

COMMISSION ON ENVIRONMENTAL JUSTICE
Brownfields
Sub-Committee Minutes

Tuesday, February 26, 2014 (12 pm)
888-494-4032
Access code: 6552044636

- I. Welcome**
Kimberly Wasserman – Chairman, EJ Commission
- II. Introductions**
- A. Teleconference**
- Ken Page, IEPA
 - Kim Wasserman. LVEJO
 - Jerry Mead-Lucero, PERRO
 - Tamika Gibson, Illinois Environmental Council
 - Christian Strachan, People for Community Recovery
 - Dr. Sylvia Hood-Washington, Director of Sustainability Center in Aurora
 - Jeffrey Jones, IDNR
 - Millard Driskell, Prince Hall Masons
 - Alec Messina, IERG
 - Steve Colantino, IEPA
 - Heather Nifong, IEPA
 - Joyce Munie, IEPA
 - Chris Pressnall, IEPA
 - Sharonda Williams, IEPA
- III. Approval of Agenda**
Motion – Alec Messina
Second – Dr. Sylvia Hood-Washington
Motion carried
- IV. Approval of Minutes**
- A. January 8, 2014**
Motion- Ken Page
Second- Jeffrey Jones
Motion Carried

V. Old Business

A. Election of sub-committee chairs Cheryl Johnson and Sylvia Hood-Washington

Motion- Wasserman

Second- Alec Messina

Motion Carried

- Wasserman- Will e-mail group to speak about responsibilities of co-chairs and how often we will meet. Next meeting the co-chairs will be introduced and we will speak about their role. This will be a part of the agenda for the next meeting.

VI. Discussions/Presentations:

A. Illinois EPA's Brownfields and Site Remediation Programs

- Colantino- Illinois EPA's Brownfields Program has tools to assist communities. The agencies role is limited to oversight of assessment and clean-up. The Brownfields program offers limited funding for that purpose. The Office of Brownfield Assistance assists remedial applicants with investigating clean-up of sites. Remedial applicants would be public, private etc. Brownfields Assistance tools are available for municipalities and not-for-profits. Some of these tools are financial incentives and technical assistance. The Municipal Redevelopment Program works with municipalities that want to clean-up a site. The Illinois Revolving Loan Fund is a loan program with flexible terms that capture the redevelopment potential of the target site. We have very clear community relations criteria for applicants and these criteria must be maintained. The Revolving Loan Fund is 100% federally capitalized. Illinois EPA's Bureau of Land is the state administrator of the loan and we follow federal criteria. US EPA had very clear and distinct community relations/public participation criteria. The Revolving Loan Fund doesn't just provide funding we make available technical assistance to help the applicant navigate through the complex process. This program currently sees very little appropriation support. The Revolving Loan Fund lost supplemental funding from US EPA but the doors are still open. We have a successful working relationship with US EPA and have tapped into resources outside of existing grant and loan programs. There are many clear public participation and community outreach criteria in both programs. These criteria have to be met through process and procedures to be eligible for funding and to continue to receive that funding.
- Hood-Washington- Do you have to be a 501(c)(3) to apply to the Revolving Loan Fund?

