

**Illinois Environmental Justice Advisory Group
November 16, 2010 Meeting Minutes**

I. Participants/Locations:

A. Springfield

1. Ken Page – IEPA
2. Brenda Carter – IERG
3. Andy Rathsack – ACEC of IL.
4. Peter Wenz – retired UIS professor
5. Carol Fuller – IEPA
6. Kurt Neibergall – IEPA
7. Ed Bakowski – IEPA
8. Dan Merriman – IEPA
9. Chris Pressnall – IEPA
10. Christopher Romaine – IEPA
11. Scott Phillips – IEPA

B. Collinsville

1. Kathy Andria – American Bottom Conservancy

C. Telephone

1. Kellen Marshall – Blacks In Green
2. Dr. DT Ratnapradipa – SIUC
3. Bess Shankar – Chicago Legal Clinic
4. Cheryl Johnson – People for Community Recovery

D. Chicago

1. Elmo Dowd – IEPA
2. Tammy Johnson – Earth Tone Env. Group
3. Jennifer Hesse – City of Chicago
4. Olivia Cohen – City of Chicago
5. Dr. Sylvia Hood Washington – co-chair
6. Dr. Irene Brodie – Mayor of Village of Robbins
7. Elizabeth McWhorter – USEPA Region 5

II. Welcome and Introduction

Elmo Dowd and Ken Page

III. Presentation

The Prevention of Illegal Dumping, presented by Carol Fuller, Dan Merriman and Kurt Neibergall of the IEPA.

Discussion

- Is the agency reaching out to companies or groups that are doing the illegal dumping?
- Where is the incentive within the community to report violators?
- Village of Robbins is using the code enforcement. Have a problem with neighboring communities dumping in the Village.

- There is a lot of bystander apathy. Look at other incentives to get communities and people interested.
- There should be an emphasis on communication, prevention and incentives.
- There is very isolated dumping in the Metro-East area. When there is a cleanup the illegal dumping starts all over again.

IV. New Business

- Introduction of the newly elected EJ Advisory Group co-chair, Dr. Sylvia Hood Washington (see attached bio).
- Discussion on the structure of the EJ Advisory Group

V. Open Discussion/Questions

- (Kathy Andria) Are the agency's bureau chiefs incorporating EJ in their decision making processes?
- (Kathy Andria) Local legislators in the Metro-East area changed the prohibition of landfills in the flood plain. Now there is a landfill located in the 100 year flood plain in the Metro-East area. **See Attachment "A"**.
- (Dr. Washington) Will get the information from Kathy Andria on the above issue as well as the Corp. of Engineers report for the project.
- (Dr. DT) Issues they are having at SIUC. Will discuss later.
- (Kellen Marshall) She is not very familiar with the permitting processes at the IEPA. Agency will provide permitting information or possibly speak with her group.
- (Brenda Carter) Maybe the IEPA could provide an overview of the permitting programs in each bureau. Have the permit section managers present at a future meeting.
- (Cheryl Johnson) Multi-media exposure in her community. The City of Chicago is planning a gun range in close proximity to her community. They are in opposition to the gun range.
- (Kathy Andria) What happened to the recommendations from the EJ meeting several years ago? Waiting for Kathy to reply to the agency on what recommendations.
- (Kathy Andria) Had concerns that IEPA objected to regulating coal ash as a hazardous waste. Permitting coal ash-contaminated discharge just above the water intake for East St. Louis drinking water. **See Attachment "B"**.
- (Peter Wenz) How do we get comprehensive recycling into EJ communities?

Attachment "A"

EAST ST. LOUIS • For three years, the federal government has called much of the Mississippi River flood plain in the Metro East a high-risk area.

On Monday, Metro East leaders fought back.

Metro East officials sued the Federal Emergency Management Agency, challenging a process that could declare much of the flood plain in Madison, Monroe and St. Clair counties a special flood hazard area.

The designation would restrict development and could result in many property owners being required to buy costly flood insurance. The flood plain, known as the American Bottom, is home to more than 150,000 people, more than 7,000 businesses and more than 50,000 jobs.

The lawsuit was filed Monday in U.S. District Court in East St. Louis on behalf of the three counties, the Southwestern Illinois Flood Prevention District, several municipalities and other agencies and individuals.

Named as defendants were FEMA, the agency's director, W. Craig Fugate, and the U.S. Department of Homeland Security.

The massive earthen levees were designed by the Army Corps of Engineers and built in the 1940s and 1950s. None of the levees has ever failed, but the corps has been increasingly concerned about seepage under the levees since the record Mississippi River flood of 1993.

