

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:	)	
	)	
	)	R2024-017
PROPOSED CLEAN CAR AND	)	
TRUCK STANDARDS	)	(Rulemaking – Air)
	)	

NOTICE OF FILING

TO:

Don Brown Clerk of the Board Illinois Pollution Control Board 60 East Van Buren Street, Suite 630 Chicago, Illinois 60605 don.brown@illinois.gov	Vanessa Horton & Carlie Leoni Hearing Officers Illinois Pollution Control Board 60 East Van Buren Street, Suite 630 Chicago, Illinois 60605 Vanessa.Horton@Illinois.gov Carlie.Leoni@Illinois.Gov
Renee Snow General Counsel Illinois Department of Natural Resources One Natural Resources Way Springfield, Illinois 62702-1271 renee.snow@illinois.gov	Caitlin Kelly Assistant Attorney General Office of the Attorney General 69 West Washington Street, Suite 1800 Chicago, Illinois 60602 Caitlin.Kelly@ilag.gov
Alec Messina Melissa S. Brown HeplerBroom LLC 4340 Acer Grove Drive Springfield, Illinois 62711 Alec.Messina@heplerbroom.com Melissa.brown@heplerbroom.com	Gina Roccaforte, Dana Vetterhoffer, & Sarah McKavetz Assistant Counsel / Deputy General Counsel / Assistant Counsel Illinois Environmental Protection Agency 250 West Iles Avenue P.O. Box 19276 Springfield, Illinois 62794 Gina.Roccaforte@Illinois.gov dana.vetterhoffer@illinois.gov sarah.mckavetz@illinois.gov
Jason E. James Assistant Attorney General Office of the Attorney General 201 West Point Drive, Suite 7 Belleville, Illinois 62226	Kara M. Principe, Michael J. McNally, & Melissa L. Binetti Indiana Illinois Iowa Foundation for Fair Contracting 6170 Joliet Road, Suite 200

Jason.James@ilag.gov	Countryside, Illinois 60525 kprincipe@iiffc.org mmcnally@iiffc.org mbinetti@iiffc.org
Matt Wells Vice President Mid-West Truckers Association 2727 North Dirksen Parkway Springfield, Illinois 62702 mattw@midwesttruckers.com	Lawrence Doll Legal Counsel Illinois Automobile Dealers Association 300 West Edwards Street, Suite 400 Springfield, Illinois 62704 ldoll@illinoisdealers.com
Jennifer Thompson & Pamela Wright Legislative Affairs / General Counsel Office of the Secretary of State 213 State Capitol Springfield, Illinois 62756 Jthompson@ilsos.gov Pwright@ilsos.gov	Fred Turatti & Matthew Fuller Senior Director Fuel & Vehicle Policy / Policy Analyst American Fuel and Petrochemical Manufacturers 1800 M Street, NW, Suite 900 North Washington, D.C. 20036 fturatti@afpm.org mfuller@afpm.org

Please take notice that I have today filed with the Illinois Pollution Control Board the following documents: Rule Proponents' Response to Motion For Leave To File Reply and Certificate of Service, a copy of which is served upon you.

Date: August 5, 2025

Respectfully submitted,



Robert A. Weinstock
ARDC # 6311441
Northwestern Pritzker School of Law
Environmental Advocacy Center
357 E. Chicago Ave.
Chicago, IL 60611
(312) 503-1457
robert.weinstock@law.northwestern.edu

**RULE PROPONENTS' RESPONSE TO
MOTION FOR LEAVE TO FILE REPLY**

Pursuant to 35 Ill. Admin. Code 101.500(d), Rule Proponents¹ respectfully submit the following response to the Motion For Leave To File Reply (“Motion”) filed by Illinois Fuel & Retail Association, Illinois Environmental Regulatory Group, Illinois Trucking Association, Mid-West Truckers Association, and Illinois Auto Dealers Association (“Movants”) on July 29, 2025:

1. On July 1, 2025, Movants asked the Board to reconsider a November 2024 ruling and to reopen the long-closed motion-to-dismiss stage.² Rule Proponents responded on July 15, 2025, urging denial because Movants offered no good cause for this belated request.³
2. Movants now seek leave to file a reply. Under Board rules, replies are permitted only where necessary “to prevent material prejudice.” 35 Ill. Adm. Code 101.500(e).
3. Movants’ sole claim of prejudice is that they “believe” the good faith arguments made in Rule Proponents’ response “are incorrect.” Motion at ¶ 4.
4. Mere disagreement does not amount to material prejudice. If it did, the exception would swallow the rule, since any contested motion inherently involves disagreement.
5. Accordingly, the motion should be denied. *See CTI Development, LLC v. Illinois EPA*, PCB 21-110, slip op. at 4 (Nov. 4, 2021) (denying leave to file a reply where the movant failed to “refer to any material prejudice that it may suffer and [did] not persuade the Board that filing a reply would prevent it”); *People vs. Peabody Coal Co.*, PCB 99-134, slip op. at 3 (Apr. 18, 2002) (finding that denying leave to file a reply would not prejudice a movant where the movant had already “adequately stated its position” in its original motion).
6. At most, and as Rule Proponents have previously noted, the Board should treat the attachments to Movants’ motions as late-filed comments and accord them the weight such comments warrant. *See* Reconsideration Response at 2 n.1; *In matter of: Petition of Midwest Generation, LLC*, AS 21-3, slip op. at 2 (Oct. 5, 2023) (treating improperly filed motion for leave to file a response as a public comment).

¹ Rule Proponents include Chicago Environmental Justice Network, Respiratory Health Association, Center for Neighborhood Technology, Environmental Defense Fund, Natural Resources Defense Council, and Sierra Club.

² Motion for Extension of Time to File and Motion for Leave to File Motion for Reconsideration (July 1, 2025), <https://pcb.illinois.gov/documents/dsweb/Get/Document-114142>.

³ *See* Rule Proponents’ Response in Opposition to Motion for Extension of Time to File and Motion for Leave to File Motion for Reconsideration at 2 n.1 (July 15, 2025) [hereinafter “Reconsideration Response”], <https://pcb.illinois.gov/documents/dsweb/Get/Document-114201>.

7. As the Board is well-aware, this has been a robust proceeding that has afforded ample opportunity for public and stakeholder engagement, including with respect to the specific legal issue that Movants' now raise.⁴
8. Even if Movants had raised new issues, this Board has repeatedly affirmed that "it is able to consider Board-specific proceedings while federal rulemaking [activities] are on-going." *Id.* (citing *Sierra Club, et al. v. Midwest Generation, LLC*, PCB 13-15, slip op. at 13 (Apr. 17, 2014)). Parallel proceedings are routine in the clean cars context. As explained, this rulemaking need not—as a legal or practical matter—await resolution of others. Reconsideration Response at 5-8.
9. Regardless of how the Board rules on the motions, Movants' arguments should have no bearing on the outcome of this proceeding, for the reasons previously explained in our response. Reconsideration Response at 5-9.

For the foregoing reasons, the Movants' instant motion, as well as their initial motion for reconsideration, should be denied.

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⁴ See, e.g., Rule Proponents' Responsive Comments, at 9, 36–37 (May 16, 2025), <https://pcb.illinois.gov/documents/dsweb/Get/Document-113865> (responding to post-hearing comments of IEPA, American Fuel and Petrochemical Manufacturers, and Illinois Corn Growers Association); Statement of Reasons, at 17–18 (May 27, 2024), <https://pcb.illinois.gov/documents/dsweb/Get/Document-110497>; Joint Testimony of Kathy Harris and Muhammed Patel, at 214–15 (May 27, 2024), <https://pcb.illinois.gov/documents/dsweb/Get/Document110497>; Earthjustice Comments, P.C. #521 (Apr. 28, 2025) <https://pcb.illinois.gov/documents/dsweb/Get/Document113641>; Illinois Trucking Association Comments at 1–2 (P.C. # 660, May 16, 2025), <https://pcb.illinois.gov/documents/dsweb/Get/Document-113872>; Illinois Automobile Dealers Association Comments at 15–16 (P.C. # 523, Apr. 28, 2025), <https://pcb.illinois.gov/documents/dsweb/Get/Document-113644>; Illinois Automobile Dealers Association Answers to Pre-Filed Questions at 7–8 (Mar. 3, 2025), <https://pcb.illinois.gov/documents/dsweb/Get/Document-112910>.

