

Illinois Environmental Justice Advisory Group Meeting
Illinois EPA

Minutes

March 31, 2015 10:00AM-12:00PM
Video Conference and Teleconference

I. Welcome

Ken Page, Environmental Justice Officer

II. Introductions (Attendees)

Illinois EPA Headquarters:

Ken Page (EJ Officer), Chris Pressnall (IEPA), Jim Ross (IEPA-DAPC), John Cross (Legislative Office), Stephon Bishop (OCR), Kevin Greene (IEPA-P2), Brenda Carter (IERG), Brad Frost (OCR), Jim Monk (IL Energy Assoc.), Peter Wenz (Citizen Community Member), Todd Marvel (IEPA), Chris Romaine (IEPA), Darin LeCrone (Bureau of Water),

Chicago- USEPA Region 5:

Emily Clamp (IEPA), Melody Moore (Friends of the Parks),

Teleconference:

Greg Michand (ACEC), Keith Harley (Chicago Legal Clinic), Lisa Frede (Chemical Industry Council), Diane Lopez Hughes (Illinois NAACP EJ Coordinator), Victoria Thurmond (PERRO)

III. Minutes from last meeting

IV. Presentations

1. Todd Marvel, Illinois EPA

Used Tire Permitting requirements, Part 848

- Legislation (signed by Gov. Quinn) came after fire in Hoopston, IL. Tire Derived Fuel was the market for used tires. However, the TDF market dried up.
- Components to new legislation:
 - Proposed amendments within 6 Months
 - PCB to adopt in 9 Months
 - Permitting requirements by July 1, 2016
 - Market development plan/program
- Goal: to create strong diversified markets
- Crumb rubber used for many purposes, use on playgrounds...Is it safe?
- Answer: It is safe. It reduces fall impact/injury. It increases critical fall height to 12feet.

2. John Cross, Illinois EPA Legislative Liaison

Legislative Updates

Active Bills: (See attachment “A” for more details)

- Emergency Budget Act Bill- (Effort to plug budget hole of \$1.6 Billion). It swept funds from IEPA programs and transferred them to the state’s GRF. However, these programs weren’t hit very hard; all programs are intact.
- Illinois Environmental Council (IEC)- House Bill 437
- Clinton Landfill- PCB waste generated by industry, if leaked it could contaminate the large Illinois aquifer that Clinton sits over.
- MWRD- Quality Biosolids
- Electronic waste- Places/Collection centers to dispose of old TVs, computers, etc. Desired goal: for these collection centers to remain open. Negotiations/proposals are ongoing.
- Disposal of illegal drugs after law enforcement confiscation- “burn barrels”
- Labor Unions- labor management/Corrosion prevention standards in water pipelines
- Used Tire facilities: House Bill 3819
- Power plant Gypsum
- Mercury thermostat collection

3. National and Regional EJ updates, USEPA Region 5

- Working on enhanced plan EJ 2014 which is a framework for plan EJ 2020. Will be released due public comment sometime next month.

4. Jim Ross & Kevin Green, Illinois EPA

Clean Power Plan proposed rule updates

- In preliminary stages but progress is being made
- Involved in stakeholder outreach meetings
- Dealing with draft rule-final rule scheduled for summer this year

V. Old Business

Keith Harley’s Request to be discussed/updated from the December 2014 meeting

1. Meyer Steel Drum- Chris Pressnall

- VN Process
 - VN issued May 2014 for alleged odor nuisance and RTO permitting violations
 - IEPA declined to enter into a compliance commitment Agreement
 - Notwithstanding, Meyer implemented numerous enhancements to better control potential odor sources
- Permitting
 - Draft CAAPP permit August 2013
 - No comments from USEPA

- Chicago Legal Clinic filed a Petition to Object on behalf of LVEJO
 - Hopeful that a revised draft CAAPP permit will be out for public notice and comment this summer
 - Revised construction permit
 - Add RTO operating requirements and record keeping
 - Include Best Management Plan for potential fugitive or uncaptured emissions of VOM
 - Hopefully for application within a month
2. Universal Cement- Jim Ross
 - Construction permit expired, will not be doing anything with the facility
 3. Geneva Energy Civil Rights Settlement- Chris Pressnall
 - Tire to energy facility
 - Past Title VI complaints filed with USEPA OCR
 - IEPA entered into a settlement to resolve the complaints
 - IEPA submitted final report to USEPA OCR on 5/15/2014
 - USEPA OCR closed out matter 7/2/2014
 - IEPA has sent out approximately 300 EJ Notifications
 - Begun implementation of internal electronic EJ tracking system

