JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

CO-CHAIR:
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REP. DAVE VELLA

700 STRATTON BUILDING
SPRINGFIELD, ILLINOIS 62706
(217) 785-2254

March 4, 2025

Barbara Flynn Currie, Chair
Pollution Control Board
60 E. Van Buren St., Ste. 630
Chicago IL 60605

Dear Chair Currie:

This is to notify you that JCAR considered the following proposed rulemaking at its 3/4/25 meeting:

    Groundwater Quality (35 Ill. Adm. Code 620)
    48 Ill. Reg. 4608 - 3/29/24

If your agency has agreed to any substantive modifications during its discussions with JCAR, they are described in the Agreements attached to the certification. Based on these Agreements, as well as the other responses you have provided the Committee during the review of this rulemaking, JCAR has determined that No Objection will be issued. Enclosed you will find formal certification of this action.

This rulemaking may now be adopted upon filing with the Office of the Secretary of State.

Please note that the fact that the Committee has not objected to this rulemaking does not necessarily constitute approval, expressed or implied, of the substance of the rulemaking.

Thank you for the cooperation your agency has shown during our review of these issues.

Sincerely,

Senator Bill Cunningham
Co-Chairman

Representative Ryan Spain
Co-Chairman

cc: Don Brown
       Richard McGill

Enc.

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March 4, 2025

Barbara Flynn Currie, Chair
Pollution Control Board
60 E. Van Buren St., Suite 630
Chicago IL 60605

Re: Goundwater Quality (35 Ill. Adm. Code 620; 48 Ill. Reg. 4608 - 3/29/24)

Dear Chair Currie:

This is to notify you that JCAR considered the above-referenced proposed rulemaking at its 3/4/25 meeting.

If your agency has agreed to any substantive modifications during its discussions with JCAR, they are described in the agreements attached to the certification. Based on these Agreements, as well as the other responses you have provided the Committee during the review of this rulemaking, JCAR has determined that No Objection will be issued. Enclosed you will find formal certification of this action.

The rulemaking may now be adopted upon filing with the Office of the Secretary of State.

Please note that the fact that the Committee has not objected to the rulemaking does not necessarily constitute approval, expressed or implied, of the substance of the rulemaking.

Additionally, however, the Committee has issued a Recommendation concerning this rulemaking. A copy of that Recommendation is enclosed. If we can be of any assistance to your agency in responding to the Recommendation, please do not hesitate to contact us.

Thank you for the cooperation your agency has shown during our review of these issues.

Sincerely,

Kim Schultz
Executive Director

Enc.
cc: Don Brown

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JOINT COMMITTEE ON ADMINISTRATIVE RULES

CERTIFICATION OF NO OBJECTION
TO PROPOSED RULEMAKING

This is to certify that the Joint Committee on Administrative Rules, at its 3/4/25 meeting, considered the rulemaking titled Goundwater Quality (35 Ill. Adm. Code 620; 48 Ill. Reg. 4608), proposed by the Pollution Control Board and published in the 3/29/24 issue of the Illinois Register. After consideration, and based upon the Agreements, if any, for modification of the rulemaking made by the agency and attached to this document, the Committee determined that no Objection will be issued to the above-mentioned rulemaking.

March 4, 2025
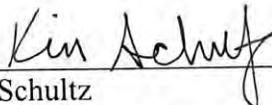
Kim Schultz
Executive Director

Attachments: Agreements
                Recommendation Issued

JOINT COMMITTEE ON ADMINISTRATIVE RULES

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March 4, 2025

Don Brown, Clerk
Pollution Control Board
60 E. Van Buren St., Ste. 630
Chicago IL 60605

Re: Goundwater Quality (35 Ill. Adm. Code 620; 48 Ill. Reg. 4608 - 3/29/24)

Dear Mr. Brown:

The enclosed are the Register version and the Code copy of the above-cited rules as those rules are to be inserted in the Administrative Code database. You can use these copies when filing the rulemaking with the Secretary of State.

Please have someone on your staff peruse the enclosed copies to be sure that they reflect the language of the rule as you now understand it to exist; i.e., the original draft with any First Notice changes, technical corrections and Agreements included.

As you know, JCAR has issued a Recommendation with respect to this rulemaking.

If you notice any errors or discrepancies in the enclosed versions, please notify us as quickly as possible and we will provide a corrected version you can certify to the Code Division. This material will be integrated into the Code database when adoption of the rule appears in the Illinois Register.

Thank you for your cooperation and assistance.

