Advisory Memorandum

To: The U.S. Commission on Civil Rights
From: The Illinois Advisory Committee to the U.S. Commission on Civil Rights
Date: May, 2016
Subject: Civil Rights and Environmental Justice in Illinois

On March 09, 2016, the Illinois Advisory Committee (Committee) to the U.S. Commission on Civil Rights (Commission) convened a public meeting to hear testimony regarding concerns of environmental justice in the State. Key to the Committee's inquiry was an examination of factors contributing to disproportionately poor air quality and other environmental hazards on the basis of race, color, or national origin; particularly in the Chicago neighborhoods of Little Village, South Lawndale, Pilsen, and the City's Southeast side, as well as the City of Waukegan, Illinois.

The following advisory memorandum results from the testimony provided during the March 09, 2016 meeting of the Illinois Advisory Committee, as well as related testimony submitted to the Committee in writing during the relevant period of public comment. It begins with a brief background of the issue to be considered by the Committee. It then presents an overview of the testimony received. Finally, it identifies primary findings as they emerged from this testimony, as well as recommendations for addressing related civil rights concerns. This memo is intended to focus specifically on concerns of disparate impact regarding hazardous environmental contamination on the basis of race, color, or other federally protected category. While other important topics may have surfaced throughout the Committee's inquiry, those matters that are outside the scope of this specific civil rights mandate are left for another discussion. This memo and the recommendations included within it were adopted by a majority of the Committee on May 06, 2016.

Background

Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color, or national origin in programs or activities receiving federal financial assistance.[1] U.S. Environment Protection Agency (EPA) regulations implementing Title VI further bar disproportionate impact, not only intentional discrimination, in the administration of environmental programs, including siting and enforcement for recipients of federal financial assistance.[2] Additionally, on February 11, 1994, President Clinton's Executive Order (E.O.) 12,898, required each federal agency, "to the greatest extent practicable and permitted by law . . . make achieving environmental justice part of its mission by identifying and addressing, as

[1] 42 U.S.C. § 2000(d).

[2] 40 C.F.R. §§ 7.30 and 7.35, - Available at: https://www.law.cornell.edu/cfr/text/40/7.30 and https://www.law.cornell.edu/cfr/text/40/7.35 (last accessed May 23, 2016)

appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations . . ."[3]

The Committee notes that the U.S. Commission on Civil Rights (Commission) is presently conducting a study on the EPA's compliance with Title VI and E.O. 12,898 as part of its 2016 statutory enforcement report to be submitted to Congress and the President. Specifically, the Commission's topic is "Environmental Justice: Toxic Materials, Poor Economies, and the Impact on the Environment of Low-Income, Minority Communities." To fulfill this study, the Commission has requested its advisory committees consider undertaking studies on environmental justice generally, and coal ash disposal facilities where applicable. As such, and in keeping with their duty to inform the Commission of: (1) matters related to discrimination or a denial of equal protection of the laws; and (2) matters of mutual concern in the preparation of reports of the Commission to the President and the Congress,[4] the Illinois Advisory Committee submits the following findings and recommendations to the Commission regarding environmental justice in Illinois. These findings and recommendations are intended to highlight the most salient civil rights themes as they emerged from the Committee's inquiry. In recognition of the Commission's continued study on this topic, in lieu of providing a detailed discussion of each finding presented, the Committee offers a general outline of themes, along with appropriate additional resources, as topics of reference for the Commission's 2016 statutory enforcement report. The complete meeting transcript is included in Appendix A for further reference.

Overview of Testimony

The Committee approached this project from a neutral posture, and at the direction of a designated subcommittee, sought input from involved stakeholders representing all relevant perspectives. During the March 09, 2016 Committee meeting in Chicago, the Committee heard from academic experts and legal professionals in the fields of environmental law and health; community advocates; local, state, and federal government officials; and individual community members impacted by environmental contamination near their homes.[5] The Committee also heard testimony from experts in renewable energy alternatives which may provide some solutions to the environmental contamination concerns presented. In addition, the Committee received a number of written statements offering supplemental information on the topic.[6]

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[3] Despite this direct mandate to address concerns of environmental justice, the Order explicitly denies private enforcement or judicial review of the Order. Therefore, it is not binding on any executive department or independent regulatory agency. Exec. Order No. 12, 898, 59 Fed. Reg. 7629 (Feb. 16, 1994), *available at* http://www.archives.gov/federal-register/executive-orders/pdf/12898.pdf (last accessed April 25, 2016), *See also*: 32 C.F.R. § 651.17

[4] 45 C.F.R. § 703.2

[5] The complete agenda and minutes from this meeting can be found in Appendix B

[6] Written testimony submitted can be found in Appendix C

The Committee notes that where appropriate, all invited parties who were unable to attend personally were offered the opportunity to send a delegate; or, at a minimum, to submit a written statement offering their perspective on the civil rights concerns in question. KCBX Terminal, a subsidiary of Koch Minerals, submitted a series of letters sent to the community surrounding their 10730 Burley site in Chicago between 2013 and 2015, describing the company's efforts to control contamination.[7] The final letter dated May 06, 2016 describes the company's eventual decision to cease operations and remove existing coal and petroleum coke storage at the location—citing new city environmental regulations as the cause of the closure. Notably, despite several outreach attempts, no other officials or representatives from the industries involved with the contamination in question choose to participate in any of the aforementioned formats.[8] Regrettably, such limited participation prevented the Committee from obtaining the intended range of perspectives. It is within this context that the Committee presents the findings and recommendations that follow.

Findings

The following findings result directly from the testimony received, and reflect the views of the cited panelists. While each assertion has not been independently verified by the Committee, panelists were chosen to testify due to their professional experience, academic credentials, subject expertise, and firsthand experience with the topics at hand. A brief biography of each panelist and his or her credentials can be found in Appendix D.

1. Industrially produced toxic waste and air pollutants are disproportionately concentrated in and around communities of color, particularly Black, Latino, and American Indian populations.[9]

    a. Improperly controlled toxins from industrial activity contribute to a number of chronic health issues including asthma, cancer, lung disease, and heart disease.[10]

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[7] Estadt written testimony. Appendix C. pages 38-43

[8] The Committee also reached out to the IL Environmental Regulatory Group, an industry member organization; NRG, the owner of Waukegan's currently operating coal-fired power plant, as well as the former power plant sites in Chicago; Midwest Generation, the former owner of the Chicago coal fired power sites; Agri-Fine Corporation; and British Petroleum. The Committee also solicited the support the office of IL Senator Dick Durbin's office in reaching out to a number of facilities he had previously contacted about their policies regarding the handing of petroleum coke. (See: http://www.durbin.senate.gov/imo/media/doc/Letters%20to%20Companies.pdf, last accessed April 25, 2016). The Senator's office reported that they were "not able to engage in meaningful dialogue with most of the companies."

[9] Waterhouse Testimony. Transcript, Civil Rights and Environmental Justice in Illinois. Meeting of the IL Advisory Committee to the U.S. Commission on Civil Rights. March 09, 2016. p. 15 lines 01-04 & p. 17 line 11-p.18 line 05 (*See Appendix A,* Hereafter cited as *Transcript*)
Hood-Washington Testimony, *Transcript,* p. 38 lines 18-22 & p. 77 lines 10 -23; Urbaszewski Testimony, *Transcript,* p. 47 lines 19-23 & p. 48 lines 01-10; Ortiz Testimony. *Transcript,* p. 154 lines 02 – 13 & p. 156 line 11 through p. 157 line 06; Figueroa Testimony. *Transcript,* p. 199 lines 07-17; Davis Testimony. *Transcript*, p. 126 line 03 through p. 127 line 18.

These increased risks can extend to a radius of several (possibly hundreds of) miles surrounding a polluting site.[11]

b. Certain ancestral traits among African Americans and Latinos, which could be affected by environmental exposures, may contribute to an even greater risk of chronic asthma and other health conditions.[12]

c. The intersection between race and poverty compounds the health impact of environmental pollution in communities of color. When chronic disease does occur, low-income communities demonstrate worse health outcomes than affluent communities.[13]

d. Both historical and current housing segregation amplifies the burden of toxic industrial waste on communities of color.[14] Insufficient public education often leaves residents unaware of the presence of dangerous toxins that are not immediately observable,[15] while cultural, familial, and economic ties keep residents in the community despite these hazards.[16]

e. Contamination from industrial waste disrupts cultural, recreational, economic, and subsistence activity such as farming, hunting, and fishing.[17]

2. Environmental protection laws already exist requiring that clean air, water, and land be available to everyone regardless of wealth or social group.[18] However, without proper enforcement, these laws fail the communities who depend on them.[19] Civil rights

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[10] Hood-Washington Testimony. *Transcript,* p. 36 lines 16-21 & p. 37 lines 14 -24; Urbaszewski Testimony. *Transcript*, p. 46 lines 15-19 & p. 73 line 15 through p. 75 line 16; Wasserman Testimony, p. 119 lines 14-20; Nannicelli Testimony. *Transcript,* p. 189 lines 16-22; Figueroa Testimony. *Transcript,* p. 198 line 12 through p. 200 line 11

[11] Hood-Washington Testimony. *Transcript,* p. 36 line 22 through p. 37 line 04; Urbaszewski Testimony. *Transcript*, p. 53 line 18-p. 55 line 02; Klipp Testimony. *Transcript* p. 170 lines 10-20

[12] Urbaszewski Testimony. *Transcript,* p. 48 line 11 through p. 53 line 03

[13] Urbaszewski Testimony. *Transcript,* p. 55 lines 03 – 18 & p.69 line 21 through p.71 line 22; Davis Testimony. *Transcript,* p. 103 lines 08-10

[14] Hood-Washington Testimony. *Transcript,* p. 34 line 14 through p. 35 line 03 & p. 78 line 01 through p. 79 line 13; Waterhouse Testimony. *Transcript,* p. 15 line 05 through p. 16 line 09; Davis Testimony. *Transcript* p. 109 line 16 through p. 110 line 13 & p. 128 line 04 through p. 132 line 02; Davis Testimony. *Transcript,* p. 118 line 04 through p. 119 line 02

[15] Hood-Washington Testimony. *Transcript,* p. 38 lines 01-08; Wasserman Testimony. *Transcript,* p.86 line 16 through p. 87 line 13; Nannicelli Testimony. *Transcript,* p. 191 lines 10-12; Villalobos Testimony. *Transcript,* p. 272 line 08 through p. 273 line 20

[16] Wasserman Testimony, *Transcript,* p. 93 line 15 through p. 94 line 14; Nannicelli Testimony. *Transcript,* p. 186 lines 07 -24

[17] Waterhouse Testimony. *Transcript*, p. 17 line 11-p.18 line 05; Ortiz Testimony. *Transcript,* p. 154 lines 14 – 23 & p. 157 lines 07-12; Nannicelli Testimony. *Transcript,* p. 181 lines 16-20 & p. 190 line 16 through p. 191 line 09

[18] Harley Testimony. *Transcript*, p. 63 line 20 through p. 64 line 03

[19] Harley Testimony. *Transcript,* p. 65 lines 18-23; Ortiz Testimony. *Transcript* p. 159 lines 07-16 & p. 161 lines 10-22 & p. 209 line 02 through p. 212 line 13; Nannicelli Testimony. *Transcript,* p. 182 lines 10-22

enforcement is necessary because despite existing laws, environmental standards are not being upheld for everyone.[20] Cooperation between federal, state, city, and local officials is necessary to address current environmental justice challenges.[21]

a. While community involvement is critical,[22] individual and community-based advocacy is likely insufficient to adequately address the health impact of industrial contamination, particularly in low-income communities of color. Citizen groups and individual citizens often lack the time, awareness, and technical expertise necessary to effectively advocate for environmental reforms.[23] Chicago residents organized for more than a decade before the closure of the local coal-fired power facilities in their neighborhood.[24]

b. Community Advisory Groups (CAGs) established by the EPA to make local recommendations regarding the cleanup of contaminated "superfund" industrial sites often include industry representatives and may be disproportionately influenced by industry funding.[25]

c. The Illinois Environmental Protection Agency (IEPA) has allowed some industrial facilities in the state to operate without permits for years. Without a permit, community members and advocates have limited legal recourse to oppose operations.[26] Operating without a permit may also circumvent protections within the IEPA, which require additional review of permits issued in "environmental justice" communities.[27]

d. The EPA's environmental justice goals specifically state that the agency is striving to ensure "equal access to the decision making process" and "meaningful involvement of all people … with respect to the development, implementation, and enforcement of environmental laws, regulations and policies."[28] However, financial contributions from industry such as power companies to public officials may impede enforcement efforts. This is particularly true for low income

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[20] Harley Testimony, *Transcript,* p. 64 line 24 through p. 65 line 05 & p. 66 lines 03-16

[21] Sylvester Testimony. *Transcript,* p. 244 line 21 through p. 245 line 03

[22] Wheat Testimony. *Transcript,* p. 263 line 21 through p. 264 line 06 & p. 341 line 08 through p. 342 line 07

[23] Ortiz Testimony. *Transcript,* p. 162 line 05 through p. 163 line 17 & p. 217 line 23 through p. 218 line 03; Nannicelli Testimony. *Transcript,* p. 188 lines 02-07 & p. 194 lines 04 through 12; Villalobos Testimony. *Transcript* p. 274 lines 11-23

[24] Wheat Testimony. *Transcript,* p. 268 lines 12-16

[25] Klipp Testimony. *Transcript* p. 167 line 14 through p. 170 line 01 & p. 213 line 02 through p. 214 line 01 & p. 170 line 21 through p. 171 line 11; Villalobos Testimony. *Transcript* p.275 lines 02-17

[26] Klipp Testimony, *Transcript,* p. 173 line 11 though p. 174 line 03 & p. 176 lines 02-17; *See also* Ortiz Testimony. *Transcript,* p. 159 lines 07-16; Nannicelli Testimony. *Transcript* p. 195 line 12 through p. 196 line 21; Villalobos Testimony. *Transcript,* p.280 line 24 through p. 281 line 07

[27] Page Testimony. *Transcript,* p. 301 line 16 though p. 302 line 10

[28] U.S. EPA, Environmental Justice, *available at* https://www.epa.gov/environmentaljustice (last accessed April 25, 2016)

communities of color who may not have the economic resources to compete for sufficient influence over their elected officials.[29]

e. A lack of coordination between regulators charged with ensuring land, air, and water purity may impede enforcement efforts, and may create a failure of regulators to consider the cumulative impact of multiple sources of contamination on a single community.[30]

f. Some environmental enforcement cases filed by the State of Illinois Attorney General's office that affect communities with environmental justice challenges have remained pending without complete resolution for years, based on vigorous defense and appellate court review process.[31] Environmental litigation can be complex, especially in the area of land pollution if the contamination occurred prior to the passage of the Illinois "Environmental Protection Act"[32] While some facilities have closed or switched to cleaner energy forms during the time litigation is pending,[33] any settlement negotiations should include court enforceable requirements.[34]

3. Under Title VI, the EPA, Office of Civil Rights, has the authority to withdraw funding from any programs or contracting agencies that have the *effect* of discrimination, regardless of discriminatory intent.[35] The highly discretionary nature of environmental protection makes it critical that the EPA enforce environmental civil rights protections.[36]

   a. Despite this authority, the agency does not have sufficient resources to effectively investigate all Title VI complaints, or to conduct routine reviews of funds recipients.[37] A number of challenges, such as a lack of political support, and a lack of sufficient alternatives for program implementation, have prevented the

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[29] Wasserman Testimony, *Transcript*, p. 91 line 23 through p. 92 line 22 & p. 93 lines 03-05 & p. 94 line 15 through p. 95 line 24; Klipp Testimony. *Transcript* p. 174 line 15 through p. 175 line 05 & p. 214 lines 11-24; Figueroa Testimony. *Transcript,* p. 200 line 22 through p. 202 line 01; Villalobos Testimony. *Transcript,* p. 278 lines 02 -23

[30] Nannicelli Testimony. *Transcript* p. 191 line 16 through p. 192 line 14; Klipp Testimony, *Transcript,* p. 174 lines 04-14

[31] Sylvester Testimony. *Transcript*, p. 238 line 07 through p. 239 line 03 & p. 243 line 11 through p. 244 line 20

[32] Sylvester Testimony. *Transcript,* p. 251 lines 02-08; 415 Ill. Comp. Stat. 5.

[33] Sylvester Testimony. *Transcript,* p. p. 239 lines 04-17

[34] Sylvester Testimony. *Transcript,* p. 252 line 05 through p. 253 line 01; Davis Testimony. *Transcript,* p. 149 lines 04 through 16

[35] Waterhouse Testimony. *Transcript,* p.22 line 16 through p. 23 line 20; *see also* p.18 line 06-p.19 line 03; Nannicelli Testimony. *Transcript,* p. 187 lines 01-01; Walts Testimony. *Transcript,* p. 312 line 02 through p. 313 line 12

[36] Harley Testimony. *Transcript*, p. 66 lines 06-16

[37] Waterhouse Testimony. *Transcript*, p.24 line 03 through p.25 line 02; Walts Testimony. *Transcript,* p. 329 lines 04-10

EPA from utilizing its full authority to enforce nondiscrimination under Title VI.[38]

b. In its enforcement of Title VI, the EPA has narrowly defined disparate impact as relating to environmental risk from pollution. It has not included odors, noise, smoke, traffic, or other hazards that may disrupt children's development and contribute to health conditions such as asthma.[39]

c. Enforcement under Title VI is limited to changing future practices. If, for example, the Illinois Environmental Protection Agency (IEPA) has issued operating permits to industrial facilities disproportionately impacting communities of color, the EPA cannot revoke those permits under Title VI. It may however, work with the IEPA to change future permitting practices.[40]

d. Despite testimony from both EPA and IEPA officials that the State of Illinois environmental justice program is one of the strongest in the country,[41] certain panelists voiced concerns about the EPA Office of Civil Rights in its efforts to enforce Title VI. They cited long delays in case processing, and attempts to mediate cases rather than investigate and enforce standards.[42] In part in response to these criticisms, the State of Illinois reported several recent efforts to strengthen community engagement and provide increased transparency in its environmental justice programs.[43]

4. Small particulate matter in the air, regardless of the makeup of the particulate, poses a significant threat to human health.[44]

   a. Children under the age of 18 and adults over the age of 64 are most at risk for respiratory illness such as asthma and Chronic Obstructive Pulmonary Disease (COPD).[45]

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[38] Waterhouse Testimony. *Transcript,* p 19 line 04 through p. 20 line 03 & p. 25 line 10 through p. 26 line 19; Wasserman Testimony. *Transcript* p. 143 line 02 through p. 144 line 03; Walts Testimony. *Transcript,* p. 312 line 17 through p. 313 line 23

[39] Waterhouse Testimony. *Transcript*, p. 20 line 04 through p.21 line 10 & p. 27 line 12 through p. 28 line 08

[40] Harley Testimony, *Transcript,* p 80 line 03 through p. 81 line 14

[41] Walts Testimony, *Transcript,* p. 315 lines 13-19; Page Testimony. *Transcript,* p. 297 line 17 through p. 298 line 12

[42] Harley Testimony. *Transcript,* p. 65 line 11 through p. 66 line 02; Wasserman Testimony. *Transcript*, p.98 line 16 through p. 99 line 02 & p.140 line 02 through p. 143 line 01; *See* http://www.epa.illinois.gov/topics/environmental-justice/grievances/index for current Illinois resolutions and settlements. (last accessed May 05, 2015)

[43] Page Testimony, *Transcript,* p. 299 line 14 through p. 301 line 11 & p. 302 line 11 through p. 306 line 12 & p. 307 line 23 through p. 309 line 02

[44] Urbaszewski Testimony. *Transcript*, p. 73 line 15 through p. 75 line 16

[45] Mudd Testimony. *Transcript*, p. 41 lines 08-20 & p. 67 lines 11-16

b. Diesel emissions are a significant source of such pollution, especially for those living near highways, rail yards, and construction sites.[46]

c. Higher concentrations of fine particulate matter exist in Chicago and East St. Louis; both areas may fail to meet one or more federal air quality standards.[47]

d. Coal fired power plants are among the single largest sources of air pollution in America today.[48] Many older plants continue to operate without the pollution controls required of new facilities; though even with required pollution controls, coal-fired energy produces more air pollution than alternative energy sources.[49]

5. Insufficient data exists to accurately assess air quality in high risk areas; the limited data that is currently available is not disaggregated by race, color, national origin, or other federally protected category.[50]

   a. Current air quality monitoring data is aggregated by region, which is insufficient to measure the exposure faced by individuals living near areas with higher than average emissions.[51] Air pollution reduction goals must be disaggregated at the local level.[52]

   b. While Illinois is currently meeting minimum standards for air quality monitoring under the federal Clean Air Act,[53] there are fewer monitors in Chicago than there are in other major urban areas throughout the country, and there is currently only one monitor in all of Lake County, IL.[54] The placement of available air quality monitors may disproportionately neglect low income communities of color at the highest risk for contamination.[55]

   c. Due to mishandling of air quality data between 2011 and 2013, insufficient continuous data exists for the EPA to make a determination about Waukegan's air

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[46] Mudd Testimony. *Transcript*, p. 42 lines 03-10; Urbaszewski Testimony. *Transcript,* p. 73 line 15 through p. 75 line 16

[47] Urbaszewski Testimony. *Transcript*, p. 47 lines 13-18

[48] Urbaszewski Testimony. *Transcript,* p.53 lines 04-06; Nannicelli Testimony. *Transcript,* p. 187 lines 18-22 & p. 188 line 21 through p. 189 line 01

[49] Urbaszewski Testimony. *Transcript*, p. 53 lines 07-17

[50] Mudd Testimony. *Transcript*, p. 42 lines 03-21

[51] Mudd Testimony. *Transcript,* p. 41 line 21 through p. 42 line 02 & p. 42 lines 11-13; Urbaszewski Testimony. *Transcript,* p. 73 line 15 through p. 75 line 16

[52] Sylvester Testimony. *Transcript,* p. 239 line 20 through p. 240 line 04

[53] 42 U.S.C. §7401, et seq.

[54] Mudd Testimony. *Transcript,* p. 72 lines 10-17; Nannicelli Testimony. *Transcript,* p. 190 lines 07-15

[55] Klipp Testimony. *Transcript,* p. 171 line 20 through p. 172 line 14; Villalobos Testimony. *Transcript,* p. 281 lines 08-12. *See* Appendix E for mapping of current air quality monitors and their placement in the Chicagoland area by vulnerable population. Submitted by Panelist Susan Mudd.

quality in relation to the federal Clean Air Act.[56] Without a classification, the EPA cannot compel the state to implement pollution control measures or advise the public of air quality problems. This data will be unavailable until 2018.[57]

d. High concentrations of fine particulate matter exist within one thousand feet of roadways. However, air quality measurements collected by the EPA are designed to monitor general background levels of particulate matter. Therefore, these measurements do not capture the exposure faced by people living, working, and going to school very near major roadways.[58] Some studies in Washington and New York have attempted to measure this impact, though the data has not been sustained over time due to a lack of funding.[59]

e. The EPA is currently looking at new technologies to collect additional air quality data.[60] Some low-cost monitoring technology may be available in the future, though its development is currently in the early stages of evaluation.[61]

6. Communities impacted by industrial contamination may not benefit economically from the offending industry, especially when considering the health and environmental costs.[62] This is particularly important because the purported economic benefits of industrial development are often used to justify disparate environmental and health impacts on low-income communities of color.

   a. Residents in Chicago and Waukegan living near coal-fired power facilities testified that a majority of jobs, especially career-oriented, high wage positions are held by individuals who commute rather than those living in the community near the facility.[63] Furthermore, advocates have estimated that economic losses from emergency room visits, parent days off work to tend to children with asthma, and lost revenues for local businesses far outweigh any local tax benefits to the community.[64]

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[56] 42 U.S.C. §7401**,** et seq.
[57] Klipp Testimony. *Transcript,* p. 172 line 15 through p. 173 line 10; Mudd Testimony. *Transcript*, p. 72 line 18 through p. 73 line 12
[58] Urbaszewski Testimony. *Transcript,* p. 74 line 22 through p. 75 line 16.
[59] Urbaszewski Testimony. *Transcript,* p. 75 line 17 through p. 76 line 01
[60] Mudd Testimony. *Transcript*, p. 42 line 22 through p. 43 line 05
[61] Urbaszewski Testimony. *Transcript,* p.76 lines 02 through 07
[62] Waterhouse Testimony. *Transcript*, p.28 line 17 through p.30 line 22; Wasserman Testimony. *Transcript*, p. 88 lines 13-18 & p. 117 lines 12-16; Ortiz Testimony. *Transcript,* p. 156 lines 09-10 & p. 216 line 08 through p. 218 line 03 & p. 164 lines 15-20; Klipp Testimony. *Transcript* p. 170 lines 05-09
[63] Wasserman Testimony. *Transcript,* p. 88 lines 19-22 & p. 89 lines 18 – 19 & p. 90 lines 05-12; Nannicelli Testimony. *Transcript,* p. 187 lines 03-09; Davis Testimony. *Transcript,* p. 134 line 16 through p.138 line 18
[64] Wasserman Testimony. *Transcript*, p.91 lines 06 – 22; Nannicelli Testimony. *Transcript,* p. 189 line 23 through p. 190 line 06

b. Electricity generated by the coal-fired power facilities in Chicago and Waukegan is primarily sold out of state, rather than serving the impacted community.[65]

c. Industrial facilities in Illinois are often not required to decontaminate their sites after operations cease.[66] This leaves community members and local tax payers with the economic burden of cleanup costs, deterring future investment and delaying economic development opportunity.[67] This burden may be particularly devastating for economically disadvantaged communities in need of renewal.[68] It was reported that the City of Waukegan has spent over $8 million over the past five fiscal years for land remediation from industrial contamination.[69]

d. Some studies suggest remediation of a contaminated site takes an average of 9 years before the land is again safe for human use, though testimony from Waukegan suggested remediation efforts have taken 20-30 years, and is still in progress.[70]

e. Declining home values due to environmental contamination disproportionately impacts communities of color. African American families tend to build their wealth based on property ownership at a higher rate than white families.[71]

7. "Clean energy" alternatives such as solar can be economically viable and help to meet consumer demand.[72] Solar energy may help low income individuals control their own energy costs and provide economic stimulus to struggling communities.[73] Additionally, solar energy production may be a viable use for "brownfields" that are unsafe for other uses due to previous industry contamination.[74]

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[65] Wasserman Testimony. *Transcript*, p. 89 line 19 through p. 90 line 04; Nannicelli Testimony. *Transcript,* p. 187 lines 12-17

[66] Nannicelli Testimony. *Transcript,* p. 193 lines 08-11; Sylvester Testimony. *Transcript,* p. 254 line 02 through p. 255 line 12; Wheat Testimony. *Transcript,* p. 322 lines 07 – 23; Villalobos Testimony, *Transcript,* p. 336 lines 01-15; *Note: though a majority of panelists cited cases in which remediation had not been required, Ken Page of the IEPA stated that in some cases remediation may be required. See:* Page Testimony. *Transcript,* p. 334 line 03 through p. 335 line 13

[67] Wasserman Testimony. *Transcript,* p. 120 line 20 through p. 122 line 19; Ortiz Testimony. *Transcript*, p. 153 line 10 through p. 154 line 01 & p. 158 line 01 through p. 159 line 06; Villalobos Testimony. *Transcript,* p. 277 line 18 through p. 278 line 01 & p. 279 line 20 through p. 280 line 02 & p. 282 line 21 through p. 283 line 12

[68] Ortiz Testimony. *Transcript,* p. 159 lines 02-06 & p. 218 lines 04-22; Nannicelli Testimony. *Transcript,* p. 183 lines 15-18 & p. 185 lines 14 -24; Villalobos Testimony. *Transcript,* p. 283 lines 13 through p. 285 line 21

[69] Villalobos written testimony. Appendix C, p. 44

[70] Wheat Testimony. *Transcript,* p. 324 lines 02-13; Villalobos Testimony. *Transcript*, p. 336 line 16 through p. 337 line 05

[71] Davis Testimony. *Transcript,* p. 105 line 20 through p. 106 line 15

[72] Albrecht Testimony. *Transcript,* p. 221 line 22 through p. 223 line 15 & p. 225 line 23 through p. 226 line 13

[73] Albrecht Testimony. *Transcript*, p. 226 line 14 through p. 228 line 02 & p. 228 line 09 through p. 229 line 02 & p. 231 line 23 through p. 232 line 23

[74] Albrecht Testimony. *Transcript,* p. 225 lines 06-22 & p. 231 line 23 through p. 232 line 23

a. Solar energy can help provide communities with local jobs, by re-training homebuilders, electricians, and other skilled trades' workers to bring affordable solar energy to residents.[75]

b. Grant and rebate programs available to homeowners who wish to participate in solar energy initiatives can result in large scale local economic investment, and help homeowners control the long term costs of their power—though they are not always available in underserved communities.[76]

Recommendations

Among their duties, advisory committees of the Commission are authorized to advise the Agency (1) concerning matters related to discrimination or a denial of equal protection of the laws under the Constitution and the effect of the laws and policies of the Federal Government with respect to equal protection of the laws; and (2) upon matters of mutual concern in the preparation of reports of the Commission to the President and the Congress.[77] In keeping with these responsibilities, and in consideration of the testimony heard on this topic, the Illinois Advisory Committee submits the following recommendations to the Commission. The Committee recommends that the U.S. Commission on Civil Rights consider these findings and recommendations in their 2016 Statutory Enforcement Report to Congress and the President.

