

THE CHICAGO BAR ASSOCIATION
PRESENTS

LAW AT THE LIBRARY

ENVIRONMENTAL UPDATES AFFECTING YOUR COMMUNITY

Wednesday, April 15, 2026, at 6:00 p.m.

This virtual session will explore environmental issues and matters, past and present, impacting the Chicagoland communities where we live and work. Attendees will learn how to stay informed about these issues and find opportunities to get more involved in environmental protection. Speakers will share best practices for using freedom of information laws to obtain environmental data from government agencies.

Speakers:

Rett Nelson: retired U.S. EPA, Region V, Regional Counsel, Board Member, Friends of the Park-Chicago

John Kim: Brown, Hays & Stephens, former Director of the Illinois Environmental Protection Agency

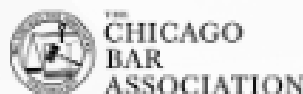
Jennifer Burke: KBC Law Group, former Board Member, Illinois Pollution Control Board and Senior Counsel for Aviation, Environmental, Regulatory, Contracts in Law Department-Chicago

Moderator: E. Lynn Grayson, Nijman Franzetti LLP, former General Counsel of the Illinois Emergency Management Agency, and Assistant Attorney General-Environmental Division-Springfield

Registration is required.

Here: <https://chipublic.bibliocommons.com/v2/events> or
<https://evanstonlibrary.bibliocommons.com/v2/events>.

This event is free, open to the public, and conducted via Zoom.



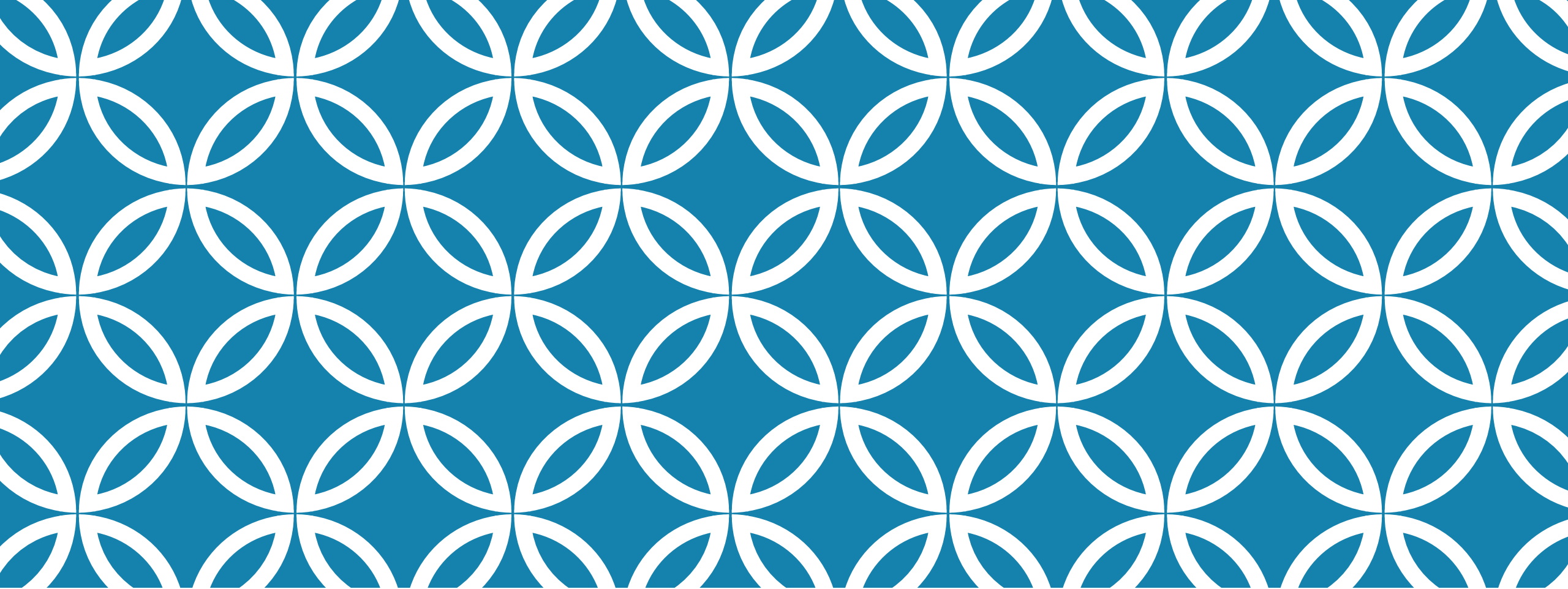
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Rett Nelson's remarks are his own views, not necessarily the views of organizations discussed.



