Sea Grant
LAW CENTER

PFAS-related Law and Regulatory Provisions

Illinois

Laws

- 65 Ill. Comp. Stat. 5/8-4-27 - Municipal Water and Wastewater Funding Study Committee
- 415 Ill. Comp. Stat. 5/22.62 - TRI-PFAS; incineration
- 415 Ill. Comp. Stat. 170/1-170/99 - PFAS Reduction Act

Regulations

- Ill. Admin. Code tit. 35, § 186.115 - Incorporation by Reference (Accreditation of Environmental Laboratories)

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West's Smith-Hurd Illinois Compiled Statutes Annotated
Chapter 65. Municipalities
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65 ILCS 5/8-4-27

5/8-4-27. Municipal Water and Wastewater Funding Study Committee

Effective: July 28, 2023
Currentness

§ 8-4-27. Municipal Water and Wastewater Funding Study Committee.

(a) The Municipal Water and Wastewater Funding Study Committee is established.

(b) The Committee shall be comprised of the following members, and the appointed members of the Committee shall be appointed to the Committee no later than 30 days after May 13, 2022 (the effective date of Public Act 102-865):

(1) The Governor, or his or her designee, who shall serve as chairperson.

(2) The Director of the Illinois Environmental Protection Agency, or his or her designee.

(3) The Executive Director of the Illinois Finance Authority, or his or her designee.

(4) One member appointed by the President of the Senate.

(5) One member appointed by the Minority Leader of the Senate.

(6) One member appointed by the Speaker of the House of Representatives.

(7) One member appointed by the Minority Leader of the House of Representatives.

(8) Members appointed by the Director of the Illinois Environmental Protection Agency as follows:

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(A) one member who is a representative of a publicly owned drinking water or wastewater utility with a service population of 25,000 or less;

(B) one member who is a representative of a publicly owned drinking water or wastewater utility with a service population over 25,000 people to 125,000 people;

(C) one member who is a representative of a publicly owned drinking water or wastewater utility with a service population over 125,000 people;

(D) one member who is a representative of a statewide organization representing wastewater agencies; and

(E) one member who is a representative of a statewide organization representing drinking water agencies.

The Committee shall meet at the call of the chair. Committee members shall serve without compensation. If a vacancy occurs in the Committee membership, the vacancy shall be filled in the same manner as the original appointment for the remainder of the Committee.

(c) The Committee shall study and make recommendations concerning any needed modifications to Illinois Environmental Protection Agency and Illinois Pollution Control Board regulations and policies as they relate to municipal water and wastewater funding to ensure that the State's revolving loan fund programs account for and prioritize the following principles, to the fullest extent allowed by federal law:

(1) A community shall not be deemed ineligible for disadvantaged community status based on size or service area of any size, with regard to special rates, loan terms, and eligibility for loan or grant funds.

(2) In determining whether a community is disadvantaged, consideration should be given to impacts of funding on water and wastewater expenses for low-income populations.

(3) In determining whether a community is eligible for funds and special rates or loan terms, environmental justice concepts should be considered.

(4) In determining how funding is allocated, a community facing water supply shortages should be considered a high priority based on urgency of need.

(5) The funding programs should promote formation and implementation of regional water partnerships.

(6) Targeted funding should be provided for addressing emerging contaminants, including PFAS.

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(7) In determining eligibility for assistance, the role that the State revolving fund programs play for small communities should be understood and fully considered.

(8) Any recommendations for changes to the programs must be fully consistent with federal law and must not adversely affect any community's eligibility for loans under federal law.

(d) The Committee shall prepare a report that summarizes its work and makes recommendations resulting from its study. The Committee shall submit the report of its findings and recommendations to the Governor and the General Assembly no later than March 1, 2024. Once the Committee has submitted the report to the General Assembly and Governor, the Committee is dissolved.

(e) This Section is repealed on January 1, 2025.

Credits

Laws 1961, p. 576, § 8-4-27, added by P.A. 102-865, § 5, eff. May 13, 2022. Amended by P.A. 103-154, § 255, eff. June 30, 2023; P.A. 103-316, § 5, eff. July 28, 2023.

