

**SPECIAL MEETING OF
COMMISSION ON ENVIRONMENTAL JUSTICE
NO QUORUM
MEETING NOTES**

Friday, November 3, 2017 (2:00 pm – 4:00 pm)

I. Introductions

• **Teleconference**

- Commissioner Kim Wasserman, Chair
- Commissioner Keith Harley
- Commissioner Millard Driskell
- Stephanie Bilenko – NEIS
- Sharonda Williams - Sierra Club
- Commissioner Veronica Halloway- IDPH
- Julianna Pino – LVEJO
- Anthony Tindall – Forest Preserves of Cook County
- Commissioner Lore Baker – DHS – Housing
- Commissioner Cheryl Johnson – People for Community Recovery

• **Springfield**

- Commissioner Chris Pressnall- IEPA Environmental Justice Officer
- Alec Davis - IERG
- Commissioner Jerry Peck – IMA
- Crystal Myers-Wilkens – IEPA

• **Chicago**

- No one at the James R. Thompson Center

II. Agenda

- Discuss and revise draft letter to Illinois Power Agency (IPA) Director Anthony Star commenting on the draft Long-Term Renewable Resources Plan.

III. Discussion

➤ **Chair Wasserman**

- purpose of the special meeting to discuss the draft letter to IPA, which was developed over the last few weeks by an internal working

➤ **Commissioner Peck**

- Commission's recommendations are leading to the setting of policy by IPA and believes the Commission is overreaching in the draft letter
- Solar For All involves a lot of money to be distributed
- Policies set now will impact programs going forward
- Commission now suggesting use of CalEnviroScreen as recommended model when previously Commission simply suggested options
- Commission was not going to choose the approach

- **Commissioner Pressnall**
 - Emphasized that the Commission is responding specifically to the draft IPA plan, which states the proposed approach to determining environmental justice communities
- **Commissioner Peck**
 - Need to bracket Commission recommendations as being for use in Illinois Solar For All program
 - Do not want it to become a precedent
- **Julianna Pino**
 - Emphasized that the draft already states that recommendations concerning definition of “environmental justice community” are for the purposes of the Illinois Solar For All program only
 - Not meant as a precedent
- **Alec Davis**
 - Questioned the compatibility with other state agency programs
 - Possibility of confusion with public and regulated facilities
 - Disclaimer needs added that for the purposes of the Solar For All program
- **Sharonda Williams-Tack**
 - The draft letter literally responds to the draft IPA plan, section by section
- **Commissioner Peck**
 - Setting a precedent
 - Will become the de facto EJ definition and have other implications
 - Need disclaimers
- **Commissioner Harley**
 - IPA is defining “environmental justice community” pursuant to a legislative mandate
 - IPA requested guidance on its proposal
- **Commissioner Peck**
 - Should be clear that Commission’s recommendations are not intended to be used in other programs at this point
 - May need to roadmap for a future discussion by the EJ Commission
- **Crystal Myers-Wilkens**
 - Asked if no recommendation by Commission does the IPA still have define “EJ Community”
 - Asked how the Commission affects or does not affect IPA’s process
- **Commissioner Peck**
 - Role is to advise, not pick policy
 - IPA’s EJ community definition should not become de facto definition of EJ Community
- **Julianna Pino**

- Letter to IPA is in response to the draft Long-Term Renewable Resources Plan
- IPA wants specific feedback at this point, not guide of options
- If cannot agree, the Commission can be silent
- **Alec Davis**
 - IPA used the Commission's recommendations as a basis
 - IPA's definition is different than IEPA's definition
 - Definition not being adopted state-wide for all agencies and programs
- **Commissioner Harley**
 - The draft letter is not saying or implying that using as a policy state-wide
- **Commissioner Peck**
 - The wording on Page 2 of the letter is too strong
- **Keith Harley**
 - The EJ Commission has already voted on the recommendation concerning Cal Enviro Screen
- **Commissioner Peck**
 - No, did not vote on a specific recommendation just gave options
 - Should have standard definition and discussion
- **Sharonda Williams-Tack**
 - Is taking out "strongly support language" enough to get agreement
- **Commissioner Peck**
 - That is not the only disagreement
- **Chair Wasserman**
 - Commission formed working group to gain consensus
 - As to short timeframe, working group had four to five weeks, not just one week
- **Commissioner Peck**
 - Objects to Chair Wasserman's statements
 - Meeting is to discuss the work product of the group
 - Effectively saying "take it or leave it"
 - Will affect programs for decades to come
 - FEJA did environmental damage to communities, take money out of low-income communities
 - Perhaps in the future the Commission should tackle the definition of "EJ Community"
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- **Commissioner Harley**
 - Working group spent 15 hours meeting
 - Chair Wasserman's point was not "take it or leave it"
 - Meetings were open to all to participate
 - This is a legislative mandate of FEJA
 - Will be maps generated and nothing can stop that

