UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

May 7, 2021

THE ADMINISTRATOR

The Honorable Lori E. Lightfoot
Mayor of Chicago
City Hall
121 North LaSalle Street
Chicago, Illinois 60602

Dear Mayor Lightfoot:

I write today to thank you for the productive call on May 3, 2021, regarding the pending permitting decision before the Chicago Department of Public Health on a proposed Reserve Management Group (RMG) facility in the southeast area of Chicago.

The U.S. Environmental Protection Agency is committed to advancing environmental justice and incorporating equity considerations into all aspects of our work, including ongoing development of practices to better assess and consider impacts to pollution-burdened communities in our analysis, permitting, and enforcement activities. As we work to define these practices at U.S. EPA, I would like to share my thoughts about the RMG permitting decision and to offer additional assistance.

Substantial data indicate the current conditions facing Chicago's southeast side epitomize the problem of environmental injustice, resulting from more than a half century of prior actions. This neighborhood currently ranks at the highest levels for many pollution indicators used by U.S. EPA's EJSCREEN tool, including fine particulate matter, air toxics cancer risk, respiratory hazard, traffic proximity, lead paint, Superfund site proximity, hazardous waste proximity, and wastewater discharges. Almost 250 facilities in the southeast area of Chicago are actively monitored by state and federal enforcement authorities under federal environmental laws. Since 2014, more than 75 facilities in the southeast area have been investigated by U.S. EPA, Illinois EPA, and the City for noncompliance with the Clean Air Act.

Because of these well-known degraded environmental conditions, the siting of this facility in Chicago's southeast side has raised significant civil rights concerns. As you know, EPA is closely following the investigation by the U.S. Department of Housing and Urban Development under Title VI of the Civil Rights Act of 1964 and agency regulations. U.S. EPA believes the issues raised by the HUD complaint deserve your careful consideration as the City weighs its environmental permitting decision on the RMG facility.

As we discussed by telephone, I do not believe U.S. EPA's public comments submitted by the prior administration during the state permitting process were adequate, and they do not reflect the current priorities and policies of the U.S. EPA. If the construction permit were before Illinois EPA today, U.S. EPA would strongly recommend the state conduct a robust analysis to assess the full environmental justice implications of siting this facility in a community already overburdened by pollution, and then use that analysis to inform any permitting decision. I understand that Illinois EPA has signaled publicly that strengthening environmental justice in permitting is a priority for the state as well.

Prior to reaching a decision on the permit, U.S. EPA suggests that the City complete an environmental justice analysis, such as a Health Impact Assessment, to meaningfully consider the aggregate potential health effects of the proposed RMG facility on the southeast area of Chicago. This would include consideration of not only a robust analysis of ambient air quality data from Chicago's southeast side, compared with other parts of the city, but also potential impacts from other pathways of exposure. Such an analysis would help to illustrate the direct link between the environmental burdens in this community and the health of the residents. U.S. EPA is prepared to offer our assistance in this effort. Our Region 5 Office has already initiated an analysis of ambient air quality data and a comparison of that data with similar data from other Chicago communities. We believe it is prudent for the City to delay a decision on the pending permit until such an analysis can be conducted. A thorough, transparent, and properly scoped assessment would provide the public and all parties with assurance that the City is taking serious account of environmental justice concerns in its deliberations.

U.S. EPA would welcome further dialogue with you and your staff. We understand this permit is only one piece of the complex environmental challenges facing the community in Chicago's southeast side. As we go forward, I want to assure you that U.S. EPA remains committed to working collaboratively with state and local partners to address our shared environmental priorities, advance equity, and improve the health of all residents.

Please do not hesitate to contact me, or your staff may contact Casey Katims, EPA's Deputy Associate Administrator for Intergovernmental Relations, at katims.casey@epa.gov.

Sincerely yours,

Michael S. Regan

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