

Environmental Justice Advisory Group Meeting
Illinois EPA

Minutes

July 24, 2014 10:00 am-12:00 pm
Video Conference and Teleconference

Attendees:

Illinois EPA Headquarters:

Ken Page (EJ Officer), John Cross (Legislative Office), Brad Frost (OCR), Kurt Neibergall (Bureau of Land), Darin LeCrone (Bureau of Water), Chris Pressnall (Division of Legal Counsel), Chris Romaine (Bureau of Air), Julie Armitage (Chief, Bureau of Air), Brenda Carter (Illinois Environmental Regulatory Group), Peter Wentz (University of IL at Springfield), Jim Monk (IL Energy Assn) and Debbie Daugherty (ADO).

Chicago- USEPA Region 5:

Lara Lasky (EJ Coordinator/USEPA Region 5)

Teleconference:

Andrea Bostwick (representing Greg Michaud), Keith Harley (Chicago Legal Counsel), Lisa Frede (Chemical Industry Council of IL), Elmo Dowd (Associate Director/IEPA), and Brian Urbaszewski (Illinois Respiratory Assoc)

I. **Welcome:** Elmo Dowd, Associate Director and Ken Page

II. **Introductions:** Ken Page, IEPA EJ Officer

III. **Presentations:**

1. Legislative Updates by John Cross, Legislative Liaison, Illinois EPA

John Cross provided the EJ Advisory Group with an overview of state legislation that passed this last spring and has either been acted on by the Governor or is still awaiting final action by the Governor. John highlighted the Agency's Clean Water Initiative (CWI), P.A. 98-782/SB 2780, as well as the Agency's enhanced used tire regulation bill, P.A. 98-656/SB 2671, which have already been signed into law.

Members of the groups had questions regarding HB 4606 (Hoffman/Manar), still awaiting action by the Governor, which would extend from the Chicago metropolitan area to statewide the current local siting exemption for facilities that handle general construction and demolition debris. Member Keith Harley questioned the safety of exempting such facilities from local siting in light of the *Operation Silver Shovel* illegal dumping scandal of the early 1990s in Chicago. John explained that the Chicago area was already exempt from local siting, and that the stakeholders and the environmental community seemed to feel comfortable with the bill last spring, but that the Agency was nevertheless neutral on the bill.

Finally, a couple of questions were raised about the status of the Illinois Manufacturers Association's (IMA) plastic bag recycling bill from 2012 which Sen. Terry Link briefly

attempted to resurrect in SB 854 this past spring. John responded that negotiations between the environmental community, the Illinois Municipal League (IML), and industry remained stalled at this time over the home rule preemption provision of the legislation.

Questions/Comments:

- Keith Harley – How does HB4606 address the removal of local siting requirements for demolition and construction?
 - Keith Harley – Encourage the IEPA to get involved with units of local government to develop strong siting requirements.
 - Peter Wenz – Plastics bag recycling bill. There should be some sort of middle with several options.
2. Petroleum Coke – Julie Armitage, Chief, Bureau of Air. Deliberations on any general rulemaking addressing the concerns for fugitive dust emissions from petroleum coke are ongoing. The Docket originally established by the Pollution Control Board for the Illinois EPA's attempt at Emergency Rules remains open. The next time the Board will review the status of the situation is January 12, 2015. Aside from considerations for any general rulemaking the Illinois EPA is also actively engaged in enforcement activities relating to facilities that store petroleum coke.

Questions/Comments:

- Brian Urbaszewski – City of Chicago did administrative rules through public health and zoning changes that did not need city council approval.
- Chris Pressnall – IEPA, USEPA and City of Chicago working together on enforcement action.
- Brian Urbaszewski – Specific timeline requirement by the Pollution Control Board for the IEPA to bring back rules. The IEPA have until 2015.
- Keith Harley – Thanked the IEPA for the way that they have handled the EJ outreach on the petcoke issue.
- Keith Harley – Southeast Environmental Task Force wants statewide uniform rules throughout the state.
- Brian Urbaszewski – Where is it going and how is it being used? Coal plants use 10% petcoke.

3. National and Regional EJ Updates by Lara Lasky, EJ Coordinator, USEPA Region 5.
EJSCREEN

The Agency is on schedule to release EJSCREEN to the public for the end of the year. Outreach is beginning to be conducted with our state partners.

EJSCREEN is the environmental justice screening tool used by EPA to provide a nationally consistent dataset and methodology for calculating “EJ indexes,” which highlight places that may be candidates for further review. Further review may consist of additional consideration, analysis, and/or outreach.

