

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
BOARD CONSIDERATION OF) R 25-18
ENVIRONMENTAL JUSTICE IN) (Rulemaking – Procedural)
BOARD PROCEEDINGS)

NOTICE OF FILING

TO: Mr. Don A. Brown,
Clerk of the Board
Illinois Pollution Control Board
60 E Van Buren Street, Suite 630
Chicago, Illinois 60606
(VIA ELECTRONIC MAIL)

Vanessa Horton,
Hearing Officer
Illinois Pollution Control Board
60 E Van Buren Street, Suite 630
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, **COMMENT OF THE ILLINOIS ENVIRONMENTAL REGULATORY GROUP and ENTRIES OF APPEARANCE**, copies of which are hereby served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
REGULATORY GROUP

Dated: October 31, 2025

By: /s/ Melissa S. Brown
One of Its Attorneys

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

CERTIFICATE OF SERVICE

I, Melissa S. Brown, the undersigned, hereby certify that I have served the attached **COMMENT OF THE ILLINOIS ENVIRONMENTAL REGULATORY GROUP and ENTRIES OF APPEARANCE** on October 31, 2025, to the following:

Don A. Brown
Clerk of the Board
Illinois Pollution Control Board
60 E Van Buren Street, Suite 630
Chicago, Illinois 60605
Don.brown@illinois.gov

Vanessa Horton
Hearing Officer
Illinois Pollution Control Board
60 E Van Buren Street, Suite 630
Chicago, Illinois 60605
Vanessa.Horton@illinois.gov

Jessica Schumacher - Physical Scientist
Michael Leslie
USEPA Region 5
Ralph H. Metcalfe Federal Building
77 West Jackson Blvd
Chicago, IL 60604
Schumacher.Jessica@epa.gov
leslie.michael@epa.gov

Daniel Abrams
David Scott
Environmental Law and Policy
35 E. Wacker Drive, Suite 1600
Chicago, IL 60601
DAbrams@elpc.org
DScott@elpc.org

Jason E. James - Assistant Attorney General
Office of the Attorney General
201 West Point Drive, Suite 7
Belleville, IL 62226
jason.james@ilag.gov

Andrew N. Sawula
ArentFox Schiff LLP
One Westminster Place, Suite 200
Lake Forest, IL 60045
andrew.sawula@afslaw.com

Faith Bugel
1004 Mohawk Rd.
Wilmette, IL 60091
fbugel@gmail.com

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

Kelly Thompson - Executive Director
IERG
215 E. Adams St.
Springfield, IL 62701
kthompson@ierg.org

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

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

Deborah Williams - Regulatory Affairs
Director
City of Springfield
800 East Monroe
Office of Public Utilities
Springfield, IL 62757
deborah.williams@cwlp.com

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

Abel Russ – Attorney
Environmental Integrity Project
1000 Vermont Avenue NW, Suite 1100
Washington, DC 20005
aruss@environmentalintegrity.org

Mychal Ozaeta
Earthjustice
707 Wilshire Blvd., Suite 4300
Los Angeles, IL 90017
mozaeta@earthjustice.org

Caitlin Kelly - Assistant Attorney General
Office of the Attorney General
69 West Washington Street, Suite 1800
Chicago, IL 60602
Caitlin.Kelly@ilag.gov

Walter Stone - Vice President
NRG Energy, Inc.
1825 K Street, NW, Suite 1203
Washington, DC 20006
Walter.Stone@nrg.com

Michael Smallwood - Consulting Engineer
Ameren
1901 Chouteau Avenue
St. Louis, MO 63103
msmallwood@ameren.com

Anthony D. Schuering
Brown, Hay & Stephens LLP
205 South Fifth Street, Suite 700
P.O. Box 2459
Springfield, IL 62705
aschuering@bhslaw.com

Andrew Rehn
Prairie Rivers Network
1902 Fox Drive, Suite 6
Champaign, IL 61820
arehn@prairierivers.org

Jennifer Cassel
Earthjustice
311 South Wacker Drive, Suite 1400
Chicago, IL 60606
jcassel@earthjustice.org

Albert Ettinger
Law Firm of Albert Ettinger
7100 N. Greenview
Chicago, IL 60606
ettinger.albert@gmail.com

Michael L. Raiff
Gibson Dunn and Crutcher LLP
2001 Ross Avenue, Suite 2100
Dallas, TX 75201
mraiff@gibsondunn.com

Charles E. Matoesian - Assistant Counsel
Dana Vetterhoffer - Deputy General Counsel
Nick M. San Diego - Deputy General Counsel
Andrew Armstrong - Chief Legal Counsel
Illinois Environmental Protection Agency
2025 W Iles Avenue
PO Box 19286
Springfield, IL 62794
charles.matoesian@illinois.gov
dana.vetterhoffer@illinois.gov
nick.m.sandiego@illinois.gov
andrew.armstrong@illinois.gov

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

That the number of pages in the email transmission is 10.

That the email transmission took place before 5:00 p.m. on the date of October 31, 2025.

Date: October 31, 2025

/s/ *Melissa S. Brown*
Melissa S. Brown

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ENTRY OF APPEARANCE OF MELISSA S. BROWN

NOW COMES Melissa S. Brown, of the law firm HEPLERBROOM, LLC, and hereby enters her appearance in this matter on behalf of the ILLINOIS ENVIRONMENTAL REGULATORY GROUP.

