

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PROTECT WEST CHICAGO,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 23-107
	)	(Third-Party Pollution Control Facility
CITY OF WEST CHICAGO, WEST	)	Siting Appeal)
CHICAGO CITY COUNCIL and	)	
LAKESHORE RECYCLING SYSTEMS,	)	
LLC,	)	
	)	
Respondents.	)	

PEOPLE OPPOSING DUPAGE	)	
ENVIRONMENTAL RACISM,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 23-109
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**NOTICE OF FILING**

TO: See Attached Service List

**PLEASE TAKE NOTICE** that on April 21, 2023, the CITY OF WEST CHICAGO and the WEST CHICAGO CITY COUNCIL electronically filed with the Office of the Clerk of the Illinois Pollution Control Board a Motion to Supplement the Record, a copy of which is hereby served upon you.

Respectfully submitted,

CITY OF WEST CHICAGO and  
WEST CHICAGO CITY COUNCIL,  
Respondents

By:   
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One of Respondent's Attorneys

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AFFIDAVIT OF SERVICE

I, the undersigned, on oath state that I have served the Notice of Filing and Motion to Supplement the Record on behalf of the City of West Chicago and the West Chicago City Council upon the following persons to be served via email transmittal from 20 N. Wacker Drive, Chicago, Illinois 60606, this 21st day of April, 2023.



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West Chicago City Council

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**MOTION TO SUPPLEMENT THE RECORD**

Respondents, the CITY OF WEST CHICAGO and the WEST CHICAGO CITY COUNCIL (collectively “City of West Chicago”), by their attorney, Dennis G. Walsh of Klein, Thorpe and Jenkins, Ltd., present their motion to supplement the record and states as follows:

1. On March 28, 2023, Protect West Chicago filed with the Illinois Pollution Control Board (“Board”) a Petition for Hearing and Review of Local Siting Approval For New Pollution Control Facility (PCB 2023-107), and on March 31, 2023, People Opposing DuPage Environmental Racism filed a Petition for Review of Local Siting Approval of a Pollution Control Facility (PCB 2023-109). On April 6, 2023, the Board accepted the petitions for hearing.

2. The April 6, 2023, Board Orders required the Respondent City of West Chicago to file the entire record of its determination by April 27, 2023.

3. On April 18, 2023, the City of West Chicago electronically filed the Record on its Proceedings in PCB Case 2023-107.

4. There is currently pending before the Board an uncontested motion to consolidate Case PCB 2023-107 with PCB 2023-109. The Hearing Officer noted in his April 21, 2023 order that the City of West Chicago will await the Board's decision before filing the record in PCB 2023-109, if need be.

5. Part 107.304 of the Board's General Provisions, 35 Ill. Adm. Code 107.304, requires that the record of the City of West Chicago's proceedings filed with the Pollution Control Board must include "all information or evidence presented to the local siting authority or relied upon by the local siting authority during its hearing process."

6. The City of West Chicago inadvertently failed to include in the Record on its Proceedings filed with the Board on April 18, 2023 Protect West Chicago Exhibits #39 and #51 which were presented at the local siting authority public hearing.

7. The City of West Chicago now seeks to supplement the Record on Appeal and the Index to Record of Proceedings by including Protect West Chicago Exhibit #39 and Protect West Chicago Exhibit #51, attached hereto as Exhibit A.

8. This record supplement is intended for the purposes of providing a complete factual record on appeal, pursuant to 35 Ill. Adm. Code 107.304, and no party will be prejudiced by the granting of this motion.

WHEREFORE, Respondent, the City of West Chicago, hereby requests that the Board or the Hearing Officer enter an order granting this Motion to Supplement the Record and designate the pages attached hereto as Exhibit A as C006400 and C006401-C006405.

