

# COMMISSION ON ENVIRONMENTAL JUSTICE MEETING MINUTES

Wednesday, September 17, 2014 (10 am – 12 noon)

- I. Welcome**  
**Kimberly Wasserman – Chairman**
  
- II. Introductions**
  - A. Springfield Videoconference**
    - Ken Page, IEPA
    - Chris Pressnall, IEPA
    - Elmo Dowd, IEPA
    - Debbie Daugherty, IEPA
    - Joe Mitchell, IDPH
    - Jim Ross, IEPA
    - Kevin Greene, IEPA
    - Brenda Carter, IERG
    - Abby Allgire, IERG
  - B. Chicago Videoconference**
    - Kim Wasserman, LVEJO
    - Dr. Sylvia Hood -Washington
    - Veronica Kyle, Faith in Place
    - Keith Harley, CLC
    - Mary McDonald, IEPA
    - Sharonda Williams, EJ Commission Facilitator
    - Carol Tritschler, People Opposing DuPage Environmental Racism (PODER)
  - C. Teleconference**
    - Caitlin Burnes, DCEO
    - Cheryl Johnson, PCR
    - Gloria Williams, IDNR
    - Bola Delano, IDOT
    - Latonya Lumpkin, IDOA
    - Victoria Thurmond, PERRO
    - Millard Driskell, PHM
  
- III. Approval of Agenda (electronic copy)**
  - Kim Wasserman, LVEJO- Add to new business presentation from People Opposing Dupage Environmental Racism on their environmental justice initiatives in Dupage.
  - Motion- Millard Driskell
  - Second- Veronica Kyle, Faith in Place

**IV. Approval of the Minutes (electronic copy)**

**a. June 18, 2014 minutes (electronic copy)**

- Veronica Kyle- Please change the name Brian Nafu to Eric Neague in June 18<sup>th</sup> minutes.

**Approval of minutes from Agency Involvement/Oversight sub-committee**

**1. May 8<sup>th</sup> - Non-state agency Commission meeting**

**2. May 14<sup>th</sup> (electronic copy)**

**Approval of minutes from Brownfields Redevelopment sub-committee**

**1. May 14<sup>th</sup> (electronic copy)**

- Motion to approve all above mentioned meeting minutes- Joe Mitchell, IDPH
- Second- Cheryl Johnson, PCR

**V. Presentations/Discussions:**

**a. U.S. EPA Clean Power Plan proposed rule – Kevin Greene and Jim Ross, Illinois EPA (power point)**

- Jim Ross, IEPA- Kevin Green and myself are part of IEPA's Climate Action Team. I have been working on Greenhouse Gas (GHG) regulations from the beginning.
- Jim Ross, IEPA- GHGs became a regulated pollutant in 2011. Stationary sources were required to report their GHGs in 2012. There are no NAAQS (National Ambient Air Quality Standards for GHGs. There is no attainment level that we are seeking to reach and so we ask the question how do we regulate GHGs? The answer is to reduce GHGs to the greatest extent possible, a similar approach has been taken for Hazardous Air Pollutants (HAPs).
- Millard Driskell- Since we have endangerment findings why haven't we set a level?
- Jim Ross, IEPA- There is no real harmful level of CO2. There is no reasonable way to achieve NAAQS unlike other pollutants like PM 2.5.
- Jim Ross, IEPA- In May 2010 permitting requirements for GHGs came into effect. June 2013 the President presented his Climate Action Plan and actions are being taken to regulate GHGs from our largest emission sources.
- Jim Ross, IEPA- What is the purpose of 111(d)? This rule is designed to reduce CO2 emissions to combat climate change and associated public risks. The co-benefit of reducing CO2 emissions is the reduction of criteria pollutants such as Sulphur Dioxide (So2), Nitrogen Oxides (NOx) and Particulate Matter (PM) emissions.
- Jim Ross, IEPA- Illinois has 17 coal fired power plants with 45 Electric Generating Units. There are coal plants that range from 60 years old to only 4 years old. Prairie State Generating Station is 4 years old. The coal plants in Illinois are well controlled. They have controls to reduce NOx and Sulphur oxides (Sox). There are

30 natural gas fired plants and 6 nuclear plants. Wind capacity in Illinois is 3,568 MW as of 2013.