65 I.L.C.S. 5/8-4-27, IL ST CH 65 § 5/8-4-27

Current through P.A. 103-871 of the 2024 Reg. Sess. Some statute sections may be more current, see credits for details

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Chapter 415. Environmental Safety
Act 5. Environmental Protection Act (Refs & Annos)
Title V. Land Pollution and Refuse Disposal (Refs & Annos)

415 ILCS 5/22.62

5/22.62. TRI-PFAS; incineration

Effective: June 8, 2022
Currentness

§ 22.62. TRI-PFAS; incineration.

(a) As used in this Section:

"Incineration" includes, but is not limited to, burning, combustion, pyrolysis, gasification, or the use of an acid recovery furnace or oxidizer, ore roaster, cement kiln, lightweight aggregate kiln, industrial furnace, boiler, or process heater. "Incineration" does not include the use of a thermal oxidizer as a pollution control or resource recovery device at a facility that is using perfluoroalkyl or polyfluoroalkyl substances or chemicals containing perfluoroalkyl or polyfluoroalkyl substances.

"Toxic Release Inventory Perfluoroalkyl and Polyfluoroalkyl Substances" or "TRI-PFAS" means the chemicals on the list of perfluoroalkyl and polyfluoroalkyl substances set forth in the USEPA's Toxic Release Inventory rules, developed under Section 313 of the federal Emergency Planning and Community Right-To-Know Act (EPCRA) and codified in 40 CFR 372.65, excluding liquid or gaseous fluorocarbon or chlorofluorocarbon products used chiefly as refrigerants.

(b) No person shall dispose of any TRI-PFAS by incineration, including, but not limited to, aqueous film-forming foam that contains TRI-PFAS. The Agency may propose, and the Board may adopt, any rules it deems necessary to carry out the provisions of this Section.

(c) Nothing in this Section applies to the incineration of (i) landfill gas from the decomposition of waste that may contain any perfluoroalkyl or polyfluoroalkyl substances at a permitted sanitary landfill, (ii) landfill gas in a landfill gas recovery facility that is located at a sanitary landfill, (iii) waste at a permitted hospital, medical, and infectious waste incinerator that meets the requirements of Subpart HHH of 40 CFR Part 62, Subpart Ec of 40 CFR Part 60, or the Board-adopted State Plan requirements for hospital, medical, and infectious waste incinerators, as applicable, or (iv) sludges, biosolids, or other solids or by-products generated at or by a municipal wastewater treatment plant or facility.

Credits
P.A. 76-2429, § 22.62, added by P.A. 102-1048, § 5, eff. June 8, 2022.

415 I.L.C.S. 5/22.62, IL ST CH 415 § 5/22.62

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5/22.62. TRI-PFAS; incineration, IL ST CH 415 § 5/22.62

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West's Smith-Hurd Illinois Compiled Statutes Annotated
Chapter 415. Environmental Safety
Act 170. Pfas Reduction Act

415 ILCS 170/1

170/1. Short title

Effective: August 6, 2021
Currentness

§ 1. Short title. This Act may be cited as the PFAS Reduction Act.

Credits
P.A. 102-290, § 1, eff. Aug. 6, 2021.

415 I.L.C.S. 170/1, IL ST CH 415 § 170/1
Current through P.A. 103-871 of the 2024 Reg. Sess. Some statute sections may be more current, see credits for details

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West's Smith-Hurd Illinois Compiled Statutes Annotated
Chapter 415. Environmental Safety
Act 170. Pfas Reduction Act

415 ILCS 170/5

170/5. Definitions

Effective: August 6, 2021
Currentness

§ 5. Definitions. In this Act:

“Agency” means the Illinois Environmental Protection Agency.

“Class B firefighting foam” means foam designed to extinguish flammable liquid fires or prevent the ignition of flammable liquids.

“Fire department” means the duly authorized fire protection organization of a unit of local government, a Regional Fire Protection Agency, a fire protection district, or a volunteer fire department.

“Local government” means a unit of local government or other special purpose district that provides firefighting services.

“Manufacturer” means a person that manufactures Class B firefighting foam and any agents of that person, including an importer, distributor, authorized servicer, factory branch, or distributor branch.

