

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
) R 23-18
AMENDMENTS TO 35 ILL. ADM. CODE) (Rulemaking – Air)
PARTS 201, 202, AND 212)

NOTICE OF FILING

TO: Mr. Don A. Brown, Timothy Fox
Clerk of the Board Chloe Salk
Illinois Pollution Control Board Hearing Officers
100 West Randolph Street, Illinois Pollution Control Board
Suite 11-500 60 East Van Buren Street, Suite 630
Chicago, Illinois 60601 Chicago, Illinois 60605

(VIA ELECTRONIC MAIL)

(SEE PERSONS ON ATTACHED SERVICE LIST)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board, **IERG'S RESPONSE TO ILLINOIS POLLUTION CONTROL BOARD'S QUESTION AT FEBRUARY 16, 2023 HEARING**, copies of which are hereby served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
REGULATORY GROUP,

By: /s/ Melissa S. Brown

Dated: February 24, 2023

Melissa S. Brown
HEPLERBROOM, LLC
4340 Acer Grove Drive
Springfield, Illinois 62711
Melissa.Brown@heplerbroom.com
(217) 528-3674

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IERG’S RESPONSE TO ILLINOIS POLLUTION CONTROL BOARD’S QUESTION AT FEBRUARY 16, 2023 HEARING

NOW COMES, the Illinois Environmental Regulatory Group (“IERG”), by and through its attorneys, HEPLERBROOM, LLC, and hereby submits IERG’s response to the Board’s question directed to Ms. Kelly Thompson at the February 16, 2023 hearing.

At the February 16, 2023 hearing, the Board asked and Kelly Thompson answered the following pre-filed question and follow-up question:

Mr. Rao: At the first hearing, IEPA’s Mr. Davis testified that the U.S. EPA is now requiring SIP submittals to include impacts on environmental justice areas and environmental justice communities. There’s a cite to the transcript, pages 175 and 176 January 19th hearing. Could you please comment on whether the sources covered under IERG’s alternative proposal are in or near EJ areas or EJ communities?

Ms. Thompson: The answer to that question would depend on how EJ areas or EJ communities are defined. It is likely, depending on which EJ map is used, that at least one IERG member facility that would be covered under [I]IERG’s alternative proposal is located in or near an EJ community.

Mr. Rao: When you say EJ map, what map are you specifically referring to?

Ms. Thompson: So there’s a variety of maps. There is U.S. EPA’s map or Illinois EPA’s EJ start, so there’s a variety of them and we think that depending on which one of those is used, at least one member will be considered in that area.

Second Hearing Transcript, PCB R 23-18, 43:17-24, 44:1-18 (February 16, 2023).

The Board then asked the below follow-up question, which Kelly Thompson indicated that she would respond to in post-hearing comments:

Mr. Rao: Would there be one member based on IEPA’s EJ start map?

IERG's response to the above question is as follows:

Yes, based on the Illinois Environmental Protection Agency's "EJ Start" mapping tool, at least one IERG member that could be impacted by IERG's alternative proposal is located in an environmental justice area.

Respectfully Submitted,

ILLINOIS ENVIRONMENTAL
REGULATORY GROUP

Dated: February 24, 2023

By: /s/ Melissa S. Brown

Melissa S. Brown
HEPLERBROOM, LLC
4340 Acer Grove Drive
Springfield, IL 62711
Melissa.Brown@heplerbroom.com
(217) 528-3674

CERTIFICATE OF SERVICE

I, the undersigned, on oath state the following: That I have served the attached **IERG'S RESPONSE TO ILLINOIS POLLUTION CONTROL BOARD'S QUESTION AT FEBRUARY 16, 2023 HEARING** via electronic mail upon:

Mr. Don A. Brown
Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
don.brown@illinois.gov

Timothy Fox
Chloe Salk
Hearing Officers
Illinois Pollution Control Board
60 East Van Buren Street, Suite 630
Chicago, Illinois 60605
tim.fox@illinois.gov
chloe.salk@illinois.gov

Jason James
Molly Kordas,
Ann Marie A. Hanohano,
Assistant Attorney General
Office of the Attorney General
69 West Washington Street, Suite 1800
Chicago, IL 60602
Jason.James@ilag.gov
molly.kordas@ilag.gov
anmmarie.hanohano@ilag.gov

Charles E. Matoesian
Assistant Counsel
Dana Vetterhoffer
Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
charles.matoesian@illinois.gov
dana.vetterhoffer@illinois.gov

Renee Snow
General Counsel
Illinois Department of Natural Resources
One Natural Resource Way
Springfield, Illinois 62702
renee.snow@illinois.gov

Kelly Thompson
Executive Director
Illinois Environmental Regulatory Group
215 E. Adams Street
Springfield, Illinois 62701
kthompson@ierg.org

Faith E. Bugel
1004 Mohawl Road
Wilmette, Illinois 60091
fbugel@gmail.com

Cantrell Jones
Environmental Law and Policy Center
35 E. Wacker Drive, Suite 1600
Chicago, Illinois 60606
CJones@elpc.org

Keith I. Harley
Greater Chicago Legal Clinic, Inc.
211 West Wacker Drive, Suite 750
Chicago, Illinois 60606
kharley@kentlaw.edu

Mark A. Bilut
McDermott, Will & Emery
227 West Monroe Street
Chicago, Illinois 60606
mbilut@mwe.com

Joshua R. More
Sarah L. Lode
ArentFox Schiff, LLP
233 South Wacker Drive, Suite 6600
Chicago, IL 60606
Joshua.More@afslaw.com
Sarah.Lode@afslaw.com

Alec Messina
HeplerBroom, LLC
4340 Acer Grove Drive
Springfield, IL 62711
Alec.Messina@heplerbroom.com

That my email address is Melissa.Brown@heplerbroom.com

That the number of pages in the email transmission is 5.

That the email transmission took place before 5:00 p.m. on the February 24, 2023.

Date: February 24, 2023

/s/ Melissa S. Brown
Melissa S. Brown