The Committee notes that at the time of this memorandum's approval, some public comment may be pending. The Committee reserves the right to issue additional and/or amended recommendations based on such comment, at the conclusion of the 30-day open comment period following the date of approval, May 06, 2016.

1. As part of their 2016 statutory enforcement report on environmental justice, the U.S. Commission on Civil Rights should:

    a. In addition to considering environmental justice as related to coal ash disposal, consider other sources of land and water contamination such as petroleum coke, polychlorinated biphenyls, lead contamination, and other heavy metals; as well as air quality concerns such as high exposure to diesel emissions and other sources of fine particulate matter. In particular, the Commission should consider the *cumulative* effect of these contaminants on environmental justice communities, and the extent to which a failure on the part of regulators to study such a cumulative effect may result in inadequate environmental justice protection.

    b. Conduct a complete legal review of related federal law, including but not limited to the Toxic Substance Control Act;[78] the Safe Drinking Water Act;[79] the Clean

[75] Albrecht Testimony. *Transcript,* p. 226 line 23 through p. 228 line 03
[76] Albrecht Testimony. *Transcript*, p. 228 line 04 through p. 229 line 02
[77] 45 C.F.R. § 703.2.
[78] 15 U.S.C. §2601 et seq.

Water Act;[80] the Clean Air Act;[81] the Federal Insecticide, Fungicide, Rodenticide Act;[82] and the Resource Conservation Recovery Act.[83] Such a review should include an analysis of civil rights protections provided under each law, in order to identify any gaps in civil rights protections. The review should also identify any gaps in protections from particular pollutants that are not currently controlled, and make recommendations to Congress for addressing related areas of civil rights concern.

c. Make a direct inquiry to the EPA regarding the designation of industrially contaminated sites as "superfund" sites. The Commission should inquire as to how sites receive a "superfund" designation, and whether or not consideration for disparate impact on federally protected categories is given.

d. Issue a recommendation that the U.S. Congress conduct a study of environmental justice enforcement requirements under Title VI of the Civil Rights Act.[84] Based on this study, the Congress should allocate the financial resources necessary for the EPA, Office of Civil Rights to conduct routine, proactive reviews of their funds recipients in addition to responding to Title VI complaints.

2. The U.S. Commission on Civil Rights should issue the following formal recommendations to the EPA:

   a. The agency should prohibit direct industry contributions to their Community Advisory Groups, established to make local recommendations on the cleanup of contaminated "superfund" sites. In lieu of direct financial contributions to community development and cleanup efforts, the EPA should establish a general fund to be distributed equitably to all superfund communities in the region.

   b. The agency should limit the number of industry representatives and their affiliates permitted to participate in Community Advisory Groups, such that industry participation does not exceed that of the community. Community Advisory Group members designated as "community" representatives should be prohibited from employment or other financial conflicts of interests with the relevant industry (self or spouse).

   c. The agency should prohibit its state partners, and any recipients of EPA funds, from allowing industrial facilities in their jurisdiction to operate without the

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[79] 42 U.S.C. §300f et seq.
[80] 33 U.S.C. §1251 et seq.
[81] 42 U.S.C. §7401 et seq.
[82] 7 U.S.C. §136 et seq.
[83] 42 U.S.C. §6901 et seq.
[84] 42 U.S.C. § 2000(d).

appropriate permits. As a condition of permitting, industrial facilities should be required to set aside funding reserved for environmental remediation upon retirement, regardless of the reason for closure. Such requirements should be made uniform at the national level, to prevent disparate economic incentives in interstate commerce. The agency should conduct a study to determine appropriate remediation fund reserve guidelines.

d. The agency should increase coordination between its bureaus of land, air, and water, and require all regulators under its environmental justice purview to consider the cumulative impact of multiple sources of contamination on a single community when issuing operating permits.

e. The agency's Office of Civil Rights should conduct a study of the placement of air quality monitoring equipment by its Air Data division. The office should ensure that available air quality monitors capture readings near areas with higher than average emissions, and that communities with high environmental justice demographic indicators[85] are adequately represented. Furthermore, air quality data should be disaggregated at the neighborhood level, so that concerns of disparate impact may be appropriately assessed.

This advisory memorandum is the work of the Illinois Advisory Committee to the U.S. Commission on Civil Rights. The memorandum, which may rely on studies and data generated by third parties, is not subject to an independent review by Commission staff. State Advisory Committee reports to the Commission are wholly independent and reviewed by Commission staff only for legal and procedural compliance with Commission policies and procedures. State Advisory Committee reports are not subject to Commission approval, fact-checking, or policy changes. The views expressed in this memorandum and the findings and recommendations contained herein are those of a majority of the State Advisory Committee members and do not necessarily represent the views of the Commission or its individual members, nor do they represent the policies of the U.S. Government.

[85] U.S. EPA, EJSCREEN: Environmental Justice Screening and Mapping Tool: Overview of Demographic Indicators, *available at* https://www.epa.gov/ejscreen/overview-demographic-indicators-ejscreen (last accessed May 06, 2015)

Appendix

A. March 09, 2016 Illinois Advisory Committee, Environmental Justice Hearing Transcript

B. Hearing Agenda & Minutes

C. Written Testimony

D. Panelist Biographies

E. Map of Chicagoland Air Quality Monitors by Vulnerable Population

F. Additional Resources

U.S. COMMISSION ON CIVIL RIGHTS

CIVIL RIGHTS AND ENVIRONMENTAL JUSTICE IN ILLINOIS

March 9 2016

10:30 AM

CHAIRMAN LINARES: Good morning. The meeting of the Illinois Advisory Committee to the U.S. Commission on Civil Rights shall come to order.

On behalf of the committee, I would like to extend a welcome to all our panel members, the members of our audience, and all those who are present today.

For the benefit of those in the audience, I shall introduce my colleagues and then myself.

The members of the Illinois Advisory Committee who are present today are as follows: Cindy Buys, Kendric Cobb, Richard Garcia, Salina Greene, Bryant JACKSON GREEN, Reyahd Kazmi, Sweta Shah and Anne Wortham.

Also present from the midwestern regional office are David Mussatt, Chief of the Regional Programs Unit, Melissa Wojnaroski, Civil Rights Analyst, Carolyn Allen, Administrative Assistant, and Chloe Gremaud and Christina Rosales, who are interns with the office.

My name is Juan Carlos Linares, and I am the chairman of the Illinois Advisory Committee. In addition to my day job, with an

affordable housing developer and fair housing agency here in Chicago, I also had the opportunity to participate in a forum of the U.N. Climate Summit as a delegate last December in Paris. So these issues of potential disparate impacts from an environmental and civil rights perspective are very important to me personally and professionally, as they are to many of you. That said, we are pleased that the chairman of the U.S. Commission on Civil Rights, Marty Castro, is here today and will be addressing you shortly as well.

In addition, the Staff Director of the Commission, Mauro Morales, came from Washington, D.C., to be in attendance with us here today.

So thank you both for coming.

The U.S. Commission on Civil Rights is an independent bipartisan agency of the federal government charged with studying discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, disability, or national origin, or in the administration of justice.

In each of the 50 states and the District of Columbia, the Advisory Committee to the Commission has been established, and they are made up of responsible persons who serve without compensation to advise the Commission on relevant information concerning the respective state.

Today our purpose is to hear testimony regarding the environmental justice issues here in Illinois in support of the Commission's statutory enforcement report on that topic. If the speakers begin to veer away from these civil rights questions and begin discussing possibly important but unrelated topics, as chairman, I will interrupt and ask the speaker to refrain from doing so.

We are fortunate and thankful to have such a balanced and diverse set of panelists with us today.

At the outset I do want to remind everyone present of the rules. So there are rules. This is a public meeting, open to the media and the general public.

We have a very full schedule of people who

will be making presentations with the limited time available. The time allotted for each presentation must be strictly adhered to. This will include a presentation by each participant of approximately 12 to 15 minutes each. After all the panelists have completed their statements, the committee members will engage them in question and answer.

To accommodate persons who are not on the agenda but wish to make statements, we have scheduled an open forum today at 6:20 p.m.

Anyone wishing to make a statement during the period should contact Melissa Wojnaroski or other Commission staff -- by the way, can you raise your hands for the Commission staff who are here? -- to have your name placed on the list.

In addition written statements may be submitted to Committee members or staff present here today. Or they may be sent by U.S. mail to the Commission on Civil Rights at 55 West Monroe Street, Suite 410, Chicago, Illinois 60603 or by e-mail to Melissa Wojnaroski. Her card will be available at the sign-in desk

outside the auditorium.

I do want to apologize because I see we are also joined by Evelyn Rodriguez.

Though some of the statements made today may be controversial, we want to ensure that all invited guests do not defame or degrade any person or organization.

As the chair, I reserve the privilege to cut short any statements that defame, degrade, or do not pertain to the issue at hand.

In order to ensure that all aspects of the issues are represented, knowledgeable persons with a wide variety of experience and viewpoints have been invited to share information with us. Any person or organization that feels defamed or degraded by statements made in the proceedings should contact our staff during the meeting so that we can provide a chance for a public response.

Alternatively, such persons or organizations can file written statements for inclusion in these proceedings.

I urge all persons making presentations to be judicious in their statements.

The Advisory Committee appreciates the willingness of all participants to share their views and experience with this Committee.

Finally, the rules for the question and answer portion of the panel discussions are as follows: The Committee may ask questions of the entire panel or individual members of the panel after all panelists have had the opportunity to provide their -- their prepared statements.

Advisory Committee members must be recognized by the chair before asking any questions of the participants.

In addition, because of the large number of members and short amount of time, each Committee member will be limited to one question plus a follow-up.

When five minutes are left in the session, the Chair will announce that the last question may be asked.

At this time I would like to turn the meeting over to the chairman of the U.S. Commission, Mr. Marty Castro.

CHAIRMAN CASTRO: Thank you, Mr. Chairman.

I want to thank you for your leadership and service here in Illinois.

As a former chairman of this committee, I know the important work that you do. I worked in this committee for many years before President Obama elevated me to chairman of the Commission.

I want to thank each and every one of you for accepting our appointment and serving. The work that the Illinois Advisory Committee does, not only on this issue but on the immigration issue and a number of other issues that you addressed over the last few years, has helped in forming the work that we are doing at the U.S. Commission on Civil Rights.

That's why I'm really glad today you are focusing on environmental justice. It's an issue that we are addressing as well at the civil rights commission. Our particular focus on the national level is on coal ash, and I know you are looking at a number of other issues.

The work that you do today, and the information that you gather as part of your

report, I assure you will be part of the work that we are going to do and the report that we are going to present to the President and Congress on this issue.

As was mentioned earlier, we have several of our national staff here, including Darren Fernandez from Office of Civil Rights Evaluation whose job will be to incorporate the data that we are gathered here today, that you are gathering here today, into the national report.

This is an important topic, not just here in Illinois, but across the country.

It's also an important topic to many of us individually.

As a nation, I can't help but think of the Declaration of Independence. It says, "We hold these truths to be self-evident, that all men are created equal, that they are endowed by the creator with certain inalienable rights. Among those are life, liberty, and the pursuit of happiness."

But when you look at this issue, while we all are created equally, we are not all treated

equally.

We may find communities are more likely to live next to a toxic dump or have hazardous waste if they're communities of color or their wallets are thin. They cannot enjoy life when their children are drinking water that is poisonous to them. They cannot pursue happiness if, in fact, the very environment that is supposed to nurture them is a threat to them. They cannot have a life if they cannot leave their homes, as we heard from some individuals who testified in Washington, because of the coal ash and the particulates that circulate through their communities that they have to keep their doors shut and their windows bolted. They're prisoners in their own home. That is not the promise of this country. That is not the promise of our Declaration. And for many of us we come from communities that have been affected by this.

I'm from the southeast side of Chicago. We will hear today testimony from individuals from South Chicago, and if you look at those communities that have steel mills and garbage

dumps and all sorts of chemical plants, when you walk out into the community, you smell rotten eggs, and you wonder is this how we are supposed to have our children grow up, and you see cancer clusters, and you wonder why is this happening.

So the work that you are doing here today is going to help us get to the bottom of that to protect so many communities that, unfortunately, remain defenseless in this day and age.

The environmental is something that is dear to us, and it should be something that protects and grows, that it's not something that we fear and that harms us.

So we'll be here all day, and I look forward to the work that you are going to present to us when you are done with your work. Thank you.

(Applause.)

CHAIRMAN LINARES: Thank you again, Commissioner, and we'll get started with the panel in a moment.

So I'll introduce, if I can -- our first

panel will be broken up a little bit differently from the rest.

Our first panel is focused on academic or data around this issue of environmental justice, and because we have a speaker who is not present here today but will be joining us online, we are going to allocate some time for him, 12 to 15 minutes, and then we'll allocate about 5 minutes of a question-and-answer period for him specifically. Then we'll move on with the rest of the panel.

So I would like to introduce then Carlton Waterhouse, who is a professor of law and Dean's Fellow at Indiana University, Robert H. McKinley School of Law, via conference call.

So Professor Waterhouse, do you want to begin for us please?

PROFESSOR WATERHOUSE: Yes. Thank you very much. My name is Carlton Waterhouse, as has been stated, and I've been working on the issue of environmental justice since the very early 1990s.

It was one of the things that encouraged me, when I went to law school, to examine the

1 question of civil rights.
2 So my initial examination of environmental
3 justice was always as a civil rights issue that
4 represented the intersection of civil rights
5 along with environmental law.
6 And so I began my opportunities working in
7 this area with the Lawyers Committee for Civil
8 Rights in Washington, D.C., and then also went
9 on from there to work with the Environmental
10 Protection Agency. I oversaw one of the
11 earliest environmental justice investigations
12 by the EPA under Title VI of the Civil Rights
13 Act of 1964 right in the nearby state where you
14 all are of Michigan in Genesee County and
15 Flint, Michigan.
16 So I've been working on these issues for
17 quite a long time, and I have to say that this
18 is a very long-standing problem in our broader
19 society that covers all the different aspects
20 of environmental law. And so I'll just take a
21 moment to discuss how and why environmental
22 justice is an important civil rights issue that
23 really needs to be given attention.
24 So with regards to environmental justice,

it represents the way in which people, based on their racial identity or their income, at least with regards to the way the issue has been defined, find themselves disproportionately exposed to pollution.

It also reflects the way people based on their race -- and I'm going to narrow my focus and talk about race from here on in because of the mission of the -- of the Commission and the committee I'm speaking before, and it also represents the way that people are disproportionately burdened by pollution sources, excluded from participation in decision-making, and also find themselves without the benefits that are normally associated with this -- these environmental disamenities that are part of our society.

Now, in talking about the question of environmental justice, there's been a great deal of study that has examined this question in terms of the veracity of the claims that have been made that there really are disproportionate burdens that are racially identifiable. But the bulk and the weight of

research has shown that race is the greatest predictor of exposure, and that goes particularly for African-Americans as well as Latinos.

Now, one of the issues that's often raised around these questions of race, when people are found to be disproportionately exposed, is, well, they come to the nuisance, for lack of a better word, the way we talk about it in law school.

In other words, people say we can't help that people move into communities where there are pollution sources. And, of course, that does happen; however, research indicates that we still have disproportionate burdens even when persons have been stable in communities for long-standing periods of time.

For example, in Louisiana along cancer alley we have one of the oldest African-American communities in the country that was founded during Reconstruction.

That also happens to be one of the largest pollution sectors in the country and has large numbers of petrol facilities and large

incidence of cancer. So breaking down the analysis more specifically, I need to note that the disproportionality can be found in everything from exposure to air pollutants and air toxics to issues with regards to exposure to lead that comes both from lead exposure in soils, lead exposure in paint, lead-based paint, as well as lead exposure based on lead coming out of the air.

There's also been found disproportionate exposure to -- or at least proximity to hazardous waste. That's hazardous waste in the form of hazardous waste landfills that are permitted and authorized and operating landfills that dates back to a General Accounting Office study going back to the early 19s and then also with regards to what are called toxic waste sites.

And these would be unpermitted sites where the government has identified that there are toxic wastes present, and that can lead to everything from small amounts of toxic waste, all the way up to Superfund sites.

With regard to that, you can refer to

what's called Toxic Waste and Race at 20, which was coauthored by Dr. Robert Bullard, one of the foremost academic experts on the subject of environmental justice.

And so we can see in everything from exposure to waste and toxic sites, exposure to different kinds of air pollutants and then also in terms of exposure to lead, that there are disproportionality and exposure issues relative to people based on their racial identity.

Additionally, what has been found is that there is disproportionality related to persons who are part of Native populations. So Native American tribes in the United States also find themselves disproportionately burdened by pollution, particularly around nuclear radiation and nuclear waste, as well as the destruction of habitats that they use for traditional fishing, traditional farming, and other kinds of traditional living.

Along with Native Americans, there's a higher rate of subsistence fishing that goes on in African-American and Latino communities. And so when our waterways are impaired as a

1 result of pollution, these communities often
2 bear, again, disproportionate exposure to
3 pollution as a result of the contamination of
4 fish that are part of their regular subsistence
5 diet.
6 Now, the United States has a responsibility
7 to address these issues, even though under the
8 Constitution the federal courts over the past
9 20 years have not recognized this as a
10 demonstration of intentional discrimination,
11 because no one has brought forth evidence
12 that's been sufficient to show that the
13 decision to site a particular landfill was
14 based on racial identity; however, under Title
15 VI of the Civil Rights Act of 1964, the
16 Environmental Protection Agency has promulgated
17 regulations. And the regulations they have
18 promulgated do prohibit their grant recipients
19 from developing criteria or methods of
20 administering their environmental programs
21 which are run with federal grants in a way that
22 has the effect of discriminating based on race
23 as well as other identifiers like national
24 origin and color.

So to the degree that we find that there is this high level of disproportionality, they do run counter to EPA's regulations.

As a former worker -- as a former EPA employee, a former EPA attorney, and a former investigator with regards to civil rights complaints, I can tell you that EPA finds itself typically hamstrung, not really sure in many instances how to address these problems because of concerns that the Supreme Court will not look favorably upon a potential EPA decision to use its Title VI regulations.

Further, the agency has been criticized frequently for its inability to be timely in the way it addresses Title VI complaints that have been raised by complainants.

And so today EPA has never found any violations of Title VI. They've never issued a finding that anyone has ever had any effects of discriminating based on race or color, and that I think is not a result of the failure of discrimination to exist, but the agency's failure to actively recognize it when it does exist, perhaps because the consequences would

1 mean they may have to withdraw funds from one
2 of the grant recipients that, obviously, has
3 substantial and significant political outfall.
4 Further, I should say the agency needs to
5 be called to task on the issue of Title VI, not
6 just for those reasons, but also because the
7 agency has narrowly described discrimination to
8 be discrimination based on having a
9 disproportionate risk from pollution.
10 So it doesn't include exposure to odors,
11 exposure to noise, exposure to smoke, exposure
12 to truck traffic, these very normal,
13 traditional ways that people find themselves
14 within states disproportionately bearing the
15 burden of pollution in their communities
16 because of the way permits are issued in those
17 states, and the agency, however, doesn't see
18 those kinds of sources of harm, and they are
19 adverse, right? When you have large groups of
20 trucks driving through your neighborhood and
21 you have kids there or when you have high level
22 of smoke or odor or noise associated with
23 polluting facilities that disrupt children's
24 ability to study, that impact their ability to

play on the playground, which are triggering potential asthma attacks, causing children to have to miss school.

Even though these don't necessarily show an increased risk of cancer, these are also adverse effects, and when those adverse effects are discriminatory, I would submit to the Committee that these are also violations of Title VI and violations of Title VI that EPA has not been willing to address or to examine.

So I ask the Committee --

CHAIRMAN LINARES: I'm sorry to interrupt.

PROFESSOR WATERHOUSE: -- to look closely at the issue in Illinois and also in making this decision --

CHAIRMAN LINARES: You have five minutes.

PROFESSOR WATERHOUSE: -- to please provide to the Commission more broadly a recommendation that the issues that are present in Illinois be addressed as quickly as possible.

And then I'll use the balance of my time to take whatever questions may exist.

CHAIRMAN LINARES: Thank you, Professor. So just a reminder of the rules, for any of the

panelists who wish to ask questions, please raise your hand, and I will call on you.

Professor Waterhouse did not use all of his time. So we'll have about seven minutes to have a question-and-answer session.

Also remember -- thank you, Cindy -- to please use the microphone when you ask your question.

MS. BUYS: So I wondered if I could ask Professor Waterhouse if he would just clarify what you meant by the regulations, who they apply to and how they do or don't take into account the discriminatory impact.

PROFESSOR WATERHOUSE: Okay. Thank you very much.

So when Title VI was issued in 1964 as part of the Civil Rights Act, the Department of Justice, encouraged by letters from the Attorney General to different administrative agencies of the federal government, a directive that they should promulgate regulations that would allow them to meaningfully implement Title VI mandates.

Title VI, as a statute, basically says that

the federal government does not want to supplement or subsidize discriminatory conduct. As a result, it prohibits persons who receive federal funds, in the way of federal grants, from discriminating in the way they use that -- those funds that they receive.

So EPA implemented those Title VI regulations saying that their grant recipients in terms of running environmental programs should not have -- should not discriminate intentionally, nor should they run programs that have criteria or methods that have the effect of discriminating.

MS. BUYS: Thank you.

PROFESSOR WATERHOUSE: And that applies to all of the grant recipients for EPA, so Chicago, State of Illinois, other jurisdictions, municipalities that have funds that allow them to run their environmental protection programs.

CHAIRMAN LINARES: Thank you.

Mr. Kazmi.

MR. KAZMI: Yes. Mr. Waterhouse, how often does the EPA -- I don't want to say regulate

but review either of those grant-funded organizations or companies?

MR. WATERHOUSE: That's hard to say, to be very honest with you.

What I can say is that they try to address complaints when they are raised, but they've had a terrible backlog. And when complaints are raised by individual citizens or persons who, in fact, have themselves worked at a former facility or otherwise are lawyers in the area, they do investigate their grant recipients based on those complaints.

Other than having complaints that trigger it, I can't say that they have a methodical mechanism that they use in the Office of Civil Rights to go through all of the different complaints.

Now, I should remind you that my work in that office was way back in the mid 1990s. So there certainly has been a lot of change since I've come, but my continued examination of the issue and monitoring of what EPA does suggests that they've just been too swamped to be able to just engage in routine reviews of recipients

as they are bogged down with just trying to respond to all the complaints.

CHAIRMAN LINARES: Thank you.

Ms. Shah.

MS. SHAH: Mr. Waterhouse, can you detail how many cases the EPA or DOJ has prosecuted over Title VI? You said no violation was ever found.

Have there been cases?

MR. WATERHOUSE: Yeah. There has been two instances where the EPA has said either we think there's a problem and so we want to have you go through a compliance review, which means we are just going to examine your program from top to bottom, and then they've also entered into a settlement with a recipient when they said we also think there's a problem with the way this is taking place in your program and so, to avoid us having to withdraw the funds, these are the kinds of actions that you should take.

So all of these were preliminary kind of decisions rather than any formal findings of discrimination, but they have made some

preliminary decisions like our draft analysis suggests that there's discrimination, let's try to work something out.

So that's happened on two occasions in the last 20 years.

CHAIRMAN LINARES: Yeah. Follow-up question from Ms. Shah.

MS. SHAH: And the subjects of the EPA's investigations, were they municipalities? Who were the subjects?

MR. WATERHOUSE: Ah, okay. So in those cases, these are program grant recipients. So not necessarily the entire state -- and I don't have all the details in front of me and my memory is escaping me. But not necessarily the entire state, but in the materials that I will submit to you all, it will include those exact references so you have specific details about those cases.

MS. SHAH: Thank you.

CHAIRMAN LINARES: Thank you.

Further questions? Mr. Cobb.

MR. COBB: In your comments you mentioned that the EPA regulation currently has I think

what you characterized as a narrow definition of discrimination, and I may have recorded it incorrectly, but I have it written as discrimination being disparate, I guess, possibility of a risk from pollution.

Could you clarify what that definition is? Then also could you give me a little more context as to what you think a more appropriate definition should be, such that it would encompass the risk that you mentioned that was excluded from the current definition?

MR. WATERHOUSE: So I should say that it's not regulations themselves that define what a risk or a harm is.

The agency has developed guidance, though, and so the guidance documents and the policy that the agency has used has been a narrow definition. And so it's within that -- the agency's policy decision -- not any statutory or regulatory requirement, but only their policy decision has been to narrowly define pollution, and that narrow definition has not included adversity associated with very traditional kinds of things that we might see

as adverse such as noise, odors, truck traffic, smoke, but instead have focused on things that can be quantified in terms of cancer risk or toxic and acute injury. So they've kind of limited civil rights violations based on some kind of very limited health -- definable healthy risk associated with cancer or other acute injury.