Respectfully submitted,

CITY OF WEST CHICAGO

By:   
\_\_\_\_\_

One of Respondent's Attorneys

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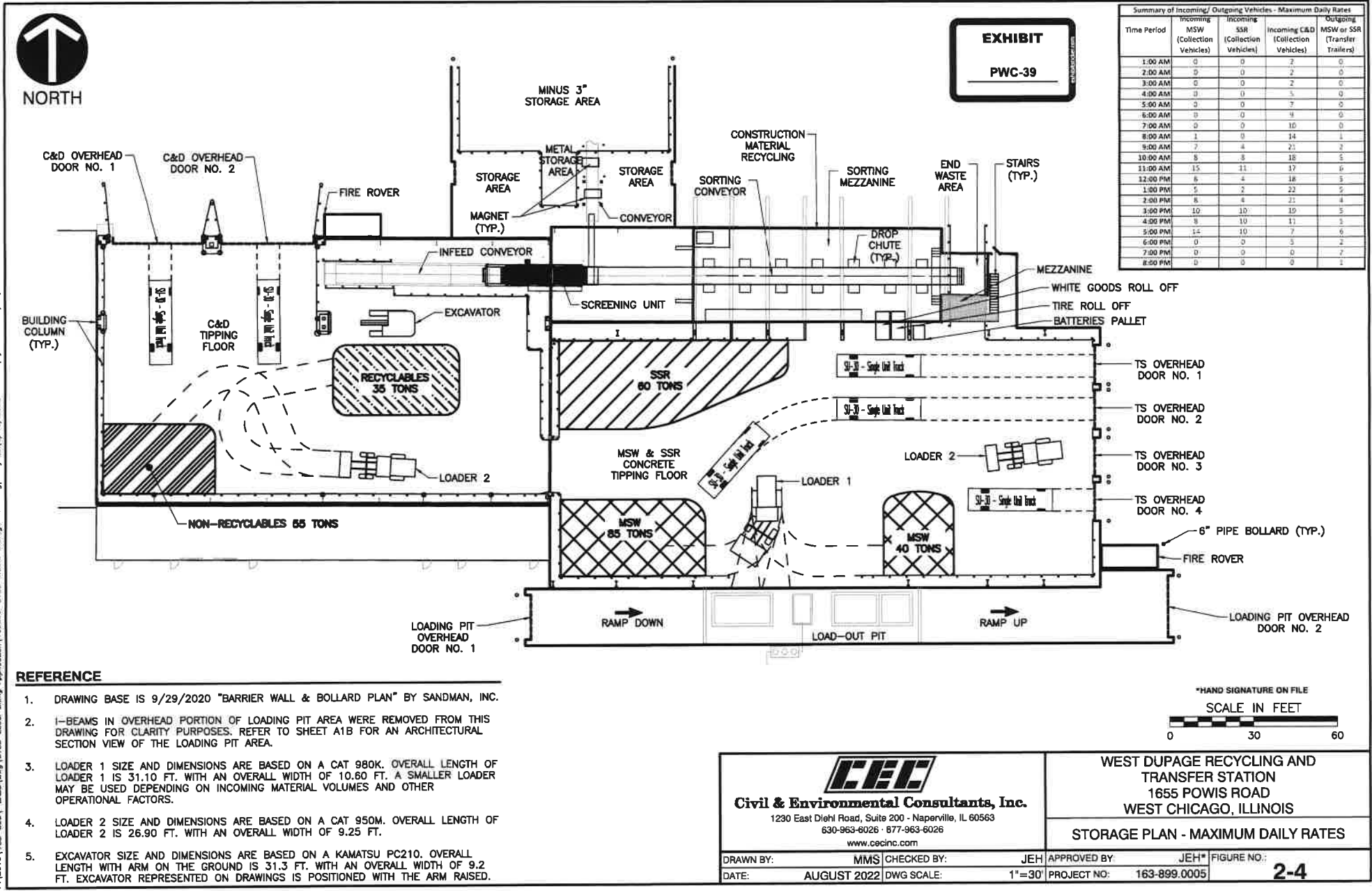
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**MOTION TO SUPPLEMENT THE RECORD**

**EXHIBIT A**



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C006401



December 5, 2022

The Honorable JB Pritzker  
Governor of Illinois  
401 S. Spring St.  
Springfield, IL 62704

Dear Governor Pritzker,

As physicians, nurses, public health professionals and healthcare workers dedicated to providing our patients with a healthy future in Illinois, we are writing to call for strong actions on protecting our communities against harmful truck pollution. While we applaud your leadership on getting the Climate and Equitable Jobs Act (CEJA) passed and signed into law, we know that there is more work to do—and we call on you to join other states in signing on to the Medium- and Heavy-Duty Zero-Emission Vehicle Memorandum of Understanding (MOU). This action would ensure greater cooperation with other states on bringing the health benefits of zero-emission trucks here. The MOU is an important step, and should be followed by actions to adopt life-saving state trucking rules like the Advanced Clean Trucks (ACT) and Low NOx Heavy-Duty Omnibus (HDO) rules in a growing number of states.

As you know, pollution from transportation sources like cars, buses and trucks is the largest source of smog-forming emissions and climate pollution in the U.S. While all forms of air pollution are concerning, emissions from diesel truck engines are particularly harmful for the health of communities. This is especially true in lower-income communities and communities of color which too often bear disproportionate health burdens due to increased pollution exposures from freeways, railyards, warehouses and other freight hubs. Recent data suggest that some of Illinois' most populous communities are disproportionately harmed by diesel exhaust pollution. Particle



pollution comes directly from sources that include fuel combusting vehicles. Exposure to particle pollution, even at low levels, can be deadly. Consider the following:

- With an average diesel PM2.5 concentration of 0.309 µg/m<sup>3</sup>, Illinois' diesel engine pollution exposure levels are 21 percent greater than the national average of 0.255 µg/m<sup>3</sup> and translate into 1,019 tons of on-road engine air pollution and 2,476 tons non-road engine air pollution annually.<sup>1</sup>
- Illinois is expected to have the **fifth highest number of deaths from PM2.5 diesel engine pollution per capita in 2023**. While Illinois residents comprise just 3.8 percent of the U.S. population, the 416 projected deaths in 2023, represent 4.7 percent of the 8,822 expected deaths due to diesel engine PM2.5 pollution nationally.<sup>2</sup>
- **Twelve of Illinois' 102 counties, the "Dirty Dozen," rank in the top nine percent of all U.S. counties at risk of the health, societal, and economic impacts caused by diesel fine particle air pollution.**<sup>3</sup> Additionally, Chicago ranks in the top 25 most polluted cities for both ozone and year round particle pollution.<sup>4</sup>