- Jim Ross, IEPA- Illinois gets 49% of its electricity from Nuclear energy and 41% from coal. 111(d) targets how we get our power. Regulations will be put in place to encourage more reliance on non-coal generating sources.
- Jim Ross, IEPA- On June 2, 2014 USEPA released the proposed Clean Power Plan. The comment period for this proposal has been extended to December 2014. States must submit their state plans by June 2016. There is an opportunity to extend this deadline to 2017. If a multi-state plan is being developed among several states then the deadline is 2018.
- Jim Ross, IEPA- The goal is 33% reduction in CO2 emission rate by 2030 based on a 2012 baseline. Average “adjusted” emission rate of all existing Electric Generating Units (EGUs) must meet interim goals beginning in 2020 until final goal in 2030 and thereafter.
- Jim Ross, IEPA- The Clean Power Plan has 4 building blocks. These building blocks are: Heat Rate/ Efficiency Improvements at Coal Fired Electric EGUs, Re-dispatch to High Efficiency Natural Gas Combined Cycle (NGCC) EGUs, New Renewable Energy and Nuclear and Energy Efficiency. The latter 3 building blocks require working with sister agencies and legislators to implement new policies and measures that require dispatch to cleaner energy. Incentives for clean energy through rate-based programs are also important.
- Jim Ross, IEPA- There also non-building block options that could be a part of the plan. IEPA is currently involved in a multi-state program where cap and trade is being reviewed as a viable option. Fuel switching or co-firing (e.g. coal to gas) is another option. There is a lot of research being done on control devices for CO2. Carbon capture and storage is another viable control option.
- Jim Ross, IEPA- IEPA has been doing a lot of stakeholder outreach. We have been asking affected entities for their feedback. This has been a major undertaking. We have met with nuclear, environmentalists, affected industries and others. We want to determine the most cost-effective way to reach these goals and we are open to feedback on this.
- Kim Wasserman, LVEJO- Chicago Environmental Justice Network (CEJN) submitted comments to USEPA on the Clean Power Plan. It is very prudent that there is outreach to the environmental justice communities on this plan. U.S. EPA failed to include environmental justice mandate in Clean Power Plan. There needs to be an environmental justice framework included. You also need to ensure that you are meeting with people on the

ground outside of Chicago. Can you please share information on the multi-state plan that you discussed?

- Jim Ross, IEPA- IEPA has met with Doug Smith, Chairman of ICC about three times. The MISO states are doing their own analysis and looking at the impacts to their member states. The most popular multi-state avenue is currently cap and trade. There has been economic and environmental modeling done. That information will be made available stakeholders during outreach efforts in late December/early January.
- Jim Ross, IEPA- ICC is having a Policy Center Meeting on September 23, 2014. There will be discussion of building blocks 3 and 4.
- Kevin Greene, IEPA- We are more than willing to meet with environmental justice groups. We are interested in finding out your thoughts.
- Millard Driskell- Can IEPA please provide contact information to provide comments.
- Ken Page, IEPA- Utilize U.S. EPA's website for comment submission.
- Kevin Greene, IEPA- Beginning of next year there will be more stakeholder involvement as we move forward.
- Keith Harley- Are the 2012 estimates considered the baseline?
- Jim Ross, IEPA- Yes the 33% reduction is based off of 2012 emission rates.
- Jim Ross, IEPA- We have met with NRG and they have put forth an intention to switch to natural gas, in particular in Joliet. They haven't done a permitting transaction for this to occur. The intentions are out there but not locked in. More and more companies are looking at switching. In the news they report a wave of coal companies that are switching to natural gas. In more remote areas there isn't an intention to fuel switch because a natural gas supply isn't readily available.
- Kevin Greene, IEPA- We are interested in multi-state approaches. There are power co-ops in Illinois. Newer facilities aren't interested in fuel switching.
- Keith Harley- Inside fence line is achievable in the near term with fuel switching and shut down of coal plants. If there is 33% reductions in the emission rate then how many tons of CO2 does that equate to?
- Jim Ross, IEPA- It is difficult to translate rate based to mass based goals. We are awaiting some assistance from EPA on this issue. Once we determine what 33% equates to in mass CO2 reduced then we can speak more intelligently on this topic.
- Kimberly Wasserman, LVEJO- The E.J. Commission would like to work with you in regard to the Clean Power Plan. Has there been any consideration to an environmental justice process in the

Clean Power Plan? We don't want environmental justice communities to be impacted because there was no participation.