- Colantino- We haven't gotten a clear answer from US EPA in regard to that question. As fund administrators we have to be consistent with our intended purpose. Would the Federal government allow a deviation under the Municipal Redevelopment Program for private companies? Yes. But is that something that IL EPA would do? No.
- Hood-Washington- Has a 501(c)(3) from Aurora applied for a loan?
- Colantino- No. But a developer called asking the same question. I have been asked to speak with the City of Aurora. I am just awaiting a formal request.
- Hood-Washington- I will send you a formal request from Aurora Downtown a 501(c)(3) organization.
- Wasserman- Can you speak to gaps or express issues brought to you by community members?
- Mead-Lucero- The goal of this committee is to figure out what we can do to add or change the processes in the Brownfield and Site Remediation programs.
- Colantino- I think that the community relations program is more than adequate. It more than meets the needs of the loans we have made to date. The community relations program requires the establishment and maintenance of a repository from Phase I to clean-up and design. There is a 30 day public comment period and the community has the opportunity to comment on everything. One hearing is also required. We are prohibited from offering federal funds unless all questions are answered during the hearing.
- Nifong- For the Revolving Loan Fund the borrower will have already used public funds to take care of the investigation. The borrower is subject to scrutiny on the local level before entry into the IL EPA program. They have to complete their Phase I, Phase II and CERCLA due diligence before they can be accepted into the program.
- Wasserman- Can you speak about community based initiation? Are there mechanisms to assist and walk people through that process?
- Nifong- Communities can get technical assistance and sometimes partnerships pop up with municipalities.
- Page- How did Celotex work?
- Wasserman- It was a Superfund site that became a remediated Brownfield. We worked with the city.
- Wasserman- If a group of neighbors came together and wanted a certain end use for a brownfield how would they do that?
- Nifong- They would need to start with property ownership and assume liability.
- Wasserman- If a property isn't being used and the company says I don't want it you can use it, can the community have a temporary use and then the company can decide on future use.

- Munie- It is not uncommon for companies to put barriers down for a temporary use. For e.g. putting barriers down so that property can be used as a basketball court and then divest it to the city for a park at a later time.
- Hood-Washington- Is there funding for property acquisition?
- Colantino- Property acquisition is outside of eligibility.
- Wasserman- How can a community group engage with brownfields folks in thinking through these processes? For example finding better materials to use in remediation process.
- Nifong- The property owner is paying for the clean-up so ultimately the materials they use are their decision. All IL EPA can do is make sure they are sufficient.
- Mead-Lucero- IL EPA is not experiencing an overload of people interested in developing brownfield sites. You said financially you can't meet demand that you have and that there are lots of people waiting in cue. Is this primarily a limitation of funds issue?
- Colantino- In the early 2000's brownfields issues were coming to a head. Money was well spent to clean up sites so that the private sector would not be afraid to come on board. The current day economics have caught up to us. We are currently more selective in end-use because of the limited funding. The program is currently market driven.
- Munie- Majority of sites is private applicants. They see value in the land and want to use it or own it and clean it up so it can be placed back on the market. We offer our Community Relations staff at IL EPA to private developers. Private entities can pay our Community Relations staff to work with the community. This is not done as often anymore. The Community Right To Know Law also provides community outreach in regard to this law. We give private entities the choice to do community relations themselves or avail themselves of the agency's services. When a property is being converted to a school there is clear outreach (repository, notices, etc.).
- Hood-Washington- How do I know that a site has been remediated to overnight living standards?
- Munie- If you search our website for Aurora or a specific address you will see whether a site was in our Site Remediation Program.
- Messina- If a site has ever enrolled in the Site Remediation Program information would be on the website regarding whether remediation was completed, whether a final determination was received and what level of clean-up was achieved.
- Colantino- Aurora is classified as a Brownfield Redevelopment zone because of the River Edge pilot. There is a mandate that they are enrolled in the Site Remediation Program.
- Messina- Best case scenario there is a NSF letter.
- Mead-Lucero- Where are the gaps? What can we do state-wide to move Brownfields development in the right direction?

- Wasserman- We will need to regroup and continue this discussion. We will follow- up IL EPA with questions and clarity on certain issues. Do we want to meet prior to full meeting or before?
- Mead-Lucero- Let's discuss and have recommendation that we can present to the full Commission.
- Wasserman- Let's flesh through this discussion and get clarity if necessary before we present to the full Commission.
- Mead-Lucero- Let's determine what the Commission can offer to address getting Brownfields remediated.
- Wasserman- I will speak to Cheryl Johnson and Dr. Sylvia Hood-Washington about the agenda for the next call. Anything in writing from IL EPA would be appreciated.

VII. Next meeting date and location

Wednesday, March 12th at 10 a.m.

VIII. Adjournment

1:30 p.m.