

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
) R 2022-18(A)
PROPOSED AMENDMENTS TO)
GROUNDWATER QUALITY) (Rulemaking)
35 ILL. ADM. CODE 620 (SUBDOCKET A))

NOTICE

TO: Don A. Brown, Clerk
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See attached Service List

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Illinois Pollution Control Board Illinois Environmental Protection Agency's Post-Hearing Comment, a copy of which are herewith served upon you along with this notice.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY'S POST-HEARING COMMENT

Illinois Environmental Protection Agency's ("Illinois EPA" or "Agency") Post-Hearing Comment:

The Illinois EPA respectfully submits these post-hearing comments following the September 16, 2025, hearing convened by the Illinois Pollution Control Board (the "Board"). This submittal is intended to assist the Board in its continued evaluation of the potential economic impacts associated with adding standards for six per- and polyfluoroalkyl ("PFAS") substances to 35 Ill. Adm. Code Part 620 ("Part 620") under the current versions of 35 Ill. Adm. Code Parts 807, 811 and 814 (Parts "807," "811," or "814"). The Agency appreciates the Board's thorough review of the issues presented and the opportunity to contribute additional information supporting a complete evaluation consistent with the Environmental Protection Act (the "Act") and Illinois Groundwater Protection Act.

The Agency remains steadfast in its position that continued exemption of landfills from the PFAS provisions of Part 620 would undermine Illinois's statutory policy of protecting human health and the environment. 7/25/25 Illinois EPA Response to Board's May 15, 2025 Order, pp. 2-3. Maintaining the exemption in Sections 620.410(f) and 620.420(e), and/or extending the exemptions to Part 807 landfills, would leave a gap in Illinois's groundwater protection framework and require communities living near landfills to accept that PFAS from a landfill may be present in their groundwater but is not required to be monitored and/or tracked. Without monitoring, PFAS contamination would be discovered only after it has spread further from the point of release and the resulting costs of remediation would far exceed that of what prevention through monitoring could have off set. In addition, failure to implement preventive measures as soon as possible may unnecessarily expose populations to elevated adverse health effects associated with PFAS, including effects on the liver, growth and development, hormone levels, kidney, the immune system, lipid levels, the nervous system, and reproduction, as well as increased risk of certain types of cancer. Proposed Amendments to Groundwater Quality 35 Ill. Adm. Code 620, R22-18, Opinion, p. 4 (Jan. 23, 2025). This outcome would be inconsistent with Illinois's commitment to protect groundwater by preventing its pollution.

The Board's January 23, 2025 Second-Notice Opinion and Order in R22-18 discussed economic reasonableness in adopting the PFAS standards statewide and reaffirmed its

long-standing reliance on the findings of the economic impact study conducted during R89-14(B), which evaluated the costs and benefits of establishing groundwater quality standards under the Illinois Groundwater Protection Act. That study described the benefits of adopting groundwater quality standards as follows:

These benefits can be expressed as decreased health care expenses, lower health insurance premiums, reduction in pain and suffering, and a better quality of life for Illinois citizens.

Proposed Amendments to Groundwater Quality 35 Ill. Adm. Code 620, R22-18, Opinion, p. 4 (Jan. 23, 2025). The study further concluded that:

a second major benefit of the proposed regulations is preservation of groundwater as a resource for future generations. By preventing contamination where possible through preventive management practices and by addressing existing contamination through groundwater remediation, the value of the resource is preserved and the availability of groundwater for future use is greatly enhanced.

Id. at 5. The economic impact study also identified other non-quantifiable benefits such as “avoided decreases in property values proximal to sites of groundwater contamination, avoided restrictions in siting for private and community potable wells, and avoided negative impacts on wildlife and ecology of areas served by groundwater base flow.” *Id.* at 5.

In referencing and carrying that reasoning over to this proceeding, the Board again emphasized these same economic and societal benefits, finding that “the average PFAS analytical cost of approximately \$300 per sample is reasonable.” *Id.* at 18. The Board also stated that “the protection of human health and the environment is the main motivation to periodically update Part 620 to include new constituents and new scientific methodologies.” *Id.* at 5. By continuing its established findings, the Board underscored that the PFAS standards, like the original Part 620 framework, advance significant public health and economic benefits that exceed incremental analytical costs.

The Board’s continuing application of its R89-14(B) economic impact study, as reaffirmed in the January 23, 2025 Second-Notice Opinion and Order, demonstrates that economic reasonableness extends beyond immediate costs to include long-term economic and public health benefits. The Board found that preventing contamination through early management and monitoring “preserves the value of the resource and greatly enhances its availability for future use.” *Id.* at 5. Those findings reinforce a preventive approach to PFAS is consistent with Illinois’s non-degradation standards and represents an economically reasonable public health investment.

