ILLINOIS POLLUTION CONTROL BOARD
November 5, 2026

IN THE MATTER OF:	)	
	)	
PROPOSED AMENDMENTS TO	)	R22-18(A)
GROUNDWATER QUALITY	)	(Rulemaking – Public Water Supplies)
35 ILL. ADM. CODE 620	)	

Proposed Rule. Second Notice.

OPINION AND ORDER OF THE BOARD (by M. Gibson):

On March 20, 2025, the Board adopted amendments to its groundwater quality standards under 35 Ill. Adm. Code 620. These amendments included new groundwater quality standards for six poly- and perfluoroalkyl substances (PFAS) based on the United States Environmental Protection Agency's (USEPA) drinking water maximum contaminant levels and health-based water concentrations. The Board opened this sub-docket on January 23, 2025, in response to the Joint Committee of Administrative Rules' (JCAR) recommendation that the Board substantively consider the technical feasibility and economic reasonableness of the groundwater quality standards and whether the amendments would have an adverse economic impact "particularly on landfills" regulated under 35 Ill. Adm. Code 811 and 814. 48 Ill. Reg. 4608. In addition, the Board adopted amendments to Part 620 that exempt Part 811 and 814 landfills from complying with any requirements or standard based on Part 620 PFAS standards.

In this sub-docket, on June 18, 2026, the Board proposed for first notice to strike the exemptions for Part 811 and 814 landfills at 35 Ill. Adm. Code 620.410(f) and 620.420(e) and declined to add an exemption for Part 807 landfills. Today, after considering the entire record, including first notice public comments, the Board issues its Second Notice Opinion and Order in compliance with the Illinois Administrative Procedure Act (5 ILCS 100/5-40(c) (2024) (IAPA) with no changes to the first notice proposal.

In this opinion, the Board first provides an abbreviated procedural history. Next, the Board summarizes the comments received during the first notice comment period. The Board then discusses the issues raised by the public comments before drawing its conclusions.

ABBREVIATED PROCEDURAL HISTORY

The Board held a public hearing on September 16, 2025, to receive testimony and evidence on any economic impact that adding the PFAS standards to Part 620 would have on compliance costs for landfills regulated under the current versions of Part 807, 811, and Part 814. On June 18, 2026, the Board issued its first notice amendments to Part 620 in an addendum (First-Not. Add.), accompanied by an opinion and order (First-Not. Op.). *See* Proposed Amendments to Groundwater Quality 35 Ill. Adm. Code 620, R22-18(A) (Jun. 18, 2026). First notice was published in the *Illinois Register* on July 17, 2026 (50 Ill. Reg. 9650 (Jul. 17, 2026)).

The Board received substantive comments from the Land and Lakes Company (PC 5) and Full Circle Future (PC 6).

PUBLIC COMMENTS

Land and Lakes (PC 5)

Land and Lakes argues that the Board erred when it decided that the costs of imposing the Part 620 PFAS standards on Part 807 landfills was reasonable. Land and Lakes states that Part 807 landfills "ceased accepting waste and initiated closure by 1992" and "have not been generating revenue from waste disposal for approximately 34 years." PC 5 at 1. Therefore, Land and Lakes contends that Part 807 landfills do not have the funds to cover the cost of PFAS monitoring and corrective action. *Id.* at 2. Additionally, Land and Lakes argues that the "landfill financial assurance rules do not anticipate the cost of complying with a never-ending series of 'emerging' contaminants." *Id.* Land and Lakes also points out that, while municipalities may be exempt from financial assurance requirements, they will still "incur costs for assessment monitoring and corrective action in the event of a confirmed exceedance." *Id.* at 6.

Land and Lakes takes issue with the Board's suggestion that Part 807 landfills can file for adjusted standards from the Part 620 PFAS standards or work with the Illinois Environmental Protection Agency (IEPA) on future changes to Part 807. PC 5 at 2. According to Land and Lakes, both options would be too costly and uncertain of an undertaking for Part 807 landfills. *Id.* Land and Lakes states that the Board must clearly spell out the guidelines and procedures for adjusted standard petitions for landfills. *Id.* In terms of regulatory changes, Land and Lakes states that IEPA needs to conduct outreach with stakeholders to evaluate necessary changes to Part 807. *Id.* at 3. While IEPA is working on proposed changes to Part 807, Land and Lakes requests that the Board grant a blanket exception to Part 807 landfills from the Part 620 PFAS standards. *Id.*

Additionally, Land and Lakes argues that the monitoring costs for PFAS will be different than other constituents because PFAS "were specifically engineered to resist degradation and environmental breakdown." PC 5 at 4. Since "PFAS compounds can remain mobile in groundwater and migrate substantial distances," the fate and transport of PFAS is more complex than other groundwater constituents. *Id.* Land and Lakes contends that "determining the rate and extent of a PFAS release frequently requires a broader geographic area of investigation, additional monitoring locations, and a longer period of data collection." *Id.* According to Land and Lakes, these factors, taken together with regulatory obligations being triggered at "extremely low" PFAS concentrations, will result in monitoring costs much greater than those for other constituents. *Id.* at 5.