Sincerely,

Kim Schultz
Executive Director

Enc.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

POLLUTION CONTROL BOARD

Heading of the Part: Goundwater Quality

Code Citation: 35 Ill. Adm. Code 620

Section Numbers:				
620.105	320.220	620.302	620.420	620.601
620.110	620.230	620.305	620.430	620.605
620.115	620.240	620.310	620.440	620.610
620.125	620.250	620.401	620.450	620.615
620.201.	620.260	620.405	620.505	620.App.A
620.210	620.301	620.410	620.510	620.App.B
620.App. C	620.App.D	620.App.E		

Date Originally Published in the Illinois Register: 3/29/24
48 Ill. Reg. 4608

At its meeting on March 4, 2025, the Joint Committee on Administrative Rules considered the above-referenced rulemaking and recommended that the Board assess the makeup of potentially impacted parties under each pending rulemaking and approach its obligation to consider the "economic reasonableness" of its rulemakings by engaging substantively and specifically with concerns raised by commenters, rather than by relying exclusively on its past practice. Section 27 of the Environmental Protection Act requires the Board to consider the "technical feasibility and economic reasonableness" of each rulemaking before it. During this rulemaking's lengthy docket process prior to first notice, commenters repeatedly asserted that the proposed groundwater quality standards would have an adverse economic impact, particularly on landfills, since 35 Ill. Adm. Code 620 groundwater quality standards are cross-referenced in 35 Ill. Adm. Code 811 and 814, which regulate landfills. The Board did not respond to this point substantively, instead just asserting that compliance costs in general cannot be considered as following from numeric standards, since rules governing specific remediation programs must be amended before compliance costs are incurred. Only after JCAR sent the Board a letter outlining the inadequacy of its economic analysis did the Board acknowledge that the proposed standards could have an economic impact on landfills prior to any subsequent rulemaking.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

SECOND NOTICE CHANGES

Agency: Pollution Control Board

Rulemaking: Goundwater Quality (35 Ill. Adm. Code 620; 48 Ill. Reg. 4608)

Changes:

1.   In line 72, capitalize "required".

2.   In line 98, restore "standards".

3.   In line 147, after "may", add "perform".

4.   In line 148, delete "perform"

5.   In line 191, after "]" strike period.

6.   In line 241, strike "he" and delete "or she" and add "the person".

7.   In line 331, delete "and" and after the final comma, add "and".

8.   In line 408, restore the comma.

9.   In line 437, delete the first "10,".

10. In lines 454-55, strike "1020 North Grand Avenue East" and add "2520 W. Iles Ave.".

11. In line 597, capitalize "solutions".

12. In line 615, delete the single quotation mark and add a double quotation mark.

13. In line 617, delete the single quotation mark. After the first comma, add a double quotation mark. At the end of the line, delete the double quotation mark.

14. In line 619, capitalize "forum".

15. In line 622, delete the second quotation mark.

16. In line 659, delete "and" and add "or".

17. In line 663, delete "established".

18.   In line 701, restore the semicolon and strike "or".

19.   In line 706, strike the colon.

20.   In line 708, delete the comma and after the close quotation mark, add a comma.

21.   In line 709, delete the period and add "; or".

22.   In line 811, after "(g)", add a comma.

23.   In line 820, delete "which" and restore "that".

24.   In lines 890-91, delete "at both active and inactive electric utilities and independent power producers".

25.   In line 931, delete the comma.

26.   In line 932, delete "the".

27.   In line 934, delete the comma.

28.   In line 944, after "action", add "process".

29.   In line 1016, delete "both" and add ", or both,".

30.   In line 1118, after "(c)", add ")".

31.   In line 1028, after "both", add a comma.

32.   In line 1050, delete ", specifying the grounds for termination".

33.   In line 1054, after "including", add "its".

34.   In line 1055, after the first "or", add "its". After the second "or", delete "its".

35.   In line 1058, delete the third "or".

36.   In line 1061, delete the period and add a semicolon.

37.   In line 1075, delete the quotation mark.

38.   In line 1092, change the subsection label from "I" to "i".

39.   In line 1126, delete "104 Subpart D" and add "104.Subpart D".

40.   In line 1128, strike the first comma.

41. In line 1134, within the parentheses, delete "c" and restore "b".

42. Line 1201, after "by", delete "the". After "under", add "the".

43. In line 1216, after "(a)(5),", add "or".

44. In line 1217, after "(a)(6)", delete ", or (b)".

45. In line 1358, in the constituent column, delete "Dichlorobenzene" and add "o-Dichlorobenzene".

46. In line 1380,

    a. In the constituent column, after "Heptachlor", delete "1024-57-3".

    b. In the CASRN and constituent columns, after "375-95-1" and "PFNA (perfluorononanoic acid)", add "335-67-1" and "PFOA (perfluorooctanoic acid)", respectively.