- 1. WHY DO I GET INVOLVED?**
- 2. WHO ARE THE PLAYERS?**
- 3. WHAT LEGAL TOOLS DO I HAVE?**

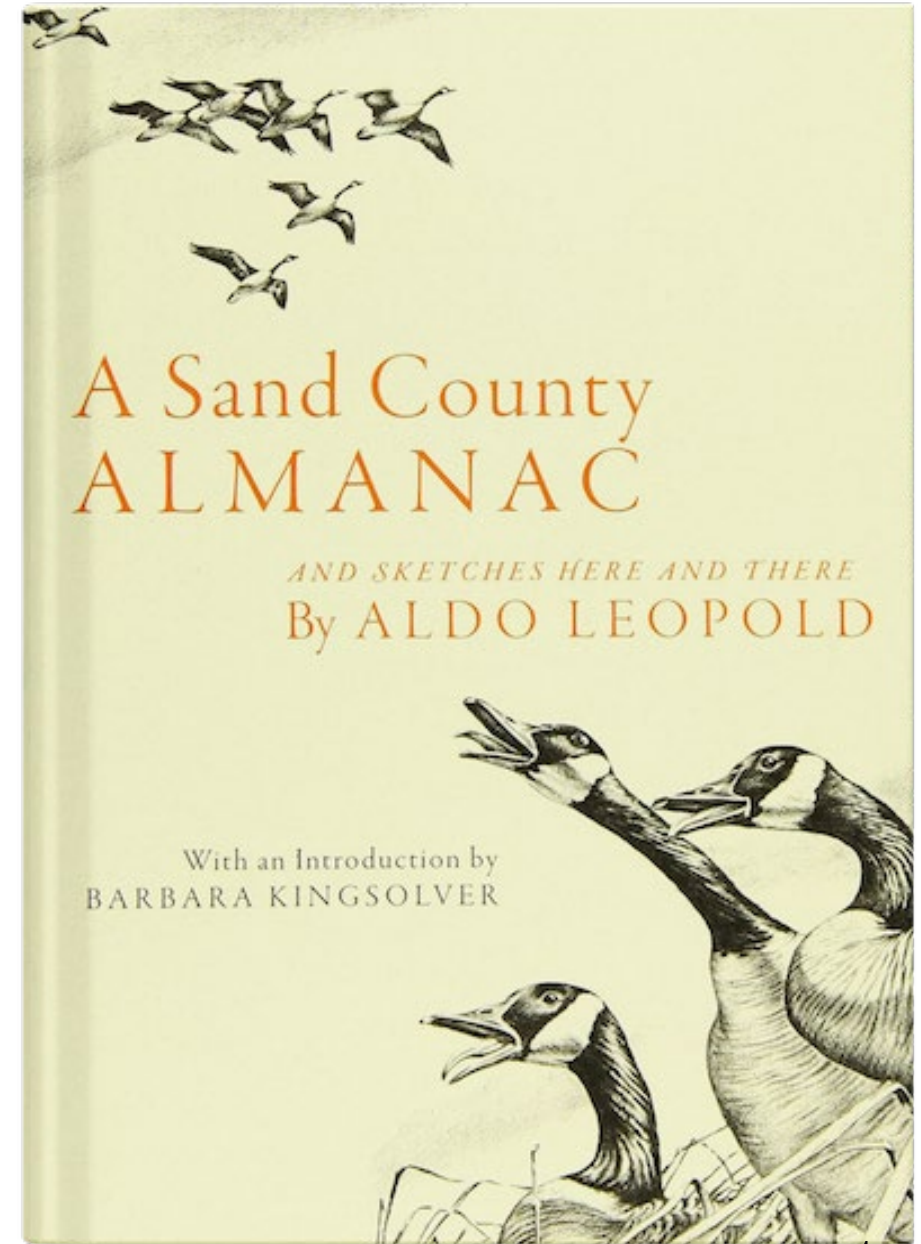
WHY DO I GET INVOLVED?