Respectfully Submitted,

DATE: October 31, 2025

By: /s/ Melissa S. Brown

Melissa S. Brown
HEPLERBROOM, LLC
4340 Acer Grove Drive
Springfield, IL 62711
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ENTRY OF APPEARANCE OF TREJAHN HUNTER

NOW COMES Trejahn Hunter and hereby enters his appearance in this matter on behalf of the ILLINOIS ENVIRONMENTAL REGULATORY GROUP.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
REGULATORY GROUP,

By: /s/ Trejahn Hunter

Dated: October 31, 2025

Trejahn Hunter, ARDC #6340899
Illinois Environmental Regulatory Group
215 East Adams Street
Springfield, Illinois 62701
thunter@ierg.org

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COMMENT OF THE ILLINOIS ENVIRONMENTAL REGULATORY GROUP

The Illinois Environmental Regulatory Group (“IERG”), by and through its attorneys, submits the following comment for the Illinois Pollution Control Board’s consideration in this rulemaking pursuant to the Board’s September 18, 2025 Order.

IERG is an Illinois not-for-profit corporation representing forty-eight (48) member companies across a broad range of industries, including chemical manufacturing, food production, pharmaceuticals, transportation equipment, energy, steel, oil, power generation, and other heavy manufacturing sectors. IERG actively participates in the development of environmental laws, regulations, and policies at both the state and federal levels. Because many IERG member facilities operate in Illinois (several that are currently located in, or have been located in, environmental justice areas under various environmental justice mapping tools), the Board’s consideration of environmental justice in its rules directly affects their compliance obligations, permitting strategies, potential for expansions in operations, and long-term operational planning.

On August 22, 2024, the Board opened a rulemaking docket “to explore the creation of a new Board procedural rule that will provide guidance to the Board when considering environmental justice issues, including the selection of environmental justice screening tools for identifying areas of environmental justice concern, in its proceedings.” First Notice Board Order, *In the Matter of: Standards for the Disposal of Coal Combustion Residuals in Surface*

Impoundments: Proposed New 35 Ill. Adm. Code 845, PCB R 20-19(A) (Aug. 22, 2024). The Board ordered that the docket would be held open for six months until February 24, 2025. *Id.* at 30.

In February 2025, the Illinois Environmental Protection Agency (“Illinois EPA”) and the Illinois Attorney General’s Office (“AGO”) filed comments requesting that the Board hold the docket open for at least an additional six months “to account for the possibility of new legislation during the Illinois General Assembly’s 2025 Spring Session, and for related stakeholder discussions.” Comment Submitted by Illinois EPA, P.C. #1, R 25-18 at 2 (Feb. 10, 2025); *see* Comment Submitted by the AGO, P.C. #2, R 25-18 (Feb. 25, 2025). The Board issued an order on March 20, 2025 stating that the rulemaking docket will be held open until at least August 22, 2025.

In August 2025, several participants filed comments requesting that the Board continue to hold the rulemaking docket open. Comments of Sierra Club, P.C. #4, R 25-18 (Aug. 22, 2025); Initial Comments of Earthjustice, P.C. #3, R 25-18 (Aug. 22, 2025); Initial Comments of Environmental Law & Policy Center, P.C. #6 (Aug. 27, 2025). The AGO also filed a comment that included proposed rule language regarding accessibility and a discussion on environmental justice mapping tools. Comment Submitted by the AGO, P.C. #5 (Aug. 27, 2025).

On September 18, 2025, the Board entered an order posing several questions and setting a deadline of October 31, 2025 to file responses to those questions. In addition to questions directed to Illinois EPA and the AGO and its Public Access Counselor, the Board posed a number of general questions that any participant can respond to. Specifically, the Board asked participants “to identify any specific rules where environmental justice considerations could be added” and whether the Board should “prioritize certain subject matter areas when amending its

rules to include environmental justice considerations.” Order at 2, 4. The Board also asked questions concerning the Board’s authority to add these environmental justice considerations to the Board’s rules and whether a specific statutory mandate or mandates are needed. *Id.* at 2 (“The Board also asks, generally, if participants believe a statutory mandate – similar to that found in Section 22.59 – would be necessary in order to add environmental justice considerations to specific Board regulations.”).

IERG believes that the question of whether a statutory mandate is needed will likely depend on which specific rules and subject matter areas will be the subject of proposed amendments to add environmental justice considerations. IERG reserves the right to respond to the question on Board authority and the need for a statutory mandate(s) until comments are received in response to the Board’s question of which specific rule or subject matter areas should be amended to add environmental justice considerations.

Lastly, as to the issue of which environmental justice mapping tool should be referenced and/or incorporated into the Board’s regulations, IERG urges the Board to wait on this issue until the 2026 Spring Illinois legislative session is complete to see if environmental justice legislation is adopted in the Spring Session. IERG believes that consistency in the use of one environmental justice mapping tool in the programs implemented under the Illinois Environmental Protection Act is crucial to ensuring compliance with these programs.

IERG would like to thank the Board for the opportunity to submit this comment.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
REGULATORY GROUP

Dated: October 31, 2025

By: /s/ Melissa S. Brown
One of its attorneys

Trejahn Hunter
Illinois Environmental Regulatory Group
215 E. Adams Street
Springfield, Illinois 62701
thunter@ierg.org
(217) 522-5512

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