47. In line 1460,

    a. In the standard column, for Fluoride, delete "2^h" and add "4^d".

    b. In the standard column, for Molybdenum, delete "0.308" and add "0.308^c".

48. In line 1507,

    a. In the constituent column, after "Dichloromethane (methylene", add "chloride)^c".

    b. In the standard column, for 1,3-Dinitrobenzene, delete "0.0007^a" and add "0.001^g".

    c. In the standard column, for 2,4-Dinitrotoluene^b, delete "0.00025^d" and add "0.001^g".

    d. In the standard column, for HFPO-DA, delete "0.000012^a" and add "0.000010^c".

    e. In the constituent column, delete "2-Methvlnapthalene" and add "2-Methylnapthalene".

    f. In the standard column, for PFBS, delete "0.0012^a" and add "0.002^c".

    g. In the standard column, for PFHxS, delete "0.000077^a" and add "0.000010^c".

    h. In the standard column, for PFNA, delete "0.000012^a" and add "0.000010^c".

    i.   In the standard column, for PFOA, delete "0.000004^g" and add "0.000004^{bc}".

    j.   In the standard column, for PFOS, delete "0.0000077^a" and add "0.000004^{bc}".

49.   In line 1518, delete "at" and add "in".

50.   In line 1599, delete the box that appears around the listings of CASRN numbers and constituent names.

51.   In line 1611,

    a.   In the standard column, for Fluoride, delete "2^d" and add "4^e".

    b.   In the standard column, for Molybdenum, delete "0.308" and add "0.308^e".

52.   In line 1666, delete "standards" and restore "standard".

53.   In line 1677, strike the comma and add "and".

54.   In line 1680, after "which", delete "subsections" and add "the conditions of subsection". After "(a)(3)(B)", delete "conditions".

55.   In line 1681, after "met.", strike the comma.

56.   In line 1684, after "which", delete "subsections" and add "the conditions of subsection".

57.   In line 1685, delete "conditions".

58.   In line 1712,

    a.   In the constituent column, delete "*trans*-1.2-Dichloroethylene" and add "*trans*-1,2-Dichloroethylene".

    b.   In the standard column, for 1,3-Dinitrobenzene, delete "0.0007^b" and add "0.001^b".

    c.   In the standard column, for 2,4-Dinitrotoluene^c, delete "0.00125^a" and add "0.005^a".

    d.   In the standard column, for 2,6-Dinitrotoluene^c, delete "0.0005^a" and add "0.005^a".

    e.   In the standard column, for HFPO-DA, delete "0.000012^b" and add "0.000010^b".

    f.   In the constituent column, delete "2-Methvlnapthalene" and add "2-Methylnapthalene".

g. In the standard column, for PFBS, delete "0.0012^b" and add "<u>0.002^b</u>".

h. In the standard column, for PFHxS, delete "0.000077^b" and add "<u>0.000010^b</u>".

i. In the standard column, for PFNA, delete "0.0000012^b" and add "<u>0.000010^b</u>".

j. In the standard column, for PFOA, delete "0.0000077^b" and add "<u>0.000004^b</u>".

k. In the standard column, for PFOS, delete "0.0000077^b" and add "<u>0.000004^b</u>".

l. In the constituent column, delete "PFOS (perfluorooctanesulfonic acid)" and add "<u>PFOS (perfluorooctanesulfonic acid)^c</u>".

59. In line 1755, strike the comma.

60. In line 1758, delete the comma.

61. In line 1790, the r02 has "Atrazine Total Atrazine and Metabolites" on one line with only one standard (0.015^a). "Atrazine" and "Total Atrazine and Metabolites" must be on separate lines with a separate standard for each, *i.e.*, 0.015^a for Atrazine and 0.015 for Total Atrazine and Metabolites.

62. In lines 1825 and 1827, delete "Num." and add "<u>No.</u>".

63. In line 1833, delete "Num" and add "<u>No.</u>"

64. In line 1840, strike "or" and add a comma. After "(c),", add "<u>(d), or (e)</u>".

65. In line 1843, delete "<u>part</u>".

66. In line 1844, delete "clarified, as applicable, by" and add "<u>determined in compliance with</u>". Delete "under".

67. In line 1845, strike "35 Ill. Adm. Code 811". After "811", delete the comma. Strike "814". Delete ", and 817".

68. In line 1846, delete the comma.

69. In line 1893, after "the", add "<u>site</u>".

70. In line 1931, after the period, add "<u>In addition, at least annually, the Agency must submit the list to the Board for publication in the Environmental Register.</u>"