- **Alec Davis**
 - Make explicit that recommendations are for the limited purpose of FEJA
 - Maps are for FEJA, not for statewide EJ implementation
- **Commissioner Harley**
 - First paragraph makes it explicit that for the purposes of FEJA only
- **Commissioner Peck**
 - May want to walk back your comments
- **Commissioner Harley**
 - What specific comments?
- **Commissioner Peck**
 - Now is the time to address concerns
- **Julianna Pino**
 - Chair Wasserman has been trying to go through the letter
- **Chair Wasserman**
 - The process has been open
 - Look at the working in the first paragraph
- **Commissioner Peck**
 - Look at the language on second page, concerning CalEnviroScreen and state that the recommendation is for the purpose of FEJA only
- **Alec Davis**
 - I agree
- **Sharonda Williams-Tack**
 - Delete “strongly support” and state that providing some indicators?
- **Julianna Pino**
 - Agrees with that approach
 - Agnostic as to method, provide indicators
- **Commissioner Peck**
 - Will offer additional suggestions
- **Alec Davis**
 - What process did the working go through?
- **Commissioner Pressnall**
 - Provided an overview of the working group process
 - Worked from May 2017 letter
 - Looked at environmental indicators
 - Looked at map generated by Troy Hernandez
 - Found, as an example, the southern Illinois did not have an EJ areas

- **Alec Davis**
 - That's significant
 - Something to be looked at
- **Crystal Myers-Wilkens**
 - The IPA has an annual evaluation process
 - There is the ability to go back and add recommendations to the IPA
- **Chair Wasserman**
 - Supportive of the evaluation process
- **Commissioner Pressnall**
 - Concept of self-selection is important
- **Julianna Pino**
 - Support communities getting involved in the evaluation process
 - Important to note that 75% of Illinois Solar for All money is earmarked for low-income communities and 25% for environmental justice communities
- **Sharonda Williams-Tack**
 - There are additional data sources that should be include, need to develop indicators
 - IDPH provided some datasets
- **Commissioner Pressnall**
 - The impact of adding indicators is unknown and granularity of the data is a known issue
- **Alec Davis**
 - How does the data fit in?
- **Commissioner Wasserman**
 - Evaluation of data important because we are asking to add the indicators, not sure how it will play out
- **Commissioner Harley**
 - When the plan is approved by the ICC, IPA will work with the EJ Commission to designate areas
- **Alec Davis**
 - Need to make clear that only for the Illinois Solar For All program.
- **Commissioner Peck**
 - Concurred
- **Commissioner Harley**
 - Where should we add explicit language?
- **Alec Davis**
 - IPA should explicitly state for FEJA only

- **Commissioner Peck**
 - Wishes legislation hadn't used the term "EJ", leads to confusion
 - Self-selection is an issue in other contexts
- **Commissioner Pressnall**
 - Noted that self-selection is part of the public participation process
- **Julianna Pino**
 - IPA already signaled that going to be explicit as to the definition of "EJ"
- **Commissioner Pressnall**
 - New IPA draft separates demographics and environmental indicators
- **Chair Wasserman**
 - What else needs changed in the letter?
- **Alec Davis**
 - What is significance of block versus tract?
- **Commissioner Pressnall**
 - Provided an overview of census block versus tract
- **Julianna Pino**
 - Explained what other states use
 - Block is more specific and tract tends to dilute demographics
 - CalEnviroScreen utilizes tract in some situations and is an issue in rural areas
- **Alec Davis**
 - Why selecting block versus tract?
- **Julianna Pino**
 - Block is more accurate, what used by USEPA and IEPA
- **Alec Davis**
 - Commented that it is hard to visualize, would like to toggle between block and tract
- **Julianna Pino**
 - Tract dilutes, folks may drop out of analysis
 - Should provide guidance on track versus block
- **Crystal Myers-Wilkens**
 - We should proceed with specific comments to the letter
- **Commissioner Peck**
 - Page 6, add "may" collaborate with the Commission
- **Commissioner Harley**
 - Draft letter mirrored what the IPA already stated
- **Sharonda Williams-Tack**

- EJ Commission has a statutory charge to speak on EJ issues
- **Commissioner Peck**
 - Overreaching by saying “will”
- **Julianna Pino**
 - We have to be specific at this stage of the process
- **Commissioner Peck**
 - Reads as though the Commission is forcing itself into the process
- **Chair Wasserman**
 - Let’s change “will” to “may”
- **Julianna Pino**
 - Agrees
- **Alec Davis**
 - Asking IPA to commit, should just offer to assist
 - Recommending language that clear maps for EJ for Solar For All Program only
 - How would “sample community” work?
 - Want to work with IPA on the whole model
- **Julianna Pino**
 - It’s a public process so will be draft maps released
 - Should we ask for maps before they are publicly released?
- **Alec Davis**
 - Is there a self-designation process?
- **Commissioner Pressnall**
 - IPA is attempting to determine the appropriate process
- **Alec Davis**
 - Should suggest a fair process
- **Julianna Pino**
 - IPA should establish the process
- **Crystal Myers-Wilkens**
 - Probably will use the same data
- **Commissioner Pressnall**
 - Explained the IEPA’s concept of self-selection in regards to the community outreach process
- **Commissioner Peck**
 - Needs to make sure all comments framed as for purposed of FEJA
- **Chair Wasserman**