Illinois law is clear that degradation of Class I groundwater cannot be justified on the grounds that cleanup would be expensive or difficult. The non-degradation provisions of

Section 620.301 prohibit releases that impair the use of resource groundwater. To continue exemptions for Part 811 and Part 814 landfills, and/or extending the exemptions to Part 807 landfills, would be to accept potential degradation and ensure unknown groundwater conditions without regulatory requirements for monitoring. Moreover, many landfills are situated above or adjacent to sensitive aquifers, including the Mahomet Aquifer and other Class I groundwater areas that serve as regional drinking water supplies. 8/12/25 Illinois EPA Response to Board's August 6, 2025 Order, pp. 5-6. Without monitoring, the State cannot credibly assure the public that these facilities pose no risk to human health or the environment.

I. PART 811 AND PART 814 FACILITIES SHOULD BE SUBJECT TO PART 620'S PFAS GROUNDWATER STANDARDS.

A. It is Technically Feasible to Render Part 811 and Part 814 Facilities in Compliance with Part 620's PFAS Standards.

As explained in the Agency's July 25, 2025, Response to the Board's May 15, 2025, Order, adoption of the Class I and Class II groundwater quality standards in Part 620 for six PFAS constituents does not render compliance with the landfill regulations technically infeasible and the Agency supports removal of the exemptions in Section 620.410(f) and 620.420(e) for landfills subject to Part 811 or Part 814. 7/25/25 Illinois EPA Response to Board's May 15, 2025 Order, pg. 2. Landfills regulated under these Parts already operate under comprehensive groundwater monitoring programs, and existing well networks, sample-handling protocols, and laboratory certifications are capable of supporting PFAS analysis. 8/12/25 Illinois EPA Response to Board's August 6, 2025 Order, pp. 2-3. Potential interference from fluoropolymer tubing or PFAS-treated sampling materials can be mitigated by standard PFAS-specific field procedures *Id.* at 2. Consequently, wholesale replacement of monitoring wells is not expected. 7/25/25 Illinois EPA Response to Board's May 15, 2025 Order, p. 3. Furthermore, removal of the exemptions would not impose an immediate new detection monitoring requirement for those facilities regulated under Part 811 and Part 814 as PFAS parameters would only be triggered when a facility transitions from detection to assessment monitoring following a confirmed exceedance of another regulated constituent. *Id.* at 3-4. This approach targets the monitoring where it is most relevant, when a release has been indicated, and limits unnecessary cost.

B. It is Economically Reasonable to Implement Part 620's PFAS Standards at Part 811 and Part 814 Facilities.

For new or expanding landfills, PFAS will be incorporated into the list of parameters for which background concentrations must be established during hydrogeologic investigations. *Id.* at 5-6. The incremental cost of PFAS analysis is modest compared to existing groundwater monitoring obligations; extending PFAS monitoring to older Part 807 facilities is also feasible. *Id.* at 6; 9/30/25 Illinois EPA Supplemental Response to Board's September 10, 2025 Order, p. 3. These facilities, while closed for decades, continue to

monitor groundwater and maintain post-closure permits that reference the constituents in Part 620. 8/12/2025 Illinois EPA Response to Board's August 6, 2025 Order, p. 13.

The same sampling equipment and well networks can be used to collect PFAS samples. So far there are 20 laboratories accredited by Illinois to perform PFAS analyses. As documented in the Agency's July 25, 2025, and August 12, 2025, pleadings in this sub docket, analytical costs average \$300 per sample per well, which is comparable to or lower than the cost of other organic analyses (e.g., \$402 for SVOCs under Method 8270). 8/12/25 Illinois EPA Response to Board's August 6, 2025 Order, p. 8. The Agency laboratory's most recent costs for drinking water/groundwater PFAS analysis is \$316.30. A list of various analyses performed by the Agency's laboratory with comparable costs is below:

Analytical Method	Cost
8270	\$402.50
8260	\$258.80
525	\$99.80
531	\$73.50
8081	\$367.50
524.3-VOC	\$101.60
524.3-THM	\$42.70
515.4	\$154.60
524.3-SOC	\$52.50
8260-SIM	\$258.80
548.1	\$131.30

It is further noted, as stated in the September 16, 2025, hearing testimony, that the \$300 cost is comparable with the analytical rate for PFAS analysis conducted by the Agency's laboratory (currently \$316.30) (see Transcript of the September 16, 2025 Hearing, pp. 37:13-24, 38:1-2), confirming the estimate's validity (for comparative cost context, see 8/12/25 Illinois EPA Response to Board's August 6, 2025 Order, p. 8).