“Perfluoroalkyl substance or polyfluoroalkyl substance” or “PFAS” means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

“Person” means any individual, partnership, association, public or private corporation, limited liability company, or any other type of legal or commercial entity, including, but not limited to, members, managers, partners, directors, or officers.

“Testing” means calibration testing, conformance testing, and fixed system testing.

Credits
P.A. 102-290, § 5, eff. Aug. 6, 2021.

415 I.L.C.S. 170/5, IL ST CH 415 § 170/5
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West's Smith-Hurd Illinois Compiled Statutes Annotated
Chapter 415. Environmental Safety
Act 170. Pfas Reduction Act

415 ILCS 170/7

170/7. Purpose

Effective: August 6, 2021
Currentness

§ 7. Purpose. Nothing in this Act shall prevent or discourage a fire department from responding to and mitigating incidents where a fire, spill, or leak of a known or suspected flammable liquid has occurred or is believed to be imminent.

Credits
P.A. 102-290, § 7, eff. Aug. 6, 2021.

415 I.L.C.S. 170/7, IL ST CH 415 § 170/7
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415 ILCS 170/10

170/10. Class B firefighting foam; PFAS

Effective: August 6, 2021
Currentness

§ 10. Class B firefighting foam; PFAS.

(a) Beginning January 1, 2022, a person, local government, fire department, or State agency may not use for training or testing purposes a Class B firefighting foam containing intentionally added PFAS. However, the testing of Class B firefighting foam to which PFAS has been intentionally added may occur if the person, local government, fire department, or State agency has performed all of the following:

(1) Evaluate the testing facility for containment, treatment, and disposal measures to prevent uncontrolled release of Class B firefighting foam to the environment. Appropriate containment, treatment, and disposal or storage measures may not include flushing, draining, or otherwise discharging the foam into a storm drain or sanitary sewer.

(2) Comply with the notification requirements provided in Section 15.

(3) Provide training to employees of the possible hazards, protective actions, and a disposal plan.

(b) On and after January 1, 2025, a manufacturer of Class B firefighting foam may not knowingly manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State a Class B firefighting foam containing intentionally added PFAS. Any person who operates a refinery or chemical or ethanol plant, a storage and distribution facility, or a tank farm or terminal for flammable liquids, or who has a fixed foam system in use at a manufacturing facility or warehouse, may extend the date of compliance under this subsection to January 1, 2027 if, prior to January 1, 2025, the person determines that additional time for compliance is needed and sends notice of the determination to the Office of the State Fire Marshal.

(c) The prohibitions of this Section do not apply to the manufacture, sale, or distribution of Class B firefighting foam where the inclusion of PFAS chemicals is required or authorized under federal law or local building or fire codes, including, but not limited to, 14 CFR 139.317, federal aviation administration guidance, and the 2016 edition of NFPA 409 Standard on Aircraft Hangars as amended, or otherwise required for a military purpose. However, if applicable federal law allows the use of alternative firefighting agents that do not contain PFAS chemicals, the restrictions under this Section shall apply.

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(d) The prohibitions of this Section do not apply to the use of Class B firefighting foam containing PFAS chemicals by a fire department while responding to an emergency situation.

(e) On and after January 1, 2022, a manufacturer of Class B firefighting foam must provide notification to the fire department prior to the fire department's purchase of Class B firefighting foam containing PFAS clearly indicating:

(1) that the product contains PFAS that may be hazardous to health or the environment;

(2) the use of the product is regulated and restricted under this Act; and

(3) other Class B firefighting foam options may be available for purchase.

Credits
P.A. 102-290, § 10, eff. Aug. 6, 2021.

415 I.L.C.S. 170/10, IL ST CH 415 § 170/10
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West's Smith-Hurd Illinois Compiled Statutes Annotated
Chapter 415. Environmental Safety
Act 170. Pfas Reduction Act

415 ILCS 170/15

170/15. Notification

Effective: August 6, 2021
Currentness

§ 15. Notification.

(a) On and after 30 days after the effective date of this Act, a manufacturer of Class B firefighting foam that is regulated under this Act must notify, in writing, a person that sells the manufacturer's Class B firefighting foam in this State of the provisions of this Act.