CHAIRMAN LINARES: One more question. Mr. Howard.

MR. HOWARD: Have you -- considering the loss of industry as hard working-class people throughout the country, have you considered that increased litigation from the EPA might limit industrial development and jobs from areas that most need them?

MR. WATERHOUSE: Yeah. Actually I should say something about that in two instances. One instance is EPA's reticence over the past 20 years to address these issues very well may reflect a political relation of the agency so it neglects part of its civil rights mission, but further I should suggest that in many cases the argument that jobs are going to be lost is

a valuable one, but, unfortunately, the people who live in these communities are rarely the persons who are employed in these areas of industries because they require very highly technical jobs.

So often an multimillion-dollar facility will not do much to employ more than one or perhaps two people from a local community because the kinds of jobs that are required can be jobs that are related very much to high levels of expertise, technical training, advanced degrees and automation covers most of the other kind of work.

So there are jobs created in the sense that higher paying jobs, upper middle class jobs, but the communities that have to end up hosting these facilities actually don't get that immediate benefit from the facilities. Further, I would argue that the people who employ -- the people who -- excuse me enjoy those jobs don't live in those communities. So the people who manage those plants, the people who work in the high-tech aspect of those plants, they get in their cars, and they drive

away. So they are not exposed to the harms associated with it.

So the problem basically is we are sacrificing communities and we are sacrificing communities in the way that's racially identifiable maybe for the benefit of the whole. So you could say we have an utilitarian complex, we are going to raise our tax revenue in our particular county or our particular municipality by bringing in this facility, however, we are going to saddle the burden of carrying that community, dealing with the harm associated with it, dealing with the risks associated with it, dealing with the injury to the children -- children associated with it to these people.

Now, the rest of us will get the benefit, but they are the ones who are going to be stuck holding the bag.

And I don't think that's what the Civil Rights Act was intended to allow when that's done in a racially identifiable way.

CHAIRMAN LINARES: Thank you so much, Professor Waterhouse, for your time. We are

done with time for that one. Thank you for your questions as well.

At this time now I'm going to call the rest of the panelists for the academic panel.

In this order you will be presenting, but if you can each take your seat by where your name is.

They are Sylvia Hood Washington with the Environmental Health Research Associates, L.L.C.; Susan Mudd with the Environmental Law & Policy Center, Brian Urbaszewski, Director, Environmental Health Programs at Respiratory Health Association, and Keith Harley, Attorney at Law, Environmental Law Program, Chicago Legal Clinic.

So what we'll do here is everyone will get -- just as a refresher of the rules, everyone will get the maximum of 15 minutes.

What I do ask here -- and please don't be offended. We appreciate having you here, but I will have a five-minute sign and a one-minute sign for each of you, and then we'll move on to the next panelist.

It will be the same process at the very

end, and we'll have the opportunity to ask questions of you.

So without further ado, I'd like to start us off with Ms. Sylvia Hood Washington please.

DR. HOOD WASHINGTON: Thank you. I'll just give a short introduction to my relationship between my expertise in environmental justice.

I actually started working in the field as an environmental scientist and environmental engineer in 1979 for the Cleveland Electric Illuminating Company. I used to do white papers on acid rain and coal combustion. This was in Ohio.

And eventually I was the enforcer, actually boots on the ground, hardhat, making sure that the Clean Air Act, Clean Water Act, Conservation Recovery Act was properly enforced by the Cleveland Electric Illuminating Company as well as presenting papers to Electric Power Research Institute.

I moved from that to actually being a plant environmental engineer. So I actually got to see power being generated. We had to be trained in how power was generated, what type

of waste drains were being developed as a result of power generation from coal and fossil fuels. So I actually got to see the ash being created, put in stacks and seeing it being absorbed by electric static precipitators, actually seeing plumes generated that were illegal plumes because sometimes we were actually bringing our power generators online that had not been properly maintained. The Coast Guard would actually show up at Lake Erie, because this was a lakeshore plant, and actually see that we were in violation of the Clean Air Act.

From there I went to -- into my master's in systems and control engineering at Case Western Reserve where we were actually trying to model our power generation and actually trying to determine the best way to minimize the output from power generation of fossil fuels. And so I have a master's on system and control engineering from Case Western Reserve paid for by NASA and the Society of Women Engineers and did mathematical modeling of potable take of solar systems -- power systems to augment power

generation.

And then I eventually went to work for NASA and looked at power generations and public health impact as a NASA engineer.

I was their first African-American woman to become a journeyman engineer in NASA Region 5, and I started my Ph.D. in history of science and technology and environment because at that point in time we knew that whatever technology that we were creating had a public health consequence.

Being on the ground -- and let me back this up a little bit.

As an African-American woman who was born in 1959, I was also blessed with the experience of being in a segregated African-American community and actually witnessing firsthand pollution of those black communities before there was a civil rights legislation to protect us. So actually having parents who were activists and trying to make sure that this illegal dumping that was taking place in the '60s and '70s was stopped before the promulgation of environmental legislation, I

got to see firsthand as a child, then as a scientist and as an engineer. This has driven my research throughout this whole time.

My Ph.D. was actually a study of technology and water and pollution and race because you could understand then, even living through it, that certain communities were not being treated fairly in terms of where the waste was being placed and how this illegal waste was being managed once they complained. So that's the backdrop of what informs me.

My final research effort that I did here at Great Lakes -- I'm from the Great Lakes -- was paid for by the National Science Foundation. I had a National Science Foundation grant, engineering infrastructure, environmental justice. We were trying to examine how this disparate pollution was being driven by water from a technology perspective.

I'm currently an Environmental Justice Commissioner for the State of Illinois. I'm also the founding editor and chief of the Environmental Justice Journal. Again, I have a master's in engineering, a master's in public

health and epidemiology, a Ph.D. in history, science, technology, environment, and I have 30 years of experience as a practicing scientist and scholar, and my book Packing Them In: An Archeology of Environmental Racism in Chicago specifically --

THE REPORTER: I'm sorry. Could you slow down just a little bit?

DR. HOOD WASHINGTON: Sorry.

So you have an understanding.

So my biggest concern here today, I wanted to come here today because I think it is important to understand the history of how environmental justice emerges and how that plays out into continuing disparities.

In Chicago African-Americans represent over 30 percent of the population. Whatever discussion we have about environmental justice in the state of Illinois, particularly in Chicago, must include that population. They also have one of the highest rates of asthma.

Let me go back to just the science of air pollution and power generation.

We know -- we teach courses in

environmental health sciences that the most detriment to the human body from the environmental health perspective is within 30 miles radius of that power plant.

You cannot localize the discussion on just one type of community, especially when you have an African-American community with one of the highest asthma statistics in the United States. They are within that 30-mile geographic radius.

Secondly, I have a concern about looking at environmental justice issues based on a center city like Chicago. And I acknowledge there are some hideous problems here.

LVEJO is to be commended for their efforts in shutting down those power plants, but I live in DuPage County. And in DuPage County, you have some of the largest numbers of Superfund sites in the state of Illinois. This is the Kirby Superfund site. This is also the topic of my master's in public health, my capstone. Five Superfund sites, high cancer rates from thorium decay products. What they thought was a resolved issue from that exposure is not resolved.

Now we have communities, Hispanic communities, who are moving into the suburbs who are not being told about this -- these thorium-contaminated homes. What they thought were remediated are not remediated. So now we are seeing increase in cancer clusters there. So things we feel are resolved are not resolved.

The state is large. Okay? I have people travel to see me, as environmental health research consultants, who say, Dr. Washington, what about the other issues in the state of Illinois? Those communities must be addressed if we do environmental justice.

But let's just stick with race not being constricted to one or two populations and now this other issue.

Coal ash, I just came to the issue -- to speak about the coal ash, of the 24 coal ash sites in Illinois, four are outside of Chicago in Joliet or the Joliet area, the Joliet/Aurora area.

Joliet is about 43 percent Hispanic and black. So they need to be looked at. And

1 people are complaining about contamination of
2 those populations.
3 We also need to consider the -- the risks
4 that are now becoming through for tire
5 facilities.
6 We had an Environmental Justice Commission
7 meeting last week where now we know that about
8 two or three tire disposal facilities are going
9 to be located outside of Chicago, one in Aurora
10 and one near Joliet.
11 And, again, this is concern for
12 mosquito-borne diseases, for more standing
13 water. So there's a lot of communities outside
14 of Chicago which are struggling with
15 environmental justice issues which need to be
16 part of this discourse.
17 CHAIRMAN LINARES: Thank you very much for
18 that.
19 We'll pass it along to Ms. Susan Mudd
20 please.
21 MS. MUDD: Good morning. Thank you for the
22 invitation to be a part of this panel today.
23 The questions raised by the Illinois
24 Advisory Committee to the U.S. Commission on

Civil Rights are certainly important and relevant to the lives of many in Chicago -- of Chicagoans.

I'm focusing on the second question posed by the Illinois Advisory Committee: What are the current federal regulatory policies and standards regarding the collection of air quality data in these communities? Is available data disaggregated by race, color, national origin, or other protected categories?

Environment Law & Policy Center, where I work, is concerned with asthma rates and hospitalizations in Chicago, and I'm sure you will hear many more details about that from Brian Urbaszewski and others this morning, but ELPC is concerned about that and the connection with diesel emissions contributing to those health problems for many citizens and residents here in Chicago.

Given the ELPC's focus, my knowledge -- excuse me -- of the EPA's current ambient air quality data is focused on small particulate matter, so-called PM 2.5. The data which EPA receives, which U.S. EPA receives from Illinois

EPA regarding Chicago is from a handful of monitors in the city and surroundings and are considered regional averages.

At present the only Illinois EPA regional monitor for small particulate matters in the EJ communities named by the subcommittee is in the southeast side of Chicago.

ELPC prepared maps, which I have copies of for the committee, overlaying data on the major sources of diesel emissions in Chicago. These are primarily but not solely transportation related and, overlaid with that, one of the key indicators of populations vulnerable to small particulate matter, that being age, as many of you are no doubt aware, children, those under age 18, whose lungs are not yet fully developed, and those over age 64 are both especially sensitive to small particulate pollution, whether it's asthma for children, COPD for others.

The maps prepared demonstrate that different areas receive different levels of diesel emissions and thus effects may well vary. Regional averages are unlikely to give a

complete picture of many individuals' actual daily exposures.

Many residents of the community which the subcommittee is looking at live near highways, congested arterials, and other sources of diesel emissions, trucks passing through the neighborhood, trucks stuck in traffic idling on a local arterial, trains, rail yards, intermodal facilities and construction equipment operating on local streets and roads.

The monitor system does not appear to be set up to understand specific sites which could have higher-than-average emissions.

Calculated as regional averages, the data is not disaggregated by race, color, national origin, or other protective category.

Thus the current ambient air monitoring system appears limited in its ability to identify and address the impacts of exposure to above-average emissions and to those who live near those above-average emissions.

We are aware that U.S. EPA has been testing new and emerging technologies and exploring the data available through additional monitoring

including that conducted by citizen science.

We are very encouraged with EPA in seeking additional data to more fully understand the exposures experienced by residents in their daily lives.

And with that, that's the end of my prepared remarks.

I'd be glad to circulate. I don't know what -- how you'd like to receive the maps. I could explain them. They are not needed.

CHAIRMAN LINARES: We'll utilize one of the staff.

Do you want to take time to explain the map?

MS. MUDD: I think it would probably help because there's a lot of information packed in the map.

CHAIRMAN LINARES: I'm assuming the map would be made part of the record?

MS. MUDD: Yes.

So the first map is a compilation of -- the various red lines and dots are the major sources of diesel emissions in Chicago, and

this -- this work was limited to Chicago. So this is in no way contravening some of the things that Dr. Washington and others brought up, but our work was limited to the city of Chicago.

So the major arterials, the heavily congested corridors, the intermodal facilities where trucks and trains are -- there's often very old, dirty equipment transferring -- diesel equipment transferring between those things.

And then the overlay is vulnerable populations by age, that one particular factor that we called out, which is certainly not the only factor which adds to one's vulnerability, except for one that we used here.

And so that the darker blue are areas with higher percentages of vulnerable populations, and the red areas are the high-exposure routes.

On the second map we overlaid that with the locations of the Illinois EPA PM 2.5 monitors. So this is specifically the small particulate matter that would be related to diesel.

There are certainly some other air quality

monitors looking for other pollutants, but I'm just being very specific about this one aspect.

The areas within the city that this committee or subcommittee was focused on are outlined in red, and you'll see that the southeast side, down in the right -- bottom right corner of the map is the only one where there's a PM 2.5 monitor located in an area that has both high exposure and high vulnerable populations.

The others have a combination of exposure but no monitor that's in the area. That would give a sense of what people are being exposed to.

And, again, the regional -- the monitoring system is such that all that's being looked for are regional averages.

CHAIRMAN LINARES: Thank you very much for that.

Next we'll pass it on to Brian Urbaszewski. I apologize. I think I mispronounced your name earlier.

MR. URBASZEWSKI: It was a perfect pronunciation. Thank you.

And I do have copies of my statement as well, and since there are lot of members, percentages, I wanted to offer that to the members.

I want to thank you for the opportunity to speak today. My name is Brian Urbaszewski. I'm the Director of Environmental Health Programs for Respiratory Health Association. RHA is a lung health charity founded in 1906 on the west side of Chicago that works to fight lung disease and to promote lung health through research advocacy and education.

On the topic of air pollution, we have been continuously active in efforts to set good clean air policy since the 1960s. We have been active in efforts to reduce emissions from coal-fired power plants, precisely because of the direct impact pollution from such facilities have on human health. And by the same token of health concerns driven by global warming emissions from fossil fuel use generally, we are proponents of transitioning our energy system to greatest reliance on clean renewable power sources and maximizing the use

of energy efficiency.

Being a large urban area, the Chicago region has more concentrated economic activity, more industrial activity, and more traffic than the more rural areas of the state. So it's not surprising that air pollution monitors measure higher concentrations of health-damaging air pollution such as ozone of fine particulate matter here than in more rural areas. The metro East St. Louis area shows the same pattern for the same reasons. Both areas fail to attain one or more federal air quality standards. With most of Illinois' population living in these urban areas that fail to meet minimal health standards, more people in Illinois are exposed to unhealthy concentrations of many air pollutants than are not.

Compared to the state of Illinois as a whole, African-Americans and those of Hispanic descent are disproportionately concentrated in these urban areas that fail to meet air quality standards.

Just to give one example based on the U.S.

Census 2014 estimates, 68 percent of all African-Americans in Illinois live in Cook County. 41 percent of Illinois' total population lives there. But less than 27 percent of the Caucasian population in Illinois lives in Cook County. Even within counties where the difference is not as stark, African-Americans are disproportionately likely to live in communities that place them in closer proximity to pollution sources.

But you also have to take into account that the population demographics of urban areas like Chicago and these metropolitan regions differ in ways other than raw numbers would suggest. There's also an elevated probability of developing lung disease that puts members of minority populations at additional health risks above and beyond simply being more likely to live in an area with higher concentrations of air pollution. Ancestral genetics does play some part in the additional risk people face. It is not something a person facing this risk based simply on who their ancestors were can change. One example of this situation is the

current challenge of asthma in many minority communities.

Asthma is a lifelong illness that affects the lungs and airways of approximately 25 million Americans.

People with asthma have sensitive airways that swell and narrow when exposed to triggers such as pollen, dust mites, pets, smoke, pollution, and exercise. And while there's no cure, asthma can be largely controlled with proper medication and education. Unfortunately, asthma is the most chronic -- most common chronic condition among children, affecting one in ten in the United States.

The rate of asthma among adults in the United States is 1 in 12.

In the United States in 2013, asthma prevalence was found to be highest among non-Hispanic blacks, or African-Americans, at 9.9 percent and Puerto Ricans at 14.6 percent.

More than 10 million U.S. children age 17 and younger have ever been diagnosed with asthma. 6.9 million children have active asthma. Of these children, non-Hispanic

African-American children were more likely than other children to have ever been diagnosed with asthma, 22 percent, and who still have asthma, 16 percent. In the United States, non-Hispanic black, African-American, children are three times more likely to be admitted to the hospital for asthma as compared to non-Hispanic whites, or Caucasian children. Disturbingly, the burden from asthma in Chicago is highest among the non-Hispanic blacks, African-American, children who have age-adjusted emergency department and hospitalization rates nine and six times higher than rates observed among non-Hispanics whites, or Caucasians. That's astronomical.

In a report several years ago, the U.S. Centers for Disease Control found that between 2001 and 2009 the asthma prevalence rate for African-American children nationally actually increased 50 percent, 5-0 percent, in that time period of less than a decade, going from approximately one in nine African-American children to one in every six living with asthma.

In the United States in 2013, non-Hispanic blacks were three times more likely to die from asthma-related causes than non-Hispanic whites, Caucasians. In Illinois 15.4 percent of non-Hispanic black, or African-American, adults have asthma, as opposed to 12.2 percent of non-Hispanic white and Caucasian adults.

The picture with the Hispanic population in urban areas is more complicated, with people from different ethnic backgrounds having varying risk for developing asthma. But, similar to African-Americans, 61 percent of the Hispanic population lives -- in Illinois lives in Cook County, compared to 27 percent of Caucasian populations, putting them at higher risk of exposure to elevated air pollution concentrations, and even in counties where the percentages are not as stark, Hispanic communities are often still in those areas of the county where air pollution is concentrated such as Waukegan in Lake County, Illinois.

In Chicago, asthma rates are significantly higher for African-Americans, 13 percent compared to 8.4 percent. 8.4 percent for

Hispanics and 7.6 percent for Caucasians. However, a 2010 study of 494 children in a predominantly Puerto Rican neighborhood found that 24.9 percent had a doctor's asthma diagnosis, almost one in four. Probable asthma was identified in an additional 16.2 percent. Those are folks or children who had not yet received a doctor's diagnosis. That puts it at about 40 percent.

There are other potentially disturbing patterns as well. A team led by Kamal Eldeirawi at University of Illinois at Chicago found that Mexican-American children born in the United States were more than twice as likely to have asthma as Mexican-American children born in Mexico. In addition, the prevalence of asthma among Mexican-American children born in Mexico was linked to the length of time they had spent, or the level of acculturation, in the United States. There appears to be something about migrating to and living in the United States, in other words, that contributes to asthma and possibly other health conditions in immigrant children. This

is important because in the United States Hispanics are 60 percent more likely to visit a hospital for asthma as compared to Caucasians.

Coal-fired power plants are among the largest single sources of air pollution in America today.

The pollution they emit can reach into thousands or even tens of thousands of tons yearly. Many plants continue to operate today without even the minimal pollution controls required on new power plants built 35 years ago. Even with the addition of pollution controls, the emissions from coal plants are still more polluting than alternative commercial ways of generating electricity available today from natural gas, to wind, to solar.

In addition, I want to point out that all pollution from coal-fired power plant does not simply stay in the immediate neighborhood of the power plant. While there is a higher risk of health damage the closer the person is in proximity to a coal-fired power plant and its emissions, the fact is power plants have tall

smokestacks for a reason. They are designed that way to send the pollution as far downwind as possible. Much of that time -- much of the time that happens, but when it doesn't, you can get highly elevated local sulfur dioxide concentrations in the air near a coal-fired power plant. In fact, the EPA just proposed that two coal plants in Illinois be included in new sulfur dioxide nonattainment areas just last month. They would join three other plants in existing Illinois nonattainment areas for sulfur dioxide.

More are almost certainly on the way. If you are wondering if caustic sulfur dioxide gas and the sulfuric acid droplets which form when combined with water vapor in the air are respiratory irritants and asthma triggers, they are.

But generally coal-fired power plants send much of their health damage downwind, sometimes hundreds of miles. The point I want to make is that communities dealing with substandard air quality and health impacts need not be immediately adjacent to coal-fired power plants

to be substantially and disproportionately impacted by the emissions those plants produce.

In conclusion I want to reiterate that minority communities are at greater risk of being impacted by air pollution-related health problems because, one, they are much more likely to live in large urban areas that have high air pollution levels and fail to meet minimal federal air quality standards; two, some of those population subgroups have higher risks of developing lung diseases like asthma; and, three, which I have only touched upon, the overlay of disproportionate poverty in many minority communities contributes to much worse outcomes for disease exacerbations when they do occur, making them far more severe and deadly, as illustrated by some of the statistics I laid out.

I want to thank the advisory committee for hosting this hearing in Illinois and for allowing me to speak today.

Thank you very much.

CHAIRMAN LINARES: Thank you so much.

We will pass it on to Mr. Harley. 15

minutes.

MR. HARLEY: Good morning. As a roadmap for my testimony first, I would like to describe my work at the Chicago Legal Clinic, which forms the basis of my point of view.

Second, I would like to describe the ways in which environmental issues directly affect the health, safety, and welfare of the Chicago Legal Clinic's clients, almost all of whom are African-American or Latino, and why these clients are dependent on the promises of our environmental laws to be fulfilled in their lives.

Third, perhaps most importantly for today's purposes, I've been the attorney of record in five Title VI civil rights complaints based on environmental issues in the Chicago area, and I would like to describe to you the practical realities of the Title VI complaint process and how that process needs to be dramatically improved in order to be available to protect vulnerable communities.

First, I am an attorney at the Chicago Legal Clinic. The Chicago Legal Clinic is a

legal services provider. It has offices here in Pilsen, on the west side in the Austin neighborhood. It has an office on the southeast side of Chicago. It has a downtown office. It also has attorneys in virtually every major courthouse in Cook County to provide on-the-spot legal services to pro se litigants.

In 1988 I was hired at the Chicago Legal Clinic to initiate one of the first of its kind environmental legal service programs in the country.

Over the past 25-plus years, I've represented several organizations in Chicago. For example, People for Community Recovery, based in Chicago, Housing Authority Community Altgeld Gardens. In that case I represented PCR to address lead-based paint problems in CHA Public Housing Communities for Families. That case led to agreed-upon reforms to address lead threats to children in CHA and was a major catalyst in the plan for transformation at CHA which eliminated lead-bearing substances from CHA's public housing. Groups like the

Southeast Environmental Task Force, I represented SETF to dramatically improve water quality in the Calumet area water system so that those waters were safe for recreational uses. Today I represent SETF to address pet coke facilities in the releases of particulate matter from those facilities into immediately adjacent residential communities.

Little Village Environmental Justice Organization, which you'll hear from later today, I have worked with LVEJO in order to transform former industrial and commercial sites into community beneficial future uses like La Villita Park, the former Celotex hazardous waste site, like the Troy Community Garden, a site formerly a solvent manufacturer. In Pilsen I've represented a group called Pilsen Environmental Rights and Reform Organization to address issues of unhealthy lead air quality problems and the facilities which contribute to those problems and also the legacy lead which is in soil which now needs to be remediated in multiple locations in Pilsen.

I've represented a Joliet-Lockport-based

group in Will County called Citizens Against Ruining the Environmental to address safe drinking water issues arising from elevated levels of radioactive elements in drinking water in those communities and today in a federal district court action under the Clean Air Act a citizen suit against the operating coal-fired power plants in the Chicago region.

And as I mentioned for purposes of today, I will end my testimony by stressing our involvement in five Title VI civil rights complaints that we brought on behalf of some organizations like this.

So today the Chicago Legal Clinic provides services to clients in these kinds of cases through a clinical partnership with Chicago Kent College of Law. I'm very pleased that I have two law students with me today, Alexa Coringo (phonetic) and Val Velasquez who are working with me today on cases like the ones I just described that are designed to provide environmental advocacy services for communities in Chicago that are attempting to improve conditions in their neighborhoods.

The second thing that I want to talk about is the ways in which environmental issues directly affect the health, safety, and welfare of its various clients.

I want you to imagine three concentric circles, and in that innermost concentric circle, we see the ways that environmental issues directly affect the health, safety, and welfare of people living in Chicago based on environmental conditions every day in their living space. The most dramatic example of this is the continued existence of lead-based paint.

Michael Hawthorne of the Chicago Tribune recently completed an investigation in which he identified that over 10,300 preschool children in the city of Chicago today are -- annually are lead poisoned, creating permanent impairments that will limit the future of those children and cause profound disruptions to their families.

Another indoor threat is the threat of drinking water quality, what comes out of the tap.

We are very fortunate in Chicago that the source of our drinking water, Lake Michigan, is almost entirely lead-free, but because of the infrastructure through which that water is transported to individual residents, many residents face threats when that water comes from the tap based on lead and other substances.

Asbestos-containing material in people's living space. Asbestos is very common. It must be contained very carefully. If it isn't through do-it-yourself remodeling projects, then asbestos can be released and cause a threat to people in their living spaces.

The indiscriminate use of pesticides, rodenticides, and insecticides. In Chicago we had a very prominent example of this when a pesticide, very effective but designed only for outside use, methyl parathion, became the pesticide of choice for several landlords, leading to several residential properties in Chicago having to be rehabbed. These are all threats that people face in their living spaces themselves.

They also face threats when they open their doors and they go outside into their communities.

Those threats are posed by the fact that in Chicago in many Chicago communities, including the communities that I feature in the initial part of my testimony, people live directly across the fence line from existing industrial and commercial sources which have air emissions which are discharging pollutants into the sewer system, into waterways, which are transporting hazardous waste into or out of their facilities.

A second way that people are directly affected by environmental conditions in their communities is that virtually everyone in Chicago lives near a former industrial commercial site or a waste disposal site, meaning that their health, safety, and welfare is directly affected by the hazardous leftovers which exists on these sites and which limit the ability to remediate and reuse, create new opportunities for those communities, and as Professor Waterhouse emphasized in his

testimony, also in communities there are opportunities for reusing old sites to create profound community amenities in terms of open space that are being squandered.

Without that kind of access to open space, it is very difficult to have healthy, thriving neighborhoods in the city of Chicago.

The third concentric circle, regional issues that directly affect the health, safety, and welfare of people living in a complex urban environment like Chicago. The profound issues of regional air quality directly affect, as Brian has testified, the well-being of people who are living in Chicago neighborhoods.

Every level of people's existence, of their health, safety, and welfare, is being directly impacted by these kind of environmental issues in their homes, in their neighborhoods, and regionally.

Fortunately, the law should be on the side of these people. Environmental laws in the United States do not include sacrifice zones.

The promises of environmental law is for clean air, clean water, and safe, reusable land

are not limited to wealthy or majority communities. They are supposed to be effective in every community.

We have laws under the Toxic Substances Control Act to protect people against the threats.

We have the Safe Drinking Water Act to protect the levels of pollutants in drinking water.

The Clean Air Act controls asbestos-containing materials and how it can be affected.

The Federal Insecticide, Fungicide, Rodenticide Act affects pesticide use indoors.

Clean Air Act, Clean Water Act, and Resource Conservation Recovery Act are all there for these communities, but these laws I've found are entirely dependent on human agents to make them work. And many times those human agents are failing the members of these communities who entirely depend on them, as we've seen recently in what's happened on a large scale in Flint, Michigan.

That reality is happening every day in the

neighborhoods of Chicago in slow motion and on a smaller scale in terms of the actual impact of these promises of these environmental laws in these communities, and this is why Title VI of the Civil Rights Act is so important.