A land ethic, then, reflects the existence of an ecological conscience, and this in turn reflects a conviction of individual responsibility for the health of the land. Health is the capacity of land for self-renewal. Conservation is our effort to understand and preserve this capacity.

-Aldo Leopold, *A Sand County Almanac*

We shall never achieve harmony with land, any more than we shall achieve absolute justice or liberty for people. In these higher aspirations, the important thing is not to achieve but to strive.

-Aldo Leopold



-N. Scott Momaday

Earth Keeper



“If you stand still
long enough
to observe
carefully the
things around you,
you will find
beauty, and you
will know
wonder.”

1. Neighborhood Groups / Local Government
2. Regional Groups/ State Government
3. National Groups/ Federal Government

WHO ARE THE PLAYERS (WITH WHOM DO I GET INVOLVED)?

ABOUT U.S. EPA (Federal)

- Created in 1970, headed by an Administrator.
- “The mission of EPA is to protect human health and the environment.”
- Implements many federal environmental laws, e.g., the Clean Air Act, Clean Water Act, Superfund, RCRA, TSCA, EPCRA, FIFRA....
- NOT the only federal agency doing environmental work (e.g., for example, the Department of Energy handles nuclear waste issues).
- 4/21/2016 NOT a state or local agency.



ABOUT U.S. EPA



Serving Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin and 37 Tribes

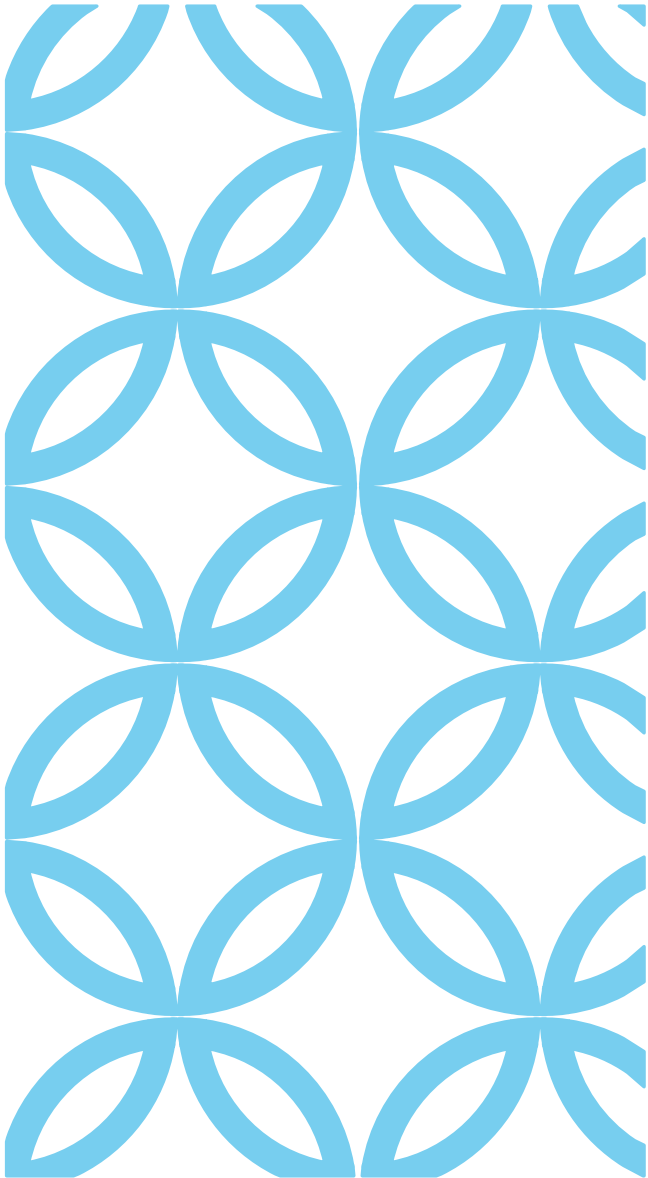
www.epa.gov/region5

1. When Agencies Act: Agencies' Administrative Processes: Opportunities for Public Comment

2. When Agencies Don't Act (Or Have They??)
Freedom Of Information Act(s)

- www.foia.gov/foia-contact-download.html
- www.illinois.gov/about/foia-contacts.html
- www.chicago.gov/city/en/narr/foia/foia_contacts.html

WHAT LEGAL RESOURCES DO I HAVE?