Brian Urbaszewski's request to be discussed/updated from the December 2014 meeting

1. Jim Ross & Kevin Green, Illinois EPA
 - Title V permits for Power Plants
 - 3 permits has been issued (CWLP, Coffen, Kincaid)
 - 2 are at public notice (Newton, Powerton)
 - 2 plan to send public notice in April (Will County Plant, Waukegan Plant)
 - Hope to have all of the above permits issued no later than September 2016.

VI. Open Discussion/Questions

VII. Next Meeting Date/Location

2st Quarter in 2015/ 3 months

Meeting adjourned at 11:20AM

ATTACHMENT "A"

March 30, 2015

SUBJECT: Legislative Update

As both houses have just passed a major deadline (the deadline to move House Bills out of House Committees and Senate Bills out of Senate Committees), I wanted to provide you with a summary of the status of all the environment-related bills the Illinois EPA is tracking thus far this spring. I hope this is helpful to you. As always, please feel free to contact the Agency's legislative office if you have any questions.

BILLS THAT BECAME LAW

P.A. 99-1/HB 317. *Signed into law March 27, 2015; effective March 27, 2015.* This is the budget implementation companion appropriations bill to balance the FY15 state budget. The only provision in this bill impacting the Illinois EPA was a technical correction to a past reappropriation of which there was no fiscal impact.

P.A. 99-2/HB 318. *Signed into law March 27, 2015; effective March 27, 2015.* This is the budget implementation bill to balance the FY15 state budget through a number of different actions, including numerous fund sweeps to transfer money into the State's General Revenue Fund (GRF). Among other Acts, amends the State Finance Act. Specific to the Illinois EPA, transfers monies from the Agency's following funds into the State's General Revenue Fund (GRF):

Underground Storage Tank (UST) Fund
Solid Waste Management Fund
Subtitle D Management Fund
Used Tire Management Fund
Alternate Fuels Fund
Partners for Conservation Fund
Vehicle Inspection Fund

For FY15 only, authorizes state agencies to transfer up to 4% of their operations budgets among line items.

ACTIVE BILLS

HB 437 (B. Wheeler). *Second reading in the House.* Amends the Environmental Protection Act (EPAct). Allows municipalities and counties to approve the operation of one-day compostable waste collection events and permanent compostable waste collection points. Sets forth restrictions on the types of waste that may be accepted at one-day compostable waste collection events and permanent compostable waste collection points. Requires compostable waste collected at these events and collection points to be managed in a manner that protects against releases of the waste, prevents nuisances, and otherwise protects human health and the environment. Requires the compostable waste collected at these events and collection points to be secured. Sets forth requirements pertaining to the types of collection containers that may be used at one-day compostable waste collection events and permanent compostable waste collection points. Requires waste collected at these events and collection points to be transferred off site within specified periods of time. Effective immediately. Introduced for the Illinois Environmental Council (IEC).

HB 1326 (Ammons). *Second reading in the House.* Amends the Illinois Environmental Protection Act (EPAct). Prohibits any person from conducting “any disposal of Manufactured Gas Plant (MGP) waste exceeding the regulatory levels specified in 35 Ill. Adm. Code 721.124(b), or polychlorinated biphenyl (PCB) waste as defined in 40 C.F.R. 761.3, in any landfill whose runoff goes into the Mahomet Aquifer.” In the simplest of terms, this language prohibits the disposal of two particular types of wastes: 1) wastes from manufactured gas plant sites that contain contaminants in excess of certain threshold concentrations; and 2) PCB-containing wastes for which specific disposal requirements exist under federal law. Specifically, this bill would attempt to prohibit the disposal of these wastes in a landfill if runoff from the landfill could contaminate the Mahomet Aquifer. Identical to SB 1698 (S. Bennett).

