

COMMISSION ON ENVIRONMENTAL JUSTICE MEETING AGENDA
Tuesday, March 24, 2015 (10 am – 12 noon)

- I. Welcome
Kimberly Wasserman – Chairman
- II. Introductions
 - A. Springfield Videoconference:
Ken Page, IEPA
Chris Pressnall, IEPA
Kevin Greene, IEPA
Jim Ross, IEPA
 - B. Chicago Videoconference:
Kimberly Wasserman, LVEJO
Sharonda Williams, IEC
Alan Walts, U.S. EPA Region 5
Keith Harley, Chicago Legal Clinic
Marcella Bond-Keenan, Elevate Energy
Emily Clamp, IEPA
Anthony Tindall, Forest Preserve District of Cook County
 - C. Teleconference
Veronica Kyle, Faith in Place
Amy Funk, University of Illinois Metro East
Cheryl Johnson, PCR
- III. Approval of Agenda (electronic copy)
Ken Page: Add Brownfields Subcommittee and Agency Oversight to agenda.
Motion: Keith Harley
Second: Ken Page
Agenda Approved

IV. Approval of the Minutes (electronic copy)

1. Minutes from the December 10, 2014 Commission meeting

Motion: Ken Page

Second: Kim Wasserman

Minutes Approved

2. Minutes from the January 21, 2015 Brownfields Redevelopment sub- committee meeting

Keith Harley: Please reflect that I attended the meeting

Motion: Ken Page

Second: Kim Wasserman

Minutes Approved

V. Presentations/Discussions:

1. EJ SCREEN by USEPA

Alan Walts, U.S. EPA Region 5: Senior Leadership in D.C. are working towards public release of of EJ Screen. EPA has been using this tool for two years. We wanted to get comfortable with it first before making it widely available. There were concerns about data, specifically PM 2.5 and ozone. We have made this data more current with the update of National Air Toxics data. This data may not be available when we release EJ Screen. More useful data and additional changes will be made based on user feedback. There will be a six-month engagement period before the public release. There will be focused outreach especially with the states because they will be co-regulators. State agencies will have early access to EJ Screen. Illinois can get early access to this tool.

Alan Walts, U.S. EPA Region 5: EJ Screen is an E.J. screening and mapping tool with nationally consistent data and methodology that highlights areas with environmental indicators. EJ Screen takes twelve indicators and combines them with race and income demographic information. This helps U.S. EPA target the areas that

need the most assistance. This information can be used by regulators to prioritize our work. It has been used in U.S. EPA's enforcement program. EJ Screen helps to characterize if we are getting environmental benefits in environmental justice areas. We want to use this tool across all programs. U.S. EPA is coordinating resources to make sure the agency has a common understanding. We are going to have all stakeholders come together to solve these problems.

Keith Harley, Chicago Legal Clinic: Can EJ Screen be used in concert with Echo and Enviro Facts?

Alan Walts, U.S. EPA Region 5: You can go to ECHO to see the Facility and then use EJ Screen to index that block to see disproportionate impacts. EnviroFacts will stay the same. We will be phasing out EJ View. EJ Screen is the point of entry so that you can flag an area for further analysis.

Keith Harley, Chicago Legal Clinic: A lot of times what generates interest is compliance. Finding out information about the compliance of facilities in an area. There is no direct link to ECHO or EJ Screen to get this information.

Alan Walts, U.S. EPA Region 5: Not right now. But if folks want this it is feasible.

Keith Harley, Chicago Legal Clinic: When will there be outreach to the public at large?

Alan Walts, U.S. EPA Region 5: Public engagement will happen six months prior to the release.

Keith Harley, Chicago Legal Clinic- How will public know that they can be involved in the architecture of the program,?

Alan Walts, U.S. EPA Region 5: The initial month will outreach to the States. Then we will start to have targeted conversations, for example Cook County Land Bank. We want to keep it internal so

we can work out the bugs. We want to ensure we speak to probably end users.

Marcella Bond-Keenan, Elevate Energy: Will this tool show model impacts of increased traffic?

