

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

IN MATTER OF: )  
 )  
AMENDMENTS TO 35 ILL. ADM. CODE 217, ) R 25-17  
NITROGEN OXIDES EMISSIONS ) (Rulemaking - Air)

**NOTICE OF FILING**

**TO: Don Brown**  
**Clerk**  
**Illinois Pollution Control Board**  
**60 E. Van Buren St., Suite 630**  
**Chicago, Illinois 60605**  
[don.brown@illinois.gov](mailto:don.brown@illinois.gov)

**Persons on Attached Service List**

PLEASE TAKE NOTICE THAT on the 16th day of December 2024, I caused to be electronically filed with the Clerk of the Illinois Pollution Control Board, via the "COOL" System, the Illinois Attorney General's Post-Hearing Comment on behalf of the Illinois Attorney General's Office, for the People of the State of Illinois, true and correct copies of which are attached hereto and hereby served upon you.

PEOPLE OF THE STATE OF ILLINOIS,  
by KWAME RAOUL, Attorney General  
of the State of Illinois

By: /s/ Jason E. James  
Assistant Attorney General  
Office of the Illinois Attorney General  
Environmental Bureau  
201 West Point Drive, Suite 7  
Belleville, IL 62226  
(217) 843-0322  
[Jason.James@ilag.gov](mailto:Jason.James@ilag.gov)

**SERVICE LIST**

Don Brown  
Clerk of the Board  
Illinois Pollution Control Board  
60 E. Van Buren, Suite 630  
Chicago, IL 60605  
[Don.Brown@illinois.gov](mailto:Don.Brown@illinois.gov)  
(Via Electronic Filing)

Dana Vetterhoffer  
Deputy General Counsel  
Gina Roccaforte  
Assistant Counsel  
Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 N. Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
[Dana.Vetterhoffer@illinois.gov](mailto:Dana.Vetterhoffer@illinois.gov)  
[Gina.Roccaforte@illinois.gov](mailto:Gina.Roccaforte@illinois.gov)

Renee Snow  
Illinois Department of Natural Resources  
Office of General Counsel  
One Natural Resources Way  
Springfield, IL 62702  
[Renee.Snow@illinois.gov](mailto:Renee.Snow@illinois.gov)

Trejahn Hunter  
Illinois Environmental Regulatory Group  
215 E. Adams Street  
Springfield, Illinois 62701  
[thunter@ierg.org](mailto:thunter@ierg.org)

Melissa S. Brown  
HeplerBroom LLC  
4340 Acer Grove Drive  
Springfield, Illinois 62711  
[Melissa.brown@heplerbroom.com](mailto:Melissa.brown@heplerbroom.com)

**CERTIFICATE OF SERVICE**

I, Jason E. James, an Assistant Attorney General, caused to be served on this 16th day of December 2024, a true and correct copy of Illinois Attorney General's Post-Hearing Comment on behalf of the Illinois Attorney General's Office, for the People of the State of Illinois, true and correct copies of which are attached hereto and hereby served upon the persons listed on the Service List via electronic mail or electronic filing, as indicated.

/s/ Jason E. James

Jason E. James

Assistant Attorney General

Office of the Illinois Attorney General

Environmental Bureau

201 West Point Drive, Suite 7

Belleville, Illinois 62226

(217) 843-0322

[Jason.James@ilag.gov](mailto:Jason.James@ilag.gov)

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

IN MATTER OF:	)	
	)	
AMENDMENTS TO 35 ILL. ADM. CODE 217,	)	R 25-17
NITROGEN OXIDES EMISSIONS	)	(Rulemaking - Air)

**Illinois Attorney General's Post-Hearing Comment**

The Illinois Attorney General's Office, on behalf of the People of the State of Illinois ("People"), provide these comments following the November 21, 2024 hearing held by the Illinois Pollution Control Board ("Board") in this docket concerning revisions to Illinois' regulations on sources of nitrogen oxides ("NOx") proposed by the Illinois Environmental Protection Agency ("IEPA").

**Environmental Justice**

As IEPA highlighted in its comments dated October 17, 2024, many of the counties in the Chicago and Metro-East Non-Attainment Areas ("NAAs") contain areas that are considered to be of environmental justice concern.<sup>1</sup> According to IEPA's definition of "area of environmental justice concern," this means that these areas contain census block groups with low-income and/or minority populations greater than twice the statewide average.<sup>2</sup> Both the People<sup>3</sup> and IEPA<sup>4</sup> recognize that some communities in Illinois are disproportionately affected by pollution burdens, and that taking action to reduce these burdens is an essential part of protecting the Constitutional right of all Illinoisians to a clean and healthy environment.