HB 1445 (Nekritz). *Third reading in the House.* Amends the Environmental Protection Act (EPAct). Defines exceptional quality biosolids as solids produced through advanced treatment of wastewater treatment sludge in order to produce a material that has certain concentrations of metals and meets certain pathogen reduction and vector attraction requirements. Provides that exceptional quality biosolids are exempt from regulation as waste, pollution control waste, and sludge under the EPAct as long as they are used in accordance with best management practices when placed on land, plus recommended agronomic rates when placed on agricultural land, as well as when certain recordkeeping and use requirements are followed. Effective immediately. Introduced for the Metropolitan Water Reclamation District (MWRD). Identical to SB 1508 (Koehler).

HB 1455 (McAsey). *Second reading in the House.* Amends the Electronic Products Recycling and Reuse Act. Increases from 50% to 80% of sales weight the recycling and reuse goals that must be met by manufacturers of certain consumer electronic devices (e.g., computers, monitors, televisions, and printers). Imposes a penalty against any manufacturer that does not meet 100% of its recycling and reuse goal (now, that penalty is imposed only when the manufacturer recycles or reuses less than 70% of its goal). Also codifies the current practice of allowing manufacturers, under certain circumstances, to apply the full weight of cathode ray tubes toward their recycling and reuse goals. Prohibits, except in certain circumstances, recyclers and

refurbishers from charging a unit of local government a fee to recycle or refurbish these devices. Effective immediately.

HB 3152 (Cabello). *Second reading in the House.* Amends the Environmental Protection Act (EPAAct). The bill exempts drug evidence from the definition of waste provided it does not meet the definition of hazardous waste and clarifies that drug evidence is not discarded until non-retrievable. Effective immediately.

HB 3323 (Hoffman). *Second reading in the House.* Amends the Environmental Protection Act (EPAAct). Requires the Illinois EPA to develop rules governing public water supply corrosion prevention projects. Requires those rules to ensure that corrosion prevention and mitigation activities undertaken by a public water supply are performed in accordance with industry standards and by persons who have completed an apprenticeship or certificate program in corrosion prevention and mitigation methods (e.g., certified protective coatings personnel and certified inspectors). Defines the following terms for the purposes of the provisions being added to the EPAAct by this bill: “corrosion,” “corrosion prevention and mitigation methods,” “corrosion prevention project,” “industry trained and certified,” and “public water supply.” Makes changes to the Illinois Highway Code that would impact IDOT.

HB 3341 (Tryon). *Second reading in the House.* Amends the Environmental Protection Act (EPAAct). Provides that, for the purpose of Illinois’ operating permit program under Title V of the Clean Air Act, also known as the Clean Air Act Permit Program (CAAPP), a “stationary source” means generally does not include a building, structure, facility, or installation causing any source of air pollutant except those emissions resulting directly from an internal combustion engines for transportation purposes or from a nonroad engine or a nonroad vehicle as defined in Section 216 of the Clean Air Act. Introduced for the Illinois [State] Chamber of Commerce (ICOC).

HB 3624 (Verschoore). *Third reading in the House.* Amends the Environmental Protection Act (EPAAct). Extends by 5 years the Illinois EPA’s authority to propose “fast-track” rulemakings to the Pollution Control Board (PCB) specifically for rules adopted pursuant to the federal Clean Air Act. The Agency’s existing fast-track authority expired December 31, 2014. Effective immediately. Identical to SB 1673 (Steans). This is an Illinois EPA agency bill.

HB 3667 (Davidsmeyer). *Second reading in the House.* Amends the Procurement Code. Provides that on or after January 1, 2016, adds passenger vehicles fueled by electricity and gasohol (hybrids or plug-n hybrids) to the list of those alternate fuel passenger cars that must be purchased by the State. Makes certain exceptions.

HB 3819 (Tryon). *Second reading in the House.* Amends the Environmental Protection Act (EPAAct). Provides that any person applying for a used or waste tire storage permit would be subject to the same type of responsible operation background check by the Illinois EPA that a person applying for certain waste management or clean construction or demolition debris fill permits must currently undergo prior to issuance of the permit. Such used or waste tire storage permits are only required for facilities that store or handle in excess of 10,000 tires per year, of

which there are only a handful (between 5 and 10) in the State. Effective immediately. Identical to SB 1590 (Koehler). This is an Illinois EPA agency bill.