Alan Walts, U.S. EPA Region 5: This tool won't have modeling. If you look at E.J. Screen and traffic indicators raises a flag you may want to do monitoring. This tool is the entry point for a deeper analysis.

Kim Wasserman, LVEJO: If folks want to learn more about this they can contact Alan Walts. It is very exciting to have a tool that will empower communities to know what is happening where they live. This tool will also empower policy makers to show a picture of what is happening on the ground.

2. Clean Power Plan Update and Clean Power Plan legislation discussion

Jim Ross, IEPA: The Clean Power Plan rule remains proposed. There should be a final rule summer 2015. Discussions of compliance continue but it is difficult with a proposed rule. The final rule will have significant differences. Once we get that final rule it will better inform what the state rule will look like. Our state plan is due summer 2016. If legislation is required we would have till summer 2017. If we choose to do a multi-state plan then the deadline is summer 2018. IEPA will look at any method that U.S. EPA will allow for compliance. We are looking at state only and regional cap and trade mechanisms. We are also looking at enforcing energy efficiency and renewable energy requirements. Market based approaches like carbon tax are also an option. We are actually working on a state driven portfolio approach. State only cap and trade combined with renewable energy and energy efficiency. The key concept is we can come up with a state plan

but we need to know the core objectives and impacts of the plan. We have to do economic and environmental modeling. This will cost around \$100,000. We don't want to go about this modeling haphazardly unless we have more information about the final goals for the rule. We are currently doing preparation and background work so we can move quickly on contenders for the final state plan. We will compare modeling outputs and select what is best for Illinois.

Kevin Greene, IEPA: We know we need a process to bring all the groups to the table. We have pitched that process internally. We are following the Clean Power Plan related legislation in Springfield. A 2nd amendment was proposed to the Clean Jobs bill that would set up a stakeholder process. The 2nd amendment will create a Green House Gas Advisory Council made up of state agencies and a Green House Gas Advisory Group that has stakeholders from around the state. Some of these stakeholders include unions and environmental advocates. There has been a lot of pushback on the cap and invest language. The concern is that it is too specific.

Kevin Greene, IEPA: Data would have to be compiled to see what facilities would be impacted. What is the projected retirement of coal plants? We may need to identify additional legislation to address green house gases and changes to the renewable energy and energy efficiency standards. Would we need legislation for emission trading? When we create a plan to comply with the Clean Power Plan we have to look at impacts to coal mining, jobs, nuclear, disadvantaged and rural communities. We would need to get the Director our plan 10 months prior to submitting it to U.S. EPA.

Kim Wasserman, LVEJO: How are you engaging with these stakeholders? How are you analyzing the various bills out there (Clean Jobs bill, Comed and Exelon etc.)?

Kevin Greene, IEPA: We have been looking at these bills and trying to determine how it affects our ability to create a state plan. With the Clean Jobs bill our biggest issue is the cap and invest language. This language is taking us to a very specific pathway when we don't have a final rule from U.S. EPA. We don't want to be locked in to a specific mechanism and we are not willing to commit to one right now.

Jim Ross, IEPA: There are several bills related to renewable energy and energy efficiency as well as market-based approaches to comply with the Clean Power Plan. To the extent that any of these bills say this is the best way to go is premature. We need to select the best plan for Illinois as a whole, which may require a designer approach.

Kevin Greene, IEPA: Has IEPA emerged as the lead agency in developing this plan?

Jim Ross, IEPA: It falls on IEPA. The Clean Power Plan states that IEPA has to approve any plan to comply with the rule. By design of the rule we are designated as the lead agency.

Kevin Greene, IEPA: We are going to have to work with our sister agencies on this. DCEO is going through a lot of changes right now. We will have to wait till those changes are complete before we can partner with them. IPA will also be an active player.

Kim Wasserman, LVEJO: I spoke with Molly from DCEO and they will be presenting at the next Commission meeting to speak about their work.

Keith Harley, Chicago Legal Clinic: The northeastern part of the state is in PGM and the other part is RTO. How do you function in a mid-continent cap and trade approach?

Jim Ross, IEPA: There is no influence on cap and trade. It plays a role in the compliance options. Adopting a regional approach would save the member states billions.