(b) Beginning on January 1, 2022, any person, unit of local government, fire department, or State agency that discharges or releases Class B firefighting foam that contains intentionally added PFAS chemicals must notify the Illinois Emergency Management Agency within 48 hours of the discharge or release. The notification must include:

(1) the time, date, location, and estimated amount of Class B firefighting foam discharged or released into the environment;

(2) the purpose or reason of the discharge or release into the environment;

(3) the containment, treatment, and disposal measures to be taken or used to prevent or minimize the discharge or release of the Class B firefighting foam into the environment; and

(4) the name of the person, unit of local government, fire department, or State agency, the local incident number, and the Fire Department Identification (FDID) number, if applicable.

(c) The Illinois Emergency Management Agency shall, no less than annually, report any notifications specified in subsection (b) to the Office of the State Fire Marshal.

Credits
P.A. 102-290, § 15, eff. Aug. 6, 2021.

415 I.L.C.S. 170/15, IL ST CH 415 § 170/15

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170/15. Notification, IL ST CH 415 § 170/15

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Chapter 415. Environmental Safety
Act 170. Pfas Reduction Act

415 ILCS 170/25

170/25. Survey

Effective: August 6, 2021
Currentness

§ 25. Survey.

(a) On or before January 1, 2022, and on or before January 1 of each of the 5 years thereafter, the Office of the State Fire Marshal shall conduct a survey of fire departments to determine:

(1) Each fire department's name, Fire Department Identification (FDID) number, if applicable, and address.

(2) The amount, type, and date of manufacture and the expiration date of any Class B firefighting foam containing intentionally added PFAS chemicals that each fire department possesses.

(3) How, where, and when each fire department has used Class B firefighting foam containing intentionally added PFAS chemicals within the previous 12 months, the NFIRS incident number, and, if reported to the Illinois Emergency Management Agency, the report number provided by the Illinois Emergency Management Agency.

(4) How much, if any, Class B firefighting foam containing intentionally added PFAS chemicals the fire department has disposed of, and the method of disposal, during the reporting period.

(b) The Office of the State Fire Marshal shall compile the results of the survey conducted under this Section and provide a report to the General Assembly no later than 90 days following the completion of the survey.

Credits
P.A. 102-290, § 25, eff. Aug. 6, 2021.

415 I.L.C.S. 170/25, IL ST CH 415 § 170/25
Current through P.A. 103-871 of the 2024 Reg. Sess. Some statute sections may be more current, see credits for details

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Chapter 415. Environmental Safety
Act 170. Pfas Reduction Act

415 ILCS 170/30

170/30. Disposal

Effective: August 6, 2021
Currentness

§ 30. Disposal.

(a) Proper disposal of Class B firefighting foam containing PFAS shall not include flushing, draining, or otherwise discharging the Class B firefighting foam into a ditch, waterway, storm drain, or sanitary sewer.

(b) Class B firefighting foam must be properly disposed of within 90 days of the expiration date provided by the manufacturer.

(c) Beginning no later than January 1, 2023 and for a period of no less than 2 years, the Agency shall post on its website information regarding the proper methods for disposing of Class B firefighting foam containing PFAS.

Credits
P.A. 102-290, § 30, eff. Aug. 6, 2021.

415 I.L.C.S. 170/30, IL ST CH 415 § 170/30
Current through P.A. 103-871 of the 2024 Reg. Sess. Some statute sections may be more current, see credits for details

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Chapter 415. Environmental Safety
Act 170. Pfas Reduction Act

415 ILCS 170/35

170/35. Civil penalties

Effective: August 6, 2021
Currentness

§ 35. Civil penalties. A manufacturer who violates this Act is subject to a civil penalty not to exceed $5,000 for the first violation and a civil penalty not to exceed $10,000 for each subsequent violation. Civil penalties collected under this Section must be deposited into the Environmental Protection Trust Fund to be used in accordance with the provisions of the Environmental Protection Trust Fund Act.

Credits
P.A. 102-290, § 35, eff. Aug. 6, 2021.