HB 4007 (Hoffman). *Second reading in the House.* Amends the Environmental Protection Act (EPAct) to authorize the Illinois EPA to review beneficial use determinations (BUDs) for dust suppressants applied to material that is burned for energy recovery and that is used to produce a fuel or that is otherwise contained in a fuel.

HB 4122 (Nekritz). *Second reading in the House.* Amends the Environmental Protection Act (EPAct). Allows moneys allocated through the Illinois Water Works Initiative to be used to finance projects that became federally eligible for clean water state revolving fund financing as a result of the recent enactment of the federal Water Resources Reform and Development Act (WRRDA) of 2014 (Public Law 113-121). Effective immediately. Identical to SB 1707 (Kotowski). This is an Illinois EPA agency bill.

SB 543 (J. Sullivan). *Second reading in the Senate.* Amends the Illinois Environmental Protection Act (EPAct). Provides that any coal combustion by-product that is used, at agronomic rates, as a functionally equivalent substitute for a mined gypsum soil amendment, mined gypsum soil conditioner, or mined gypsum fertilizer, or that is used for other agricultural purposes, is not a waste. Expands the circumstances under which a coal combustion by-product that is used as a substitute for a lime soil amendment or lime fertilizer, or that is used for other agricultural purposes, is exempt from regulation as a waste.

SB 679 (Steans). *Passed the Senate; first reading in the House.* Amends the Mercury Thermostat Collection Act. Establishes a conversion factor to allow loose mercury ampoules to be counted towards compliance with the mercury thermostat collection goals established under the Act for calendar year 2015 and each calendar year thereafter. Requires loose mercury ampoules to be managed in a manner that is consistent with the provisions of the universal waste regulations. Requires the Illinois EPA to maintain on its website information regarding the collection and proper management of loose mercury ampoules collected in the State. Effective immediately.

SB 793 (Homes). *Third reading in the Senate.* Amends the Environmental Protection Act (EPAct). Prohibits any person from knowingly mixing household sharps with recyclable materials that are to be collected by a residential hauler for processing at a recycling center. Also prohibits any person from knowingly placing those items into a container that will be collected by a residential hauler for processing at a recycling center.

Amends the Department of Public Health (IDPH) Powers and Duties Law. Directs IDPH to review and, if necessary, revise its sharps disposal guidelines and educational materials. Effective immediately. Introduced for Waste Management.

SB 1475 (Clayborne). *Second reading in the Senate.* Amends the Illinois Environmental Protection Act (EPAct). Requires the Illinois EPA to conduct a study comparing airborne emission reductions of coal-fired electric generating units within Illinois between 1990 and 2014 and forecasting additional emissions reductions for the period from 2014 to 2020. Requires the

Illinois EPA to identify: 1) where and how Agency policies have led to those reductions and are likely to lead to additional reductions going forward; and 2) any Illinois regulations that are unnecessary because of more stringent state or federal regulations. Directs the Illinois EPA to consult with owners of coal-fired electric generating units in Illinois when compiling this information. Effective immediately. Introduced for Dynegy.

SB 1485 (Harmon). *Second reading in the Senate.* Amends the Environmental Protection Act (EPAct). Authorizes and requires the Illinois EPA to develop and implement a cap and invest program or similar market mechanism to regulate carbon dioxide (CO₂) emissions.

Amends the Illinois Power Agency (IPA) Act. Establishes a long-term renewable resources procurement plan that includes all renewable energy credits necessary to meet an increase from 25% to 35% of energy consumed in Illinois to be generated by renewable energy (RE) sources by 2030. Requires utilities to invest in energy efficiency (EE), mandating a 20% cumulative reduction in energy demand by 2025.

Amends the Public Utilities Act. Includes changes concerning nondiscrimination, EE and demand-response measures, natural gas efficiency programs, real-time pricing, infrastructure investment and modernization, the Illinois Smart Grid test bed, and on-bill financing programs for electric and gas utilities. Also adds provisions related to RE energy credit procurement. Effective immediately.

