25/25. Ownership and small-business status were cross-checked using [Data Axle Reference Services](#), the Illinois Environmental Protection Agency’s [Bureau of Land Inventory Database](#), and additional web research as necessary.