Lastly, Land and Lakes argues that the Board relied on faulty assumptions when it concluded that the compliance cost estimates for Part 807 landfills were reasonable. PC 5 at 5. Land and Lakes maintains that corrective costs could be significant because "the treatment facilities may not accept PFAS-containing liquid" and "treatment and disposal costs for PFAS-containing liquid is 'currently unknown.'" *Id.* Additionally, Land and Lakes contends that transportation costs could be significant depending on the transportation distance. *Id.* In

conclusion, Land and Lakes argues that there will be no net environmental benefits of the Part 620 PFAS standards because Part 807 landfills lack the funds to comply with these regulations. *Id.* at 3, 6.

Full Circle Future (PC 6)

Because of the ubiquitous nature of PFAS in landfills and the threat of leakage of PFAS into groundwater, Full Circle Future, a national advocacy organization, agrees with the Board's decision to remove the exceptions for Part 811 and Part 814 landfills from the Part 620 PFAS standards. PC 6 at 1. However, Full Circle Future requests that IEPA conduct "a baseline assessment of PFAS contamination in groundwater at all Illinois landfills to ensure that existing PFAS contamination is identified promptly and add PFAS to the list of groundwater detection monitoring constituents so that future leaks are detected without delay." *Id.*

In support of its argument that PFAS are ubiquitous, Full Circle Future states that many "PFAS can move through water over long distances" and "can remain in soil, water, and living organisms for long periods once released into the environment" because they break down very slowly. PC 6 at 1. Full Circle Future asserts that PFAS are ubiquitous in landfill leachate because they "are widespread in the industrial and consumer waste deposited in landfills." *Id.* Full Circle Future cites to an EPA evaluation of over 200 landfills across the country, which "found PFAS present in the leachate at over 95 percent of the landfills." *Id.* at 1-2. Full Circle Future also states that the "dominant forms of PFAS in landfill leachate are short-chain compounds and precursor compounds." *Id.* at 2.

According to Full Circle Future, groundwater PFAS contamination from landfills poses a serious threat. PC 6 at 2. Full Circle cites a note USEPA made in its review of PFAS treatment and disposal methods, which states that it is unclear how effective landfills are at "containment of water-soluble or volatile PFAS for an extended duration." *Id.* USEPA also stated that PFAS are likely to pass through clay liners, PFAS have been "detected in secondary leachate at concentrations similar to those in primary leachate," and "PFAS migration through landfill liners and potential groundwater impacts remains a concern." *Id.* Full Circle Future notes that there are many Illinois landfills located close to public water supply wells and could impact drinking water sources. *Id.* at 3. Full Circle Future cites IEPA's answers to Board questions in this sub-docket, which found that 71 landfills are located within one mile of a public water supply well. *Id.*, *citing* IEPA Responses (Aug. 19, 2025). Further, Full Circle Future states that, of these 71 landfills, "23 landfills are within 1,000 feet of at least one community drinking water well, and 18 landfills are within 1,000 feet of non-community drinking water wells." *Id.* Full Circle Future also used IEPA's groundwater recharge potential map to "describe the potential for landfills to contaminate public water supplies." *Id.* Full Circle Future found that "27 landfills are located in regions of very high groundwater recharge potential; 9 are in areas of high to moderately high recharge potential; and 11 are in areas of moderately high to moderate recharge potential." *Id.*

Because of the proximity of the landfills to drinking water resources and the threat contamination posed by them, Full Circle Future argues that IEPA should include PFAS in "the list of constituents analyzed during detection monitoring." PC 6 at 3. Full Circle Future

contends that the current detection monitoring list is not a reliable way to detect PFAS. *Id.* According to Full Circle Future, both USEPA and the Interstate Technology Regulatory Council "advise that a broad panel of PFAS compounds must be used to assess subsurface PFAS at a contaminated site" and neither agency "advises that traditional landfill leachate indicators should be used as PFAS proxies. *Id.* at 4. Therefore, Full Circle Future urges the Board to "support the early detection of PFAS contamination in groundwater at landfills by requiring analysis of the full list of PFAS compounds detectable with USEPA Methods 1633A, combined with non-target analysis." *Id.* at 5.