We filed five Title VI civil rights complaints. The settlements of four of these complaints are publically available, and I can provide the site where any -- where the members of your Committee can review those settlements.

But I will say that, when communities that I represent have attempted to use Title VI of the Civil Rights Act, by filing complaints with U.S. EPA Office of Civil Rights, they have experienced long and unexplained delays, they have experienced the unwillingness of the staff of the Office of Civil Rights to share critical case information, they have experienced the lack of clear standards as to what constitutes illegal discriminatory conduct, they've experienced coercive attempts to force mediation instead of a sincere commitment to actually investigate the complaints which are before the Office of Civil Rights, and they

have experienced unprofessional case management.

It is vital that the Office of Civil Rights is available to communities as a tool for enforcement.

Because of the highly discretionary nature of the business of environmental protection, because fulfilling the promises of those environmental laws is inevitably dependent on the discretionary choices of state-funded partners like the Illinois EPA, it is vital that U.S. EPA Office of Civil Rights vigorously enforce environmental civil rights provisions, especially in response to complaints that it receives from groups like those that are based here in Chicago. Thank you.

CHAIRMAN LINARES: Thank you very much. And before we go into questions, I do want to make one announcement, that the copies of the maps that Ms. Mudd provided will be available to e-mail to those who signed in and provided their e-mail addresses.

So with that, I will open it up to questions. We have 15 minutes and, Mr. Kazmi.

MR. KAZMI: Ms. Mudd, I have a question about the map. I appreciated that.

So I know you mentioned that you utilize this age range of 18 to 64. Is that just the most vulnerable population or is it you use it because you just wanted to use that range? What was the purpose of that, for example, not looking at younger kids whose bodies may not be more adept or protected or strong enough as an older person?

MS. MUDD: I'm sorry if I was not clear. We looked at under age 18 because --

MR. KAZMI: Gotcha. And over 65?

MS. MUDD: And over 65.

MR. KAZMI: Gotcha. Okay. Good.

Cool. Thank you for the clarification.

MR. HOWARD: Ms. Mudd, on the map, I'm trying to coordinate the two maps here. You said the Ward 10 corresponds to what on Page 6?

MS. MUDD: The Ward 10 is the southeast side which has been referred to in testimony by others. The southeast side has both very high rates of a number of air pollutants. It's -- were you asking where it is? I'm sorry.

MR. KAZMI: He's saying it's not in color. It's whited out.

MR. HOWARD: On the first page, yeah, I'm trying to locate --

MS. MUDD: Good point. It should be on the far right-hand bottom corner, and I apologize. I don't know what happened on the first page.

On the second page you'll notice that it shows up --

MR. HOWARD: Yeah.

MS. MUDD: Okay. Brian made a good point. The population there, it's very largely industrial. So it doesn't show up in terms of population there because it's lower density population.

MR. HOWARD: Okay.

MS. MUDD: But as you can see from the second one, of those who live there, it's high vulnerability and very high levels of, in this case, diesel small particulate emissions.

MR. HOWARD: Thank you.

CHAIRMAN LINARES: There's a follow-up from Mr. Kazmi.

MR. KAZMI: For Ward 10, is that the big

Ford plant, I'm assuming?

MS. MUDD: In terms of diesel emissions?

MR. KAZMI: Yes.

MS. MUDD: Yeah. And there's also a lot of truck traffic there because of many, many different facilities. There is also highways. So there's many different sources.

MR. KAZMI: Skyway. I gotcha.

CHAIRMAN LINARES: Mr. Cobb.

MR. COBB: Sure. I have a question I guess for Mr. Urbaszewski and then maybe Ms. Washington. But back to your testimony about the asthma rates. And I guess what I'm interested in is knowing what we know in terms of the science, in terms of the cause of that increased risk of asthma, can we identify actual sources?

Is it environmental pollution? Is it the combination with the genetics that you mentioned? What exactly are the causes?

MR. URBASZEWSKI: Those are excellent questions. I don't know if I can give you full answers because asthma is a condition that's based on the response that your body has to

1 certain triggers. It may have multiple causes.
2 It may have one cause. No one is really sure
3 why people get asthma.
4 What we do know now is that, if you are a
5 member of a minority group like being
6 African-American or having African-American
7 ancestry or Puerto Rican ancestry that you are
8 much more likely to develop asthma, and as I
9 said, it largely affects children at higher
10 rates because their lungs are a lot smaller.
11 So any constriction in the airways can affect
12 them a lot more than it would affect an adult.
13 So we know there are these certain
14 predispositions for developing asthma.
15 We don't know what a trigger would be, why
16 one person gets it versus another. There are
17 lots of ideas, but no one has found that magic
18 answer yet, and that's why I presented it the
19 way I presented it.
20 You have more people in minority
21 populations living in areas that have
22 substandard air quality, and they have this
23 greater propensity to develop asthma, which
24 would mean they would be much more likely to

have a health problem because of breathing bad air quality, and then later on that you have the triple whammy of poverty and community dislocation, difficulty getting decent medical care that leads to much more adverse outcomes, other disease. So if someone has a stable living situation, has a family doctor that they've had for a long time, has easy access to that doctor, they can develop an asthma action plan, they can monitor those triggers, they can see how they develop over time. They can learn how to avoid those triggers to minimize the chance that they wind up in a doctor's office, in an emergency room, or worse. But if you have poverty laid upon this greater propensity to have the disease, people have much worse outcomes.

An African-American child is much more likely to wind up in the emergency room because they don't get the education in how to manage the disease and they don't have the easy access that a lot of Caucasian folks do.

I hope that answers your question in an unanswered way.

CHAIRMAN LINARES: Ms. Greene.

MS. GREENE: My question is for Ms. Mudd. I have a question when you talk about that there are a limited number of regional monitors for PM 2.5.

Have there been any advocacy measures in place to increase that number?

MS. MUDD: Brian may actually know the history of this better than I.

I do know that there are -- in different urban areas around the country, there are some urban areas that have many more monitors and -- than the Chicago area.

I know that the number that are here are what are determined to be required by the Clean Air Act regulations. So Illinois is meeting the requirements.

I can also tell you that there's been some problem with getting data from the monitors. For instance, one of the things that has concerned us is that for the years 2011 to -- through 2013, the Illinois EPA monitors for PM 2.5, because of the way the data was handled by the county lab, there was -- there's no data

available. And then in 2014, the lab came back into compliance, but it wasn't a complete season. So that year is not allowed to be counted. And U.S. EPA requires three years of continuous data to make a determination about containment of the standard. So it will -- it will not be until 2018, at the earliest, based on data from 2015, 2016, and 2017 that we will be able to find out whether or not Illinois or the Chicago area -- but this is also true for St. Louis -- whether or not we are in attainment for the 2012 standards for PM 2.5.

So there's a -- now Brian may want to speak to some of the other aspects.

MR. URBASZEWSKI: It is complicated. U.S. EPA has air quality monitors all over the country, and they are designed, like Susan said, to capture general background air pollution levels. So typically you can find them on, like, top of schools, in a residential area, or on a fire station, also sort of a large residential area. They don't put them in the middle of downtowns because there's a lot of things that interfere with how the monitor

measures information and that's not representative of the entire Chicago metropolitan area, but when you look at the actual pollution on the ground, using fine particulates as a surrogate for this, fine particulates are extremely small particles from lots of different sources. It's not as important as to what makes up those particles as the size of the particles. Less than two and a half microns per millionths of a meter in diameter or less, extremely tiny. They are small enough to get into the deepest recesses of your lungs and actually cross over into your bloodstream. They are that small. Larger particles tend to get caught in the mucus of your nose and throat and in your lungs and you cough them up, swallow them or you sneeze and blow them out, but these tiny particles are dangerous because, once they get into the system, they can have impacts on asthma attacks or heart attacks or strokes.

And when you look at distribution across an area, there's been a lot of small-scale studies across the country, looking at the effect of

roadways.

The effect of roadways is felt about a thousand feet per cell meaning you have very high concentrations of fine particulates along a roadway or right adjacent to it and it takes about a thousand feet in either direction until you kind of get back to general background levels.

And those general background levels are what the EPA monitors are measuring. So you are missing, you know, the impact for people living, working, children going to school immediately adjacent to a roadway which are likely being exposed to far higher levels of fine particulates on a daily basis day in and day out week in and week out year after year.

And, again, there have been science experiments that have looked at that pattern. I know of one done by the University of Washington several years ago. I know New York City has attempted to do it as well, but the problem is those exercises are not sustained over time, and so when you are looking for stable data over time, it's just not there

because the funding isn't there.

There's a lot of experimenting going on now with much more affordable low-cost pollution monitoring devices that hold a lot of promise to be able to get and to be able to afford getting this picture of risk, but it's really in the early stages right now.

But over the next few years that may be something that comes to fruition.

MS. GREENE: Thank you.

CHAIRMAN LINARES: We have a few minutes left. I'm going to go to Mr. Kazmi and Mr. Howard.

MR. KAZMI: Sorry for all the questions, but this is not one topic I was privy on. So thank you.

Ms. Washington, I have a question for you. You rattled off some stats about some of various kinds of power plants and coal ash plants that are throughout the state, and one of them I wanted to ask you about. I didn't get the rest because you were rattling them off. So thank you.

You said there were 24 coal ash plants in

Illinois, and you kind of told us the breakdown.

DR. HOOD WASHINGTON: Yes. I brought that statistic. I apologize for giving so much information.

MR. KAZMI: I appreciate it.

DR. HOOD WASHINGTON: I'm sorry?

But I do have a list of those plants here with me if you'd like a copy of that.

But there are 24, 4 outside Chicago and both -- in these areas, Joliet, Illinois, which is a very heavily minority population, African-American and Hispanic.

MR. KAZMI: So 20 you are saying are --

DR. HOOD WASHINGTON: 24 in the state of Illinois.

MR. KAZMI: Right, but you said there's four in Joliet. The others are in Chicago?

DR. HOOD WASHINGTON: No. They are not even in Chicago. They are across the state.

MR. KAZMI: So all across the state.

The closest four here are Joliet, is what you are saying?

DR. HOOD WASHINGTON: Yes.

Can I make another statement as an epidemiologist about asthma?

I have an article that I would be more than happy -- I'll give you a copy -- about the relationship between race and asthma and history.

When you look asthma, the statistics start emerging in environments when African-Americans and Hispanics migrate into an urban environment where you have coal-fired plants.

The problem with African-Americans is that they are restricted -- they have continued to be restricted into segregated and marginalized communities. So there is no mystery as to why African-Americans continue to have high asthma rates.

My own monographs show that, you know, the red line, the restrictive covenants, and the patterns of practice made by banks and other institutions, African-Americans have not had the leisure or the opportunity to move outside of these highly toxic environments.

So asthma is not a mystery. Not in that way.

1 That is the environmental justice issue at
2 hand. That is why history is very important
3 when you look at these communities.
4 Why are the African-Americans and Hispanics
5 leaving Chicago and going to even more toxic
6 environments like Joliet and Aurora?
7 Those are the areas where they are allowed
8 to move and to exist.
9 So we can be bogged down by the science,
10 but there's some patterns -- historical
11 patterns and practices which are shifting
12 certain populations into more toxic
13 environments.
14 CHAIRMAN LINARES: We have time -- we have
15 one more minute so --
16 DR. HOOD WASHINGTON: The article is called
17 "Inner City Asthma" that I can share with you.
18 CHAIRMAN LINARES: You want -- about having
19 the article in the record, as you mentioned --
20 DR. HOOD WASHINGTON: "Inner City Asthma."
21 CHAIRMAN LINARES: Mr. Howard, do you have
22 any questions?
23 MR. HOWARD: Mr. Harley, when you bring
24 suit with the Title VI Civil Rights Act, what

damages do you see and who pays for them and et cetera, if you can generally talk about it?

MR. HARLEY: Title VI civil rights complaints on environmental issues are directed to U.S. EPA's Office of Civil Rights, and the Office of Civil Rights, when it receives a complaint, investigates to determine if a federally funded state partner is making decisions which result in discrimination based on the Title VI protected classes.

The ultimate remedy that exists is for U.S. EPA to decide to limit or eliminate the funding of their state partner but that remedy has never been imposed.

It's much more likely the U.S. EPA, if it believes that a complaint is meritorious, which has happened in the complaints that we filed, will use the complaint as an opportunity to create reforms within a state partner, in the case of Illinois, the Illinois EPA, so that the state agency in its primary practice is one closely aligned with what EPA believes should be in compliance in order to avoid discrimination on an ongoing forward basis.

My complaints, when they file Title VI complaints, are not trying to undo permit decisions, for example, which cannot be done through Title VI.

What they are attempting to do is to make sure that the experience which they have, which they cannot explain and which has had a bad effect on their community, is not replicated in the future.

What they are seeking to do is to understand why the decision was made and to ensure that reforms are instituted so that that does not happen to other communities in the future.

MR. HOWARD: Thank you.

CHAIRMAN LINARES: Thank you so much to each of you.

We appreciate your time and your input. And with that, we'll change panels and begin in just a moment. Thank you so much.

(Applause.)

CHAIRMAN LINARES: We will have Mr. Urbaszewski's statements passed out and included in the record.

(Recess taken.)

CHAIRMAN LINARES: We are going to get started very soon. Get settled. So we are back in session.

I'm taking the liberty to use the gavel as much as I can today.

So we have another panel that's up, and thank you for the panelists that have joined us.

We do have one or two that are confirmed that, obviously, will not be here, and we will be waiting for another.

That being said, because this panel runs until 1:25 and there are only two current panelists right now, what we will do is we'll have the committee members ask questions of our panelists, then an extra open session for those in the audience who want to ask any questions. We will do that until 1:25 p.m.

So with that, I would like to introduce Kim Wasserman with the Little Village Environmental Justice Organization and Naomi Davis who's with Blacks in Green.

Each of you will have a maximum of 15

minutes to give a statement about your issues, and then we'll have the other one go up in their 15 minutes, and at that point the panelists will ask questions.

So we will start with Kim Wasserman.

MS. WASSERMAN: I'm setting a timer so I don't go over, unless --

CHAIRMAN LINARES: I have a timer. By the way -- thank you for the reminder -- I will let you know I have a sheet here that says five minutes and then three minutes and then one minute. So please don't be offended if -- and if your microphone is not on, we can help you with that. Okay.

MS. WASSERMAN: Good morning. My name is Kim Wasserman, and I'm the director of organizing and strategy at the Little Village Environmental Justice Organization. We are a 20-year organization based on the southwest side of Chicago working for environmental justice for our community.

To give some background on who we are as a community, I think it's important to know that

we are, as a community, only five miles in radius. We are actually a really small community, but we have 95,000 people living within that five-mile radius. So we have a lot of folks of which of that 95,000 people half of them are under the age of 25. So we are very good Catholics in our communities. We procreate very well, and we love our babies.

And I share that with you because Little Village is very unique. Little Village is the second largest Mexican/Mexican-American community outside of east Los Angeles. So we are the Mexican capital of the midwest. It's kind of like a little Mexico when you come visit us. So our work really centers around the question of how do we have a just environment in the low-income communities like Little Village?

In our community, about 15 years ago, our community members really started to notice that there was a very high rate of asthma and breathing -- respiratory issues in our neighborhood.

Some of the interesting statistics about

Latinos and asthma is that Mexican-Americans actually have a lower rate of asthma compared to Puerto Ricans in the United States, who have a higher level of asthma. But in our community that statistic did not stand true. In our community we found many numbers of kids and adults and teenagers were dealing with respiratory issues. As a community we wanted to understand where that was coming from.

And so this is the age before computers. I can tell you, before you could just get on the computer and Google, you know, what's in my neighborhood, we actually had to walk around the neighborhood and go check out what was in your backyard.

So over the course of two years, our organization worked with community members to map out all the industry in our neighborhood because we really wanted to understand how much industry was there and how they were affecting us.

And through that exercise, one of the things we found is that we had a coal power plant in our backyard.

Now some may say how do you not know that you have a coal power plant in your backyard? Well, you'd be surprised.

Little Village, like a lot of environmental justice communities, is surrounded by and part of an industrial corridor. We have industry not down the road or across the tracks from us. We have industry right next door to us. So you have homes butt up against industry in our neighborhood. You have homes right across the street from industry in our neighborhood. And I think living in a city like Chicago, that's the reality of the industrial age and kind of how planning was carried out in a city like ours.

And so through our tour of the communities, we came across this humongous plant in our backyard, and a lot of folks really didn't know what they did and a lot of folks weren't scared of it because the smoke that came out of the smokestack is white. It looks like steam. So a lot of folks thought that doesn't look gray, dark, it doesn't leave -- you know, it looks very unassuming. So for a lot of our young

people, they actually refer to the coal power plant as the cloud factory. That's where clouds are made because that's the steam that comes out of the smokestack.

And so when we started to investigate what they actually did there and we learned that they were a coal plant, even then we still were unsure of what that meant. For a lot of our folks, they thought that that meant that is where they make things like Kingsford coals which you put in your grill to barbecue, right? And so we had to kind of really explain to folks what a coal power plant meant.

So through educating our community members, we started to learn that, in fact, the proper -- our community is Little Village, and right next door to us is the community of Pilsen where we currently find ourselves in.

We had two, actually, coal power plants right next door to each other.

The city of Chicago is one of the last cities to have had two coal-fired burning plants in their city limits.

So, again, Pilsen is its own neighborhood

with its own population. We're both Mexican/Mexican-American communities, both low-income communities of color, but here we had two neighborhoods, very similar, with two coal power plants right next to them.

And so we did our research and started to talk to residents in Pilsen to understand what you guys face in your neighborhood, what we face in our neighborhood, and we found out a couple things. We found out that both -- neither of these two coal power plants actually employ folks from our neighborhood.

With 95,000 people in our neighborhood, we could not find a single person who worked at the coal power plant. The closest we came in Little Village was a friend of a cousin who had dated a girl who perhaps knew somebody who worked at the plant.

In Pilsen we actually did find a couple folks who did office jobs, some groundskeeping jobs, but nothing really career-oriented, if you will, at the plant.

And so it became very clear that we didn't have the jobs incentives with the coal power

plants, but more importantly in 2002 Harvard School of Public Health released a report that talked about how the coal power plants in Illinois were affecting the communities surrounding them.

And so in our case in Little Village, we were having 40 premature deaths a year because of the coal power plants, over 1,500 emergency visits, and over 2,000 asthma attacks a year in our neighborhood alone.

Pilsen had their own numbers.

Waukegan had their own numbers.

Joliet had their own numbers.

So of the 11 or 12 coal power plants, the Harvard School of Public Health really helped identify how this coal power plant was impacting us.

As I mentioned, no jobs. Right? Huge, huge health impacts. And then I think the straw that broke the camel's back for us was the fact that the electricity generated at the two coal power plants actually was not used or sold to the City of Chicago or to the State of Illinois.

The electricity produced at these coal power plants was actually sold to the open market in which the Pennsylvania area was the primary consumer and purchaser of this power.

And so as a community, it became very clear to us that we were being sacrificed for the sake of a company making money. Right? Again, no job incentives. Right? Very impactful health impacts that we were having and somewhat of a tax base. But other than that, we were being killed as a community because of this coal power plant.

And so what ensued was a 12-year battle to shut down that coal power plant because, as a community, we truly understood what this meant to our people. 40 premature deaths a year.

We have schools -- one of our young people mapped out all of the grammar schools, kindergartens, preschools, high schools, and colleges within a one-to-five-mile radius of these two coal power plants.

We are talking about thousands of developing lungs in students that were, eight months out of the year, sitting within a mile

to five miles of these coal power plants.

And one of the things that we researched was how the coal power plant was actually impacting our community on an economic level as well.

What we were able to gather was every time a student at one of our schools missed class, missed a day, that was about $100 that that school missed out on in revenue because of that child missing school. You multiply that by the number of children in our community who have asthma and have asthma missed days, then you calculate in the parents who have to lose work because they have to stay home with their children, then on top of that, you calculate the loss of income coming into the stores, into the businesses in our community, we were seeing a huge loss on an economical front and on an environmental front where, on the other hand, that tax base came nowhere near what we were spending on health and environment as a community.

As so as I mentioned with this report, we came to the city of Chicago. We came to the

mayor. We came to the department of environment and said, here, it's not stories about what's happening in our community. We brought our moms. We brought our children. That hasn't been enough. We have a report, and not just from anybody. From the Harvard School of Public Health.

I don't think you can do much better than Harvard School of Public Health.

And what ended up happening was, instead of having a conversation with us, the administration closed the door on our face. Right?

They were more concerned about the jobs than they were about the environment and the health of the community, and it became very clear to us that this was a blatant example of environmental racism.

It's okay to kill the poor brown people in Little Village because we don't necessarily vote, right? Because of legal status, because of our language.

And for 12 years we had to fight tooth and nail not just the company but the political and

administrative processes in our city to demand justice in the sense of shutting down the coal power plants. So for 12 years we banged on the door, and we called. And we were told the jobs were more important.

There's an actual interview in which the former head of the department of environmental actually came on the radio and said publically, well, if you don't like living in Little Village, perhaps you should move.

And so as a community resident, born and raised in Little Village, I'm appalled at the fact that somebody would even tell me, well, you chose to live there.

I didn't choose to live there because it was the only place. I chose to live there because of the cultural heritage, because I could afford my rent, because my family was there, because that's where I came from, because my parents live next door to me, my aunt and uncle live five blocks away, because I wanted to raise my children in a community where our culture is still kept alive. Right?

But here I have a woman telling me that if

I don't want my children to be impacted by the coal power plant, I need to move. My question to her was: Are you going to pay my first and last month's rent? Are you going to pay my moving costs? And why should we have to move? Why can't this coal power plant move? Why can't they be kicked out of the city if we know that they are impacting the health of our community, not just Little Village?

The air pollution doesn't stop at the boundaries of that community.

That air pollution travels for miles on end. It impacts thousands of people in the city of Chicago.

So over the course of 12 years, we tried everything under the sun. You name it, we probably did it, from protests, to marches, to vigils, to elections, to referendums on the ballot, to county tax possibilities, to city ordinance possibilities, and every time we were defeated.

Why? Because this company had deep pockets. Our alderman in our neighborhood didn't want to talk about this, for years

refused to talk about this. Why? Because he was getting money from the power plant. A measly $5,000 every year was what they were donating to his campaign to not get involved in this issue.

And so when we put that information out there, our young people found out, they put the information out there, we would put that flyer out on a Friday, that Sunday he was on the front page of our local newspapers telling the reporters I have had a change of heart, I am now going to support this ordinance because it's important to me, and I now recognize what it's doing to the environment.

It took putting this person's business out there in order to get them.

And in the case of Pilsen, the alderman had to have a runoff in the election before getting him to flip and support the campaign.

So once we were able to get these two aldermen, our local aldermen, our local public officials on board, then we were able to gain momentum in the city to get an ordinance possibly passed.

This ordinance demanded that the coal power plants either clean up or shut down. And part of this was, one, our mayor had to leave office because for so many years, Mayor Daley was in office as our mayor, and he refused to have this conversation. It was constant jobs versus the environment.

And what we were trying to explain to him is it is not jobs versus the environment. We care about the people who work in those plants regardless of whether or not they come from our community.

Those are jobs that they have, well-paying jobs, but how are those jobs being impacted by the health within working in that coal power plant? Right?

It's not just about our community members. It's also about those workers in that plant. As much as we tried to work with them, we were unable to work with them.

I think the conversation and the time was not right for us to come together. And so a third of their workforce ultimately retired, a third was given a severance package, and a

third of the workforce ended up moving to other plants.

But, again, for us it really took both Mayor Daley retiring, a huge national effort, I think, that really dawned, I think, on the environmentalism community in the United States. There's a lot of talking about the environment and how you need to bring recyclable bags to the grocery store, you have folks thinking about their carbon footprint. Right? So folks are becoming a little more green and understanding what these things mean.

So as a community, as we educate ourselves, we start to educate more and more communities out there to say, look, this air quality issue is impacting you, you should get involved, and, again, once the mayor decided to retire and the new folks who ran for office came up, through the help and cooperation of the folks like the Sierra Club and Green Peace and other clubs, we were able to make this campaign one of the top three issues of the two mayoral campaigns. So every time there was a debate, one of the questions was, if you were to become mayor of

Chicago, what would you do about the Crawford and Fisk coal power plants?

And most of the folks who were running said, I would deal with this issue. I would shut them down.

And so really the combination of the mayor retiring and a new mayor coming in, a national campaign across the United States against coal power plants and our 12 years of fighting this coal power plant all culminated in 2012 with this ordinance potentially going through, and I really want to highlight how impactful it was to be able to put an ordinance in the city of Chicago that actually potentially looked at regulating coal power.

And I want to highlight that because I think it is amazing how hard communities have to work in order to deal with environment justice issues. Right?

Instead of being able to go to the EPA, instead of being able to go to the resources we had, we had to go to our city council and basically ask our city council to become a regulating agency to a certain extent. Right?

You have a mandate, the health of your citizens in the city of Chicago. Right?

So the ordinance they proposed was either clean up the coal power plants or shut them down.

I will close by saying that that ordinance received national attention for a reason.

Coal power plants across the United States put pressure on Midwest Generation to say do not allow this to happen because, if the city of Chicago passes this ordinance, this sets a precedent for any other city across the nation to potentially regulate their coal power plants, and Lord forbid that should happen to the coal power plants or the companies.

And so for us it was amazing not only how far we had come, right? But the work we had to do to get there because, as a community, the environmental justice community, our options are very limited. Right?

And so in the course of 12 years, we recognize that sometimes it takes not just the whole community, it takes hundreds of communities to be able to fight these lions, if

you will, and take them down.

So I'm very happy to say in 2012 the company did not want to see that ordinance pass and instead voluntarily chose to shut down. And so that coal power plant has now been shut down since 2012.

But now we're left with the legacy of a coal power plant. Right?

We have this 60-acre site in our neighborhood that is -- nothing is going to happen with it.

They have no interest in doing anything with it unless they are going to see their revenues come back on it.

And so as a community, we are left with a brownfield site in our community, that's doing nothing for the community, and so right now we have been working for the last couple of years with the City of Chicago to really figure out what does a community-led process on the new development on this site look like?

Yes, it's privately owned, but we believe the businesses that come into the city of Chicago to do business need to do it in a

healthy way and a manner that lifts up environmental justice.

Thank you very much.

CHAIRMAN LINARES: Thank you so much. And for the benefit of our transcriber, if I may, those are Crawford and Fisk coal plants.

MS. WASSERMAN: I tend to talk faster.

CHAIRMAN LINARES: Thank you so much, and we'll pass it on to Ms. Naomi Davis with Blacks in Green.

MS. DAVIS: Grateful to be here and to give testimony on behalf of constituents who share the challenges that I'm going to be describing to you and my esteemed and beloved colleague here whose work we dovetail with and complement and, of course, we are honored to serve on the Chicago Environmental Justice Network which is led by LVEJO. And so, by the same token, I want to be sharing with you a complementary perspective.

We believe, of course, you might imagine, that an organization called Blacks in Green has something to do with black people. Okay?

And we are unapologetically

African-American.