415 I.L.C.S. 170/35, IL ST CH 415 § 170/35
Current through P.A. 103-871 of the 2024 Reg. Sess. Some statute sections may be more current, see credits for details

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Chapter 415. Environmental Safety
Act 170. Pfas Reduction Act

415 ILCS 170/40

170/40. PFAS disposal program

Effective: July 28, 2023
Currentness

§ 40. PFAS disposal program. The Agency shall establish a take-back program for fire departments that use and store firefighting foam containing PFAS. Fire departments that participated in the most recent survey described in Section 25 shall be eligible to participate in the program, but participation in the program shall not be required. The program shall provide funding and resources to ensure the proper disposal or destruction of firefighting foam containing PFAS. The program shall continue for a period of 5 years or until the Office of the State Fire Marshal finds that no firefighting foam containing PFAS is reported in the survey described in Section 25. This program is subject to appropriation.

Credits

P.A. 102-290, § 40, added by P.A. 103-351, § 5, eff. July 28, 2023.

415 I.L.C.S. 170/40, IL ST CH 415 § 170/40
Current through P.A. 103-871 of the 2024 Reg. Sess. Some statute sections may be more current, see credits for details

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170/99. Effective date, IL ST CH 415 § 170/99

West's Smith-Hurd Illinois Compiled Statutes Annotated
Chapter 415. Environmental Safety
Act 170. Pfas Reduction Act

415 ILCS 170/99

170/99. Effective date

Effective: August 6, 2021
Currentness

§ 99. Effective date. This Act takes effect upon becoming law.

Credits
P.A. 102-290, § 99, eff. Aug. 6, 2021.

415 I.L.C.S. 170/99, IL ST CH 415 § 170/99
Current through P.A. 103-871 of the 2024 Reg. Sess. Some statute sections may be more current, see credits for details

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35 Ill. Adm. Code 186.115

186.115 Incorporation by Reference

Effective: March 19, 2024
Currentness

a) The Agency incorporates the following documents by reference.

1) The NELAC Institute (TNI) Standard titled Requirements for the National Environmental Laboratory Accreditation Program, consisting of Volume 1, Management and Technical Requirements for Laboratories Performing Environmental Analysis, EL-V1-2016-Rev.2.1; and Volume 2, General Requirements for Accreditation Bodies Accrediting Environmental Laboratories, EL-V2-2016-Rev.2.0, P.O. Box 2439, Weatherford TX 76086, (817)598-1624.

2) “Test Methods for Evaluating Solid Waste, SW846”, “Laboratory Manual Physical/Chemical Properties”, volumes 1A, 1B and 1C, 3rd edition (July 2014), Office of Solid Waste and Emergency Response, U.S. Environmental Protection Agency, available from the National Technical Information Service (NTIS), (703)605-6000 (available at https://www.epa.gov/hw-sw846/sw-846-compendium).

1000 Series: Waste Characteristics and Leaching/Extracting Methods

3000 Series: Inorganic Sample Preparation

3500 Series: Organic Sample Extraction

3600 Series: Organic Extract Cleanup

5000 Series: Sample Preparation and Introduction for Volatile Organic Compounds

6000 Series: Inorganic Determinative Methods -- Inductively Coupled Plasma (ICP) and Other Methods

7000 Series: Inorganic Determinative Methods -- Atomic Absorption (AA) and Other Methods

8000 Series: Chromatographic Separation Methods

9000 Series: Miscellaneous Test Methods

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3) USEPA, NSCEP. United States Environmental Protection Agency, National Service Center for Environmental Publications, P.O. Box 42419, Cincinnati OH 45242-0419 (available from http://www.epa.gov/nscep/).

Method 218.7, "Determination of Hexavalent Chromium in Drinking Water by Ion Chromatography with Post-Column Derivatization and UV -- Visible Spectroscopic Detection", Revision 1.0, November 2011, EPA 815-R-11-005.

4) "Manual for the Certification of Laboratories Analyzing Drinking Water", "Criteria and Procedures Quality Assurance", 5th edition (EPA 815-R-05-004, January 2005), Office of Water, Office of Ground Water and Drinking Water, Environmental Protection Agency, available from the National Service Center for Environmental Publications (NSCEP), (800) 490-9198 (available at https://www.epa.gov/dwlabcert/laboratory-certification-manual-drinking-water).