PROPOSED AMENDMENTS

At second notice, the Board proposes to strike the following exemptions for Part 811 and 814 landfills under Part 620 as proposed at first notice:

35 Ill. Adm. Code 620.410

~~f) No facility that is subject to 35 Ill. Adm. Code 811 or 814 must comply with any requirement or standard of those rules to the extent it incorporates or is otherwise based on any of the following constituents or their standards under this Section:~~

~~CASRN~~	~~Constituent~~
~~13252-13-6~~	~~HFPO-DA (hexafluoropropylene oxide dimer acid GenX)~~
~~375-73-5~~	~~PFBS (perfluorobutanesulfonic acid)~~
~~355-46-4~~	~~PFHxS (perfluorohexanesulfonic acid)~~
~~375-95-1~~	~~PFNA (perfluorononanoic acid)~~
~~335-67-1~~	~~PFOA (perfluorooctanoic acid)~~
~~1763-23-1~~	~~PFOS (perfluorooctanesulfonic acid)~~

35 Ill. Adm. Code 620.420

~~e) No facility that is subject to 35 Ill. Adm. Code 811 or 814 must comply with any requirement or standard of those rules to the extent it incorporates or is otherwise based on any of the following constituents or their standards under this Section:~~

~~CASRN~~	~~Constituent~~
~~13252-13-6~~	~~HFPO-DA (hexafluoropropylene oxide dimer acid GenX)~~
~~375-73-5~~	~~PFBS (perfluorobutanesulfonic acid)~~

~~355-46-4~~	~~PFHxS (perfluorohexanesulfonic acid)~~
~~375-95-1~~	~~PFNA (perfluorononanoic acid)~~
~~335-67-1~~	~~PFOA (perfluorooctanoic acid)~~
~~1763-23-1~~	~~PFOS (perfluorooctanesulfonic acid)~~

DISCUSSION

This sub-docket was opened to further investigate the application of Part 620 PFAS standards to Part 811 and Part 814 landfills. As the Board stated at first notice, Part 807 landfills are already subject to the new PFAS standards as they were not included in the exemptions in the underlying rulemaking, R22-18. The Board also reiterated that regulatory relief exists for all landfills subject to the Part 620 groundwater standards. Any landfill can request an adjusted standard, site-specific rule, or, if the landfill is in corrective action, can request that IEPA establish a groundwater monitoring zone. While the Board recognizes that regulatory relief provisions specific to landfills would be helpful, the record does not include specific language for the Board to consider for second notice. In this regard, the Board welcomes IEPA to include landfill specific relief requirements when it proposes changes to the landfill rules under Part 807, 811, and 814. Until then, the regulated entities may avail themselves of the existing relief mechanisms under the Act and the Board rules.

The Board understands that Part 807 landfills were closed almost 35 years ago under closure requirements of that Part under 35 Ill. Adm. Code 814, Subpart E. While adding monitoring of PFAS and any potential PFAS corrective action would place an additional economic burden on these facilities, the Board expects the Agency to ensure compliance with Part 620 groundwater standards, including PFAS, by utilizing existing enforcement tools or voluntary measures. The Agency previously stated that it intends to propose rules specific to landfills to address monitoring of PFAS, and the Board directs the Agency to do so in an expedited manner.

As the Board stated at first notice, groundwater monitoring is a preventative measure for the early detection of any release of contaminants from a landfill so that appropriate remedial steps can be taken to protect underlying groundwater. The Board found that it is vital to conduct groundwater monitoring for PFAS at Part 807, 811, and 814 landfills so that the extent of PFAS contaminations is known. Especially since many of these landfills are located in close proximity of Class I Potable Resource Groundwater, Regulated Recharge Areas, and public water supply wells and their setback zones. *See,* First-Not. Op. at 20-21.

Land and Lakes claims that the Board's first notice opinion "lacks the type of careful consideration of the economic realities facing old, closed landfills." PC 5 at 2. The Board disagrees. The Board's first notice opinion and order included substantial evaluation of the cost of every step of monitoring and possible remediation activities for landfills. Much of the foundation of the estimated costs were derived from the testimony of Land and Lake's witness, Brad Hunsberger and the National Waste and Recycling Association's (NWRA) witness, Eric Ballenger. Considering all the evidence presented in this rulemaking, the Board found the costs

of including PFAS in groundwater monitoring programs at Part 807, 811, and 814 landfills to be economically reasonable. The Board maintains that it found the monitoring and compliance costs for Part 807 landfills to be reasonable based on an evaluation of Hunsberger's testimony. While the Board recognizes that there will be significant costs to landfills, the environmental benefits of PFAS monitoring far outweighs those costs. As stated at first notice, the Board finds that establishing groundwater quality standards for PFAS chemicals would protect human health and maintain groundwater as a vital resource for the State of Illinois. *See,* First-Not. Op. at 15-20.

CONCLUSION

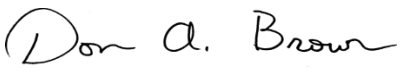
After evaluating the estimated compliance costs as reported by Land and Lakes and NWRA's witnesses at hearing and in public comments along with the information provided by the Agency, the Board concludes that the potential harm to human health and the environment far outweighs the costs associated with sampling for PFAS, and any potential corrective action at Part 807, 811, and 814 landfills. As such, at second notice, the Board proposes removing the exemptions for Part 811 and 814 landfills from complying with the Part 620 PFAS groundwater quality standards for Class I and Class II groundwater. Further, the Board declines to add an exemption from Part 620 PFAS standards for Part 807 landfills.

ORDER

The Board directs the Clerk to file the second notice proposal with JCAR.

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 November 5, 2026, by a vote of 5-0.



Don A. Brown, Clerk
Illinois Pollution Control Board