And at the same time we are, you know, one of America's most diverse eco wards and focused on advancing what we call green village building, which is our signature initiative. We launched in 2007. We have a national network. We are based in West Woodlawn, which is Chicago's first African-American middle class neighborhood, home of Lorraine Hansberry and Emmett Till who are great figures of American history.

And the work that we do revolves very deeply around the cultural legacy of our people.

You may or may not know that we are celebrating -- I was racing here from the press conference this morning launching the Great Migration Centennial.

We are in the hundredth year of America's greatest underreported story, I might editorialize, the movement of six million African-Americans what we call up south for freedom and economic opportunities. And so we work very close with the Black Metropolis

National Heritage Commission and those associated with building up the remembrance of that story and from an economic development pillar.

So what you are going to hear from me today reflects the Blacks in Green intersection at environment and economy.

So we say that there is no environmental justice without economic justice, and we are deeply concerned and working very closely that the story of our migration, our underground railroad, the privacy of self-help and the importance of creating allies across the bounds of race and class are key to what we do, and at the same time we feel very much bereft.

We feel that we've been abandoned, and we have the case statistically to share that -- share that story.

We want to underscore the racial wealth disparity as sort of the building block of the challenge that we have in the African-American community to live the health and wealth promise of America.

Our unemployment is generally twice that of

whites; our poverty, nearly three times; our homeownership, 60 percent; our wealth, about one-tenth.

We are significantly more likely to be pulled over for driving -- for traffic violations, twice as likely to be searched.

Though the police are far more likely to find drugs and weapons when searching whites, that search ratio still remains out of kilter.

We are ten times more likely to live in high-poverty census tracts than poor whites, and in Chicago, 35 percent of poor African-Americans live in poor neighborhoods compared to four percent of whites.

Unfortunately education does not create the buffer against this -- the structural injustices that we might imagine.

When we talk about the African-American community and issues of place, we want to make sure that you understand that, in America right now, across the country we are facing displacement through gentrification and the issue of ownership of the land is central to our ability to build our household and

community wealth and, therefore, to be able to vote with our pocketbooks about where we live.

We work very closely with the communities associated with Altgeld Gardens, which many of you will recognize as the ground -- the ground of Hazel Johnson, the Godmother of the environmental justice movement in America.

We -- we are very proud of the ties between the research, the advocacy, and the change-making that happened there and the self-help that was evidenced by the underground railroad, which came right through the Altgeld Gardens area just south on the Little Calumet River.

We are going to be constantly intertwining the aspects of culture, the aspects of economy, and the aspects of self-help that really depend on our ability to increase household income where our communities are located.

Homes are the largest investment that most Americans will make and is by far the biggest items in our wealth portfolio and much more so for black families than white families. 53 percent versus 39 percent of African-Americans

will build their wealth based on their ability to own a home.

The number of years that you own a home is one of the leading factors in determining the racial wealth gap. And so interrupters like the recently experienced foreclosure tsunami, where we were specifically targeted for losses associated with our real estate, and then the historical structural matters of restrictive covenants and contract sales and discriminatory land policies like the lack of government subsidies after World War II and the veterans' plans, the farmers, the USDA and the racist land policies associated with financing for African-American farmers.

These together have collapsed upon the black community to create an environment where economically we are not able to compete in the marketplace for what have now become very, very valuable inner city legacy communities.

Where we are located in West Woodlawn is the southernmost tip of Bronzeville, which is understood as an international tourism destination and sort of the soul of authentic

African-American culture in Chicago.

We are just west of the University of Chicago. We are just at the foot of a 400-acre Frederick Olmsted Park. We are rich in transportation. We are 15 minutes from downtown, and we are highly coveted by developers from around the world.

With the coming of the presidential center to either Washington Park, where I live right on the verge of, or Jackson Park, which is a stone's throw, we recognize that bank portfolios are recycling their ill-gotten gains back into their coffers and portfolios that will be sold to investors from London to Kuwait.

We understand that the need for middle-income housing and what we call at Blacks in Green the walkable village where every household can walk to work, walk to shop, walk to learn, and walk to play, is fundamental to the next hundred years of life in the African-American community.

And Blacks in Green understands the walkable village as a greenhouse gas reduction

strategy. And so we are deeply committed to promoting the kind of local living economy that is anchored in neighbor-owned businesses, neighbor-owned buildings, and access to the capital needed to sustain them.

We promote the conservation life-style in everything that we do, but to do what we do, the funding that is not proportionately shared with smaller community-based organizations -- and it's something that we spend a lot of time talking about, and we're preparing to really ramp up our campaign so that funders can recognize that the "help the Negro industry" must die.

In its place must rise a culture of financing, policy, and practices that directly fund the very able, very interested parties on the ground who are capable of taking care of themselves, all things being equal.

So -- so we want to point attention to some anomalies in the legislature that -- and in -- again the structural inequalities that we live with that cause us to so often be sequestered in what our good friend Majora Carter will

often describe as sort of the lungs or the toilet of a town, where -- you know, where developers and industry typically feel, well, trash has got to be disposed of somewhere and, you know, these waste materials have to be processed someplace. Tough if you happen to be the place where it's happening and too bad if you can't afford to have a better place to live.

I'm the proud granddaughter of Mississippi sharecroppers who, when they left the farm in Minter City, Mississippi, came to the big city of Memphis, where my grandparents settled, of all places, right across the street from the city dump.

And we recognize as a family plagued by asthma the truths that Ms. Wasserman, LVEJO, has shared with us this morning, that we will be disproportionately negatively impacted by the consequences of our economic sequestration into communities that are too often less desirable, at the same time, improprieties, that we called out, by the Chicago Housing Authority, where they are aggregating hundreds

of millions of dollars rather than distributing them fairly for people to have a good place to live and where the legislature over the last 14 years has cut 25 percent of the budget for housing, human services, and education, those safety nets which are most important, critically important, to the marginal survival of the people of our community.

We believe that in Chicago the Distressed Communities Index, which was recently published, is a living, in-color proof of the race-based segregated, disproportionate harm in the economy that translates to the environment.

And we have documentation that we are happy to share with you, leave -- leave with you today, so that you can understand in a more concrete way that we are suffering doubly at the intersection of environment and economy.

I want to thank you for caring and taking the time to listen. We are at your disposal as agents for change and collaborators for the greater good.

Thank you.

CHAIRMAN LINARES: Thank you so much. And

we will open it up for questions from the panel for about 20 minutes, and then we'll open it up for open session for about another 15, but our Committee members will also be able to ask questions during that time.

I'm going to take the liberty to ask the first question. So let the record reflect the chair is going to ask a question.

And this also goes back to the previous panel actually with the data experts as well.

To what extent do either one of you see the communities that you're serving -- to what extent are they knowledgeable about these issues?

So blight itself in buildings or coal plants, you know, are very visual. They are very -- you can observe that they are there. But to use one of the terms from the previous panel, the small particulate matter and these other issues that probably or could lead to asthma, to what extent is the community knowledgeable about these, or are you going out and educating communities about these to drive interest and actions?

MS. DAVIS: Well, I think I have the smaller answer, and then I'll yield to my colleague.

We are, among other things, plagued by a growing intermodal facility that is driven by Norfolk Southern Railroad which works in tandem with the federally funded Create project, which is a conglomeration of 12 railroad corporations which are driving the transformation of the rail nexus.

You may know that Chicago is in the epicenter of the rail industry and that it is experiencing or feels that it is suffering right now from congestion that is affecting their bottom line.

As a result the -- a massive chunk of Englewood, our neighbor to the west, has been quietly and consistently over a period of -- an obvious period of about six years to be acquired parcel and parcel by Norfolk Southern, and the result today is huge swaths of land, the quadrupling of the number of trucks coming in and out, removing topsoil, and otherwise the industrial hygiene of the -- of the entire

scenario is questionable.

We do have a partner in our neighborhood which has negotiated the installation of sensors which are designed to track and measure the particulate matter, and there have been concessions by the railroad in terms of retiring some of their older equipment in favor of much more environmentally friendly machinery.

However, to your point of what the community knows and what they don't know, they know their children are sick, but they have understood that sickness to just kind of be in the gene pool sometimes, without really recognizing that the gene -- it's not the gene pool. It is the environmental pool that -- the water that they swim in.

And so organizations like Blacks in Green and Sustainable Englewood have really tried to push the envelope in letting people know that there are -- there are answers and especially, getting back to the economic part, that -- that we should be making a benefits agreement with all industrial neighbors who come to our -- our

communities, that we should be able to negotiate with them for the -- in advance of their being given acres and acres of city-owned land, we should be able to negotiate with them exactly what their particulate output is going to be, how we can mitigate that, and what kinds of insurance, what kind of health claims, what kind of amendments to the homes can be paid for, and I might add that, while their stock is going up because they have successfully annexed acres and acres of neighborhood land, our stock in health is going down.

So it is a very, very time intensive, relationship intensive kind of education. It's a door-to-door, block-party-to-block-party kind of event kind of programming, and so having the money to do that kind of intervention is extremely important for small organizations like ours.

Kim?

MS. WASSERMAN: So I think at the beginning of our campaign that question would be -- I think a lot of people didn't know, but I think because of this 12-year work that we did to not

just shut down the coal power plant, but we also did a 15-year campaign to get a new park in our neighborhood and a 5-year campaign for a new bus line in our community. Folks understand -- and I think culturally folks understand and inherently folks understand that there's something wrong with the environment.

You are in Chicago in March, and it's 60 degrees. 70 degrees yesterday. It's not normal. And as much as people enjoy it, people recognize that there is something seriously wrong going on in the environment.

So I think in our case as a community the conversation is ahead of the game, I think than a lot of other communities because we have a history of fighting for environmental justice. So as our community won these amazing gains -- right? We have great clean air now. We have a great new park in our neighborhood. We have great public transportation now.

We are seeing a huge interest on behalf of the city in our neighborhood to grow the transportation market.

So as Naomi's community is seeing

intermodal, our community is seeing a huge rise in diesel trucks, and off the bat community members are asking how is it that you spent 12 years shutting down a coal power plant and now we are going to get killed by all the diesel emissions coming out of all these trucks? Right?

And so the same conversation is happening. And I will say that, to Naomi's point, we actually want to see this conversation pushed beyond community benefits agreements. Right?

As a community, we have over 164 industries in our community. That is 164 potential community benefits agreements that we have to work on with five staff. That's nearly impossible. Right?

So we are looking to engage with the City of Chicago this year to talk about how do you balance economic development with an environmental justice plan. Right?

Because we have learned what happens when you put a coal power plant in a low-income community of color. We are seeing it in Waukegan. We see it in Little Village. We see

what happens when you don't look at development with an environmental justice plan. You end up with communities like Englewood, like Woodlawn with huge, huge breathing problems. Right?

So we think the time is now to have conversations with EPE.

Our communities understand, are aware, and know what's happening, either fundamentally in their heart or scientifically they know.

So this conversation is not an option. This is a real conversation that folks want to have and say don't sell me on jobs. Let's talk about the real cost of health and the environment when we are talking about these companies coming in and the types of jobs they are going to offer.

CHAIRMAN LINARES: Thank you so much. Any other questions?

MS. WORTHAM: I have one.

CHAIRMAN LINARES: I'm sorry. Can you move the mic? Thanks.

MS. WORTHAM: Just listening to your comments, as well as you, Naomi, and I would like to leave here today, if possible, to have

a very good definition from your understanding of what is meant by environmental racism. I would very much appreciate that.

MS. DAVIS: Okay. When we -- when we find the reality of the moment as a disproportionate negative harm -- let's say -- let's just say it wasn't intended to begin with, because in many of the -- the places where industry is located, many times those institutions preceded housing. Okay? So let's -- let's give them the benefit of the doubt there.

But when you add to that reality and you recognize that a disproportionate number of communities of color have now percolated up around those industries, you are duty-bound as a moral human being and, of course, as a municipal steward to ask why people would live in a location like that, is it okay with me that they live in such a place with the hazards associated thereto, and, three, if it's not okay with me, what am I committed to doing about it?

So environmental racism is the embrace of that reality and the demure or the decline to

do anything about it because of a moral willingness to allow people of color to suffer.

Does that sound --

MS. WASSERMAN: Absolutely.

CHAIRMAN LINARES: Mr. Jackson Green.

MR. JACKSON GREEN: Ms. Washington [sic], you mentioned when you were discussing the health impact of the Crawford and Fisk power plants in Little Village, one statistic was about 40 premature deaths per year, in that region.

Were these respiratory illnesses or --

MS. WASSERMAN: So a lot of them were.

The reality is asthma can aggravate things like high blood pressure, congenital heart disease. So it's both respiratory but then also the aggravations of current and forming health issues. Right? So it's a combination of both, so if you already have high blood pressure, if you already have diabetes. Right?

So one of the issues we face in Little Village is 95,000 people, 5 -- 5 -- did I say -- 5 miles in radius, we have one park. Right? One park for 95,000 people is...

Half the population is getting no exercise.

So all of those things then culminated by not being able to breathe are going to potentially lead to premature death. So it was a combination of both.

CHAIRMAN LINARES: Ms. Shah has a question.

MS. SHAH: My question is to Ms. Wasserman. I have a question about the legacy that you spoke of, which is the brownfield site where the power plant was shut down.

What is your understanding as to why the owners were not required to clean the site before exiting? And also is there a lasting health impact from that site?

MS. WASSERMAN: So you asked an amazing question that we like to call the chicken and the egg question. So we, as an organization, continually find ourselves asking this very question.

There is nothing on the books that requires industry when they leave to clean up their mess. Right?

So if you are targeting our communities for industry because the land is cheap, the labor

is cheap, nobody is really going to question what's happening there. Right? So people pick our communities for a reason to put the industry in because we are going to be sold on technical jobs, nobody is going to ask any questions. Originally that was the intent.

So when industry leaves, there's no mandate right now to get them to clean up what they leave behind. And this is part of the problem. Right?

Because developers and the city says, well, if you don't know what the end use is going to be, how can you clean it up to the right standard, where, as a community, our point is if you clean it up to a standard, anybody can develop.

So how do you balance, right, both of those things?

And for us, as a community, if you are going to come in and do business in Little Village, you should be required to take -- excuse my language -- your shit when you leave.

Like, we -- because it makes this -- you are talking 65 acres that somebody now is going

to have to put up the money upfront to clean up before they can do anything with it, whereas if the company cleaned it up before they left, the opportunity to develop it is much, much greater, and it sends a message to other industry to say, if you are going to come do business again in Chicago, do it in a responsible and respectful manner and be a good neighbor so that, when you leave, that community has -- is empowered to continue to grow economically and is empowered to continue to grow on a jobs front and not be stuck for decades.

We just did a two-year project in which we mapped all the brownfields in our neighborhood.

We have over 60 brownfields alone in our neighborhood, 60 sites which could be developed to anything, from parks, to recreational, to youth.

Given the state that Chicago is currently in with the violence that we have, the necessities are great in our community, why are we not redeveloping some of these brownfields to the use of the community?

So, again, it becomes the question of what comes first. And when you use a business framework to have this conversation and exclude environmental justice, you find communities like ours.

CHAIRMAN LINARES: Ms. Wortham has followup.

MS. WORTHAM: Did you say there is no ordinance in the city of Chicago that requires businesses to clean up their -- the area that they use when they leave? There is nothing in the law in this city?

MS. WASSERMAN: Not that I know of, no. Not that I know of.

And when the coal power plant shut down -- I think the question was any repercussions.

So we had a huge concern. The coal mound that was on the site for decades was outside. It was not an enclosed site. It was a huge mountain of coal that sat outside for 60 years. Every time the wind blew, it carried the coal dust out into the community.

Countless stories of communities having to live in the summer with their windows closed.

The same thing is happening on the south side with pet coke right now, same exact issue, dust getting into your home, dust getting into your apartment. Right?

So when they took all of that coal out, you're left with the dirt of who knows 60, 70 years. Some of this coal has been mined with uranium. Some of this coal has been mined with other things.

So as that dust started to blow, community members started to ask themselves, I know what I was breathing when I was breathing in the coal dust. What am I breathing in now that rain, snow, sleet has deposited into the soil?

So we actually had to call U.S. EPA Region 5. They came out, did testing, both on an air monitoring level and then on a soil sampling level, if I'm not mistaken, and found, thankfully enough, that there was not a substantial danger coming off of the site.

But, again, we had to call U.S. EPA Region 5 because there is nothing right now that we can lean to to say, before you leave, pick up your mess. Right?

Now, what happens, in our communities as well -- I believe you heard Keith Harley speak.

In one case we had a brownfield site in which the remediation company was supposed to clean up a brownfield, made a bigger mess. Right? So in that case, you were able to go after the company that made the bigger mess because we knew who the responsible party was.

But even when we sometimes know the company that's responsible, because of the way transactions work and just the need to get somebody else on the site, they sell a lot of these sites as is. You're buying that liability when you buy that property.

MS. WORTHAM: I am just shocked that a city, any municipality anywhere, would not have as part of its contract, leasing or purchasing properties to whomever --

MS. WASSERMAN: Absolutely.

MS. WORTHAM: -- would not require those leaving that property to leave it in good shape or to pay an extraordinary fine for doing so.

MS. WASSERMAN: Absolutely.

MS. WORTHAM: And I confess ignorance. I

can't believe there is nothing in how this city runs itself that permits it to --

MS. DAVIS: I want to chime in, if I may, to say that, yes, there's a problem of brownfields which are the residual of what industry has created, and to Ms. Wasserman's point about pet coke, we have -- I have an alert on my cell phone, a wind alert on my cell phone, that goes off all the time which is associated with the pet coke phenomenon on Chicago's southeast side.

And I want to say that any more than the -- you remember the Dust Bowl of the '30s. And, of course, they are threatening for the future, as well.

There's nowhere to go when that -- when that silt is coming in. It's in your eyes. It's in your cabinets where your dishes are. It's in the bassinet where your baby is. It's everywhere.

And -- and I'm not an expert on this aspect, but I must say that some concerns were -- have been raised by the way that the City has not required the mounds of pet coke to

be physically contained -- isn't that right -- inside, that -- that shelters which could mitigate the -- the danger have not been required.

I think there has been some sort of compromise in terms of when it would get built and what it would consist of when it gets built, but it's a problem now.

And, again, if you're a cherished people, if you are beloved and you are respected, you get treated one way, and if you're just sort of collateral damage and what the heck not, you get treated a different way.

I think not only do people on the North Shore, for example, never have to deal with the grime of life in this way, but should a hazard be recognized, we assert that it would be handled much more expeditiously.

CHAIRMAN LINARES: Ms. Buys?

MS. BUYS: So Ms. Davis, you and an earlier panelist had referred to historical practices with respect to properties, restrictive covenants and finance practices by banks which drove persons of color to certain

neighborhoods.

Is that really historical, or do you see those practices continuing today?

MS. DAVIS: They are absolutely continuing to this day. We have -- we have received hundreds -- I'm going to amend that statement. We haven't received it.

Hundreds of millions of dollars of fines have recently been imposed against Associated Bank. HSFC I think is the acronym of the other bank which was recently fined $200 million for their racially discriminatory lending practices.

We recognize that some of -- some of the -- you know, some of the injustice that results is a function of having failed to punish the perpetrators in the first place. So the -- the financing mechanisms that have allowed banks to combine their investment activity with their retail activity and have, therefore, created a passthrough that has just been a golden piggybank for -- for purposes of investing in mortgages and then the aftermarket of those mortgages as derivative instruments, bundled

portfolios where hundreds of thousands of mortgages are being sold. This is going on to this day, and not only is it continuing, but it is working in tandem with other aspects of land transfer fraud which includes improperly -- improperly documented pin numbers which are clouding titles in ways that are not properly recognized in the foreclosure process and for which there is no adequate remedy at law at the present moment.

So -- and you -- and you combine that with the distribution of these hundreds of millions of dollars of settlement in what we consider profoundly inappropriate ways.

In -- in the state of Illinois, for example, we have seen settlements of diverted to -- to plug the pension hole. God love a pensioner, you know. However, that -- that's not what making a family whole, for fraud committed and suffered, should be about.

We -- we experience large nonprofit organizations, what we call the usual suspects, receiving the contracts to administer programs which are supposed to make people whole,

prevent further abuses, and otherwise open the market back up to potential home buyers, and it is not happening in the way that it is expected, intended, or claimed.

We -- we consider it to be insult to injury that when those settlements are made that there isn't a more grassroots approach to -- to remedying the wrongs of the neighborhood.

Where I live in West Woodlawn, there -- it's a square mile from King Drive to Cottage Grove. From 60th Street to South Chicago Avenue, there are hundreds of vacant lots and hundreds of boarded properties in various stages of transfer or alienation.

Some of them are zombie properties that the banks feel free to let go to pot.

Our enforcement mechanisms for how property should be maintained -- we recently, disgracefully, lost 413 East 60th Street which was an investment property owned by the Hansberry family of Lorraine Hansberry fame.

The family which, by the way, took the restrictive covenant case to the U.S. Supreme Court and unplugged that particular aspect of

our economic injustice, that family property was owned by an absentee investor, was open -- went through the -- it went through the banks, it went, you know, through trustee. It -- it was open to the elements for three years. For three years I phoned anyone who would listen to mitigate, to ameliorate, to secure the property, and just last month -- it's a beautiful limestone building. The entire limestone balcony collapsed onto the steps below, and it is -- it is now, you know, targeted for demolition and -- it's like that precious asset that was ours had no value. It was just another parcel in somebody's portfolio, and that kind of outside investor approach is going to be the death of the black community.

We believe and we promote and we are looking for ways to facilitate, through policy, practices, and payments, the neighbor investor.

If you can bend over backwards to open the flood gates of money to make these bad mortgages, you can bend back over the other way to remediate and to make sure that neighbors

get to own the properties in the communities where they live.

CHAIRMAN LINARES: Ms. Rodriguez, did you want to --

MS. RODRIGUEZ: This is for Ms. Wasserman.

You mentioned that the Harvard School of Public Health -- you presented that to the Daley administration. Over what course of years was that study -- did that track?

MS. WASSERMAN: I believe the study was released in 2002. I think in 2002 was the study was released, and we use that study all the way through today.

MS. RODRIGUEZ: Have you continued to track any of the residual impacts in terms of the respiratory conditions --

MS. WASSERMAN: We have not as an organization.

We have been working with the local hospitals. It does take some time.

Based on some work that Dr. Bullard did around the Olympics when Atlanta shut down -- based on Dr. Bullard's work in Atlanta, where they had the Olympics there, and they shut down

the highways, they looked at some of the hospital rates for asthma admission. And that took some time. And so we are kind of modeling our work after that and having conversations with the local hospitals around how are they tracking the asthma rates.

And I'm hopeful in the next year or two we will be able to pool together some of that information on what does the environment look like now that we have had this single-source emitter shut down.

But like I said, part of the problem now is that we have a huge rise in diesel emissions. So how do we now have that same conversation very targeted towards, you know, the diesel industry.

MS. RODRIGUEZ: And to the Chair, can we include that in the record as well as the ordinance?

CHAIRMAN LINARES: We can.

THE REPORTER: I'm sorry. Can you say that again?

MS. RODRIGUEZ: Include in the record the study and the ordinance.

MS. WASSERMAN: I can share both of those.

CHAIRMAN LINARES: If they are shared with us.

MS. WASSERMAN: Yes.

CHAIRMAN LINARES: Ms. Wortham, follow-up question.

MS. WORTHAM: Naomi, you mentioned the Norfolk Southern Railroad was involved in gradually acquiring property in Englewood; is that right?

MS. DAVIS: Yes, ma'am.

MS. WORTHAM: Could you tell me if the property that they are attempting to acquire is privately owned property? Do you know whether it is?

MS. DAVIS: I absolutely know, and it's a bit of a scandal actually.

We like to ask the question of our -- of our elected and appointed officials "What did you know and when did you know it regarding the aims of Norfolk Southern to acquire major parcels -- major allotments, acreages, of land in Englewood and what did you do to champion the rights of homeowners to an ample settlement

for the value of their land?"

What happens in the African-American community, through systemic and sustained disinvestment over decades, is that the artificially low valuation of property goes even lower. It down-spirals to, you know, what the system would call, you know, minimal value.

However, Englewood has a proud, happy, strong, woven history of a community and neighbors, families, and children and schools that is and has been completely discounted in the process.

So when Norfolk Southern began buying land -- and I can't quote you the exact year, but, of course, these things -- and railroad companies do enormous amount of research for a decade or more sometimes before they actually begin the acquisition process. And, of course, federal requirements, whether it's the environmental impact studies or whether it's, you know, other contracts associated with easements and rights-of-way and, of course, the railroads have a very special history in America, as the royalty, and I would say slave

owners, as well, but don't let my emotional characterization throw you off.

What we are recognizing is that the slow assembly of the land over, I'll say, the six years that I know of continues to this day with the holdout of a cluster of homeowners who about three years ago decided we are not going to sell to the railroad.

There were two categories of homeowners, those who took the deal that they could get and went quietly and those who were organized.

I'll call his name by Professor Steven Rogers of Northwestern University who proposed that they would be unwilling sellers and that they would, therefore, be able to hold out for a more appropriate price.

We always believe, those of us who were very active in, you know, advocating for more just settlement, that the idea that you could give someone $15,000 for a home, not only that place where you're rooted and where you belong, but the fact of how are you going to buy something of equivalent aesthetic or -- you could call it value, value having many

different plumes to it -- how are you going to be able to replace, you know, that loss, and how are you going to factor in that -- you know, issues associated with health matters that may have arisen during your time in the neighborhood?

So I'll just say that I think there are still a few of those holdouts who are attempting to negotiate a more ample dollar settlement for the sale of their homes.

In the case of Professor Rogers, he's a third or fourth generation Englewood man with a family homestead that is on the block, on the chopping block, and so he's not only got a very sophisticated way of being able to think and negotiate things, but he's also got a very personal stake.

And I'll say that while, again, their stock is rising, because of their ability to amend the TIF, the Tax Increment Financing, district, where this expansion -- the epicenter of this, and you can go there now. And it's scandalous that they won't even maintain the properties in a way that has any respect for how things look

in a black community, that there are contracts that they could easily offer to local unemployed, underemployed and contracts with local vendors to manage upkeep, beautify, and maintain the perimeters of this expanding property that they have.

There's no giveback. And, furthermore, I'll say that the 70 jobs that they promised at -- I believe the rate was $69,000 a year, when they testified before the Chicago City Council in 2013, have never materialized. And they are not going to materialize. And the insult that the black community must continuously suffer with this very glib and very disingenuous promise of jobs, it just comes with the territory that we are going to be promised jobs and no jobs are ever going to materialize and devil take the hindmost.

CHAIRMAN LINARES: So we have about five minutes in the panel left. I do want to open it to public comment, if anyone would like to comment from the public.

We will continue with our questions as well, but please feel free if you are a member

of the public and want to make a comment, please identify yourselves, and we'll open that up for you.

And seeing none at the moment, I'm going to take my other liberty to ask a question.

The record will reflect that the Chair will ask another question.

I'm curious about the continuity with regards to your relationship to government. So it's a two-part question in a sense.

The first is you mentioned that you've gone now, particularly in Pilsen/Little Village, from closing a couple coal plants to now looking at the effects of diesel emissions and then looking at the intermodal on the farther south side.