Even at Illinois's largest landfill, which currently has 110 monitoring wells, adding PFAS to semi-annual monitoring results in an additional annual cost of roughly \$66,000. 7/25/25 Illinois EPA Response to Board's May 15, 2025 Order, pp. 6-7. For typical landfills

with fewer wells, costs range from a few thousand to tens of thousands of dollars annually, which is believed to be within the normal operating budgets of regulated facilities. Because PFAS would not be included in routine detection monitoring, but only in assessment or corrective action programs for Part 811 and Part 814 facilities, the actual number of analyses each year is limited. In this way, the cost structure aligns with the level of environmental concern, so facilities with no indication of PFAS impact would bear little to no additional cost.

With regard to modeling costs, existing models used for Groundwater Impact Assessments (“GIAs”) can incorporate PFAS and, furthermore, the governing equations, transport framework, and software already accommodate a wide range of chemical properties. Incorporating PFAS involves adding constituents’ specific parameters such as distribution coefficients and potentially degradation constants. Therefore, the Agency does not anticipate modeling costs for PFAS will materially exceed those already incurred for existing constituents. As detailed in the August 12, 2025, Agency response, incorporating PFAS into GIA modeling uses the same data inputs and computational tools; therefore, no significant cost increase is expected. 8/12/25 Illinois EPA Response to Board’s August 6, 2025 Order, pp. 9-11. Where PFAS are detected, existing corrective action procedures and groundwater management zone (“GMZ”) provisions in Section 620.250 provide the mechanisms for remediation and/or temporary regulatory relief. The Agency has already approved GMZs at thirteen Part 807 facilities addressing other groundwater contaminants. 9/30/25 Illinois EPA Response to Board’s September 10, 2025 Order, pp 7-8.

II. THE PART 620 PFAS STANDARDS SHOULD BE IMPLEMENTED AT PART 811 AND PART 814 LANDFILLS.

The Agency reiterates that the PFAS exemptions for Part 811 and Part 814 landfills should be removed. The addition of PFAS constituents to these facilities’ monitoring programs is essential for identifying potential contamination and ensuring timely corrective action. Any continued exemptions undermine the State’s commitment to safeguard public health and environmental integrity. 7/25/25 IEPA Response to Board’s May 15, 2025 Order, pp. 2-3.

Compliance with the PFAS standards is technically feasible. Current monitoring networks are adequate for developing background values and PFAS will not be added to detection monitoring lists absent a release indicator. *Id.* at 3. Facilities entering assessment monitoring must analyze PFAS, establishing statistical background values from upgradient wells as already required under Section 811.319. *Id.* at 4-6.

Economic reasonableness can likewise be demonstrated. The estimated cost of \$300 per event per well applies statewide and no additional field sampling costs are anticipated since PFAS analysis will coincide with existing sampling events. *Id.* at 6. Even in a worst-case scenario example (e.g., 110 wells sampled semi-annually), the resulting annual cost remains within manageable bounds relative to other required analyses. *Id.* at 6-7.

Corrective action costs are inherently site-specific and depend on the magnitude of contamination, hydrogeology, and chosen remedy; however, these costs are consistent with existing programs and do not create new categories of expense. *Id.* at 8.

III. THE PART 620 PFAS STANDARDS SHOULD BE IMPLEMENTED AT PART 807 LANDFILLS.

The Agency further concludes that applying the PFAS standards to Part 807 landfills is both technically feasible, economically reasonable, and necessary for statewide consistency. 9/30/25 Illinois EPA Supplemental Response to Board's September 10, 2025 Order, pp. 3-4. Many such facilities continue to monitor groundwater and maintain post-closure permits that already reference Part 620 constituents. Currently, there are 97 Part 807 landfills, with 34 being closed but not certified and 63 in post-closure care. See 07/25/2025 Testimony of Brad Hunsberger on Behalf of Land and Lakes Company, pp. 2, 10. These 97 facilities are required to continue groundwater monitoring and maintain permits that refer to Part 620 constituents. PFAS monitoring can therefore be integrated using existing wells and sampling infrastructure, and analytical laboratories certified in Illinois already meet the detection limits required for these constituents. Where PFAS impacts are identified, existing corrective action mechanisms and temporary regulatory relief mechanisms including GMZs under Section 620.250, provide the regulatory infrastructure to address remediation. Thirteen Part 807 landfills currently maintain approved GMZs for other contaminants, demonstrating that the same approach can manage PFAS impacts. *Id.* at 8. A list of the thirteen Part 807 landfills with current approved GMZs is below:

Illinois EPA ID No.	Facility Name	Closest Municipality	County
0050050001	D & L Landfill	Greenville	Bond
0018010001	Quincy Municipal 4	Quincy	Adams
0070050006	Belvidere Municipal 2	Belvidere	Boone
0110850001	Princeton Municipal	Princeton	Bureau
0310630001	Des Plaines Landfill	Des Plaines	Cook
0418080002	Equistar Chemicals	Tuscola	Douglas
0678150001	Carthage Muni	Carthage	Hancock
0838000001	Principia College	Elsah	Jersey
0958160002	Knox County Landfill Combined Phase I/II	Oneida	Knox
1158040008	Advanced Disposal Valley View Landfill	Decatur	Macon
1618100004	East Moline Municipal	East Moline	Rock Island
1770200002	Freeport Municipal 2 & 3	Freeport	Stephenson
1958140003	Whiteside County Landfill #2	Morrison	Whiteside

Sampling for PFAS can be conducted within existing schedules and permit modifications adding PFAS can be processed concurrently with normal updates avoiding delay in closure certification. *Id.* at 5).

Although municipally-owned Part 807 landfills are statutorily exempt from maintaining financial assurance mechanisms under Section 21.1 of the Act and Section 807.601(a), this exemption does not relieve those entities of their obligations to monitor and, if necessary, perform corrective action. Financial assurance serves as a backdrop for the State in the event of non-performance and is not the funding mechanism for compliance itself. Municipal owners remain fully responsible for executing PFAS-related obligations, while privately owned facilities must include PFAS-related activities in future financial assurance updates. *Id.* at 8-9).

The cost of PFAS monitoring at these sites is consistent with that for other parameters and does not present an unreasonable financial burden. The same \$300 per sample estimate applies. 7/25/25 Illinois EPA Response to Board's August 6, 2025 Order, p. 6. Some municipally-owned Part 807 landfills may have as few as four monitoring wells and would have an estimated annual cost of \$2,400 for semi-annual PFAS monitoring at each well. The costs of PFAS monitoring on municipally-owned Part 807 landfills are expected to be lower due to their generally smaller size and therefore lower number of wells.. Because Part 807 facilities are already conducting groundwater sampling under post-closure permits, the incremental expense is limited to laboratory analysis. 9/30/25 Illinois EPA Supplemental Response to Board's September 10, 2025 Order, pp. 8-9. The public health benefit, providing transparency and ensuring early detection of PFAS migration outweighs these modest costs. *Id.* at 9.

IV. IMPLEMENTING PART 620'S PFAS STANDARDS TO PART 807, PART 811, AND PART 814 FACILITIES FURTHERS THE GOALS OF ILLINOIS'S NON-DEGRADATION STANDARDS.

The Board's January 23, 2025, Second Notice Opinion emphasized that protection of human health and the environment is the principal purpose of updating Part 620. Proposed Amendments to Groundwater Quality 35 Ill. Adm. Code 620, R22-18, Opinion p. 5 (Jan. 23, 2025). PFAS compounds are persistent, bioaccumulative, and toxic. Uniform application of the PFAS groundwater standards to all landfills ensures that potential releases are identified and controlled before they threaten public water supplies. 7/25/25 Illinois EPA Response to Board's May 15, 2025 Order, pp. 2-3. Exempting landfills, the primary long-term repositories for PFAS-containing waste, would contradict Illinois's non-degradation standards and potentially undermines the public's confidence in the State's groundwater protection framework. Consistent statewide monitoring will generate the data necessary to evaluate PFAS occurrence, guide corrective actions, and support future policy development. This comprehensive approach fulfills the intent of both the Act and the Illinois Groundwater Protection Act to maintain groundwater as a useable resource for present and future

generations. Proposed Amendments to Groundwater Quality 35 Ill. Adm. Code 620, R22-18, Opinion p. 5 (Jan. 23, 2025).

V. CONCLUSION

The Agency respectfully concludes that applying the Part 620 PFAS groundwater monitoring requirements to all landfills regulated under Parts 807, 811, and 814 is both technically feasible and economically reasonable. Continued exemptions would leave significant portions of Illinois's groundwater unmonitored and unprotected, contrary to statutory non-degradation mandates and public health policy. Accordingly, the Agency urges the Board to remove the exemptions in Sections 620.410(f) and 620.420(e) and to confirm that sampling for PFAS constituents applies uniformly to all landfills. This action will ensure comprehensive and consistent protection of Illinois's groundwater and fulfill the intent of the Act and the Illinois Groundwater Protection Act.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

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CERTIFICATE OF SERVICE

I, the undersigned, an attorney, state the following:

I have served the attached Illinois Environmental Protection Agency's Post-Hearing Comment upon the following:

See attached Service List

I affirm that my e-mail address is trevor.dellaquila@illinois.gov; the number of pages in the e-mail transmission is 12; and the e-mail transmission took place before 5:00 p.m. on October 14, 2025.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

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