

**From:** [REDACTED]  
**To:** [Title VI Complaints](#)  
**Cc:** [Pressnal, Chris](#)  
**Subject:** Title VI Complaint against IEPA  
**Date:** Monday, October 31, 2022 3:56:04 PM  
**Attachments:** [image.png](#)

---

October 31, 2022

Via e-filing

U.S. Environmental Protection Agency  
Office of External Civil Rights  
Mail code 2310A  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
Email: [Title\\_VI\\_Complaints@epa.gov](mailto:Title_VI_Complaints@epa.gov)

Re: Complaint by [REDACTED] pursuant to Title VI of the Civil Rights Act of 1964 and EPA regulations against the Illinois Environmental Protection, Air Pollution Permits

Dear Sir or Madam:

The Complainant, listed at the end of this complaint on their own behalf and on behalf of impacted communities in Illinois, submit this Complaint pursuant to Title VI of the Civil Rights Act of 1964, concerning actions by the Illinois Environmental Protection Agency (IEPA) in approving air permits for Churchill Cabinet, Permit No 76030017, and Premcor, Permit No. 96030063, and to end IEPA's longstanding pattern and practice of discrimination on the basis of Race, Color and National Origin regarding use of minor modifications to circumvent meaningful public participation and use of its FOIA process to collect personal information for profiling and discouraging or preventing public participation on actions that require it. Citizens have all suffered injuries to employment, health, recreation and other interests which are caused by IEPA. IEPA is a recipient of EPA financial and other assistance.

### **Facts**

On May 6, 2022, IEPA posted notice on its website about the renewal application for Churchill Cabinet and [REDACTED] made comments on the overburdened area as indicated by EJ Screen as well as requiring testing.

The permit has no means to measure or quantify the emissions of VOM, CO, SO<sub>2</sub>, NO<sub>x</sub>, or the emission factors that are limited. All of these emissions must be tested and verified on a periodic basis. Records is not sufficient to assure compliance with emission limits without those records being based on a physical measurement.

This is an environmental justice area and other sources in white, rich people locations have testing requirements. IEPA issued the permit on October 19, 2022 and sent a response to [REDACTED] seven days later on October 27, 2022. This response was silent on the testing comment and wrote off the overburdened area and need for a cumulative impact assessment because the IEPA looked at

EJScreen and did not conclude the same. Yet, they provide no justification as to how they came to this conclusion. Illinois EPA inadequately characterized and failed to evaluate the range of environmental justice issues.

In permitting, Illinois EPA is expressly authorized to impose conditions that are necessary to accomplish the purposes of the Act, and are not inconsistent with the regulations. Illinois EPA can impose conditions that go beyond the regulations. Because IEPA did not even consider the disparate testing comment, Illinois EPA inadequately characterized and failed to control through appropriately protective permit conditions.

On May 26, 2022 IEPA posted notice on its website about the minor modification application for Premcor and [REDACTED] made comments on not following the EJ outreach policy and for waiving testing requirements for a facility in an EJ area as being discriminatory. A petition to object to the issuance was filed on July 23, 2022 for relaxing the testing requirements which is pending at this time. However, IEPA continues to post numerous minor modifications without public participation rights for sources in EJ areas. DeKalb Landfill, Exxon Mobil, Chicago Dept. of Aviation, PQ and Prince Minerals among others.

Illinois EPA's EJ public participation policy applies to permitting transactions likely to generate significant public interest.

An effective public participation strategy emphasizes early and meaningful public involvement throughout the permitting process or other Illinois EPA activities.

Illinois EPA is prohibited from engaging in actions that have the effect of discriminating on the basis of race, color and national origin. Pursuant to Title VI of the Civil Rights Act of 1964, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity which, like Illinois EPA, receives federal financial assistance. At no time during any minor modification was there an opportunity to present significant public interest because the public is not made aware of these actions that only USEPA is privy to see and comment.

On October 18, 2022, [REDACTED] made a request to the IEPA Community contact office for a digital copy of the permit record for Prince Minerals, Permit No. xxxxx. After seven days of no response, [REDACTED] reached out again and received a response from the FOIA that the permit record was on the webpage in a Document Explorer. However, [REDACTED] had already stated they could not find them there. [REDACTED] then got a response that the permit record was lost and could not be found. A couple days later, construction permits were sent that are the same as those on the Document Explorer. In total, it was more than two weeks only to receive documents not relevant to permit action. Still today, no current permits have been shared. The public has a right to all information the IEPA relied on to make its decision and particularly for one in an EJ area where public participation is being circumvented.

Also, the IEPA sent a Microsoftshare folder that contains tracking software application used to track

and profile the user. This is illegal and discriminatory against those who wish to protect personal information from getting into the hands of a government that cannot be trusted. The same goes for the routine method of requesting through FOIA where an account must be used which requires prohibited personal information to be collected before a FOIA can be made to IEPA.

Additionally, IEPA continues to stop all permitting that is required to go to public participation that are in EJ areas which is simply unacceptable. Justice delayed is Justice denied which is what this IEPA is doing to all citizens in the State of Illinois. By withholding permit records and sending out red herrings to catch and delay commentors, this IEPA is blatantly attacking it citizens for even attempting to participate in permit actions.

Illinois EPA repeatedly exercises its discretion in ways that will result in a significant, adverse and disproportionate harm on the surrounding environmental justice communities in Illinois. At multiple decision points in the permitting process, Illinois EPA makes discretionary choices that have an adverse and discriminatory effect on the environmental justice communities and also fail to comply with clear legal mandates designed to protect the health, safety and welfare of Illinois residents.

### **Timeliness**

Under Title VI as implemented by EPA, a complaint alleging that a protected class of persons has been discriminated against may file a complaint with EPA in writing within 180 calendar days of the alleged discriminatory act(s) unless this timeframe is waived for good cause. This complaint is timely as it is filed within 180 days of the IEPA's permits sent to notice as early as May 6, 2022 (~175 days – Note that [REDACTED] requested a seven day extension due to the issuance of a response on Churchill being seven days after the issuance of the permit.


### **Relief**

Request ECRCO and EPA provide the following relief:

- 1) Require IEPA to:
  - a) start posting for comment all EJ permits;
  - b) reevaluate the grant of Churchill Cabinet permit;
  - c) conduct a thorough Title VI compliance review of IEPA; and
  - d) require that IEPA develop and implement detailed cumulative impact assessment procedure.
- 2) Investigate the FOIA process for discriminatory practices and interference with public participation by delaying release of permit records.
- 3) Require IEPA to incorporate environmental justice and racial equity considerations into all permits
- 4) Provide other relief EPA deems necessary after conducting its investigations to remedy IEPA's discriminatory actions.

Respectfully Submitted,

(b)(6) Privacy, (b)(7)(C) Enf. Privacy



Cc: Chris Pressnall, EJ officer for State of Illinois