Has there been continuity with the government officials that you've worked with from one issue to another?

And, secondly, you've both mentioned the state and federal government. You mentioned EPA Region 5. But where does the state fit? This is the Illinois Advisory Committee. So we like to hear if there's anything with the state

officials.

MS. WASSERMAN: So I know that they are going to be testifying later, so I won't steal their thunder.

We have worked really hard for the last 20 years to establish a relationship with the state EPA and the regional EPA. It's been a very difficult and long process. I think one of the realities of being environmental justice communities -- and I joke about this, and I apologize for joking about this, now that I think about it, but one of my ways of kind of welcoming folks into the environmental justice advocacy world is, when you get burned or screwed either by a regulatory agency, the EPA, or we call it the big screen, the big-screen organization, I always feel like that's how you know you've made it in our world because somebody is screwing you over.

And I hate to say that, but the reality is that the history of partnership between EPA and IEPA and the environmental justice community is a very shaky one.

A lot of times we feel that EPA is hand

holding the perpetrators of a lot of these crimes.

In our case in point, when we were fighting for the park for 20 years, it took them 10 years to find the responsible party. 10 years to find the responsible party. We lived across -- people lived across from the Superfund site, and let me clarify. It's not super fun. It's Superfund because it takes a Superfund of money to clean them up.

For over 20 years people sat across the street, lived across the street from a Superfund site, and every time it rained, their homes would get flooded, and it would go -- if you are from Chicago, you go into your basement, you roll the pants. You go in the basement. You open up your sewer -- your sewer top and you let the rain water run out.

As a -- as a -- as a girl from Little Village, you roll up your pants. You go down barefoot. You open it up. Folks would get rashes on their hands within half an hour of touching that water. Right? Because it was contaminated with something called polyaromatic

hydrocarbons. 25 years we had the proof, but it took them -- they hand held the company through this process.

And a lot of times we felt like we were actually fighting Region 5 and not the party.

When we ended up negotiating for the park and for home cleanups, we ended up negotiating directly with the company because EPA kept selling us out for lower standards, for lower homes that were going to be tested.

So we actually ended up negotiating directly with the lawyers from the company and got a better win than had we gotten -- had we gone through Region 5 EPA.

I think that kind of tells the tale of where we stand. And, like I said, this is one of countless stories for environmental justice communities that go through that.

I think that experience helped us realize that there were some problems with our relationship and we need to work on them. We have. I think we have a good, robust relationship with Region 5, and we find ourself now in that same place with Illinois

Environmental Protection Agency.

Our state is a hot mess right now. We have no budget. We've had no budget for two years. You know, I think our regulatory agency is really trying to stay under the radar to ensure that they don't get cut. Right? That they can maintain.

And I think it's a very scary time. Right? Because we are not just talking about cuts to programing, cuts to our families, cuts to services, but also cuts to the regulatory agencies potentially that monitor these industries.

So I think the reality is a lot of these agencies are trying to maintain. They are just trying to maintain and do their jobs as best they can. But a lot of times it's, because there's such a notion of not upsetting the industry and just kind of maintaining, our communities are getting sold out in the process.

So I think there's a lot of hurdles that we have to overcome to create a trusting relationship with these agencies, but I think

our communities are constantly willing and reaching out because what other option do we have? We don't.

So I think that was the first part of your question. I apologize. What was the second part?

CHAIRMAN LINARES: I asked about continuity with government and then where Illinois stands.

MS. WASSERMAN: Right. So continuity with government, that's a really good question. Again, we had a huge change in leadership. Our department of environment is no longer existing in the city of Chicago. So I think that tells you where we stand as an issue within the city.

Again, the City does what the City does to kind of maintain its budget and do its thing, but the wiping out of the department of environment I think is somewhat of a strong signal to a certain extent. Right? Of where we stand with environmental issues.

And so, like I said, we are looking forward to an opportunity to engage you with our city, engage you with our department of planning, as we look at our community through a land-use

plan of really highlighting what the lack of environmental justice or even a health lens in that plan can potentially do.

So on the diesel front, this is a very real conversation.

Chicago -- I mean, every product in the United States at some point or another is traveling through Chicago.

If it's coming off of a port on the east or west coast, some truck or some train is bringing it through our city.

So the realities of intermodal diesel trucks transportation in Chicago has got to be a very real conversation.

The ports in Los Angeles, the ports in New York are moving forward with electric vehicles, with air monitoring because they recognize the huge environmental impacts that these ports and intermodal agents -- intermodal facilities are having in communities.

Chicago is lagging behind in that conversation.

Yet we are the epicenter of goods movements in the United States. So I think it's a

telltale sign of where we stand. Right?

We have great victories like the coal power plant. Yet we are lacking on serious conversations from pet coke all the way through transportation in our communities.

MR. KAZMI: Point of clarification.

MS. WASSERMAN: Yes.

MR. KAZMI: For the department of environment, it was merged into another City --

MS. WASSERMAN: Correct.

MR. KAZMI: -- department.

And the second question, or quick question, in regards to Chicago lagging in certain matters, we are a city who, especially under this administration, is always competing with other large cities such as LA and New York.

So what are you doing at Little Village Environmental Justice to get what you just shared -- that point across, basically how LA and New York ports are using -- what are you doing?

MS. WASSERMAN: Absolutely.

MR. KAZMI: What can we assist with?

MS. WASSERMAN: Some of the -- we're

definitely looking at how they have done this. The port of Los Angeles has incentivized new technology. Right? Through their tax base, through their -- through the income that they make at the port, they are incentivizing their companies and their firms around the port to look at electric vehicles. Right?

You look at the port of Los Angeles' website, they have a whole, like, technology page.

MS. DAVIS: They are very innovative.

MS. WASSERMAN: They are very innovative.

MS. DAVIS: They are really pushing the envelope in ways that I don't think anyone else is.

MS. WASSERMAN: Exactly.

So we're looking at that, and we're culminating that conversation here in the city. So when we talk about industrial corridors, when we talk about planned manufacturing areas, it is not an isolated conversation.

As I mentioned, these are not in some faraway distant space in the city. They are right next door to our homes.

And so, if we continue to have these conversations in isolated styles, we are going to continue these historical tasks starting with Hazel Johnson and continue now 20, 30 years later. So we are saying to the city we have to look at planning in a wholistic manner. We have got to include health, environment, a real conversation on jobs in our community along with keeping and bringing -- right now the city is trying not to lose industry to Indiana where you can get cheaper land, cheaper workforce, not so strict regulations.

So the city is trying to maintain their industry, and we recognize that. Our community thrives off of industrial jobs.

What we are saying is to the point of, if you want to come do business in our neighborhood, let's do it in a healthy, responsible, fiscally manageable manner. And I think coming to the city in that manner, versus just saying environment, environment, environment is very, very different.

MR. KAZMI: Correct.

CHAIRMAN LINARES: With that, we want to

thank you --

MS. DAVIS: Can I say one last thing?

CHAIRMAN LINARES: Last comment.

MS. DAVIS: I didn't want to omit that where we negotiated as a community-based collective of organizations with Norfolk Southern around the pollutants and their expansion, we ended up with -- is the best way I can say it -- a written benefits agreement which has not been managed, disclosed, or honored, I'll have to say.

We -- we wonder who our point person is. We -- we wonder about the metrics of what was agreed to. We wonder about the money that was promised. And we wonder if you could help us figure that out.

CHAIRMAN LINARES: We'll take that into account as a question to be followed up with. Perhaps not in the recommendations but maybe on an individual basis.

So with that, we want to thank you, the panelists, for your time and input.

We will adjourn for lunch for one hour. So it's a temporary adjournment. We'll be back

here at 2:25 with three more panels and then a public session. Thank you.

(Luncheon recess taken.)

CHAIRMAN LINARES: We are back in session.

We have another community panel that will be presenting with us, and we thank, once again, everyone for being here and for your time and for your input on this important issue of environmental justice in the state of Illinois.

I do want to introduce the next panel and, to the same rules that we had before, each panelist will have 15 minutes to speak. From that point, once all the panelists are finished, we will have a period where there will be question and answer from the committee members, and we'll have time then for the next panel and the next panel after that.

So without further ado, I'm going to introduce the panelists.

This is a community panel coming from the northern parts of the state. And this will start with Dulce Ortiz from Clean Power Lake County Group, Barbara Klipp, co-founder of

Incinerator Free Lake County. Then we also have Kristen Nannicelli from the Sierra Club. So thank you all for being here.

I'm going to pass the microphone for the first 15 minutes to Ms. Dulce Ortiz.

MS. ORTIZ: Thank you. I'm very honored to be here, and I'm going to thank you for the opportunity to speak before you and represent the voice of 48,000 Latinos from the city of Waukegan.

My name is Dulce Ortiz, and my most important job is being a mother to my 14-year-old son, Ivan Ortiz.

My son's life is the energy that inspires me every day to fight for the injustices that are continuously done to my community. The sacrifices I must make, missing his first basketball game, his first speech, his first solo -- I've missed a lot of firsts, and I'd do it all over again if it means I will leave my community and this world a better place, not only for my son, but for all of our children as well.

I have been a volunteer for the Clean Power

Lake County campaign since its inception in 2013. The Clean Power Lake County campaign is a grassroots coalition of community, faith, health, and environmental groups dedicated to building a just future based on clean air, clean water, and a revitalized lakefront in Lake County.

Members of the Clean Power Lake County campaign advocate for a long-term retirement plan for the coal-fired power plant in Waukegan including a just transition for the workforce, the tax base, and the lakefront site. We also work to promote clean energy products that can create new local jobs and tax revenue for both Waukegan and Lake County.

Waukegan has a beautiful lakefront that sits on the shore of Lake Michigan. Our community has much to offer, from the great cultural diversity of our residents, many small businesses and local restaurants, as well as a vibrant arts community.

Our harbor is home to hundreds of sailboats, and our municipal swimming beach attracts hundreds of families throughout the

summer.

My son and I live downtown Waukegan, and I honestly can't imagine living anywhere else.

I am incredibly invested in my community, and I work extremely hard to promote all of the amazing things that our city has to offer.

However, Waukegan faces many challenges. My community has a full history of industrial pollution and contamination.

Industrial corporations made their profits for many years on our lakefront and then abruptly left our community, along with a long legacy of contamination, which we are currently still spending our tax dollars trying to clean up.

Waukegan now has five Superfund sites that have massive amounts of contamination like asbestos, PCB, arsenic and others.

The lack of transition planning as these companies exited the community resulted in massive jobs and tax-base loss which economically depressed my community.

The extensive contamination has left sites in years of remediation efforts and now with

limited options for reuse.

The city of Waukegan is now made up of 54 percent Hispanics and 18 percent African-Americans with a total population of 89,000.

Families in our community are low-to-moderate income. We don't always have access to quality health care nor preventative care.

Minority and economically disadvantaged communities are disproportionately burdened by pollution, and the Waukegan community is no different.

Lake Michigan is impaired for mercury and PCBs. A fish sampling report conducted by the Illinois department of natural resources show that fish in the Waukegan harbor show contamination for both mercury and PCBs.

This presents a huge risk, as fishing is an important business in Waukegan and subsistence fishing is also very popular among Waukeganites, particularly the Latino residents.

On top of all of the other sources of

pollution my community is exposed to, we also have the largest source of air and water pollution in the county in our backyard.

The NRG Energy coal plant: After its previous owner, Midwest Generation, went into bankruptcy, NRG Energy purchased Midwest Generation as a subsidiary, along with its Illinois coal plant fleet, which included the Waukegan plant.

The plant was built in the 1920s and currently operates boilers that are over 50 years old.

The coal power plant hurts the health of all communities in Lake County but particularly Waukegan.

As a mother, I feel very blessed because Ivan is a healthy child, a child who loves to run around and is involved in sports.

Unfortunately, as many as one in three children in Waukegan are not as blessed and are living with asthma or symptoms of asthma, according to a pediatric asthma assessment conducted by the Mobile Care Foundation.

My mother and I also suffer from asthma,

and although I am grateful for my job that provides health benefits, I constantly worry about my mother because she does not have health insurance or any state or federal assistance for prescription medications.

Not only is our public health being impacted by the pollution from the coal plant, but so are our budgets.

The rising medical costs are an everyday struggle for our low-to-middle-income families.

In 2012 the NAACP released its Coal Blooded report which looked at how low income and minority communities are disproportionately impacted by health-threatening pollution from coal-fired plants.

Based on a national analysis, the report ranked the Waukegan power plant as the 12th worst violator of environmental justice in the country.

Many of the plants listed in the top ten in the report have since closed, putting Waukegan even higher now on the list.

The U.S. EPA recently conducted a proximity analysis with a final clean power plant rule.

Within the analysis the agency identified over 62,000 people who live in a three-mile radius of the Waukegan coal plant. Of those people, 72 percent are minorities, 49 percent are low income and 30 percent are with less than a high school degree education.

I live just over a mile from the plant. Needless to say, I don't let my son go swimming nor fishing on the lake due to my fear of Ivan getting sick just by doing things that normal kids would do because of the exposure to so many sources of pollution.

Waukegan plant has two active coal ash ponds that sit over 300 yards from the shore of Lake Michigan.

While the ponds have plastic liners, monitoring reports from these groundwater wells have revealed groundwater contamination from common pollutants of coal ash such as arsenic, boron, manganese, sulfate, pH, chloride, iron, selenium, and molten salts and solids.

Additionally we have learned that coal ash has been stored elsewhere on the site in the past and never cleaned up.

This coal ash is also contributing to groundwater contamination. This follows the terrible pattern of companies who go into bankruptcy and abruptly leave our community and lakefront behind with a devastating legacy of pollution that our community and taxpayers have to clean up.

How does this happen? How are companies allowed to do this in my community time and time again? Not only is it a tremendous amount of toxic pollution that our predominantly low-income Latino residents are exposed to, but it is also devastating for our community's economy.

Waukegan has dreamed for years, and still dreams, of revitalizing our lakefront. We have aspirational lakefront plans that have seen little success in coming to fruition in part because of the amount of contamination that remains at many of these sites and the limited reuse options they offer due to the levels of contamination.

Will we allow companies to pollute our communities and not force them to clean up?

We deter future investments in these sites and in our communities at large.

This is devastating for economically disadvantaged communities like Waukegan who desperately need new investments and economic renewal.

In addition to groundwater contamination associated with energy coal ash ponds and legacy coal ash landfills, our community has great concerns about the water discharged from the plant going into Lake Michigan, some of which comes in direct contact with the coal ash water.

The Waukegan coal plant was allowed to operate for years with an expired water permit, missing three five-year renewal deadlines. According to NRG's latest water permit, the Waukegan plant discharges millions of gallons of water into Lake Michigan every day including over eight million gallons of water from its wastewater treatment system.

Included in this water is over a million -- it's over a million gallons of water that transport ash to one of the onsite ponds, along

with one million gallons of coal pile runoff water.

According to the company's permit application, the water flows into a treatment system that only entails the settling of polluting solids.

U.S. EPA's own analysis states that these types of settling ponds are largely ineffective in treating pollutants that exist in the water in dissolved formed.

Within that report, it is also stated Midwest Generation's own analysis projects that the water discharges to Lake Michigan. Even after significant solution would exceed water quality standards for iron, lead, mercury, oil and grease and fenals.

Midwest Generation did not do an analysis for aluminum, arsenic, selenium, thallium, nitrates and astatine.

One of the other things that I worry about is some of these ponds could overflow during heavy rainfall and the risk that would pose to Lake Michigan and the municipal swim beach, which is less than a mile down the shore from

the plant.

Due to these various violations, the Sierra Club, the Environmental Law & Policy Center, Prairie River -- River's Network and Citizens Against Ruining the Environment have sued Midwest Generation for violating the Illinois Environmental Protection Act Groundwater Quality Standards and its Prohibition of Open Dumping.

The State of Illinois agrees that there are groundwater contamination problems at Waukegan. As part of a voluntary compliance commitment agreement, Midwest Generation agreed to drill more monitoring wells and install new liners at its ponds; however, it's been revealed that the liners have since been torn and monitoring wells continue to show violations.

Ultimately, Illinois EPA did not mandate anything to be done about the other coal ash contaminations that remain at the sites and did not require Midwest Generation or NRG Energy to do any groundwater cleanup at the site.

The wells on the lakefront showing these violations are not drinking wells, but we know

that water flows from west to east directly towards Lake Michigan, which is the source of drinking water for my community and millions of other people.

The contents of the final U.S. EPA Coal Ash Rule were disappointing.

Coal ash is hazardous waste and should be regulated as such.

Vulnerable communities like Waukegan suffer the most when protections aren't strong enough. The final rule leaves enforcement largely up to citizens.

Many of the residents in my community are immigrants, work multiple low-paying jobs, and often lack a college education.

Looking through technical documents on NRG's coal ash website, which is difficult to find, is not something most of the people in my community have the time, expertise, or even awareness to do.

This is the definition of environmental injustice.

While the U.S. EPA has been heavily involved in Waukegan's Superfund cleanup, the

agency's engagement with community on coal pollution concerns has been very limited.

U.S. EPA encourages the formations of citizen advisory groups in communities where Superfund cleanups are taking place to help disseminate information and provide a space for public feedback.

CHAIRMAN LINARES: You have two and a half minutes.

MS. ORTIZ: Thank you.

We have had one in Waukegan for many years which the U.S. EPA regularly participants in, and while the CAG has done many great things in the community, it is not a space that is particularly inclusive to community S&Ds who do not have the experience with environmental issues.

Companies that operate wet leeching coal ash ponds in communities, especially ones considered environmental justice communities, should be required to handle its ash, dry and store the waste and properly manage well-engineered landfills.

All companies should be required to clean

up its legacy ponds and other coal ash contamination at their sites, which continue to threaten our environment and public health, and must be forced to set aside money to ensure there are funds available for cleanup.

The vision that I have for my family and for my community does not include thousands of tons of air, water and coal ash pollution.

My vision for my family and community is a lakefront where I can take my son swimming in the water without worrying about toxic water pollution, or we can go fishing without worrying about mercury and PCB contamination of the fish we catch.

My vision for my family and community is a lakefront with open space that respects our environment, where corporate profit does not override the health needs of our families, where I can running along the shore of Lake Michigan without worrying about my asthma.

I want to see a clean energy future for Waukegan and all communities that have borne the burden of air, water, and coal ash pollution for decades.

Thank you again for the opportunity to speak today, and I hope my comments can lead to stronger efforts together to make my vision a reality.

CHAIRMAN LINARES: Thank you so much. We'll move on to Ms. Barbara Klipp.

MS. KLIPP: Good afternoon, members of the Committee, Mr. Chairman. Thank you for inviting me to speak to you today.

My name is Barbara Klipp. I am a spokesperson and co-founder for Incinerator-Free Lake County, a grassroots organization comprised of concerned citizens in the county.

In 2008 we organized a successful campaign to remove plans to include incineration in the Lake County 5-Year Solid Waste Plan update.

Without any expertise or formal training, we knew instinctively that the proposed incinerator would not likely go in our upper middle-class town but mostly probably in the northeastern tip of the county, including Waukegan, where polluting facilities generally locate.

We decided that, even though these facilities should not go in our community, if it's not good enough for us, it shouldn't be good for anyone, and we mobilized around that cause.

On one noteworthy occasion, a counsel member from a wealthy community in the area was advocating for the incinerator facility as cutting-edge technology.

I asked him in public if he would support locating such a technology in his community, and then he struggled to answer that question.

There was laughter in the room as everyone tacitly acknowledged that such a facility would never be located in such a wealthy community.

I was born in Waukegan and live in a neighboring community. I acquired adult-onset asthma upon moving back to Lake County in the 1990s, and I am the mother of a child with asthma. As a professional flute player, adult-onset asthma has been debilitating to my performing career as a wind player who literally breathes for a living.

My testimony is split into two sections:

Current problems regarding environmental justice in Waukegan and, as I'm a solutions-oriented person, a list of suggestions on what you could do and what we could do together regarding the environmental justice issues in Illinois.

In my opinion there are two main categories of threats environmental health-wise to the community in Waukegan. One is the legacy pollution that my colleagues are going to speak about and have spoken about.

And the other is the current emissions of pollution emissions.

There's -- this is a Superfund community my colleague spoke about, and the -- there is a CAG, a community advisory group, who is organized both around the Superfund and the International Joint Commission for the Great Lakes Area of Concern.

U.S. EPA suggests the following regarding the makeup of the membership of the Superfund CAG. Quote, To the extent possible, membership in the CAG should reflect the composition of the community near the site and the diversity

of racial, ethnic, and economic interests of the community. At least half of the CAG members should be members of the local community. CAG members should be drawn from among residents and owners of residential property near the site, end quote.

To my knowledge and research this CAG membership falls far short of the U.S. EPA recommendations regarding their membership composition both in terms of diversity that is supposed to reflect the community and regarding the percentage of community residents in the area of impact represented on the CAG.

They do not list their members on their website and Heriberto Leòn, the U.S. EPA Superfund Coordinator, who is the liaison of the CAG, is not aware of their official membership either. However, according to their letterhead, they list 36 members, the vast majority of whom are polluting corporations and policy makers.

Since no one can tell how many concerned citizens are members, it's difficult to say with certainty, but I have only seen between

four and six concerned citizens listed as meeting attendees in their minutes, one of whom is an employee of a company that contracts to accept coal ash from the coal plant.

I don't know if they are from the impacted community or not, but the CAG members I know are not from the community. The leader of the CAG is not only a non-resident of the impacted community, but I'm told that she is also not a resident of the county.

The CAG accepts grants and funding for remediation work from the largest polluter in the community, the NRG-owned coal plant.

Whether or not the work they do with this funding is laudable, and it may well be, this presents a significant conflict of interest. In fact, on many occasions the CAG has been a staunch defender of the polluting facilities in the area, including a letter to the Illinois Pollution Control Board in 2013 in support of a variance request for relief from an agreed-upon timetable for emissions reduction for the Waukegan coal plant.

The CAG did not vote or agree in any formal

way to sign on to that variance letter.

That letter of support seems to show callous disregard to the frontline community where one in three children either has asthma or symptoms of asthma. This is a polluting facility which, according to a National Research Council 2010 study, costs the public $86 million in associated health and environmental damages.

More than 60,000 -- 67,000 people live within three miles of the coal plant and 12 million people within 100 miles.

According to a 2010 study commissioned by the Clean Air Task Force, the Waukegan generating station is responsible for 34 deaths, 54 heart attacks, 570 asthma attacks, 25 hospital admissions, 35 asthma-related ER visits, and 21 cases of chronic bronchitis attributable to its emissions of particulate pollution alone.

This also begs the question as to why the CAG needs to obtain outside grants for studies and remediation work. Isn't that what the Superfund is supposed to fund?

This is just one of many perverse financial relationships, in my opinion, between the polluting facilities in the Waukegan area, on the one hand, and the community organizations and policy makers, on the other.

Many polluting facilities are large donors to churches, community organizations, schools, and parks in the area, as well as large contributors to the political campaigns of many elected officials and policy makers in and around the community.

Lake County has received an F from the American Lung Association for several years running now for ozone, and we don't even have data for the rest.

Additionally, Lake County and Waukegan are on the receiving end of the tailpipe of air pollution traveling up the lakefront from Cook County.

Despite this, and the fact we have an old and very dirty coal plant, we only have one air monitor in the county. We don't even have an SO2 monitor or a particulate matter monitor that we know from data is badly needed around a coal

plant.

Northbrook, on the other hand, a wealthy community in Cook County, has seven air monitors for every criteria pollutant and then some.

We have asked the IEPA and several elected officials in the area to help us get more monitors so we can at least collect data to determine how bad the problem really is, all to no avail.

Our county health department is so eager to get data that they are soliciting quotes to inquire about purchasing air monitors themselves.

This is further exacerbated by the fact that the U.S. EPA threw out three years of data on airborne soot after an audit of the suburban laboratory contracted to handle the material by the IEPA was found to have severe deficiencies and not able to meet regulatory quality standards, rendering our region as unclassifiable with respect to the Clean Air Act.

Areas that fail to meet federal air

pollution standards are classified by EPA as being in "nonattainment." That designation compels states to submit to EPA and put in place pollution control bans and lets residents know there's a problem. That won't be possible now for the Waukegan area. That means that millions of people, including Waukegan area residents, are left unprotected and don't know whether enough is being done to protect their health.

Perhaps the most egregious is the fact that the old and dirty coal plant dating back to the 1950s has never had a final operating permit in place.

Finally this year, IEPA began to move forward by considering a ten-year-old draft permit that had not been updated to include contemporary emissions standards.

When they had their Title V permit hearing, IEPA held the meeting in Zion, Illinois, for a polluting facility located in Waukegan, despite the objections of several community and environmental organizations.

Not processing the operating permits on

significant sources of pollution denies the community important tools provided to them in the Clean Air Act.

Other shortcomings that are inherent in the operations of the national environmental laws and operations of the EPA are that the EPA does not coordinate between the three bureaus of air, water and land even on issues that are directly related, such as mercury air emissions and impacted fish or materials buried in a landfill and the resulting air emissions.

Also they do not consider the cumulative impact on the health of residents regarding pollution emissions within a community.

We cannot have a discussion on denying equal opportunity to influence public policy without considering the impacts of voter suppression laws and the current state of campaign finance regulations.

Impacted communities on the frontline of pollution emissions are often communities of color who are frequently living at or below poverty level. Laws specifically targeting and significantly impacting voter turnout in these

communities and campaign finance laws that encourage breathtaking sums of money raised in campaigns largely from wealthy citizens and polluting corporations tremendously disadvantage environmental justice communities.

We are -- they also asked me to speak to incineration today.

We are fortunate in Illinois not to have any municipal solid waste incinerators; however, we do have a hazardous waste incinerator complex in Sauget, Illinois, down by East St. Louis, and that is one of the worst environmental justice offenders in existence.

To borrow a quote from Mr. Trump, "It's a real disaster."

MR. KAZMI: Where is that again?

MS. KLIPP: It's in Sauget, S-a-u-g-e-t, down by East St. Louis.

This community is home to steel mills, chemical factories, two Superfund landfills, a refinery, petroleum tanks, and a number of hazardous waste and toxic waste facilities in the midst of several hundred thousand people, one-third of whom have incomes below the

poverty rate.

It's important to note that this incinerator also did not have a final operating permit until 2008 after operating since 1995.

At the time it was issued, the initial operating permit didn't include hourly limits on the amount of mercury and other heavy metals that are fed into the plant incinerators.

Operating permits for incinerators like the Sauget incinerator are usually issued by the state, but in 2005 a lawsuit by the American Bottom Conservancy and the Sierra Club forced U.S. EPA to take over the permitting agency after a long history of explosions and toxic chemical releases, notices of violation, and millions of dollars in fines for other violations.

Illinois also does rank in the top four in the nation in small incinerators such as at high schools, and we have a significant problem with cement kiln incinerators.

Suggested possible solutions: Two things you can't do. One is you can insist that too many polluting facilities can't locate within

one community. You also can give environmental justice communities equal influence in implementing policy making with current campaign finance and regulatory laws.

Here's my kind of out-of-the-box list of suggestions of things you can do.