Important because provides the public with an opportunity to comment on the agency action.

Some federal examples:

Clean Water Act Permit Decisions

Superfund Remedy Selections

Enforcement Settlements (federal consent decrees)

"Major Federal Actions" under the National Environmental Policy Act

**AGENCIES' ADMINISTRATIVE PROCESSES
RELEVANT WHEN AGENCY *ACTS***

SOME TIPS FOR PUBLIC COMMENTERS

1. Is there something specific you think the decision-maker overlooked?
 - An alternative or study Agency did not consider but should have?
 - Agency didn't consider full impact of the decision?
 - Agency misunderstands some practical implementation challenges?
 - Agency didn't follow the required process?
2. Submit as much supporting information as you can.
3. Agency must consider and respond to all significant comments before making its final decision.
4. Final agency decisions can usually be challenged through an appeal process or in federal court.

FREEDOM OF INFORMATION ACT(S)

In the spirit of transparency and openness, city, state and federal governments allow public access to government records, balanced against legitimate government interests and people's privacy rights.

"Records" are available in the form they are maintained; under FOIA, the gov't is NOT required to create new records, analyze data, or answer questions.

Public can get copies of documents or can arrange for review of documents.

Typically, there is no charge for the first several photocopied pages; there is a charge per page after the "free" limit is reached.

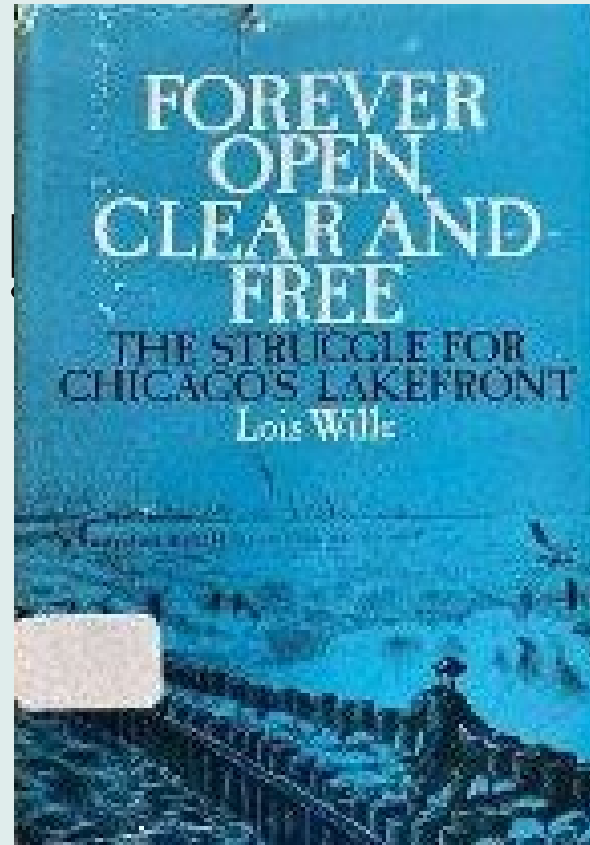
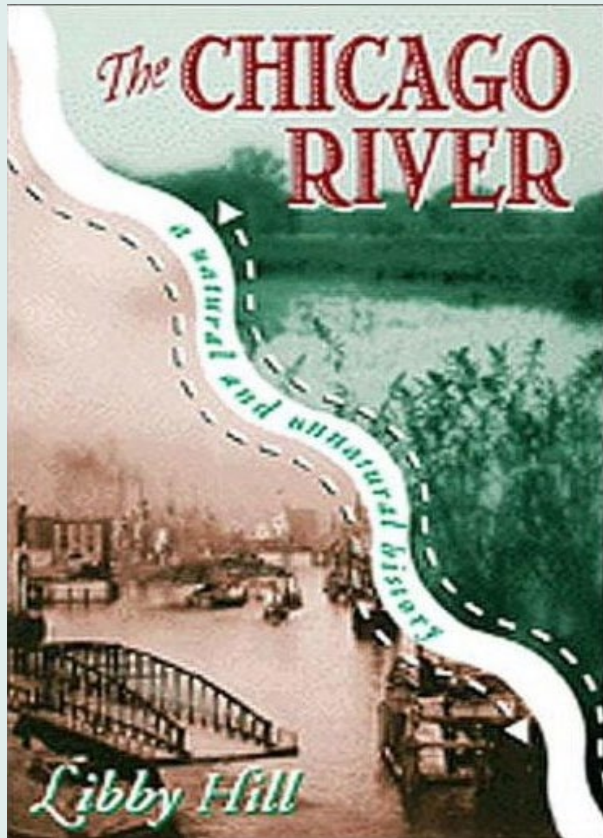
Fee waivers are often available if the search is in the public interest (typically NOT based on the requester's inability to pay the fees).