Kevin Greene, IEPA: Larger power producers are comfortable with state and regional plans. Smaller power producers are nervous about carbon tax by RTO and cap and trade. They are more comfortable with a state approach. They are nervous about a regional approach.

Keith Harley, Chicago Legal Clinic: How do you factor in rulemaking to be able to implement legislation?

Jim Ross, IEPA: IEPA would be responsible for developing rules to reduce green house gas. Theoretically energy efficiency and renewable energy measures would come through legislation. State agencies are responsible for enforcement. IPA and ICC implement and share in this enforcement. There may have to be rulemaking to make sure that the legislation is enforced. Are their enforceable requirements on emission caps? On energy efficiency and renewable energy levels that need to be met? This needs to be put into the plan that goes to U.S. EPA.

Kim Wasserman, LVEJO: How does the Commission play a role in the development and enforcement? How do we ensure that the EJ Commission is a part of these conversations?

Kevin Greene, IEPA: This is a good start. We will continue to have conversations with the Commission as we move forward. You may want to take a look at the amendment to the Clean Jobs bill.

c. Brownfields Legislation (Land Bank Bill/HB1517)

Sharonda Williams, IEC: House Bill 1517 is currently in the Revenue and Finance Subcommittee. We would have preferred for the bill to go to Environment or Economic Development and Housing. Jehan Gordon-Booth the bill sponsor made a request for the bill to go to Economic Development and Housing. We will see if the bill moves out of Committee and go from there. Funding has

been the most difficult issue for this bill. We have a public problem but no public money to address it. I had a conversation with Cuyahoga Land Bank in Ohio and they utilize the fees and taxes from delinquent property payments.

Amy Funk, University of Illinois Metro East: Where do these fees go in Illinois?

Sharonda Williams, IEC: I am not sure

Anthony Tindall, Forest Preserve District of Cook County: Are there other revenue streams?

Sharonda Williams, IEC: Not that I am currently aware of.

Kim Wasserman, LVEJO: The Brownfields Subcommittee will take a look at this so we have more minds to address the funding issue.

Keith Harley, Chicago Legal Clinic: The New York State Attorney General received a settlement and gave 33 million from that settlement to NY land banks. It might be helpful to reach out to the Attorney General's office so we are on their radar if funds become available.

Ken Page, IEPA: We could ask the elected officials on the Commission to reach out to the Attorney General's office.

d. Introductory letter to Governor Rauner from EJ Commission

Kim Wasserman, LVEJO: Former Commissioner Alec Messina is Governor Rauner's Energy and Environmental Policy person. I wrote a letter to the Governor on behalf of the Commission introducing us to the new administration. Are there any thoughts? Edits? We don't have a quorum to vote on this letter.

VI. Old Business

1. Status of state agencies

Ken Page, IEPA: Director Bonnett has reached out to the state agencies about appointing new designees.

2. Commission members terms (expiration/appointments)
Kim Wasserman, LVEJO: Do we know who is up for term limits?
Ken Page, IEPA: I don't know whom to contact to get this information. My contact at the Governor's office is no longer there.
3. Brownfields Sub-committee
We need to set up the next Brownfields Sub-committee call
4. Agency Oversight and Involvement Sub-committee
We have IDOT's response to the EJ Commission's letter. We must do our due diligence and schedule a call to review so we can respond.

VII. Open Discussion/Questions

Cheryl Johnson, PCR: Has anyone heard of this MWRD bill?

Sharonda Williams, IEC: I will send you the bill and we can go from there.

Kim Wasserman, IEPA: Brownfields EJ Caucus will be held the evening of September 1st. We are still looking for a location. It has to be near the Hilton in the South Loop. Reach out if you are interested in attending.

Veronica Kyle, Faith in Place: How many will be in attendance?

Kim Wasserman, LVEJO: 30-40 folks. If folks on the ground have questions about brownfields and want to know about resources they should attend.

We are helping to draft the agenda

VIII. Next meeting date and location

Next meeting will be in either June or July. Sylvia Washington expressed an interest in hosting. We will also look at other spaces in environmental justice communities.

IX. Adjournment