

COMMISSION ON ENVIRONMENTAL JUSTICE

BROWNFIELDS REDEVELOPMENT

SUB-COMMITTEE MINUTES

Thursday, November 6, 2014 (1:00 pm)

888-494-4032

Access code: 6552044636

I. Welcome

Kimberly Wasserman, Chairperson, EJ Commission

II. Introductions

A. Teleconference

- **Ken Page, IEPA**
- **Kim Wasserman, LVEJO**
- **Keith Harley, Chicago Legal Clinic**
- **Veronica Kyle, Faith in Place**
- **Mary McDonald, IEPA**
- **Alec Messina, IERG**
- **Sharonda Williams, Facilitator**

III. Old Business

A. Third Generation Brownfields Opportunities

- Kimberly Wasserman, LVEJO- Keith Harley has put together documents that present ideas for Third Generation Brownfields opportunities as well as Washington State legislation that also addresses Third Generation Brownfield approaches. Does anyone have any ideas on these documents? Is there anything that stood out we wanted to tackle? Any clarifying questions?
- Ken Page, IEPA- In regard to the land use tools is there one that would work best for us? Are land banks an option?
- Keith Harley- That is a good question. Insight from state agencies and the Brownfields subcommittee would be useful for this answer. Different states have chosen one or two as their primary approaches. Cook County Land Bank is successful and Neighborspace in Chicago provides a triangulating model. The intent of putting together a list of what other states are doing is to show there are things that we can draw on.
- Kim Wasserman, LVEJO- Thank you for providing the clarity that are there are many different options. Alec does anything stand out to you that may be an issue? From an industry perspective is there something that folks won't want to see used in Illinois?
- Alec Messina- Nothing that I think of right now.
- Veronica Kyle, Faith in Place- Vital Lands of Illinois would be a good connection for this work. There are lots of conversations about cultural and

historical connections to land. How do we unpack this when speaking to communities? It is an injustice not to address historical and cultural concerns. I hope we have community engagement around these issues.

- Kim Wasserman, LVEJO- I agree that is a crucial piece.
- Keith Harley- That is a classic case of the Third Generation Brownfields approach. Let's say there is land that has historical significance we work to set that land aside in regard to its value. This won't fit into the agenda of a private developer. We see other states looking at opportunities to empower local government to work with organizations that care about these issues.
- Ken Page, IEPA- Looking at these recommendations there are quite a few that require legislation. If it went to the point of legislation you would need an end user. The Illinois Municipal League comes to mind. I can speak with their members. They may be interested in this initiative. The agency thinks these recommendations contain excellent ideas. But we want to figure out what would work best for the state.
- Keith Harley- Third Generation is in many ways in the context of municipalities being left with vacant tax delinquent land. But we need state legislative tools to move forward and provide benefits to these communities. Is there anyone in addition to Illinois Municipal League? Ken do counties fall under the Illinois Municipal League?
- Alec Messina- It is really a hit or miss which entities have an active presence in Springfield. The League is a valuable partner that we want to take advantage of.
- Ken Page, IEPA- Maybe we can speak with municipalities that have a lot of properties outside of Chicago.
- Kim Wasserman, LVEJO- Research for clusters in specific counties would be good.
- Keith Harley- One possible outcome is legislation. We can change the language of the Washington bill and make it applicable to Illinois. Especially when it comes to empowering municipalities and units of local government to address orphan sites. Health fields would be better addressed by the entities that sit on the Commission rather than in legislation. They could use their resources to articulate that in a helpful way.
- Kim Wasserman, LVEJO- I am looking forward to the possibility of legislation. Is there anything that stands out that the agencies can help out with?
- Ken Page, IEPA- The issue of liability is a problem. The developer of the entity often comes back to us with liability concerns.
- Keith Harley- That is an accurate assessment. There is a fear of liability that may or may not be well grounded. It is addressed in the state program but municipalities are tentative. They may piece together contiguous properties or hold properties for tax purposes. This is a very important issue to address.
- Kim Wasserman, LVEJO- How do we take on that challenge? Do we start conversations with the agencies?

- Keith Harley- Triangulating liability seems to be a solution. Property is transferred out of municipality to a third entity like a NeighborSpace or Land Bank for the purpose of holding properties for a longer period of time.
- Ken Page, IEPA- Can we send something to legislators on the Commission and Washington State Legislation to see their thoughts.
- Keith Harley- In Illinois we don't have anything analogous to the Washington State legislation that is worthwhile to see. Sharonda let me know if we can work together with some interns to draft possible legislation.
- Kim Wasserman, LVEJO- Maybe it can fit in the SRP program.
- Keith Harley- The advantages of the SRP are that it doesn't step on the toes of private developers. I would strongly suggest otherwise.
- Veronica Kyle, Faith in Place- Openlands would be vital to this conversation. They also sit on Vital Lands. You should also contact Delta Institute.
- Ken Page, IEPA- We should also bring in DCEO since they deal with contaminated properties.
- Keith Harley- I couldn't agree more. How would we bundle Health fields? Any ideas for a programmatic approach?
- Sharonda Williams- I think we should pull in IDPH for a Health fields conversation.
- Kim Wasserman, LVEJO- I think Sharonda and I will come to Springfield so we can be in the same room as the agency folks. As Keith and Sharonda work on translation of language do we know of any parties that would be opposed to this legislation?
- Veronica Kyle, Faith in Place- We have to make sure we are speaking openly with partners. Find out what we aren't thinking about and who the opposing voices would be.
- Keith Harley- Any side conversation of changing the SRP will be problematic.
- Alec Messina- SRP will provide a good template.
- Ken Page, IEPA- When will legislators be in Springfield?
- Alec Messina- Before we get to an end request we need to see what changes are being made. Have something that tells a story. A skeleton of the language would be useful so people can wrap their heads around it. Legislators want a one-page document.
- Kim Wasserman, LVEJO- We will pull together a one-pager. Veto session is November 19-21 and December 2-4.
- Kim Wasserman, LVEJO- We will contact organizations and agencies starting with Commission folks. Keith and Sharonda will address the language.
- Ken Page, IEPA- I will look internally to pull municipalities and find out where brownfields are.
- Keith Harley- Make a point of checking in with U.S. EPA.
- Kim Wasserman, LVEJO- We will report back at full meeting. Quick question Ken what is the process for the Commission now that we have a new Governor.
- Ken Page, IEPA- There is a transition period as agencies prepare the new Governor.

- Kim Wasserman, LVEJO- Can the new Governor choose new agency heads? Can he change the Commission?
- Ken Page, IEPA- The EJ Commission is legislatively mandated there can't be a change.
- Kim Wasserman, LVEJO- Should I contact Governor Rauner and his wife on behalf of the EJ Commission?
- Veronica Kyle, Faith in Place- Great idea. His wife is a Democrat.
- Kim Wasserman, LVEJO- Okay if everyone is fine with that I will pull a letter together. Thank you everyone see you on December 10th at our full Commission meeting.