They present various levels of challenge, politically, legally, and logistically, but I will throw them out for what they're worth.

One is revisit Voting Rights Act and voter suppression laws to make voting as accessible as possible for citizens, especially in environmental justice communities.

Two, switch to public financing of elections and remove all private campaign contributions to level the playing field.

Three, require a locally based community advisory group within environmental justice communities with requirements that residents must outnumber polluters or at least equal polluters. Give them the authority, perhaps subpoena power, to bring regulators, policy makers and polluters before them to answer questions. Require regulators to attend their

meetings. Ban them from taking any money from polluters, their trade organizations, or their parent companies.

Number four, polluting companies, their board members, and leadership teams should be required to disclose in a report to the community all contributions they make in both political campaigns and to any other organizations, including local civil groups, faith groups, schools, and parks, in other words, all local contributions.

Number five, consider requiring polluting facilities to have to do something similar to landfill post-closure care and financial assurance so that they can be held accountable to clean up legacy pollution and engage with the community once they have ceased operations. Perhaps a community benefit agreement should require including pollution re -- re -- I can't say it -- remediation and job training.

In any case, polluters should be required to pay into an untouchable fund to fund remediation in case they go bankrupt.

Six, perhaps legislate a "No Dark Windows"

law so they can't just throw up a fence around significant pollution rather than remediate when the pollution is determined to not be migrating in a detectable manner.

Often it's cheaper to just continue to own the property and throw a fence around it rather than remediate, and this has devastating impacts on the local community.

Seven, CAG citizen members should not be allowed to work for the polluting facilities that the CAG is supposed to address. Those polluting facilities are already represented.

Eight, environmental justice communities should have sufficient pollution monitoring programs.

Nine, the EPA needs to coordinate on one facility between the various bureaus.

Ten, EPA needs to determine how to consider cumulative pollution impacts within a community.

And, eleven, perhaps make a state requirement to establish a voluntary fund that polluters can pay into (perhaps with tax incentives) and impacted communities could

apply for money to fund studies and remediation rather than allowing polluters to fund programs in the community directly. This removes the undue influence of those polluters within the community.

Thank you.

CHAIRMAN LINARES: Thank you, Ms. Klipp.

We're going to turn the microphone over to -- is it Ms. Nannicelli or Nannicelli?

MS. NANNICELLI: Nannicelli.

Good afternoon, members of the advisory committee, Mr. Chairman, and thank you very much for the opportunity to speak today.

My name is Christina Nannicelli. I'm a campaign representative for the Sierra Club Beyond Coal campaign in Illinois.

Since coming to the Sierra Club in spring of 2010, I have spent my time organizing in Illinois around coal plant pollution issues in particular in Chicago, Will County, and Waukegan.

It has been a distinct privilege to work alongside community residents and coalition partners in these communities to fight for

cleaner air, cleaner water, and environmental justice.

I was honored to work with Kim Wasserman from LVEJO, Brian Urbaszewski from Respiratory Health, and many other coalition partners in Chicago to successfully retire those two coal plants.

And while that campaign certainly captured the public consciousness on coal pollution and environmental justice, I really wanted to focus my testimony here today on the challenges facing the Waukegan community because the problems are as egregious as those in those communities and, in some ways, in my opinion, even more troubling.

The environmental health issues affecting the Waukegan community are vast and disproportionately impact economically disadvantaged Latino and African-American families who live there.

According to the 2010 U.S. census, 78 percent of people in Waukegan are minorities, which is more than twice the minority population of the state of Illinois, which

qualifies it as an environmental justice community under both federal and state guidelines.

Additionally, Waukegan is an economically disadvantaged community with an average annual per-capita income of $17,000.

Executive Order 12898 mandates that each federal agency makes achieving environmental justice part of its mission.

As well, in 2011, the Illinois legislature passed the Environmental Justice Act to make sure that no segment of the population, regardless of race, national origin, age, or income, should bear disproportionately high or adverse effects of environmental pollution; however, the community of Waukegan, in many similar ways to the Pilsen and Little Village southeast side communities in Chicago, continues to be overburdened by pollution and action by state and federal agencies have simply been inadequate to protect local families.

Waukegan has a proud but troubling industrial history that has resulted in a

devastating legacy of contamination on its lakefront.

U.S. EPA's Superfund program is responsible for cleaning up our nation's worst hazardous waste sites in order to protect human health and our environment.

There are three Superfund sites in Waukegan that are on the national priorities list with two other contamination sites that are being addressed under U.S. EPA's Superfund alternative site program.

This is an incredibly high concentration of hazardous waste that does not only threaten the health of a vulnerable community and our environment but has also had devastating economic consequences for Waukegan and the future hopes that the community has to revitalize its lakefront.

The Johns Manville Superfund site is on the northern portion of the Waukegan lakefront and borders Lake Michigan.

The Johns Manville Company deposited asbestos-containing waste at this site from 1928 until the late 1980s, which is known to

cause lung cancer and mesothelioma.

The Outboard Marine Superfund Site in Waukegan Harbor is another massive Superfund site that is the former location of an outboard motor manufacturing plant, a former railroad tie [sic], and a coal gas location and coal plant facility.

Massive amounts of PCBs were dumped directly onto the soil portions of the site and directly into Waukegan Harbor.

PCBs are known to cause cancer and negatively affect the immune, nervous, reproductive and endocrine systems in people.

Other contaminants include trichloroethylene, TCEs, in the groundwater, as well as other toxics like arsenic in both the soil and groundwater.

TCEs are known to cause cancer as well as developmental and neurological problems in people.

The Yeoman Creek Landfill Superfund Site is located off the Waukegan lakefront where the absence of a liner allowed leeching of several cancer-causing toxics and PCBs that contaminate

groundwater.

The north and south North Shore gas plants under EPA Superfund alternative site program are places where gas production and storage took place.

Contaminants in groundwater at this site include various chemicals, heavy metals, organic compounds and coal tar, many of which are human carcinogens and impact nervous, renal, immune, and cardiovascular systems.

Each of these sites is in a different stage of cleanup and has varying levels of remediation.

As many of the major industrial polluters went into bankruptcy or left the lakefront, middle-class workers left Waukegan, tax bases of these sites were vacated, property values declined, and the community and government agencies were left struggling to devise cleanup plans for these areas of contamination.

They have been -- they have presented incredible challenges to efforts to bring new economic development and revitalization to the Waukegan lakefront and community.

While African-American families had begun migrating to Waukegan from the south in the 1920s and '30s, declining property values, with the exit of major industries, helped to create affordable housing opportunities for new Latino immigrant families in the 1980s and 1990s.

When local Latino residents from Waukegan discuss issues of environmental injustice, they are often criticized with comments like, Well, you chose to move there.

Many migrant families enter communities, including Waukegan, with low to moderate incomes and simply must choose places that are affordable.

Oftentimes those economically disadvantaged communities with low housing costs are directly correlated with pollution sites which has contributed to those economic circumstances in the first place.

As some of my former colleagues today have mentioned, the link between economic and environmental justice is undeniable and race and income are still primary indicators to whether or not you live near pollution.

Environmental injustice occurs whether it was intentional or not.

The NRG coal plant was built in the 1920s and currently operate boilers that are 57 years old. Just over 100 workers work there, and very similar to what we saw in Pilsen and Little Village, Midwest Gen reports that very few of those workers come from the community of Waukegan.

Additionally, it's a merchant plant. So it sells its power on the open market. So the same situation again occurs.

Power goes to the region to make money and profit; money goes back to New Jersey where the company NRG is based; jobs go outside of the community; and Waukegan is left with the pollution.

While the coal plant has finally invested in bare minimum pollution controls that are legally required under state law, the plant remains the largest source of both air and water pollution in Lake County.

For air that includes sulfur dioxide, menitional (phonetic) oxide, fine particulates,

mercury, and lead.

The previous company, Midwest Generation, asked the Illinois Pollution Control Board for multiple delays in installing pollution controls, which the board granted even after hundreds of community members submitted pleas to deny them.

Many of these types of pollution contribute to respiratory illnesses like asthma, chronic bronchitis, and they're linked to cardiovascular diseases, strokes and premature death.

Mercury is a dangerous nerve toxin that bio-accumulates in the environmental and is linked to developmental children -- problems in children.

Exposure to lead pollution has cardiovascular, neurological effects in populations such as high blood pressure, heart disease, lower IQs, behavioral problems, and learning deficits, including the plant is responsible for over 127,000 pounds of air and water toxics which is 55 percent of all toxic releases in Lake County, according to the U.S.

EPA's toxic release inventory.

Because of the toxic components of these emissions, the World Health Organization designated air pollution, including particulate matter, as a human carcinogen that is linked to cancer.

While it's nearly impossible to connect or quantify incidences of cancer to these massive sources of pollution, I wanted to anecdotally add that my partner -- my partner is a medical social worker at Lurie's Children Hospital in downtown Chicago in the oncology department. She was struck by the number -- by the profound number of Latino Waukegan families who have children struggling with cancer.

The Clean Air Task Force Organization has been able to quantify some of the health impacts from the Waukegan coal plant's air emissions, and according to their latest report in 2014, the Waukegan plant contributes to 330 asthma attacks, 31 heart attacks and 19 premature deaths every year.

Additionally -- and this was mentioned before -- the pediatric asthma survey revealed

that a third of the children surveyed in Waukegan have asthma or are experiencing asthma symptoms. That is an incredibly high rate of asthma for an already vulnerable population that results in expensive medical costs, missed school days, and missed work days for parents.

Waukegan does not have any air monitors, which is unthinkable, given the amount of air pollution the community is forced to breathe. And I would ask that the Illinois Advisory Committee support our advocacy efforts with the Illinois EPA and the U.S. EPA to provide monitors in the community.

In particular I think PM 2.5 and lead would be particularly needed.

While the exposure to mercury, pollution in the air is very dangerous, the most significant way it comes in contact with local community members in Waukegan is through Lake Michigan and fish consumption. Charter boats are very popular and an important business in Waukegan. Local taverns and restaurants often host fish -- fish Fridays with the fish caught directly off of these boats. Subsistence

fishing is also popular in Waukegan particularly among Latino families.

The shore of Lake Michigan along the Waukegan lakefront does not meet water quality standards for both PCBs and mercury, and the recent study that Dulce mentioned from the Illinois Department of Natural Resources shows that the fish caught in Waukegan Harbor were contaminated for both PCBs and mercury.

While the U.S. EPA have worked with local community members to put up a handful of signs on the lakefront, awareness about this issue remains limited. According to the Illinois EPA's water quality reports -- well, let me back up.

The State is required to conduct TMDL, total maximum daily load, analysis which is a cleanup plan with pollution reduction goals needed so that the impaired waters are no longer in violation of water quality standards.

According to the Illinois EPA TMDL draft from earlier this year, one of the largest contributors to the mercury impairment is atmospheric loading, which is primarily coal

plant pollution.

Unfortunately, because this effort is led by the Illinois EPA's Bureau of Water, they claim they do not have the jurisdiction over air pollution sources contributing to the impairment, which would obviously be needed to sufficiently address the issue.

I would ask that the Advisory Committee ask for the Illinois EPA and the U.S. EPA, and any other relevant agencies that are needed, to move forward with a strong implementation plan with stronger limits for mercury emissions from coal plants like Waukegan so that Lake Michigan can eventually meet water quality standards.

Coal ash waste on the Waukegan lakefront is also a significant concern for public health. Coal ash is the toxic byproduct left over after coal is burned.

While many of the dangerous pollutants in coal are emitted into the air, many of them remain in the coal ash waste that's left behind, especially if there are air pollution controls on a plant.

70 percent of coal ash waste sites in the

United States are located in low-income communities according to Earth Justice, and Waukegan is one of them.

Dulce already mentioned a number of the issues facing the coal ash pollution.

I think what I want to focus on here, and this did come up in previous testimonies.

Under Illinois law, if the coal plant operator closes its plant, as long as pollution is not flowing off-site, they are free to close its doors and walk away.

The final coal ash rule established by the U.S. EPA under the Resource Conservation and Recovery Act is simply inadequate and fails to live up to the agency's mandate to alleviate the disproportionate harm from coal ash pollution suffered by environmental justice communities like Waukegan.

After significant pressure from industry, the U.S. EPA failed to designate coal ash waste as a hazardous -- coal ash waste as a hazardous waste even after knowing full well that coal ash contains toxic contaminants like arsenic, mercury, lead, chromium, and selenium.

A hazardous waste designation would have given the communities in Waukegan far more protections that they need and deserve.

The final rule leaves enforcement largely up to citizens and instead of the needed enforcement protections from federal agencies.

The consequences are dire, particularly for low-income communities of color who have limited access to legal and technical resources necessary to provide oversight in their communities and opportunities for citizen enforcement in the courts.

Right now the Illinois Pollution Control Board is currently reviewing whether to lift a stay on proposed state-specific recollections for coal ash in Illinois.

While these coal ash rules are still inadequate to protect communities like Waukegan, if the stay is lifted, the Illinois Pollution Control Board has an opportunity to strengthen and mandate that companies like NRG set aside financial assurances to remediate coal ash waste upon the retirement of a coal ash -- of a coal plant.

This is essential to make sure coal plant sites are well-positioned for future reuse opportunities that can attract new investment and make sure communities are not left burdened with a decade of legacy pollution.

I would ask that the Advisory Committee make an appeal to the Illinois Pollution Control Board and the Illinois EPA and make sure more needed coal ash protections are delivered in Illinois where the U.S. EPA's rule fell short.

One of the last and most struggling items I wanted to touch on, the fact that the Waukegan coal plant has never had a finalized up-to-date operating permit as required under the federal Clean Air Act.

Under that law all major sources of pollution are required to have an operating permit which was intended to increase facility compliance with air quality standards, allow the members of the public and government regulators to take polluters to court when they are out of compliance.

These permits, monitoring, reporting

requirements are also intended to help members of the public keep track of pollution levels and be aware if pollution control equipment is not operating properly.

The first draft permit for the Waukegan coal plant was issued in 2006 but was appealed by the previous owner, Midwest Generation, who challenged its legal requirements and imposition of certain monitoring requirements.

From there the permit fell victim to the administrative review process of the Illinois EPA and was stayed in its entirety.

The latest permit that came out last year was the same permit from 2016 except it actually got weaker. That permit has still yet to be finalized, and I would ask that the Advisory Committee make a very firm ask to the Illinois EPA and make sure that they get their permitting process back in good running so that communities like Waukegan are adequately protected.

I'm out of time here. So thank you very much for the opportunity to speak.

CHAIRMAN LINARES: Thank you,

Ms. Nannicelli.

Let the record please reflect we've also been joined by Susana Figueroa of Faith in Place Lake County office. Ms. Figueroa, the rules we have -- and thank you for your time here -- is we'll give you 15 minutes maximum, and please don't be offended by my time cards to keep time.

And then you go, the panel will have a question and answer session until 3:35.

So without further ado...

MS. FIGUEROA: First of all, I wanted to thank you --

THE REPORTER: I'm sorry. I can't hear.

CHAIRMAN LINARES: Is your microphone on?

MS. FIGUEROA: Thank you for allowing me to be here today and to have the opportunity to share with you my testimonial on social and environmental issues that are impacting my community of Waukegan.

My name is Susana Figueroa. I'm the Outreach Director of Faith in Place Lake County whose mission is to inspire faithful people of all denominations to care for the earth through

education, connection and advocacy.

Today I'll be addressing my testimony on -- as a concerned local citizen of the city of Waukegan and the outreach director of Faith in Place in Lake County.

My family has been locally -- has been a local resident of the city of Waukegan for the last 35 years. We have seen how the social, economic, and environmental issues have been deteriorating the well-being and stability of our community.

The pollution and the coal plant on our lakefront has a direct effect on my family and many other families in Waukegan and surrounding areas.

For many years we've lived fairly close to the Waukegan coal plant, upon a tower, with a beautiful lakefront view.

Every day we were watching and receiving tons of smoke and air pollution coming out from the Waukegan coal plant stacks.

My mother and my younger brother were both suffering from severe respiratory asthmatic illness, to the point that my mother was

constantly in the emergency room of Vista Health Medical Hospital due to asthma attacks.

My niece, Evelyn, who's 14 -- who's 15 years of age who lives a few blocks west of the coal plant sleeps with an oxygen mask, and my nephew, Daniel, uses an inhaler every day.

My family are the example of thousands of families that are being impacted by the coal plant and other -- by the coal and other types of pollution that is being released to our air and water by the industrial polluters that reside in minority low-income communities.

I can -- I can tell you with absolute certainty that the amount of pollution we face in Waukegan would simply never happen in wealthier communities like Lake Forest and Lake Bluff.

As the outreach director of Faith in Place in Lake County and a member of Clean Power Lake County, I have had the opportunity to meet and talk to hundreds of people with faith communities, and it is concerning and disturbing to see and to hear about their health, social, and economic concerns, as well

challenges they face every day.

I have heard parents coming up to me to tell me that their children have missed over a month of school during the year due to respiratory and asthmatic illnesses they have.

One third of our children in Waukegan are suffering of the same illness, and while pollution levels from the plant have been reduced, our community -- our community continues to suffer from the poor quality of air we have in our community.

Ladies and gentlemen of the Advisory Committee, I want to think that communities like Waukegan, who are breathing air and exposed to polluted water in the Lake Michigan, deserve to live instead of living in an environmental justice community.

We're suffering from health issues, their environmental, social, and economic impacts of our communities in Waukegan and surrounding areas.

Given my previous governmental work as a community liaison administrator for the City of Waukegan and community engagement leader, I

have -- I have a complete understanding and awareness of the issues and challenges that the Waukegan community are going through daily and the negative impact that current and previous industrial polluters have left behind in our community, integrating themselves with local elected officials and community organizations through donations and/or sponsorship of their events which has created an environment of fear and silence where leaders in our community do not speak or stand against injustice situations, even though they -- even though they all know it is harming the environment and the safety we're facing in our community.

Because of these relationships, many of the leaders in our advocacy campaign are pressured to stay quiet and/or not to speak -- not to be able to speak out due to the fear of retribution from NRG and not to receive future donations.

We see all these issues growing, and we are not doing anything to address them because the local leaders of these communities see this type of issue as a conflict of political and

economic interest.

I am standing in front of you today not by choice but because it is necessary that you hear my voice as an affected citizen.

As Pope Francis said in his recent doctrine document Laudato Si, "Leaders, community, and industrial businesses, we have a moral obligation to protect God's creation, our planet earth."

We need to protect our environment that we live in and poor communities that are in so much disadvantage around the world, and we all have the obligation to stop polluting our planet, using other alternatives that will lead us to a more sustainable and healthier environment.

Thank you for giving me the opportunity to stand in front of you.

CHAIRMAN LINARES: Thank you so much.

So we'll open it up to questions from the Committee.

MR. KAZMI: I have two. Does anyone else have any questions? Okay. Cool.

The first question is for -- I guess either

one of you guys can answer.

But a couple of you mentioned the Illinois EPA and EPA. I know, Ms. Nannicelli, you kind of hit on it.

Has there been a decrease in funding over the last few years for the Illinois EPA and that's kind of why it's been a little more difficult for you to be able to get permitting done or even to, I guess, have stronger regulatory reviews of places and maybe in the EPA, or has it been like this for as long as you may know or can remember?

MS. KLIPP: It depends on the issue you're talking about. It may not be --

MR. KAZMI: Let's go specifically to this Waukegan issue.

MS. KLIPP: Well, to the air monitors, for example --

MR. KAZMI: Yes.

MS. KLIPP: That's money that comes from the federal EPA, which is also the same money, right? And that's been granted to the state so that's a federal reduction.

MR. KAZMI: So it's federal funding to the

state.

MS. KLIPP: It's been granted to the state, yeah.

Certainly they will -- you're probably not surprised to learn it's kind of a financial mess right now, and, yes, we are losing funding to the EPA.

I think that certainly it's an issue of funding. There's no question that that could help. But I think there's also an issue of mismanagement. When you are not getting to renew or even implement a permit on a hazardous waste incinerator in an old, dirty coal plant, what are you doing, I guess is the question I have.

When you are screwing up data and three years of data and throwing a whole region -- it's not just Illinois. Missouri, too, is getting thrown into being unclassifiable through real ineptitude. I think there's more than just the money.

MR. KAZMI: Thank you. Did you want to follow up?

MS. NANNICELLI: I just wanted to add,

yeah, the issue with the operator permit goes back to the 1990s. Coming out of the 1990s and specifically the Clean Air Act, that put in place the Title V permitting process, and so we didn't even see the first draft of the operating permit for -- for Waukegan until 2006. It was appealed by the company. It was instated in its entirety. Nine years later, last year, they dust it off and actually weaken it, and we still haven't seen it finalized since.

MR. KAZMI: So no public notices, as you are stating, has occurred, and in regards to that, like, you guys did not have the opportunity to review the permitting; is that what you are saying?

MS. NANNICELLI: We absolutely had the opportunity to review, and I think Barbara mentioned that, in the hearing that was held in Zion, not Waukegan --

MR. KAZMI: Yeah.

MS. NANNICELLI: But -- but this is an issue of profound mismanagement, and Waukegan is not the only plant that does not have a

finalized operating permit. This is systemic and has been going on for many, many, many years.

MR. KAZMI: Cool.

And then my second question is in regard to Ms. Nannicelli. You mentioned that the Illinois law here is, if a plant is closed down -- I just want to make sure I got this right. If a plant is closed down and toxins or contamination from the plant is not running off but stays solely stable, I guess, right there in that plant area, then they are just able to shut the doors and leave?

MS. NANNICELLI: That is my understanding.

MR. KAZMI: Does that then mean that if it does have a spillage or runoff, they must, I'm assuming, pay to alleviate that or to stop it from happening?

MS. NANNICELLI: That's my understanding.

And, again, this gets to --

MS. KLIPP: There are other overarching laws like the Clean Water Act, and that would go to leeching off the ground. Also there is a Superfund. So if it's contaminated enough to

trigger a Superfund action, then it would be remediated, but most of the time, it doesn't make it to that threshold. So it's not a complete yes and no answer.

MR. KAZMI: Gotcha. Thank you.

MR. JACKSON GREEN: This question is for anyone on the panel.

A couple of you mentioned that, unfortunately, EPA rule enforcement, in many cases, has been left to citizens and some courts.

Are there any coal-actuated litigation that's ongoing in Illinois that you know of? And if so, can you share some of the names of those case?

MS. NANNICELLI: Absolutely. We -- and Dulce mentioned this in her testimony as well. The Sierra Club and a number of other advocacy organizations have sued Midwest Generation for violating groundwater with the -- the groundwater contamination that Dulce mentioned. So that is currently in litigation and before the Illinois Pollution Control Board.

CHAIRMAN LINARES: Ms. Wortham.

MS. WORTHAM: I'm increasingly getting the impression of the breakdown of communication among the various segments of our government, federal, state, and local, and you made some observations about the city government.

To what extent have citizens been involved in pressuring the city government to act as an accountability agent to EPA?

Is there a way that the pressure could come from city government to federal agency and the state and federal agency? This is my point: I wish I had a flow chart of all of the connectors that you mentioned so that I could actually see because I have a sense of this breakdown. You get so far, and we can't go no further. And what's involved here are people, the individuals, who are hired to hold positions that would require them to administer the regulations that their element of government is responsible for. But I just kept going back to, okay, what happens between you guys and your local government? Is there any way that it can become an instrument? Just fill me in a little bit. I may be asking too

much.

MS. ORTIZ: No, no. I think the problem becomes when we, as residents, feel that the Illinois EPA, first of all -- somebody mentioned this earlier. It's holding the hands of those individual corporations that are polluting our community. That's the first problem.

MS. WORTHAM: Do you know that? Do you have evidence of that?

MS. ORTIZ: The evidence is --

MS. WORTHAM: Of leakages of relationships between the industries -- industrial items -- companies that you are speaking of and individuals.

Is there a way to really put some light on that relationship that you are referring to? Or is it just assumed?

MS. ORTIZ: Well, what I can tell you as a resident of Waukegan, first of all, when they held their hearing in Zion, outside my community, when my community is being impacted by, you know, these polluters, that's the first sign that really they don't want any community

engagement or any residents in their meetings.

Second of all, my community is 54 percent Latino. When you are doing a hearing, it is incumbent upon you to be sure that the public is aware, and not only that the public is aware, but that you are able to take into consideration that this population is Spanish-speaking and that you're able to advertise through, you know, Latino venues or Spanish newspapers, which they do not do at all whatsoever.

Even as a community member where I'm very involved in, you know, many elements there, I only was aware of their meetings prior -- maybe two, three days before because they don't make that information very well known.

So how can they make determinations upon, you know, the restrictions that they need to provide to these polluters if they don't take public comment into consideration, if they don't know that, you know, my community or myself suffers from asthma? You know, if you would take it into another community that's miles away from where the problem is, of

course, they are not going to get the participation that you would hope you would get.

And also if there's a breakdown in communication where you can't communicate with the residents that are Spanish-speaking, then that also becomes a problem.

MS. WORTHAM: Then I guess there has to be some measure of pressure on the Illinois EPA to communicate to citizens of your area, as well as other areas, so that you can act with knowledge of -- but I come back to what about your council people, your mayor, and those people. What are they doing?

MS. ORTIZ: Well, we ask -- the -- Clean Power Lake County, we actually just delivered 2000 petitions to the city council earlier this year.

We, the people that elect our officials, shouldn't work that hard to try to get their attention to solve this problem.

We shouldn't have to, you know, go out there and --

MS. WORTHAM: You have to.

MS. ORTIZ: We have to, and we have. So we have brought the 2000 petitions to city council. We have held meetings one on one with our aldermen. But again, as Ms. Susana stated, it is very hard when you have these politicians receive campaign contributions to get to see what the residents are going through when all they are worried about is getting elected and getting the money to fund their campaign.

MS. WORTHAM: Right. They have to be elected. Remind them. Don't you think?

MS. ORTIZ: We do. Every city council meeting we do.

CHAIRMAN LINARES: So we are going to extend time just a few minutes because the other panel is a little shorter.

Mr. Howard has a question, and then I will have a question.

MR. HOWARD: For Ms. Klipp, you mentioned CAG. I'm sorry. I missed what that is.

MS. KLIPP: It's called a community advisory group. It's part of the Superfund requirements, but they kind of have a two-fold directive, if you will.

MR. HOWARD: Okay. And you're objecting to citizens being on that committee?

MS. KLIPP: No, not enough citizens on that committee.

MR. HOWARD: No. I mean citizens who have sympathies for the polluters.

MS. KLIPP: I know of at least one.

MR. HOWARD: How would you get in the head of people on the committee to make sure that they didn't have sympathies?

MS. KLIPP: That's a good question. I think a questionnaire when someone is interviewed.

In this case the person works for a company doing business with the company, and that should be a question that they are asked.

I agree in terms of if they have sympathy because they have a cousin that works there or something, but if they or their immediate family either works for the polluting facilities or do business with them, I think that's a question that should be asked.

MR. HOWARD: That's, in your view, a conflict of interest?

MS. KLIPP: Yes, sir.

MR. HOWARD: I wanted to ask also -- you mentioned voter suppression laws and, of course, we are very sensitive to that on this committee.