- Kevin Green, IEPA- I have been involved in environmental justice work for over a decade so I am aware of the issues at hand, that include hot spots and offsets. I have addressed these concerns in other regulatory matters. We are cognizant of these issues and we are willing to do more. We are going to reach out to all stakeholders and there is also a required state hearing on our plan.
- Kimberly Wasserman, LVEJO- We would like there to be a direct link to environmental justice in the Clean Power Plan. How can we work with you to be a part of the vetting process?
- Kevin Greene, IEPA- I propose that we follow-up and arrange a meeting. Give us more precise comments on the plan and we can flag them for U.S. EPA. We will be summarizing stakeholder group comments and they will be a part of our submittal to U.S. EPA. When we put out stakeholder plan together you will be at the table.
- Veronica Kyle, Faith in Place- The medical community must be involved. Human and natural habitats are impacted by climate change. There are respiratory issues and health concerns. We are treating health issues in the communities that are linked to this pollution.

**b. Discussion of letters to state agencies for the EJ Commission – Kim Wasserman (electronic copies)**

- Kim Wasserman- Environmental justice stakeholders have responded to the completed state agency environmental justice questionnaires. The Agency Involvement and Oversight Subcommittee must meet to determine the next plan of action. As a group we want to decide where there is room for growth. It is prudent that in this process there is an inclusion of IEPA's policies. Commission members are welcome to attend all subcommittee meetings but it is important for non-state agency Commissioners to participate in the next Agency Involvement and Oversight Subcommittee Meeting and be a part of this process.

**c. Brownfield's Opportunities – Keith Harley (electronic copy)**

- Keith Harley- The documents that you have received have not gone through the Brownfields Subcommittee for approval so these are not recommendations from the Commission. These documents are resources for the Brownfields Subcommittee.
- Keith Harley- These materials look at new opportunities to address community-based concerns in regard to Brownfields Redevelopment. I would like the Commissioners to read through the materials and be prepared to discuss them together.
- Keith Harley- Illinois is not alone in what are called third generation brownfields sites. You have your Brownfields sites that are taken care of under RCRA and Superfund remediation. There

is a second generation of sites that fall under voluntary clean-up state based plans, but there are still many sites that are being left behind. What are approaches being developed that deal with third generation brownfields sites? These approaches aren't to the exclusion of federal and state programs. We are addressing sites that aren't being captured by these programs.

- Keith Harley- We want these sites to have a community vision and be developed in a way that these spaces can become community assets. The documents that I presented to the group include: A summary of recommendations, review of financing opportunities, policies that work and information about municipalities acquiring sites and avoiding liability. It is important to empower municipalities to take over orphan sites but avoid liability in the process. I am interested in getting feedback from Illinois EPA's SRP Program.
- Dr. Sylvia Hood-Washington- Do we have a target date for discussion of these documents so we can provide feedback?
- Kim Wasserman- Ken please let us know the availability of IEPA personnel in the SRP Program and we can plan a Brownfields Subcommittee meeting when they are available.
- Keith Harley- I am very mindful of Heather Nifong's conversation about obstacles to turn community spaces into assets without private ownership. But if other states have figured out practical approaches then applicability has already been established.
- Dr. Sylvia Hood-Washington- I have expressed my concerns to U.S. EPA about disposal of radioactive material in the western suburbs. There are high levels of radon in these communities. What happens after remediation? How are we addressing this in this document?
- Dr. Sylvia Hood-Washington- I will draft a document about the issue of non-disclosure agreements in relation to these properties.