71. In line 1981, strike "TNT".

72.   In line 1992, after the first "or", strike "a".

73.   In lines 2108-09, strike "outside of an applicable setback zone of a community water well or well field".

74.   In line 2112, delete the comma.

75.   In line 2113, delete the comma and after the close quotation mark, add a comma.

76.   In line 2007, strike "of".

77.   In line 2030, after the first "or", strike "a".

78.   In line 2046, strike "of".

79.   In line 2066, delete "Groundwater Objectives" and restore "groundwater objectives".

80.   In line 2290, after the second comma, add "or".

81.   In line 2291, after "in", add "Section".

82.   In lines 2291-92, delete "are applicable" and add "apply".

83.   In line 2292, after "storage", add a comma.

84.   In line 2298, delete the period and add a semicolon.

85.   In line 2306, delete the period, the quotation mark, and the period at the end of the line and add "; and".

86.   After line 2307, add "U.S. EPA, Office of Research and Development, Center for Environmental solutions & Emergency Response. Shoemaker, J. and Dan Tettenhorst, Method 537.1: Determination of selected Per- and Polyfluorinated Alkyl Substances in Drinking Water by Solid Phase Extraction and Liquid Chromatography/Tandem Mass spectrometry (LC/MS/MS). U.S. Environmental Protection Agency, Office of Research and Development, Center for Environmental Assessment, Washington, DC. Version 2.0, March 2020."

87.   In line 2330, strike "of".

88.   In line 2379, after "Concentration", add "(HTTAC)". At the end of the line, delete the second "the".

89.   In line 2380, after "Concentration", add "(HNTAC)".

90. In line 2390, after the first "the", add "lower". After "concentration", strike "for" and add "between the HTTAC and HNTAC of".

91. In line 2454, in the "W =" row, after "age", add a close parenthesis.

92. In line 2460, strike the comma. After "that", add a comma.

93. In line 2617, strike "which" and add "that".

94. In line 2627, after the close parenthesis, add ", but".

95. In line 2640, after the close quotation mark, add a comma.

96. In line 2648, after the close quotation mark, add a comma.

97. In line 2701, after "level" add "in subsection (d)".

98. In line 2716, after the comma, add "the".

99. In line 2723, strike the comma and add ". If the one-in-one-million cancer risk concentration of the substance is less than its lowest appropriate LLOQ or LCMRL".

100. In line 2723-24, delete "of the substance".

101. In line 2724, delete "its".

102. In line 2759, strike the second "a".

103. In line 2760, after "Concentration", add "add "(HTTAC)".

104. In line 2763, strike "Health" and add "Human Nonthreshold Toxicant".

105. In line 2764, after "Concentration", add "(HNTAC)". After "concentration," add "calculated from methods located at Appendix A. The guidance level is either the HTTAC or Human HNTAC, whichever is less".

106. In line 2770, after the first "the", add "lower". After "concentration", delete "for" and add "between the HTTAC and HNTAC of".

107. In line 2777, after "**Section 620.APPENDIX D**", add "**Information Required for**".

108. In line 2789, after "application", add "to the Agency".

109. In line 2790, after "action", add "process".

110. In line 2796, after "including", add "the information required for".

111. In lines 2797-98, delete "(d)(1) or (f)" and add "(c)(2)(i), (c)(2)(ii), (d)(1), or (f)".

112. In line 2799,

    a. Note 1, first line, after "II", add a comma.

    b. Note 1, third line, after the first period, add "See 35 Ill. Adm. Code 620.250(b)."

    c. Note 1, sixth line, after the period, add "See 35 Ill. Adm. Code 620.250(d). The owner or operator is neither required to use the form specified in Part I, II, III, or IV of this Appendix D nor precluded from including information in addition to that required by this Appendix D. See 35 Ill. Adm. Code 620.250(b)(2), (b)(3), (d)."

    d. Note 2, third line, restore "process".

    e. Note 3, first line, change "II" after "and" to "III".

    f. Note 4, fourth line, after "off-site", add "property".

113. In line 2803, delete the second "the".

114. In line 2837, after "treatment", add a comma.

115. In line 2855, after "suspected", add a comma.

116. In line 3005,

    a. In the Liver section, for Ethylene dibromide (1,2-dibromoethane), in the CASRN left column, delete "106-93-" and add "106-93-4".

    b. In the Whole Body section, delete "--Dichlorobenzene (1,2-dichlorobenzene)" and add "o-Dichlorobenzene (1,2-dichlorobenzene)".

117. In line 3012, in the Liver section, delete "*alaha*-BHC (*alaha*-benzene hexachloride)" and add "*alpha*-BHC (*alpha*-benzene hexachloride)".

(TR)
(3/6/25)