Requesters submit their name contact information and describe the records they want.

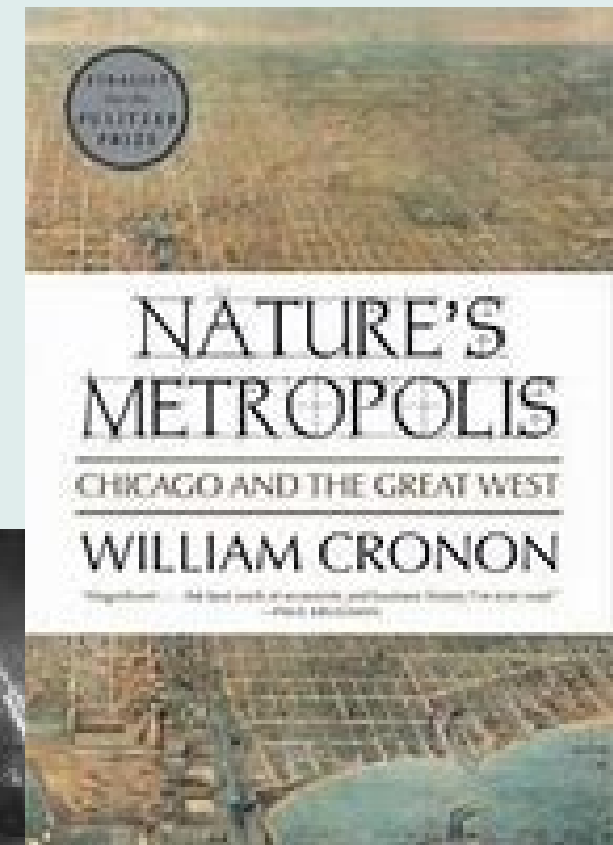
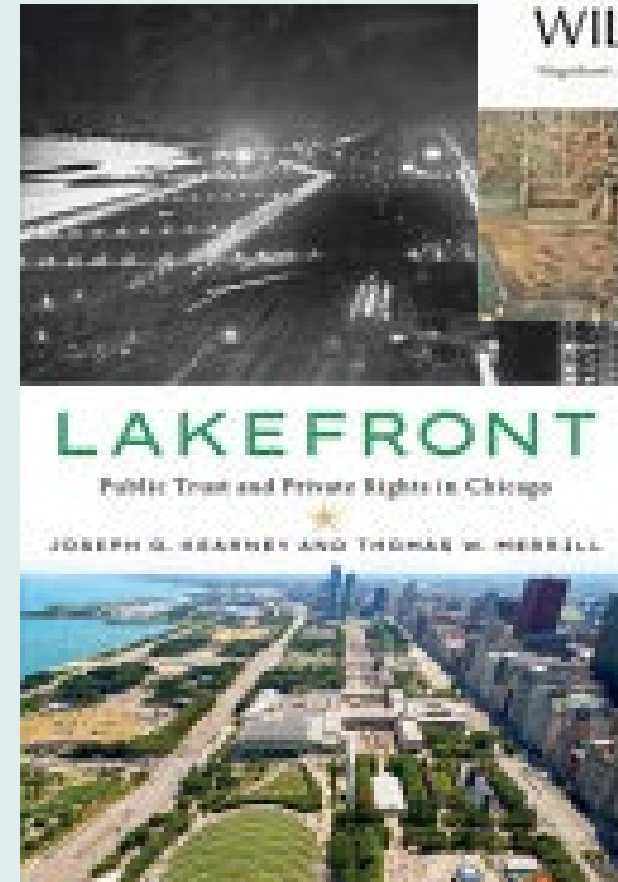
SOME TIPS FOR FOIA REQUESTERS

1. Is the document or record already publicly available?
2. Government agencies must respond to FOIA requests within certain time limits, but these still mean delay.
3. Be as precise as possible in describing the records you are seeking.
4. Typically, you will be notified that your request has been received.
5. Do not hesitate to reach out to the government contact to provide additional background, agree upon search terms, reach an understanding on the response timeline, etc.
6. Treat government employees with the same respect you expect and deserve from them; most government employees try hard to provide excellent public service.