SB 1508 (Koehler). *Second reading in the Senate.* Amends the Environmental Protection Act (EPAct). Defines exceptional quality biosolids as solids produced through advanced treatment of wastewater treatment sludge in order to produce a material that has certain concentrations of metals and meets certain pathogen reduction and vector attraction requirements. Provides that exceptional quality biosolids are exempt from regulation as waste, pollution control waste, and sludge under the EPAct. Effective immediately. Introduced for the Metropolitan Water Reclamation District (MWRD). Similar to HB 1445 (Nekritz).

SB 1518 (Noland). *Second reading in the Senate.* Amends the Environmental Protection Act (EPAct). Authorizes two permitted landscape waste transfer stations (one in Elgin and one in Stickney) to reapply to the Illinois EPA for a 24-month demonstration permit to continue handling commingled landscape waste and food scrap without first obtaining local siting approval. When this particular siting exemption was enacted in 2013, it was anticipated that it would be in place until only July 1, 2017. As drafted, the bill would allow these facilities to reapply for such a permit an indefinite number of times without having to obtain local siting approval. Effective immediately.

SB 1585 (Trotter). *Second reading in the Senate.* Amends the Illinois Power Agency Act and the Public Utilities Act. Creates a Low Carbon Portfolio Standard (LCPS) in Illinois to increase the State's reliance on low carbon energy through the procurement of low carbon energy credits from low carbon energy resources. Requires the Illinois Power Agency to implement the bill. Sunsets the provisions of the bill on the later of December 31, 2021 or the effective date of the implementation of a market-based program to reduce carbon emissions pursuant to the Clean

Power Plan (CPP) under 111(d) of the Clean Air Act. Introduced for Exelon. Effective immediately.

SB 1590 (Koehler). *Third reading in the Senate.* Amends the Environmental Protection Act (EPA). Provides that any person applying for a used or waste tire storage permit would be subject to the same type of responsible operation background check by the Illinois EPA that a person applying for certain waste management or clean construction or demolition debris fill permits must currently undergo prior to issuance of the permit. Such used or waste tire storage permits are only required for facilities that store or handle in excess of 10,000 tires per year, of which there are only a handful (between 5 and 10) in the State. Effective immediately. Identical to HB 3819 (Tryon). This is an Illinois EPA agency bill.

SB 1672 (Rezin). *Second reading in the Senate.* Amends the Environmental Protection Act (EPA). Requires the Illinois Pollution Control Board (IPCB) to adopt Non-Attainment New Source Review (NA NSR) and Prevention of Significant Deterioration (PSD) permit programs that are no more stringent than corresponding federal program requirements set forth in 40 C.F.R. 51.165 and 51.166. Effective immediately. Introduced for the Illinois Environmental Regulatory Group (IERG).

SB 1673 (Steans). *Third reading in the Senate.* Amends the Environmental Protection Act (EPA). Extends by 5 years the Illinois EPA's authority to propose "fast-track" rulemakings to the Pollution Control Board (PCB) specifically for rules adopted pursuant to the federal Clean Air Act. The Agency's existing fast-track authority expired December 31, 2014. Effective immediately. Identical to HB 3624 (Verschoore). This is an Illinois EPA agency bill.

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SB 1707 (Kotowski). *Third reading in the Senate.* Amends the Environmental Protection Act (EPA). Allows moneys allocated through the Illinois Water Works Initiative to be used to finance projects that became federally eligible for clean water state revolving fund financing as a result of the recent enactment of the federal Water Resources Reform and Development Act (WRRDA) of 2014 (Public Law 113-121). Effective immediately. Identical to HB 4122 (Nekritz). This is an Illinois EPA agency bill.

SB 1879 (Lightford). *Second reading in the Senate.* Amends the Illinois Power Agency Act. Requires the IPA to purchase power from photovoltaics (solar) power plants located on brownfield sites in certain areas, including the Chicago PM (particulate matter) 2.5

nonattainment area and low income areas. Also revises the requirement for the 2% incremental annual energy savings to apparently exclude the period from June 1, 2017 to January 1, 2018. The bill contains other provisions impacting renewable energy, energy efficiency, and customer pay delivery rates. For example, customers currently pay primarily based on how much power they consume in a month. Under the bill, starting in 2018 customers would pay based on how much electricity they use during the highest demand days of the year. Effective immediately. Introduced for Commonwealth Edison.