HB3508

LRB10330961CPF57541b

103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3508

Introduced 2/17/2023, by Rep. Robyn Gabel

SYNOPSIS AS INTRODUCED:

415 ILCS 5/3.560
415 ILCS 170/40 new

Amends the PFAS Reduction Act. Provides that the amendatory Act may be referred to as the PFAS Pathways Act. Contains legislative findings. Requires the Environmental Protection Agency to: (1) require select wastewater treatment plants' to report the results of analysis of raw influent sewage, treated sewage effluent, and sewage sludge residuals for PFAS; (2) produce and publish on the Agency's website a report on the eventual dispersion of PFAS through the treatment process; and (3) review the Agency's database of wastewater treatment plants, determine methods of processed sewage sludge disposal, and estimate the annual quantities of processed sewage sludge disposal on land, whether or not it is disposed of in-state or out-of-state. Requires the Prairie Research Institute's Illinois Sustainable Technology Center to: (1) review the list of contaminants of emerging concern in a specified report and determine what other chemical compounds have an environmental impact similar to PFAS; (2) determine appropriate methods for destroying PFAS; and (3) estimate the financial impact on wastewater treatment plants in this State from the methods for destroying PFAS. Allows the Agency to propose, and the Pollution Control Board to adopt, rules establishing maximum concentrations of PFAS that may be contained in an Exceptional Quality biosolid or sewage sludge that is to be applied to land. Makes a conforming change in the Environmental Protection Act.

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A BILL FOR

AN ACT concerning safety.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. This Act may be referred to as the PFAS Pathways Act.

Section 5. The Environmental Protection Act is amended by changing Section 3.560 as follows:

(415 ILCS 5/3.560)

Sec. 3.560. Exceptional Quality biosolids. "Exceptional Quality biosolids" means solids that:

(1) are generated from the advanced processing of publicly-owned sewage treatment plant sludge;

(2) do not exceed the ceiling concentration limits in Table 1 of 40 CFR 503.13 and the pollutant concentration limits in Table 3 of 40 CFR 503.13;

(3) meet the requirements for classification as Class A with respect to pathogens in 40 CFR 503.32(a); ~~and~~

(4) meet one of the vector attraction reduction requirements in 40 CFR 503.33(b)(1) through (b)(8)<u>; and</u> ~~.~~

<u>(5) meet the requirements of any rule established under subsection (d) of Section 40 of the PFAS Reduction Act.</u>

(Source: P.A. 99-67, eff. 7-20-15.)

Section 10. The PFAS Reduction Act is amended by adding Section 40 as follows:

(415 ILCS 170/40 new)

Sec. 40. PFAS; wastewater treatment plants; sewage sludge; reporting requirements.

(a) The General Assembly finds that:

(1) On March 16, 2022, the Agency announced the completion of statewide sampling to investigate the prevalence of PFAS in drinking water, and further review of its findings suggest that Illinois data show PFAS to be more prevalent in neighboring states.

(2) In this State, 126 out of 1017 (12.4%) of the community water systems sampled had detectable levels of PFAS in finished drinking water. Of the 126 community water systems with confirmed PFAS detections, 58 (nearly half) of those systems had PFAS concentrations that exceeded health advisory guidance levels issued by the Agency. In this State, 65% of community water systems rely on groundwater for their source of water.

(3) PFAS is an acronym that refers to a class of per- and polyfluoroalkyl substances used widely in consumer and industrial products. Some of the more popular PFAS uses are as nonstick coatings on cookware and food packaging,

as a stain or water repellent on clothing and in cosmetics, and as firefighting foams. PFAS cannot naturally degrade in the environment, cannot be seen or smelled, and, once found, is difficult to be removed. PFAS can be removed from water by activated carbon and other technologies and can be destroyed using incineration.

(4) This amendatory Act of the 103rd General Assembly will result in information that may describe a potential pathway for PFAS to contaminate State groundwater and determine appropriate technology to reduce that contamination.

(5) Known human health effects of PFAS include the following:

(A) High blood cholesterol.

(B) High blood pressure.

(C) Decrease in human fertility.

(D) Inflammation and ulcers in the colon and rectum.

(E) Kidney and testicular cancer.

(F) Thyroid disease.