GO TO THE LIBRARY!



A sampling of great books about Chicagoland's incredible natural spaces, available through the public library!



LAW AT THE LIBRARY
APRIL 2026

Jennifer Burke
KBC Law Group

ILLINOIS ENVIRONMENTAL PROTECTION ACT

- July 1, 1970
- 415 ILCS 5
- Created:
 - Illinois EPA
 - Pollution Control Board

POLLUTION CONTROL BOARD

5 Board members

Chicago and
Springfield offices

Monthly public
meetings

Website

Staff

- Attorneys
- Technical unit
- Clerk
- Administrative support

POLLUTION CONTROL BOARD

Functions

- Adjudication - Enforcement
- Rulemaking

Written decisions
adopted by
majority vote in
open hearing

POLLUTION CONTROL BOARD

Any person can file a complaint

- Individuals – e.g. noise
- Environmental groups – e.g. permit violations

What can you get?

- Cease and desist order
- Civil penalties paid to State of Illinois
- No individual relief

POLLUTION CONTROL BOARD

- Administrative citations
 - IEPA or local government may file
 - Expedited “traffic ticket” proceeding
 - \$1500 per violation (\$3000 repeat) for most common violations

POLLUTION CONTROL BOARD

PROMULGATES
ILLINOIS
ENVIRONMENTAL
REGULATIONS

ANYONE CAN
PROPOSE RULES,
MOST COMMONLY
IEPA

PUBLIC CAN
COMMENT ON
DRAFTS, ATTEND
HEARINGS

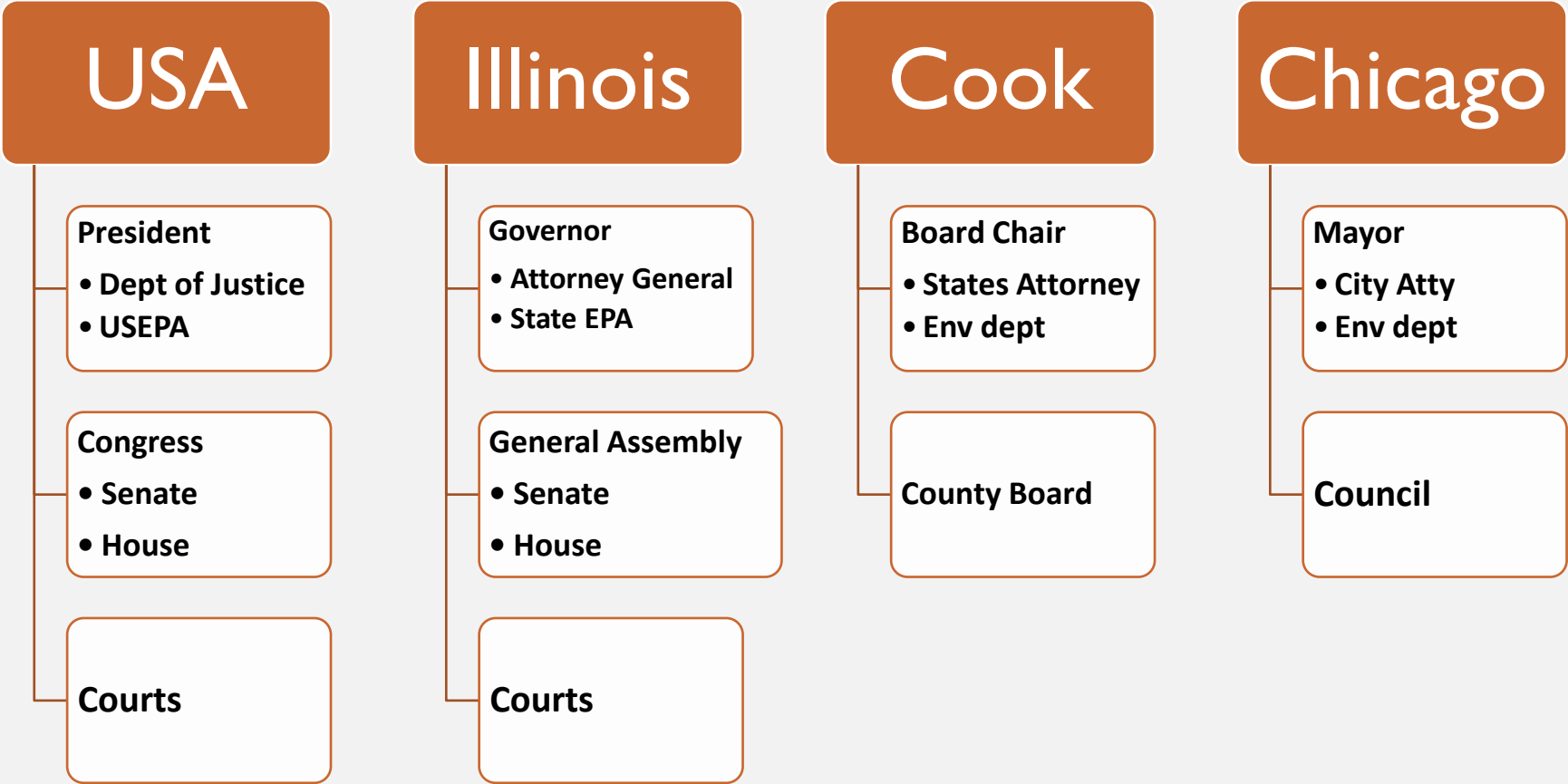
LOCAL
GOVERNMENT

City of Chicago (Dept of Env,
Public Health, Streets &
Sanitation, Water Management)

Cook County Department of
Environment and Sustainability

Metropolitan Water
Reclamation District

WHICH GOVERNMENT COVERS MY ISSUE?



FREEDOM OF INFORMATION ACT (FOIA)

- Federal and state versions
- Requires government agencies to make government records available to public
- Formal request (writing, email)
- Deadline for agency to respond

Law At The Library

Environmental Updates Affecting Your Community

Presented by The Chicago Bar Association,
Chicago Public Library, and Evanston Public Library

April 15, 2026

John J. Kim, Of Counsel, Brown Hay & Stephens



00359

Environmental Protection Act

Illinois Environmental Protection Act
415 ILCS 5/1, et seq.

Importance of public participation