Date: August 5, 2025

Respectfully submitted,

/s/

Robert A. Weinstock
ARDC # 6311441
Northwestern Pritzker School of Law
Environmental Advocacy Center
357 E. Chicago Ave.
Chicago, IL 60611
(312) 503-1457
robert.weinstock@law.northwestern.edu

*Counsel for Chicago Environmental Justice
Network and Respiratory Health
Association*

/s/

Joe Halso
Jim Dennison
Sierra Club Environmental Law Program
1536 Wynkoop Street, Suite 200
Denver, Colorado 80202
(303) 454-3365
joe.halso@sierraclub.org
(435) 232-5784
jim.dennison@sierraclub.org

*Counsel for Sierra Club, Natural Resources
Defense Council, Environmental Defense
Fund, and Center for Neighborhood
Technology*

/s/

Albert Ettinger
ARDC # 3125045
7100 N. Greenview
Chicago, Illinois 60626
(773) 818-4825
Ettinger.Albert@gmail.com

Counsel for Sierra Club

/s/

Nathaniel Shoaff
Sierra Club Environmental Law Program
2101 Webster Street, Suite 1300
Oakland, CA 94612
(415) 977-5610
Nathaniel.shoaff@sierraclub.org

*Counsel for Sierra Club, Natural Resources
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Fund, and Center for Neighborhood
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CERTIFICATE OF SERVICE

I, the undersigned, on affirmation state the following:

That I have served the attached Notice of Filing; Rule Proponents' Response to Motion For Leave To File Reply; and Certificate of Service, by e-mail upon the following individuals listed at the e-mail addresses indicated:

TO:

Don Brown Clerk of the Board Illinois Pollution Control Board 60 East Van Buren Street, Suite 630 Chicago, Illinois 60605 don.brown@illinois.gov	Vanessa Horton & Carlie Leoni Hearing Officers Illinois Pollution Control Board 60 East Van Buren Street, Suite 630 Chicago, Illinois 60605 Vanessa.Horton@Illinois.gov Carlie.Leoni@Illinois.Gov
Renee Snow General Counsel Illinois Department of Natural Resources One Natural Resources Way Springfield, Illinois 62702-1271 renee.snow@illinois.gov	Caitlin Kelly Assistant Attorney General Office of the Attorney General 69 West Washington Street, Suite 1800 Chicago, Illinois 60602 Caitlin.Kelly@ilag.gov
Alec Messina Melissa S. Brown HeplerBroom LLC 4340 Acer Grove Drive Springfield, Illinois 62711 Alec.Messina@heplerbroom.com Melissa.brown@heplerbroom.com	Gina Roccaforte, Dana Vetterhoffer, & Sarah McKavetz Assistant Counsel / Deputy General Counsel / Assistant Counsel Illinois Environmental Protection Agency 250 West Iles Avenue P.O. Box 19276 Springfield, Illinois 62794 Gina.Roccaforte@Illinois.gov dana.vetterhoffer@illinois.gov sarah.mckavetz@illinois.gov

Jason E. James Assistant Attorney General Office of the Attorney General 201 West Point Drive, Suite 7 Belleville, Illinois 62226 Jason.James@ilag.gov	Kara M. Principe Michael J. McNally Melissa L. Binetti Indiana Illinois Iowa Foundation for Fair Contracting 6170 Joliet Road, Suite 200 Countryside, Illinois 60525 kprincipe@iiffc.org mmcnally@iiffc.org mbinetti@iiffc.org
Matt Wells Vice President Mid-West Truckers Association 2727 North Dirksen Parkway Springfield, Illinois 62702 mattw@midwesttruckers.com	Lawrence Doll Legal Counsel Illinois Automobile Dealers Association 300 West Edwards Street, Suite 400 Springfield, Illinois 62704 ldoll@illinoisdealers.com
Jennifer Thompson & Pamela Wright Legislative Affairs / General Counsel Office of the Secretary of State 213 State Capitol Springfield, Illinois 62756 Jthompson@ilsos.gov Pwright@ilsos.gov	Fred Turatti & Matthew Fuller Senior Director Fuel & Vehicle Policy / Policy Analyst American Fuel and Petrochemical Manufacturers 1800 M Street, NW, Suite 900 North Washington, D.C. 20036 fturatti@afpm.org mfuller@afpm.org

That my e-mail address is robert.weinstock@law.northwestern.edu.

That the number of pages in the e-mail transmission is 7.

That the e-mail transmission took place before 5:00 p.m. on the date of August 5, 2025.

Date: August 5, 2025

Respectfully submitted,



Robert A. Weinstock
ARDC # 6311441
Northwestern Pritzker School of Law
Environmental Advocacy Center
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Chicago, IL 60611
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