"Supplement 1 to the Fifth Edition of the Manual for the Certification of Laboratories Analyzing Drinking Water" (Supplement 1 to EPA 815-R-05-004, 2008), Office of Water, Office of Ground Water and Drinking Water, U.S. Environmental Protection Agency, available from the National Service Center for Environmental Publications (NSCEP), (800) 490-9198 (available at https://www.epa.gov/dwlabcert/laboratory-certification-manual-drinking-water).

5) EPA PFAS Drinking Water Laboratory Methods (available at www.epa.gov/pfas/epa-pfas-drinking-water-laboratory-methods).

Method 533, "Determination of Per- and Polyfluoroalkyl Substances in Drinking Water by Isotope Dilution Anion Exchange Solid Phase Extraction and Liquid Chromatography/Tandem Mass Spectrometry," November 2019, EPA 815-B-19-20.

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)," Revision 2.0, March 2020, EPA 600/R-20/006.

6) Environmental Sampling and Analytical Methods (ESAM) Program (available at https://www.epa.gov/esam/method-546-determination-total-microcystins-and-nodularins-drinking-water-and-ambient-water).

Method 546, "Determination of Total Microcystins and Nodularins in Drinking Water and Ambient Water by Adda Enzyme-Linked Immunosorbent Assay," August 2016, EPA 815-B-16-011.

7) The SW-846 Compendium (available at https://www.epa.gov/hw-sw846/sw-846-compendium).

Method 8327, "Per- and Polyfluoroalkyl Substances (PFAS) By Liquid Chromatography/Tandem Mass Spectrometry (LC/MS/MS), SW-0846 Update VII, Revision 0, July 2021.

Method 3512, "Solvent Dilution of Non-Potable Waters," SW-846 Update VII, Revision 0, July 2021.

8) CWA Analytical Methods for Per- and Polyfluorinated Alkyl Substances (PFAS) (available at https://www.epa.gov/cwa-methods/cwa-analytical-methods-and-polyfluorinated-alkyl-substances-pfas).

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Method 1633 “Analysis of Per- and Polyfluoroalkyl Substances (PFAS) in Aqueous, Solid, Biosolids, and Tissue Samples by LC-MS/MS”.

b) The Agency incorporates the following Sections of federal regulations by reference:

1) 40 CFR 136.3 Table IB, Table IC, Table ID, Table IF, Table IG, Table II (2020)

40 CFR 136.4 (2020)

40 CFR 136.5 (2020)

40 CFR 136.6 (2020)

40 CFR 136.7 (2020)

40 CFR 136 appendix A (2020)

40 CFR 136 appendix B (2020)

40 CFR 136 appendix C (2020)

40 CFR 136 appendix D (2020)

Clean Water Act Methods Update Rule for the Analysis of Effluent, 86 Fed. Reg. 27226-27260 (May 19, 2021) (updating 40 CFR 136)

2) 40 CFR 141.23(k) (2020)

40 CFR 141.24(e) (2020)

40 CFR 141.24(f)(20) (2020)

40 CFR 141.27 (2020)

40 CFR 141.74 (2020)

40 CFR 141.131 (2020)

40 CFR 141 subpart C, appendix A (2020)

40 CFR 143.4 (2020)

Expedited Approval of Alternative Test Procedures for the Analysis of Contaminants Under the Safe Drinking Water Act: Analysis and Sampling Procedures, 86 Fed. Reg. 28277-28290 (May 26, 2021) (updating 40 CFR 141)

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c) This Section incorporates no later amendments or editions.

Credits

(Source: Amended at 43 Ill. Reg. 6175, effective July 1, 2019; Amended by 46 Ill. Reg. 3152, effective February 8, 2022; 48 Ill. Reg. 5271, effective March 19, 2024)

Current through rules published in the Illinois Register Volume 48, Issue 40, October 4, 2024. Some sections may be more current, see credits for details.

35 ILAC § 186.115, 35 IL ADC 186.115

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