Those concerns came to a head in 2007 when FEMA announced it would reclassify most of the flood plain a high-risk area because the corps would not certify that the levees could withstand a 100-year flood even though they were designed to protect against a 500-year flood. There is a 1 percent chance of a 100-year flood in any given year.

In the lawsuit, the Metro East officials allege that FEMA:

- Failed to produce information that justifies its decision to deaccredit the levees.
- Denied appeals of the decision.
- Has proceeded despite Corps of Engineers reports that say the levees will "perform as expected."
- Did not follow the law or its own regulations, which required consultations with local officials and notice that would have allowed local officials to submit information about levee conditions before a decision.

FEMA officials had not seen the complaint, a spokeswoman said Monday afternoon.

After the FEMA announcement in 2007, the three Metro East counties obtained authorization from the state Legislature to organize the Southwestern Illinois Flood Protection District and to levy a quarter-cent sales tax in each county for levee improvements. That work is now expected to cost about \$129.5 million and be completed in about 2½ years. Tax collections began in January 2009.

The flood prevention district last week issued bonds that will raise about \$87 million for the levee work. The district could raise as much as \$167 million more from future bond issues and other sources. Revenue from the sales tax will help pay off the bonds.

"Certainly we are in the ballpark for getting it done within the money we have," said Les Sterman, the district's chief supervisor.

St. Clair County Board Chairman Mark Kern said he and other plaintiffs brought their lawsuit "very reluctantly."

"FEMA has left us with little choice but to file this lawsuit to protect the rights of citizens and businesses of the area behind the levees and to protect the economy of the region," Kern said in a written news release issued Monday.

In the release, Madison County Board Chairman Alan Dunstan said FEMA had a massive deficit in its flood insurance fund, and the decision to deaccredit the Metro East levees "seems like a hasty and unjustified attempt to extract insurance premiums from our area to help restore the solvency of the fund."

Currently, the new flood risk maps are scheduled to be implemented in December 2011.

The plaintiffs say implementation of the maps would force property owners with mortgages from federally regulated lenders to buy flood insurance, though many of those affected are poor and can't afford it. The plaintiffs say implementation of the maps would devastate land values and would "effectively prohibit any development anywhere in the area, depriving residents of jobs and municipalities of tax revenues."

FEMA announced in May that federal flood insurance on property affected by changes to flood hazard maps would be offered low-cost preferred risk premiums for two years beginning Jan. 1.

U.S. Sen. Dick Durbin, D-Ill., and U.S. Rep. Jerry Costello, D-Bellefonte, have both pushed legislation aimed at alleviating impacts of the proposed flood map changes.

Attachment "B"



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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PAT QUINN, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

November 19, 2010

Proposed Rule – Hazardous and Solid Waste Management System; Identification and Listing of Special Wastes; Disposal of Coal Combustion Residuals From Electric Utilities Docket

Environmental Protection Agency
Mail Code 5305T
1200 Pennsylvania Avenue, NW.
Washington DC 20460

ATTENTION: Docket ID No. EPA-HQ-RCRA-2009-0640

Dear Sir or Madam:

The Illinois Environmental Protection Agency (Illinois EPA) offers the following comments in response to the proposed rule, "Hazardous and Solid Waste Management Systems; Identification and Listing of Special Wastes; Disposal of Coal Combustion Residuals From Electric Utilities." The proposed rule was published at 75 *Federal Register* 335128 (June 21, 2010). The comment period was extended until November 19, 2010, at 75 *Federal Register* 51434 (August 20, 2010)

Comments:

- 1. On page 35221, the USEPA requests comments on the various regulatory approaches proposed in the notice, and the alternative approaches EPA is considering as discussed in Section XIII of the preamble.**

The Illinois EPA prefers to regulate coal combustion residuals (CCR) under our existing State regulations. We believe that the current Illinois regulations are protective of human health and the environment. Landfills receiving CCR are regulated and permitted under existing Illinois Pollution Control Board regulations, which are very similar to the federal RCRA Subtitle D regulations. Surface impoundments receiving CCR are also regulated by Illinois Pollution Control Board regulations and the Illinois EPA Bureau of Water's permit program. A more detailed discussion is included under comment number 2 below.

However, if USEPA believes that uniform statewide regulations based on the RCRA model are warranted, Illinois EPA prefers the regulation of CCR under RCRA Subtitle D. The RCRA Subtitle D option is protective of human health and the environment, and would be less costly for Illinois to implement.