## **VI. Old Business**

### **a. Off-site meeting potentials – Anyone want to host an EJ Commission meeting?**

- Dr. Sylvia Hood -Washington- I would like to re-invite the EJ Commission to Aurora. The Green Buddha Sustainability Center is LEED Gold certified and meets all the requirements for an off-site meeting.
- Ken Page, IEPA- Commitment to have our April 2015 meeting in Aurora.
- Kim Wasserman- South East Environmental Task Force said that they would host us at a Union Hall called the Zone. This meeting space meets all of the requirements for an off-site meeting. We will schedule our meeting in the Southeast side for summer 2015.

- Kim Wasserman- We want our quarterly Commission meetings to have full attendance, in order to achieve that we will have off-site meetings in the warmer months of 2015.

**b. Agency Involvement/Oversight Sub-Committee**

**Chairman – vacant**

- No volunteers.

**VII. New Business**

**a. Annual report to Governor and Legislators (DRAFT electronic copy)**

- Ken Page, IEPA- Commissioners must provide feedback for the Governor's report by close of business September 19, 2014.

**b. Presentation by PODER**

- Carole, PODER- I am a volunteer with PODER. We meet in Wheaton, IL. Some issues we work on is solidarity in the immigrant community in Dupage. We meet regularly to move forward on addressing environmental justice issues in the western suburbs.
- Sylvia Hood-Washington- There are environmental justice travesties occurring in West Chicago, Winfield, and Wheaton. Thorium waste was distributed across the western suburbs. Thorium waste was used to build homes and to farm. Now we are seeing high levels of bone, lung and brain cancer. These high levels are extending outside of the five Superfund sites in **Kerr-McGee**.
- Sylvia Hood-Washington- I spoke with Alan Walts from Region 5 about the issue of people moving into these areas and not being notified about the remediation that occurred. People are buying homes and not being told they are on former Superfund sites. Alan agreed that there needs to be an education provided to people that live in these areas.
- Sylvia Hood-Washington- Immigrants and poor people are moving in to these areas. They are not receiving notification of the risks because non-disclosure agreements are being signed between property owners and local authorities. Since the sites have been remediated it is assumed there is no immediate risk but when cancer occurrences begin to pop up there needs to be a reevaluation of the issue.
- Veronica Kyle, Faith in Place- What is our methodology? How do we assist these communities? Write a letter? What actions do we take to support the communities that come to the Commission?
- Sylvia Hood-Washington- When a group like PODER approaches us can the Commission attend their events? We see the larger picture and don't want these organizations to re-invent the wheel when we have the experience to offer. A support system and

infrastructure is required for these kinds of claims to be addressed. We need stand behind them as advocates.

- Kimberly Wasserman, LVEJO- We will send out information about these events and we will attend events to support these communities.
- Sylvia Hood-Washington- We need to address air, water and radioactive waste concerns.
- Veronica Kyle, Faith in Place- Various Commissioners can assign themselves to certain parts of Illinois. We are all very busy and equally passionate. I will share this information about Wheaton with Faith in Place.
- Sylvia Hood-Washington- This is a baby group. We have environmental justice people on this Commission that have wages wars and won. We must give them tips and show our support.
- Veronica Kyle, Faith in Place- We can share our skills. One example is how do I talk to elected officials. There are opportunities to share talents with others.
- Kimberly Wasserman, LVEJO- Let's figure this out on a case-by-case basis for now. We will look into what other Commissions do when tasked by community groups.
- Sylvia Hood-Washington- This is not an abstract issue. People are frightened by cancer. There is a green veil covering the western suburbs. People think they are moving to a green suburb and don't know that they are sitting on buried radioactive waste. We should provide a link to booklets on how you get started in your environmental justice community.

### **VIII. Open Discussion/Questions**

- Kim Wasserman- Tamika Gibson and Jerry Mead-Lucero are no longer with the Commission. Folks are invited to apply online. We encourage stakeholders across the state to apply. Peoria and East Louis need representation.

### **IX. Next meeting date and location**

- **4<sup>th</sup> Quarter of 2014 - Teleconference Thompson Center and Springfield.**

### **X. Adjournment**

- 12:05 p.m.