In 2023, Illinois residents will account for 6.3 percent of asthma related emergency department visits and 5.3 percent of non-fatal heart attacks due to diesel engine PM2.5 air pollution nationwide.<sup>5</sup> These and other health impacts will also impact the work lives of residents. The Clean Air Task Force projects a total of 24,601 missed workdays in Illinois next year and 144,930 days of "minor restricted activity" where people need to change their normal activities because of poor health.<sup>6</sup> Of those days, 120,665 days (83 percent) will come from Dirty Dozen counties. Over half of those days will be from the impact on Cook County residents.<sup>7</sup>

Using a computer model developed by U.S. Environmental Protection Agency consultants, the Clean Air Task Force calculated monetized health damages from the human health impacts, including deaths, medical treatments and other health-related economic losses caused by diesel engine PM2.5 air pollution. For Illinois, these monetized health damages will exceed \$4.6 billion in 2023, with 77 percent of those damages experienced in Dirty Dozen county residents.<sup>8</sup>

While not legally binding, the MOU is viewed as an important step towards adopting enforceable state policies that foster vehicle electrification. In addition, passing policies like the ACT rule and the HDO rule would reduce the dangerous diesel pollution emitted in the state.

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<sup>1</sup> Clean Air Task Force. 2022. Deaths by diesel: Mapping the health impacts of diesel nationwide.

<https://www.caf.us/deathsbydiesel/>

<sup>2</sup> Id.

<sup>3</sup> Respiratory Health Association. 2022. The Dirty Dozen: The Impacts of Diesel Engine Pollution in Illinois.

<https://resphealth.org/wp-content/uploads/2022/05/Dirty-Dozen-Impact-of-Diesel-Engine-Pollution-in-Illinois.pdf>

<sup>4</sup> American Lung Association. 2022. State of the Air Report. <https://www.lung.org/getmedia/74b3d3d3-88d1-4335-95d8-c4e47d0282c1/sota-2022.pdf>

<sup>5</sup> Respiratory Health Association. 2022. The Dirty Dozen: The Impacts of Diesel Engine Pollution in Illinois.

<https://resphealth.org/wp-content/uploads/2022/05/Dirty-Dozen-Impact-of-Diesel-Engine-Pollution-in-Illinois.pdf>

<sup>6</sup> Clean Air Task Force. 2022. Deaths by diesel: Mapping the health impacts of diesel nationwide.

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<sup>8</sup> Id.

The ACT and HDO rules work together to slash health-harming air pollution from new fossil fuel trucks while increasing the number of clean, zero-emitting trucks manufacturers have to sell in Illinois. The ACT rule requires manufacturers to sell an increasing number of zero-emission vehicles (ZEV) guaranteeing a minimum number of these clean, cost-saving vehicles are available in Illinois.

Meanwhile, the HDO rule establishes strong yet feasible NOx and PM emission standards for new fossil fuel trucks that will continue to be sold, slashing emissions by up to 90 percent once fully implemented. The HDO rule also establishes testing and warranty requirements to ensure that emission control systems continue working throughout the vehicle's life.

Illinois is uniquely situated squarely in the middle of the country's transportation network. While it benefits from that economic impact, it also pays the price with a higher burden of deadly diesel exhaust. Unfortunately, that specific burden falls most heavily on communities in and near areas with large concentrations of activity that now involve diesel engines – intermodal freight terminals, warehousing and industry, and along major roadways and highways. In many cases those industrial areas overlap with or adjoin low-income communities and communities of color that are already at higher risk of lung disease and lung disease exacerbation. In fact, the U.S. Environmental Protection Agency estimates that over 70 million Americans face increased risk due to living in close proximity to major trucking routes and those people tend to be lower-income and people of color.

The shift to zero-emission transportation will yield major public health benefits. According to the Zeroing In on Healthy Air report, Illinois is one of the states with the most to gain in terms of reducing harmful emissions, saving lives and preventing asthma attacks through the shift to zero-emission transportation and clean power, including \$59.5 billion in cumulative health benefits and the prevention of 5,410 premature deaths and 138,000 asthma attacks by 2050.<sup>9</sup>

Illinois clearly wants to be a leader in the electric vehicle industry, but it must also simultaneously commit to eliminating a huge source of emissions that not only increase global warming but create local pollution that is often concentrated in vulnerable communities.

Governor Pritzker: you have the power to make this commitment by joining the 17 other states who have signed the Multi-State Medium- and Heavy-Duty Zero Emission Vehicle Memorandum of Understanding, and then follow up on that by adopting the Advanced Clean Truck Rule and Low NOx Omnibus rules to assure the reduction of the harmful diesel pollution to which Illinois residents are exposed.

Sincerely,

**The Undersigned Health Professionals in Illinois**

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<sup>9</sup> American Lung Association. 2022. Zeroing in on Healthy Air. <https://www.lung.org/clean-air/electric-vehicle-report>

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