(6) The "Contaminants of Emerging Concern Report", submitted to the General Assembly in 2020 and prepared by the Prairie Research Institute, provides helpful information on PFAS and numerous other unregulated compounds. The report, initiated under House Bill 5741 from the 100th General Assembly, focuses on the occurrence

and fate of contaminants of emerging concern (CEC) in wastewater treatment plants in this State. With respect to PFAS, the report contains little available data on the concentration of compounds in the raw influents and treated effluents at wastewater treatment plants in this State. No data in the report identifies PFAS in sewage sludge, which is the solid residual remaining after reclamation of the water in sewage. The report identifies treatment techniques for PFAS, finding incineration to be "very effective" for contaminated soils. This State banned the incineration of most PFAS compounds in Public Act 102-1048. Other remediation techniques it identifies as "effective" include (i) ion exchange for drinking water, groundwater, landfill leachate, and wastewater and (ii) in-place thermal treatment for soils. Other treatment techniques for PFAS were found to be somewhat effective or not effective.

(7) According to the Agency and the United States Environmental Protection Agency, more data and data analysis are needed before specific limits and standards can be adopted for discharging liquid effluents containing PFAS into groundwater and surface water. No limits are being considered for PFAS in sewage sludge. The same is true for the disposal of solid waste containing PFAS in landfills. The United States Environmental Protection Agency is currently conducting a risk assessment of some

PFAS compounds that may lead to the consideration of specific numerical standards.

(8) Eventually, action must be taken to protect this State's groundwater and surface water resources from the nearly irreversible impacts of PFAS. Removal of PFAS from environmental media, while possible, is difficult and costly.

(9) The impact of PFAS in sewage sludge is unknown. In this State, sewage sludge is processed in various ways at wastewater treatment plants to reduce water content, volatile acids, and pathogens to achieve a satisfactory level of organic stability. The final product is beneficially used by most State wastewater treatment plants as an agricultural soil amendment to increase organic content and improve tilth. It is not a fertilizer, but it can be enriched with nitrogen, phosphorus, potassium, and other desirable minerals to become a viable fertilizing product. Regardless of how sewage sludge is processed, PFAS and other similar substances may remain in the final product and, when spread on land, remain in the soil to contaminate groundwater, and raise concern over the uptake of contaminants by plants and animals, thereby allowing PFAS to enter the food supply.

(10) Agency rules restrict processed sewage sludge, commonly called biosolids, from being applied to land near surface streams and lakes. This protects surface water

from being directly contaminated by rainfall. However, there are no restrictions protecting groundwater from the application of biosolids, and PFAS in processed sewage sludge can leach downward into the water table. Groundwater often percolates horizontally at a down gradient and can eventually find its way to surface water in lakes, ponds, rivers, and streams.

(11) Many states, including this State, have established or are considering the establishment of drinking water standards for PFAS. The state of Michigan has established a limitation on the concentration of PFAS that may be contained in sewage sludge that is applied to land. Finding high levels of PFAS in cow milk led the state of Maine to impose a moratorium on the land application of processed sewage sludge in March of 2019. Many other states are taking action to manage or limit the application of processed sewage sludge containing high levels of PFAS.

(b) The Agency shall:

(1) add a PFAS analysis requirement in National Pollutant Discharge Elimination System (NPDES) permits by December 31, 2023, for larger wastewater treatment plants with industrial sources to report the concentrations of PFAS in wastewater treatment plants' raw influent sewage, treated sewage effluent, and sewage sludge residuals for PFAS;

(2) based on the reported data for the years 2024, 2025, and 2026, pursuant to paragraph (1), produce and publish on the Agency's website by December 31, 2027, a report on the dispersion of PFAS through the wastewater and sewage treatment process; and

(3) review the Agency's database of wastewater treatment plants, determine methods of processed sewage sludge disposal, and estimate the annual quantities of processed sewage sludge disposal on land, whether or not it is disposed of in-state or out-of-state.

(c) The Prairie Research Institute's Illinois Sustainable Technology Center of the University of Illinois shall:

(1) review the list of contaminants of emerging concern in the "Contaminants of Emerging Concern Report", submitted to the General Assembly in 2020 and prepared by the Prairie Research Institute, and determine the other chemical compounds that have an environmental impact similar to PFAS, including, but not limited to, chemical compounds that do not naturally degrade in the environment or that degrade in such a way as to produce other chemicals that have an environmental impact similar to PFAS;

(2) determine appropriate methods for destroying PFAS; and

(3) estimate the financial impact on wastewater treatment plants in this State from the methods for destroying PFAS determined under paragraph (2).

(d) The Agency may propose, and the Board may adopt, rules establishing maximum concentrations of PFAS that may be contained in Exceptional Quality biosolids or sewage sludge to be applied to land. In this subsection, "Exceptional Quality biosolids" has the same meaning as defined under Section 3.560 of the Environmental Protection Act.