EJSCREEN is a useful tool for supporting EPA’s work in permitting, enforcement and other areas where we can be strategic in making a visible difference in communities across America. It is critically important to note, however, that EJSCREEN cannot be used as a basis for agency decision-making or for making a determination regarding the existence or absence of EJ concerns.

EJSCREEN is comprised of a nationally consistent dataset, with results calculated and generally displayed at the Census block group level or a user defined area of study.

EJSCREEN includes 12 environmental indicators, 6 demographic indicators, and “EJ Indexes.” EJ Indexes combine multiple demographic indicators with a single environmental indicator (such as proximity to traffic) and can be used to help identify communities living with greater potential for negative environmental and health effects.

Cooperative Agreement/Grant programs

EJ Collaborative Problem Solving Cooperative Agreement: The recipients of the cooperative agreement will be announced in the next month.

EJ Small Grant Request for Proposals (RFP) will be coming out in fall. This RFP will include a focus on encouraging proposal that address climate resiliency.

SE Chicago

EPA has been partnering with IEPA on focusing various programmatic efforts in SE Chicago. This includes a large air focus with the enforcement, permitting and voluntary programs. At the next EJ Advisory Council, the leads of the project can give some updates.

Please let us know of any other agenda topics that you may want EPA to address in future meetings.

4. Oversight of used tire facilities and used tire cleanups in EJ areas by Kurt Neibergall, Acting Chief, Bureau of Land, Illinois EPA.

On the first anniversary of a massive tire fire at a commercial used tire processing facility in Hoopeston, Governor Pat Quinn signed legislation on June 19, 2014 to re-establish funding for Illinois' used tire market development program and place stricter controls on large used tire storage and processing facilities. "Had this new law been in effect more than a year ago, we may have been able to avoid a fire that burned in Vermilion County for more than a month and took five months to clean up," Governor Quinn said. "This new law protects the environment and homeowners, and helps find alternative uses for used tires."

"This bill provides the Illinois EPA with clearly defined enforcement authority to ensure these facilities are meeting requirements to protect Illinois residents," Illinois EPA Director Lisa Bonnett said. "The Illinois EPA will also be able to initiate a market development program for used tires, resulting in increased economic activity and job creation." Funding for Illinois' used tire market development program was terminated in 2003 due to the existence of large tire-derived fuel (TDF) markets and the perception that Illinois had created a stable market for used tires that was sufficient for all of Illinois' current used tire generation.

However, due to several factors, including the recession, Illinois' TDF markets have largely collapsed and there are very few other markets to make up for the market reduction in TDF. Illinois was once the home to three cement kilns and three large power plants that burned TDF. However, all six of those facilities have ceased the consumption of TDF. Under this legislation, it is the intention of Illinois EPA to pursue the creation of diverse and established used tire markets that include TDF, civil engineering applications using tire-derived aggregate (TDA), ground rubber production and end users, and rubber-modified asphalt (RMA). Illinois believes the existence of strong in-state used tire markets will improve the performance and environmental compliance of commercial used tire processors, as well as tire retailers, by providing viable and diverse markets to supply with their products.

This new law also establishes stricter environmental requirements for large used tire storage/processing facilities by requiring them to obtain a solid waste management permit to operate in Illinois. Additionally, the law provides the state with enhanced enforcement authority whereby those facilities that do not

comply with the established financial assurance requirements can be ordered to immediately cease operations to prevent a greater threat to public health and the environment. The law also mandates the Illinois EPA submit a proposed rulemaking to the Illinois Pollution Control Board (IPCB) to update Illinois' used tire management standards within six months and mandates the IPCB publish the new rules within nine months of receipt of the proposed rulemaking. This action is critical to ensure the used tire statutes and regulations are consistent in Illinois and to avoid any issues impeding the enforcement process related to used tire facilities operating in Illinois. Over the past 20 years, Illinois has experienced six major tire fires, all at commercial processing facilities. Effective implementation and enforcement of this new law should prevent, or diminish the likelihood of, similar situations from occurring in the future.

Questions/Comments:

- Peter Wenz – what constitutes for disposal of used tires? Waste tires are sent to processors to be ground up.
- Peter Wenz – how is it used as fuel?

IV. Old Business

- Selection of a co-chair. Will contact Advisory Group members.

V. Open discussion

VI. Next meeting date and location:

To be announced.

Meeting adjourned at 11:27 am.