- 25% is the goal for EJ communities, read it
- **Julianna Pino**
 - Explained Illinois Solar For All Working Group rationale
 - Shouldn't re-release money, EJ communities need time to get programs together
 - Agrees with priority of grassroots organizations
 - Shouldn't spend all money in year one
- **Alec Davis**
 - May be issue with IPA rolling money over year to year
- **Chair Wasserman**
 - Evaluation process is important
 - Meaningful participation for EJ communities, using NEJAC model
- **Sharonda Williams-Tack**
 - Independent evaluator will be meeting with the public
- **Chair Wasserman**
 - Consumer protections are an important component
 - Thanked Commissioner Harley for his work on this issue
- **Commissioner Harley**
 - There will be new interactions, could be incomplete or misleading information
 - Not mere speculation
 - Illinois alternative retail electricity supplier program
 - Endanger credibility of programs as whole
 - IPA's proposals are robust
 - Four proposals
 - Approved vendors
 - Monitoring of consumer complaints
 - Federal and state statutes
 - Alternative retail electricity approach
 - ARES uses "reasonable person" standard
 - IPA
 - Language spoken by consumer not strong enough
 - Need language selected by consumer
- **Commissioner Peck**
 - Generally concerned with the consumer protection section
- **Commissioner Harley**
 - The IPA's draft plan has a long consumer protection section in its draft plan
- **Commissioner Peck**
 - We are presuming two things
 - Bad actors
 - Presuming that IPA cannot protect consumers
- **Commissioner Harley**

- Draft plan says that protections are needed because of problems with the ARES program
- **Commissioner Peck**
 - Does not like the way it is worded
 - Should be a better way to approach the issue
- **Commissioner Harley**
 - We recite what the IPA says
- **Alec Davis**
 - Questions whether it is the role of the EJ Commission to comment on consumer protections
 - Beyond scope and uncomfortable doing so
- **Commissioner Harley**
 - Legislation answers that question by directing money to EJ communities
- **Alec Davis**
 - Not inherently environmental issues
 - What about groups that specialize in consumer protections, have we reached out
- **Commissioner Harley**
 - Yes, he has reached out
 - IPA has invited comments on this issue
- **Alec Davis**
 - Need to look at the charge of the EJ Commission
 - Consumer protections impact communities
- **Commissioner Harley**
 - If we were discussing a weight loss product, telecommunications product, then no, EJ Commission should not weigh in
 - This is energy and should have environmental benefits
- **Commissioner Peck**
 - The Commission would be picking a fight
- **Commissioner Harley**
 - Who would we be picking a fight with?
 - Looking at charge in legislation, the EJ Commission is to review state law and policies related to EJ
- **Crystal Myers-Wilkens**
 - Consumer protections should be part of Commission because funding is backbone of the Illinois Solar For All program
- **Commissioner Peck**
 - Other groups are more properly suited to address this issue

- **Chair Wasserman**
 - Consumer protection is related to energy
 - Believes that it is within the purview of the Commission
- **Commissioner Peck**
 - Asks that the consumer protection language be removed
- **Alec Davis**
 - Concurs
- **Commissioner Peck**
 - Money set aside for remediation in 10-15 years?
 - Have toxic waste strapped to a building
 - Ready to move on with the discussion
- **Commissioner Pressnall**
 - Need to vote on language
- **Chair Wasserman**
 - Will a vote pass with changes
- **Commissioner Pressnall**
 - Need to vote on consumer protection language
- **Alec Davis**
 - Need to see letter with final language before a vote should be taken
- **Commissioner Driskell**
 - Vote pending consumer protection language?
- **Commissioner Peck**
 - Would prefer to miss the deadline for submittal of comments to IPA
- **Crystal Myers-Wilkins**
 - Should we vote on consumer protection language?
- **Chair Wasserman**
 - Can we vote on letter besides consumer protection?
 - Wants to submit something to the IPA
- **Commissioner Peck**
 - Not comfortable voting without reviewing the final language
- **Chair Wasserman**
 - Let's call a special meeting November 9, 2017 in the afternoon
- **Commissioner Baker**
 - So 3:30 pm on November 9?
- **Commissioner Harley**

- May not be a census vote and we need to know the implications for the Commission and the letter
- May be those abstaining, dissenting
- Majority of a quorum the standard? Should we ask the IAGO?

- **Chair Wasserman**
 - We need guidance

- **Commissioner Peck**
 - In my experience, there is no unanimous standard
 - Dissenters may want to submit separate comments

- **Chair Wasserman**
 - We need an explanation as to what a vote means

- **Commissioner Baker**
 - Next Commission meeting is at 3:30 pm, Thursday, November 9

IV. Next meeting date and location

November 9, 2017 – 3:30 pm until 5:00 pm

V. Adjournment

- At 4:10 pm