Section 2 of the Act states:

The General Assembly finds * * * that in order to increase public participation in the task of protecting the environment, private as well as governmental remedies must be provided.



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State Environmental Enforcement

Enforcement

- State has broad authority to interpret and enforcement laws
- Much of the process is between the alleged violator and State representatives
- Public sentiment, concerns are important
 - Complaints → Inspections → Violations
 - Concerns over operations, emissions, discharges



State Environmental Permitting

Illinois Environmental Protection Agency responsible for issuance, enforcement of permits

Air, Land, Water programs

Programs and permits often have Federal derivation

IEPA conducts public outreach for many permit transactions

Public Notice, Public Hearings if requested or required

Some mandatory, some discretionary



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State Environmental Rulemaking

Illinois Pollution Control Board is the agency responsible for promulgation of substantive environmental regulations

Air, Land, Water regulations

Federal identical in substance rules

State-only rules

IPCB issues public notices of rulemaking proposals, hearings, proposed and final orders



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IEPA Office of Community Relations

IEPA OCR performs public outreach efforts for the agency

- Interacts with the public to ensure accurate and timely information is provided
- Outreach done through public notices, fact sheets, news releases, responsiveness summaries, social media
- Coordinates, schedules, and conducts public meetings, public hearings, workshops, and conferences
- Takes public inquiries, coordinates messaging from program staff to public



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Questions?

John J. Kim, Of-Counsel, Brown Hay &
Stephens

📞 217-544-8491 (office), 217-494-2361 (cell)

✉️ www.bhslaw.com

🌐 jkim@bhslaw.com

📍 205 S. 5th Street, Suite 1000, Springfield, IL 62701

