

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
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Lawrence Doll Illinois Automobile Dealers Association 300 W. Edwards, Suite 400 Springfield, Illinois 62704 ldoll@illinoisdealers.com	

Please take notice that I have today filed with the Illinois Pollution Control Board the following documents: Rule Proponent's Motion to Request Spanish Interpretation at the Upcoming Hearing; and Certificate of Service, a copy of which is served upon you.

Date: November 20, 2024

Respectfully submitted,



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

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**RULE PROPONENT’S MOTION TO
REQUEST SPANISH INTERPRETATION AT THE UPCOMING HEARING**

Pursuant to the Hearing Officer Order entered in this matter on November 13, 2024, and the Hearing Officers’ broad duties and authorities to manage proceedings under the Board’s procedural rules, Rule Proponents hereby request that the Board provide for Spanish-language interpretation for the hearings in this matter on December 2nd and 3rd, 2024.

At the prehearing conference in this matter on November 13th, 2024, Rule Proponents’ counsel made this request orally and asked all other parties to indicate if they objected; no other party indicated that they objected to this request. The Hearing Officer instructed Rule Proponents to follow that oral request with a written motion. For the reasons herein, Rule Proponents respectfully request that Spanish-language interpretation be provided at the hearings in this matter.

First and foremost, Spanish interpretation should be provided at the upcoming hearings because those hearings will consider the massive and harmful effects of local and greenhouse gas air pollution from on-road vehicles—a matter of vital, statewide importance that has particularly deleterious impacts on communities of color that include many Spanish-speaking residents of Illinois. Many of the communities most severely impacted by truck pollution are predominantly Latinx. *See* Pre-Filed Testimony of Juliana Pino at 4-6 (describing study of truck traffic in environmental justice communities); Pre-Filed Testimony of Myrna Salgado-Romo at 1-2

(describing formation of environmental justice organizations in largely Latinx Chicago neighborhoods as a response to developments “without the community’s notification or input”); *id.* at 3 (describing impact of vehicle emissions on her community); Pre-Filed Testimony of Justin Flores (describing impacts of vehicle emissions on his Pilsen “community that shares [his] Mexican-American heritage”); Statement of Reasons at 23-26 (climate impacts borne disproportionately by communities of color); 31-33 (vehicle emissions concentrated in communities of color, including McKinley Park and Archer Heights; disproportionate asthma rates and hospital visits in Chicago communities of color). There is a greater than 18% rate of limited English language proficiency among the Latinx community in Chicago, indicating a significant need for interpretation services so that members of these most air-pollution impacted largely Latinx communities can understand and participate in the proceedings. *Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over (Hispanic or Latino)*, U.S. CENSUS BUREAU, 2023, <https://data.census.gov/table/ACSDT1Y2023.B16006> (last visited Nov. 20, 2024). Over half (56.7%) of the limited English proficiency households in Chicago speak Spanish. *Id.* Another example of how transportation air pollution disproportionately effects communities with significant proportions of Spanish-speakers is suburban West Chicago in DuPage County—a town that is nearly 50% Hispanic or Latino and where over 50% of the residents speak a language other than English at home. Opening Brief of People Opposing Du Page Environmental Racism, at 2, 43, *People Opposing Du Page Environmental Racism, et al. v. City of West Chicago, et al.*, PCB 23-207, PCB 23-109, available at <https://pcb.illinois.gov/documents/dsweb/Get/Document-109306>. To ensure equitable access to understanding the issues in this proceeding that are of vital and disproportionate importance to

communities with significant portions of primarily Spanish speakers, the hearings should include Spanish interpretation.

Providing Spanish-language interpretation is also important in this case to facilitate meaningful public participation under Board rules, and is consistent both with Board practice in recent cases and broader standards of ensuring language accessibility, as evidenced by Illinois EPA's current Draft Language Access Plan required as part of Illinois EPA's settlement of a federal civil rights complaint.

Spanish interpretation should be provided for the entirety of the hearing, not only the public comment period, because ensuring that members of the public can actually understand the content of the hearing is indispensable to facilitating meaningful public participation. Having translation available for the public comment period accomplishes the important goal of ensuring that Spanish-speaking people can voice their opinions to the Board. It does not, however, allow those individuals to understand what is happening before the Board. That is true for both people who speak only Spanish and those who speak English but for whom Spanish is their first language and, therefore, would better understand complex subject matter in their primary language. If translation is not provided for the hearing, it is entirely possible a Spanish-speaking commenter may raise an issue or voice a concern already addressed by a witness and be entirely unaware of that. They would be prevented from connecting their comment to the testimony being put on record in real time even though Board rules at section 101.628(c)(2) require that "[a]ll public comments" be "based on evidence in the record." 35 Ill. Adm. Code 101.628(c)(2).

Facilitating this very sort of meaningful participation, the Board has recently provided Spanish-language interpretation to allow members of the impacted community to fully understand and participate. During its September 28, 2023, hearing in *Protect West Chicago*, et.

al v. *City of West Chicago*, et. al, (PCB 23-207), the Board provided a Spanish language interpreter for the full duration of that day-long hearing. Transcript of Hearing, at 7, *Protect West Chicago, et al. v. City of West Chicago, et. al.*, PCB 23-207, PCB 23-109, available at <https://pcb.illinois.gov/documents/dsweb/Get/Document-109139>. The subject of that hearing was review of a local siting decision with a particular focus on the air pollution impacts of additional diesel truck emissions on Latinx neighborhoods near busy truck routes. *Id* at 47-49; *see id.* at 51 (describing barriers to participation for Spanish speakers in West Chicago when earlier proceedings lacked translation).

Finally, while not binding on the Board, it is instructive to note the provisions of Illinois EPA's Draft Language Access Plan, which Illinois EPA is in the process of revising as a condition to resolve a federal civil rights investigation. *See* "Language Access", ILL. ENV'T PROT. AGENCY, <https://epa.illinois.gov/about-us/accessibility/language-access.html> (last visited Nov. 20, 2024). In its current draft plan—the public comment period for which closed earlier this month—Illinois EPA commits to “provide for simultaneous oral interpretation, by qualified interpreters of live proceedings (e.g., community engagement meetings and public meetings or hearings), events, other programs, activities, or services, whether in person, virtually or in a hybrid setting, in all appropriate and other requested languages to allow individuals with LEP to meaningfully participate in those events, proceedings, programs, and activities, etc.” ILL. ENV'T PROT. AGENCY, “Illinois Environmental Protection Agency Language Access Plan, 2024,” at 11, <https://epa.illinois.gov/content/dam/soi/en/web/epa/about-us/accessibility/documents/Language%20Access%20Plan.pdf> (last visited Nov. 20, 2024). The Board should remain in step with Illinois EPA when it comes to ensuring its proceedings are broadly accessible and in compliance with federal civil rights laws.

Accordingly, and considering the absence of any objection from other parties to this proceeding, Rule Proponents hereby respectfully request that the Hearing Officers issue an order to provide for Spanish interpretation of the upcoming hearings.

Date: November 20, 2024

Respectfully submitted,



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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 Proponent’s Motion to Request Spanish Interpretation at the Upcoming Hearing; 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
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Electronic Filing: Received, Clerk's Office 11/20/2024

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

That the number of pages in the e-mail transmission is 10.

That the e-mail transmission took place before 5:00 p.m. on the date of November 20, 2024.

Date: November 20, 2024



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