---

<sup>1</sup> Post-Hearing Comments of the Illinois Environmental Protection Agency, Oct. 17, 2024, at 2.

<sup>2</sup> IEPA, Environmental Justice Policy, <https://epa.illinois.gov/topics/environmental-justice/ej-policy.html>.

<sup>3</sup> Office of the Illinois Attorney General, *Attorney General Raoul Announces Initiative to Enhance Environmental Justice Efforts Throughout Illinois*, Nov. 10, 2021, <https://illinoisattorneygeneral.gov/dA/81a8ead0c6/202111-10%20INITIATIVE%20TO%20ENHANCE%20ENVIRONMENTAL%20JUSTICE%20EFFORTS%20THROUGHOUT%20ILLINOIS.pdf>.

<sup>4</sup> IEPA, *EJ Enforcement Strategy*, <https://epa.illinois.gov/topics/environmental-justice/ej-enforcement-strategy.html>.

Many of the areas within the NAAs are significantly overburdened with pollution caused by NO<sub>x</sub> emissions. Cook County, for example, has some of the highest scores in the country for NO<sub>2</sub> and ozone according to the U.S. Environmental Protection Agency's ("USEPA") EJScreen tool.<sup>5</sup> Not surprisingly, Chicago and southern areas of Cook County have high rates of inpatient hospitalizations for asthma,<sup>6</sup> a condition that can both result from and be aggravated by exposure to ozone.<sup>7</sup> St. Clair County, located in the Metro East NAA, and McHenry County, located in the Chicago NAA, have the highest rates of asthma in the state of Illinois.<sup>8</sup> Asthma disproportionately affects Black Illinoisians, who are significantly more likely to die from asthma than white residents.<sup>9</sup>

NO<sub>x</sub> emissions have a very real impact on the quality of life of the residents in NAAs and across the state. As IEPA recognized in their comments, the proposed regulations would benefit the environmental justice communities located in the NAAs by reducing NO<sub>x</sub> emissions that lead to the adverse health effects caused by ozone.<sup>10</sup> Adopting the proposed regulations is therefore important not only to ensure compliance with USEPA's attainment goals, but to improve the quality of life of residents in environmental justice communities.

---

<sup>5</sup> USEPA, EJ Screen,

<https://ejscreen.epa.gov/mapper/index.html?wherestr=madison+county%2C+illinois>.

<sup>6</sup> Katie Labgold, Amanda C. Bennet, and Kristen M. Wells, *Cluster Analysis and Cluster Ranking for Asthma Inpatient Hospitalizations Among Children, Adolescents, and Adults Aged 0 to 19 Years in Cook County, IL, 2011-2014*, Centers for Disease Control, Jan. 16, 2020, [https://www.cdc.gov/pcd/issues/2020/19\\_0265.htm#:~:text=Zip%20code%E2%80%93specific%20rates%20ranged,\(Tables%20and%20202\)](https://www.cdc.gov/pcd/issues/2020/19_0265.htm#:~:text=Zip%20code%E2%80%93specific%20rates%20ranged,(Tables%20and%20202).).

<sup>7</sup> USEPA, *Health Effects of Ozone Pollution*, <https://www.epa.gov/ground-level-ozone-pollution/health-effects-ozone-pollution>.

<sup>8</sup> Southern Illinois University, *Illinois Department of Public Health Asthma Program Evaluation Services*, <https://www.siumed.edu/illinois-department-public-health-asthma-program-evaluation-services.html-0>.

<sup>9</sup> *Id.*

<sup>10</sup> Post-Hearing Comments of the Illinois Environmental Protection Agency, Oct. 17, 2024, at 2.

PEOPLE OF THE STATE OF ILLINOIS,  
by KWAME RAOUL, Attorney General  
of the State of Illinois

By: /s/ Jason E. James

Jason E. James

Assistant Attorney General

Caitlin Kelly

Assistant Attorney General

Office of the Illinois Attorney General

Environmental Bureau

201 West Point Drive, Suite 7

Belleville, IL 62226

(217) 843-0322

[Jason.James@ilag.gov](mailto:Jason.James@ilag.gov)