What voter suppression laws are you talking about?

MS. KLIPP: Maybe that's not -- maybe that's a derogative term -- a derogative term that I used and I shouldn't have.

But what I meant was laws that make it more difficult for people to vote. For example, not too long ago, our early voting in -- in the county was not held in an area that was accessible to lower-income voters. It was held in other parts of the county that was more accessible to higher-income voters. Issues like that.

We're working hard to improve those. I don't think ours is the only county, the only state with those kind of issues.

I think we need to make it as easy as possible for low-income voters and people of color to be able to vote.

MR. HOWARD: Thank you.

CHAIRMAN LINARES: Thank you.

And let the record reflect the chair is asking a question.

I'd like to ask -- and let me back up and say that we are happy to have you here as a panel. So we are a statewide commission, and things can get Chicago-centric, and with the different coal plants in the state of Illinois, we had to focus just on a few areas because of the small amount of time we had today. So we are happy to have you representing Lake County today.

That said, so we heard also from the panel -- the community panel based in Chicago as well, and I want to know a little bit -- I want to hear more of your personal thoughts on the quality of life issue.

So we've heard a lot about asthma and other health effects, other potential effects that are severe consequences when linked to coal plants and other -- other hazards, which I don't doubt that there are.

But I want to hear more about the quality

of life and your physical impressions of living near a coal plant.

We were talking at lunch about other potential hazards that some of us have lived by, the smells, how you live in your home or not.

Can you speak a little bit about that?

MS. ORTIZ: Yeah. I'm very proud to have come from the city of Mexico, and I know that in my community there are a lot of undocumented individuals that have no access to health care, that are paid -- that are working low-wage jobs. As Ms. Nannicelli mentioned earlier, the average annual income is $17,000, and I -- and as I stated in my testimony, I'm very blessed to have health insurance, but as we know, these undocumented individuals do not have access to quality health care, do not have access to prescription assistance. So when you are suffering from asthma, you know, of course, you miss -- you miss days at work that will not pay if you are not there and also an inhaler can cost, you know, out of pocket $300. So that tells you about the quality of life where a

1 family needs to make a decision of whether --
2 are you going to buy groceries or are you going
3 to buy your prescription medication?
4 And it's even worse when you have children
5 which one out of three children suffer from
6 asthma. They are missing school. Our schools
7 are missing the revenue. And that's why we
8 have low-performing schools because we are not
9 getting the revenue that we need, we are not
10 addressing the issue of our school children
11 when it comes to their health, and there is
12 no -- there shouldn't be a decision made of
13 whether -- do you buy groceries to feed your
14 family, or do you pay for hospital bills,
15 doctor bills, prescription bills?
16 I think that's, you know, that's an
17 injustice. And, again, people that suffer from
18 asthma they don't have the quality health care
19 that they need. So when you have polluters
20 caring only about making a profit and not being
21 conscious about their decisions and how they
22 are affecting the community that they are in,
23 it's unconscionable. That's why we are here.
24 That's why we are fighting. And that's why we

do everything in our power to lobby our elected officials, so that they can see and not only worry about the tax base.

I also wanted to mention Clean Power Lake County is not a campaign that only talks about closure. Right?

We are talking about a transition. Okay. So how do we transition from coal into clean energy? How do we make the city of Waukegan a community where renewable energy can become, you know, an economy there?

We have five Superfund sites. You tell me what investors would be willing to come to our community and develop anything there with five Superfund sites?

So I feel that my community is in shackles, you know. We are not able to get out of, you know, this vicious circle of having corporations just come, leave their toxics behind, leave our community with many health issues, and they just move, and they take their profits, and whatever happens to you, well, God bless.

CHAIRMAN LINARES: Thank you.

Anyone else?

MS. KLIPP: If I can add to that, I live next door to the community, and because of our ozone problem in the county in general, in Waukegan specifically, we have a lot of ozone alert days. And I remember two summers ago, my daughter was out. We had two ozone rough days in a row, and it was summertime, and she was outside playing, like kids do. And, sure enough, we are in the ER on the second night.

And so I think that their quality of life is being impacted, but they don't necessarily know why.

CHAIRMAN LINARES: Well, with that, we want to thank you for your time and your input.

We will go on to the next panel in about ten minutes.

And thank you again.

(Recess taken.)

CHAIRMAN LINARES: Thank you again, everyone, for your participation and presence here today.

We are going to break up the schedule just a little bit here.

So the other panel ran a little late, and we will make up the time with this panel.

Omar Duque was not able to make it today, but Lisa Albrecht was. And I'm going to introduce her. She's a renewable energy specialist with Solar Service, Inc.

And I'm also going to introduce someone who is scheduled for the next panel, but we'll bring them together for this one. His name is Stephen Sylvester. He's an Assistant Attorney General of the environmental bureau for the Office of the Illinois Attorney General, with Lisa Madigan.

So just a few of the ground rules is you'll each get a maximum of 15 minutes to give a presentation for yourselves.

Please don't be offended. I have my five-minute and three-minute and one-minute markers if we go long.

After both of you go, then we'll open it to the Committee to ask questions for a good 15 minutes. For Stephen, since you're originally on the government panel, we appreciate you stepping up to cover this panel. If you'd like

to stay for the government panel as well and take questions on that panel as well, that would be great, and it's appreciated.

So without further ado, we are going to start with Ms. Albrecht, and the microphone is yours.

MS. ALBRECHT: Wonderful. Thank you so much. Thank you so much for inviting me to attend and for listening.

In addition to my work specifically at Solar Service, where I'm a renewable energy specialist, I also serve on the board of directors for the Illinois Solar Energy Association, and I am the vice president, as well as the chairman of the policy committee. So I'm particularly eager to communicate some of the things that our policy team has been working on over the past few years and just the importance of the -- first of all, of the policy and the connection to successes we've seen in individual communities.

There's a lot of myths around solar energy specifically, and many people don't think that it's going to work very well in the midwest,

and they often will suggest that, you know, we don't have deep penetration for solar here, and although you might come to the conclusion that it is weather-related and it's because we don't have as many resources, in actuality, it's because our policies are not as strong here in the midwest as they are on both coasts.

When you look at California, many people assume that that reason solar has been so incredibly popular is because you have a lot of tree huggers, you have a very progressive and, let's suggest, maybe Birkenstock kind of community and that it may be -- that may be one of the driving reasons why many people are going solar.

But, in actuality, it is the direct cost of energy, and so they have a very over- -- high demand on the grid, and solar was an excellent solution to help solve some of those problems.

California, as you may remember, 10, 15, 20 years ago used to frequently experience brownouts, and so solar was a tremendous solution to being able to solve some of the supply issues at the time.

And so it happened that it was also -- it also has an incredible economic opportunity as well.

Where in California they have a tiered pricing structure for their electricity and you could be paying as much as 40 cents at noon for your electricity, whereas here in Illinois over the last few years, because of deregulation, we have been anywhere from seven cents, and we are currently kind of inching up to the 11-cent marker.

And so one of the major reasons why solar has not been vastly popular in the midwest is because of low -- relatively low electricity prices and the lack of policy.

Unfortunately, despite the fact that solar has grown tremendously across the entire country, those who are the most benefited by the opportunity for controlling their electricity and having full ownership are usually the least likely to be able to pay for it.

Solar pricing has come down tremendously. It's down about 65 percent in the last five

years alone, and it is very affordable.

We're currently -- Illinois Solar Energy Association is currently doing a demographic study to see, of those with the systems that were installed here in Illinois, what is the demographic makeup where -- you know, is it just high-income households that are able to afford, is it middle income or is it lower income? And really understanding not only that demographic but also where are systems being installed.

And so we have -- we don't have a tremendous amount of data points, but we are excited about the opportunity to kind of see where that disparity might exist and how we can possibly merit incentives to make sure that we are serving all communities that could take advantage of it.

Although I wasn't able to attend this morning, I am familiar with some of the speakers that were here earlier today and the tremendous work that they are doing on environmental justice, and the tendency that those who are the poorest of our communities

are typically living in the most polluted ZIP codes.

One of the massive benefits that solar could have would be to actually directly impact that by replacing dirty energy with clean.

It's very, very accessible. It can either be attached to a roof or we have many, many brownfields in those communities as well.

And so taking land that we have already fallowed and turning it into a resource for that community is a tremendous opportunity, and we feel that we just don't have the policies in place yet that will be able to do that.

I believe that Dulce Ortiz was also speaking about some of the brownfields in Waukegan, and that's a huge piece of land that could possibly be developed to make sure the clean energy is available to those low-income communities.

And we want to make sure that those communities are not left behind in the growth of solar.

Solar has skyrocketed in the last few months. It is contributing more new power to

the grid than conventional resources. So that's the second myth, is that solar is not able to reach the scaleability for rural and urban communities, when in actuality it is getting there now primarily because incentives have been strong.

During the last few years there has been tremendous effort by the Department of Energy to -- through similar packages to improve manufacturing and bring down the costs of solar, and that has had an immense impact on making sure that solar prices do indeed come down.

But I think what's missing at this stage is some kind of specific program that will allow low income communities to be able to also take advantage of those -- those opportunities and those incentives.

There is currently in Washington D.C. the Solar Low Income Act, which was introduced by Senator Sanders and was referred to committee but hasn't actually moved forward.

Here in Illinois we actually have the Clean Jobs Bill which is a tremendous piece of

legislation that specifically calls out programs that would not only allow for the installation of solar either on rooftops, for families who may own their homes, or community solar, for those who may be in apartments, but to also provide job training programs.

There is a wonderful organization that's doing great work throughout the country called Grid Alternatives where they actually can do rooftop training where folks are actually learning how to do the installation process and turn individuals who may have skills either in electrical or roofing or other home improvement areas and actually helping to create a whole new job force.

One of the remarkable benefits of having solar in any community is those are local jobs.

So during the downturn of the economy in 2008, when many homebuilders and the trades were out of work, this was a huge chance that we could retool those individuals, and instead of having them inside an electrical room doing electric work, let's put them on the roof and take their passion and their skills and just

slightly tweak can so they can be serving their communities and bringing solar at an affordable price locally.

One of the major challenges that we have found is that the incentives that are in place today are not -- don't necessarily have the flexibility or the availability to communities that are underserved.

In the state of Illinois, we have traditionally had a grant and rebate program that was available to individual homeowners. But the funds for that were incredibly limited, but the Department of Commerce and Economic Opportunity found that last year, when they totalled up all investments over time, they spent about $60 million and that resulted in about $360 million in investment.

So many people look at incentives as some kind of government assistance or government handout, when in actuality it's a tremendous investment in the local economy and in the local job structure, as well as making sure the homeowners who are putting solar on their rooftops are able to control the source of

their energy and the long-term costs of their power.

I'd like to make some recommendations, and that is that, you know, moving forward, programs being incentivized -- programs be created that allow for a pathway to perhaps third-party financing.

There are many -- when you look at where communities are the strongest and solar penetration is the deepest that is where people are able to have a third party or a leasing system where, instead of owning your panels, the solar company and the solar installer actually owns them and lease back the power to you.

Many communities are already in that situation today with public utilities. So extending that beyond, instead of having it come from the grid, instead the source of energy could actually be from the third-party ownership arrangement.

That's a fantastic solution, especially for people who don't necessarily have access to available cash to put out for the array.

Usually you are looking at somewhere between an 18 to $25,000 upfront cash investment in a project. So making sure we have flexibility in how individuals can finance and pay for those systems is critically important.

An additional tool that should really be embraced, not only across the country but very specifically here in Illinois, is a program PACE, Property Assessed Clean Energy, and what that program allows you to do is take your -- take the fixed cost of an asset -- and this can apply not only to clean energy systems and solar energy, but also to any other energy efficiency program that you would like to have for your home.

So let's say, for example, you live in a home that's poorly insulated where you're spending more money on your energy because you are now letting a lot of that escape. So by improving your insulation and the cavity of your home to make sure it's as tight and energy efficient as possible and then marrying that with self-generation by having solar on your

roof gives you tremendous control.

PACE would actually allow you to take the investment cost and put it on your property taxes and amortize that over time.

So instead of having that one upfront payment system, you would actually finance it over the next 20 years, which is slightly lower than the anticipated life of a solar array.

And so it makes it very affordable and very reachable.

And this program is working in other parts of the country.

We currently in Illinois have -- we are nearly there. We have one more piece of legislation that we feel needs to pass in order to have commercial PACE available, but we also need to make sure that residential PACE is there too.

That would allow people no investment, no upfront cost in order to get their systems installed. So we'd love to see that moving forward.

Additionally many people -- only about 25 percent of the housing stock have the

opportunity of putting solar on the roof. Either there's too many trees in the neighborhood or perhaps their house may be facing the wrong direction or oftentimes I'll see a home, especially when I'm looking at bungalows, for example, and the homeowner has renovated and there's a number of dormers. So I no longer have the square footage on a rooftop.

The program called Community Solar will actually allow, instead of having it on an individual roof, several of us would all pool together and build a large array on the ground, and then we are able to what's called "virtual ameliorate" to get credits back from that on our bill.

And so that's a tremendous opportunity that we could take advantage of immediately, and that would be a great pairing with brownfield solar, taking land, again, as I mentioned, that has already been destroyed.

So I think that would be a tremendous opportunity.

And then across the country we are seeing

metering under attack, and metering is the process where you are able to backfeed your power and you get credit for credit. So if I backfeed one hour, you get credit for one kilowatt hour, and those -- we have a strong program here in Illinois, but we are nationwide seeing those programs diminished and low-income families in particular would be greatly hurt by continuing that erosion.

So I think having a multiprong approach, having a great deal of flexibility, and making sure that accessibility is the key to strong solar policy.

CHAIRMAN LINARES: Thank you so much. And we'll segue then to Mr. Sylvester, and, again, thank you for stepping up to join this panel.

So we will give you the microphone. So you have 15 minutes. Thank you.

MR. SYLVESTER: Good afternoon.

On behalf of Attorney General Lisa Madigan, thank you for the opportunity to speak to you all today on this important topic.

I would like to express our office's appreciation to the Advisory Committee and to

the Commission for convening this meeting and for helping to advance the dialogue about environmental justice.

I work as an Assistant Attorney General in our office's Environmental Bureau here in Chicago.

Before I get into the substance of my remarks today, I thought I would provide some brief background about the Office of the Attorney General, what we do, and our role within the government.

The Attorney General is the state's chief legal officer and is responsible for protecting the public interest of the state and its people. She is the legal representative of state agencies and has the prerogative of conducting legal affairs for the State of Illinois.

Our Office is comprised of many different bureaus that are involved in, among other things, both criminal and civil litigation. Of particular relevance here today are the Attorney General's Civil Rights Bureau and the Environmental Bureau.

Our civil rights attorneys investigate possible violations based upon a pattern or practice in areas such as Employment, Housing, Public Accommodations, and Financial Institutions.

The Bureau also reviews and responds to citizen complaints directed to the Attorney General involving civil rights issues.

The Attorney General's website also features a civil rights complaint form that any citizen can fill out and submit to our Office. Of particular note, the Illinois Human Rights Act prohibits retaliation against a person for complaining about discrimination or participating in an investigation.

On the environmental side, the Attorney General plays a critical role in the enforcement of our civil environmental laws. Typically, we handle enforcement actions referred to the Office by a number of state agencies, including the Illinois Environmental Protection Agency, Illinois Emergency Management Agency, Illinois Department of Public Health, Illinois Department of Natural

Resources and a host of others.

We file complaints in front of the Illinois Pollution Control Board, which is an administrative agency, and we also file complaints in both state court and federal court.

In addition, we work with non-state governmental entities, for example the City of Chicago, U.S EPA, and the U.S Department of Justice.

The Attorney General also has power and authority to protect the public health and environment by pursuing enforcement actions that state agencies have not yet identified. Attorney General Madigan uses that power to its fullest extent by identifying and bringing enforcement actions. We outreach --

THE REPORTER: We outreach.

MR. SYLVESTER: Thank you.

We outreach to community members to learn of potential violations of environmental laws that are endangering the health and well-being of Illinois families and communities, and we also have an environmental complaints hotline

that citizens can call and leave information about potential environmental issues and violations.

The Attorney General also represents the interests of the People of the State of Illinois in other types of legal venues and settings. This includes participating in rulemakings, legislative efforts, and policy discussions.

Attorney General Madigan has focused on air quality, public health, and energy issues throughout her tenure. In making decisions about what matters to get involved in or what actions to take, one of our main considerations is whether we can help communities who are bearing the brunt of impacts from industrial activity or other sources of pollution.

Environmental justice is a key lens through which we evaluate what cases to bring or what policies to endorse.

To illustrate this, I would like to share some information and some observations based on the work and experiences of our office.

A couple of examples of joint federal and

state air quality enforcement efforts with our office and the United States Environmental Protection Agency and the Department of Justice are the Midwest Generation Power Plants cases and the case involving lead emissions, the H. Kramer case.

First the Midwest Gen case. The Department of Justice and the U.S. EPA have been involved in an ongoing enforcement initiative concerning power plants throughout the country. In 2009 DOJ and our office filed a complaint in federal court alleging that Midwest Gen's Crawford, Fisk, Waukegan, Joliet, Will County and Powerton stations had been modified without obtaining a permit and more importantly without installing the best available pollution control technology to control emissions of nitrogen oxides, sulfur dioxide, and particulate matter. All of these plants are located in populated areas, and many of them -- excuse me -- in and around communities of environmental justice.

After litigation and an appeal in the Midwest Gen case, the Court, unfortunately, dismissed our counts regarding control issues

for those facilities; however, the claims for visible opacity and PM emissions remain ongoing.

Also, while the case has been pending, Midwest Gen closed its coal-fired units here in Chicago at Fisk Generation Station and the Crawford facility. In addition, Midwest Gen is in the process of converting its Joliet plants, Units 5, 6 and 7, from coal to natural gas. Those are out for permits as we speak.

Also, Midwest Gen has submitted to PJM, which is an entity responsible for operating and ensuring the reliability and security of the electric power transmission system -- they submitted to them notices to deactivate units 3 and 4 in Will County and currently, Unit 3 is not operating.

In addition to enforcement action we've taken against coal-fired power plants, our office has been involved in the effort to implement state standards designed to reduce harmful air pollution from these sources.

In 2007, there were regulations that were promulgated that apply to Midwest Generation's

plants here in the north part of the state and also to Dynegy's power plants in the southern part of the state. The regulations for the Midwest Gen plants are called Combined Pollutant Standards, CPS for short, and the standards that apply to Dynegy's power plants are called the Multi-Pollutant Standards. And both have slightly different approaches to ratcheting down the air emissions. However, both of them were designed to provide more time for the companies to meet their mercury controls in exchange for reductions in sulfur dioxide, or SO2, emissions.

While the CPS and the MPS have been successful in reducing these -- these emissions, the companies have had several instances where they have asked for extensions of time and variances, you know, to bring their facilities in compliance with those standards.

And our office has -- has worked to oppose those in all instances. Our office also believes that it is critical for us to ensure that all communities across Illinois are able to benefit over reduced air emissions promised

by the CPS and MPS and that local impacts of air pollution must be considered, not just locally -- or locally, not just in a statewide forum.

In addition, our office has been involved in the ongoing rulemaking before the Pollution Control Board concerning a related matter for the disposal of coal ash from the power plants, and typically that is through surface water impoundments. While the federal coal ash rule was promulgated in December of 2014, the efforts at the state level started in 2013 and remain ongoing, and our office is committed to following through in that process.

Now I'd like to turn to the H. Kramer case which involved the lead emissions.

This involved a company manufacturing, among other things, the production of lead-containing metal alloys. And this facility is located in the Pilsen neighborhood. And our office got involved through outreach from citizens who had been complaining about lingering dense smoke in the atmosphere around the facility, which was affecting their health

and their ability to breathe. Also there were particulate type of emissions that had been getting onto their vehicles and also the windows at their homes.

After investigating the matter, our office filed a complaint in August of 2011, and we entered an order with the Court to address interim steps to reduce these air pollution issues.

Subsequent to that, our office partnered with the United States Department of Justice and also the United States Environmental Protection Agency to file a consent order and the complaint on the same day in January of 2013 to address all the issues at that facility.

Also in conjunction with our enforcement efforts at the -- at the facility, we met with citizens environmental groups to discuss both the impact to the citizens and ultimately resolution of the air quality issues affecting them.

We've also been active in the litigation concerning petroleum coke, also known as pet

coke, which has been an issue in the southeast side of Chicago.

In a case involving the Beemsterboer facility, our office filed a complaint along with the City of Chicago, as a co-plaintiff, and while this litigation remains ongoing, shortly after filing the lawsuit, we entered into an order that required the company to remove its pet coke piles that it was storing on the property.

Also our office has been involved with another pet coke or two pet coke storage facilities, KCBX North Terminal and South Terminal, also located in the same area.

Our office filed an enforcement action against KCBX, and -- in June of 2014. Shortly thereafter, we also filed a consent order that required the facility to remove its outdoor storage piles of pet coke.

As to the KCBX facilities, we filed a complaint in that matter in November of 2013. And we are also involved in the permit litigation in that case as well. That case remains ongoing. However, pursuant to the

City's ordinances, the outdoor pet coke storage at that facility has to be removed later this year on June 9th.

And also as part of our efforts in these matters, we have met and outreached with citizens environmental groups and also participated in the Illinois EPA's environmental justice program for the Illinois EPA.

In addition to the enforcement against these facilities, our office has also participated in legislative and rulemaking decisions at the state level, including a draft bill that was introduced in Springfield and assisting with regulatory language that was before the Illinois Pollution Control Board.

Both of those efforts did fall short. However, we were able to comment on the City of Chicago ordinances that did ultimately address the storage of those pet coke facilities.

While many challenges remain, we are hopeful that the cooperation and coordination between federal agencies, state entities, city government, and community leaders and

individuals can be repeated in other scenarios to help us solve other environmental justice issues.

Also we have been involved in state and federal regulations seeking to address air quality which includes mercury and other hazardous air emissions, along with soot and smog pollution and most recently the clean power plan.

While the road to healthy environment and clean air has not always been as direct as we'd like, the Attorney General's Office is committed to continuing our work to reduce the impacts of dirty energy and other sources of pollution.

We continue to work towards these goals with our partners in local governments, other states, federal government, and environmental advocacy groups. At the same time we are also seeking to reduce pollution. We are also working to encourage positive trends in the energy sector which include energy efficiency and generation of energy through wind, solar, and natural gas.

These changes have been facilitated in part by technological and market developments which are making these options much more affordable and also by policies at the state and federal levels. Just as the overburdened communities are a priority for our environmental enforcement work, making sure that all Illinois residents share in the benefits of a clean energy economy is equally important to our future.

Thank you, and I look forward to any questions you have.

CHAIRMAN LINARES: Thank you so much to the both of you, and actually, in retrospect, it was not a bad pairing. You both just said reduction of pollution, and I can see that, a panel, one from the enforcement side, one from the alternative side.

That said, I do want to make a comment on the record that NRG was invited, as well, to be before the panel. They submitted several documents which we'll consider statements and put in the record.

With that, I'll open it up to the committee

for questions.

Yes, Ms. Greene.

MS. GREENE: I have a question about Solar Service.

MS. ALBRECHT: Yes.

MS. GREENE: What communities have you worked with so far, and have you been able to see if the outcomes are positive?

MS. ALBRECHT: Most of the projects that we've completed to date have solar hot water and not solar electricity. And so particularly in the Woodlawn areas we are on bigger like housing, Rosa Parks Home -- well. I'm drawing a blank.

CHAIRMAN LINARES: Rosa Parks Homes.

MS. ALBRECHT: Rose Parks Homes, but also a number of their different properties have solar hot water on them. It's very efficient. It's about 70 percent efficient, and we have a number of large commercial projects that are on multifamily housing that is low-income and senior.

We have projects over at Catholic Charities at Porta Coeli building. And so we have --

most of our work to date has been in that arena. The old Robert Taylor Homes, there was the new buildings that went up there. We did a solar electric system. But without grants, funding, it's difficult to get those projects penciled.

CHAIRMAN LINARES: Mr. Kazmi.

MR. KAZMI: That's what I was going to ask about the grant funding. Were you guys 100 percent funded for those, the grants, or do you take donations?

MS. ALBRECHT: The way that grant funding works, in the state of Illinois, there's two sources typically. First the Department of Commerce and Economic Opportunity has a grant rebate program. It's limited funding and rather competitive to get. They will fund up to 40 percent of a project.

And then, additionally, the Illinois Clean Energy Community Foundation has historically also offered grants for photovoltaic systems or solar hot water.

MR. KAZMI: What is the first --

MS. ALBRECHT: The first one is DCO.

MR. KAZMI: No, I meant before the hot water.

MS. ALBRECHT: Photovoltaic, solar electricity systems.

MR. KAZMI: Could you explain that a little bit?

MS. ALBRECHT: Those are the ones that actually produce electricity.

MR. KAZMI: Gotcha. That's --

MS. ALBRECHT: So there's two technologies, and most of the time I really only speak to the electric systems, primarily because that's been the bulk of the Department of Energy sustain- -- programs to help stimulate growth in that area, but solar hot water is also excellent technology.

And so the Clean Energy Community Foundation has offered funding up to 60 percent of a project.

They actually require that you cannot exceed and go beyond that amount. And so usually that is self-funded within those programs.

We did also do a system for BUILD which is

over on Harrison Street, which is an after-school at-risk programs for kids.

And so we are excited that solar is going to be doing about 35 percent of their electric loads. So those dollars, instead of being spend on utilities will actually go into programming for those at-risk kids.

CHAIRMAN LINARES: Thank you. Any questions?

MS. SHAH: I have a question for Mr. Sylvester.

You mentioned that there's ongoing enforcement actions against Midwest Generation.

We've heard testimony in other panels that, you know, when these plants close their doors, they are not required to clean the property that has been polluted as long as that pollution doesn't extend off property.

Is there any legal basis to require them to clean the property?

Is that part of the enforcement action against Midwest Generation?

MR. SYLVESTER: So the enforcement action that we have in federal court right now

involves air emissions only. It doesn't deal with the land issues.

There are laws on the books about land pollution, for instance. You know, one of the defenses that folks may have occasionally is if they existed prior to -- or the pollution occurred before the adoption the Environmental Protection Act.

Also, you know, the -- on site, there are some defenses to pollution that's left on site. There's, you know, always the possibility of future litigation, but at this time the litigation that is on file currently with our office involves air emissions.

MS. SHAH: Thank you.

CHAIRMAN LINARES: Mr. Howard.

MR. HOWARD: Mr. Sylvester, what do you mean by "enforcement"?

What do they have to do?

Do they pay fines?

Do they have to clean up?

What is it that you are requiring of them?

MR. SYLVESTER: Well, at this point I can't tell you what we are asking for in our

complaint or, you know -- because we are also at this point in settlement negotiations, and we have a -- an order in place. So we can't publicly talk about those.

But typically, you know, for this type of a case, where you have air emissions at a power plant, you would be looking to have pollution controls.

Sometimes it requires retirement of the facilities, switching to cleaner burning fuels, going from, like, coal to natural gas. Those are the typical things.

If there's visible emissions, I don't know you understand what that term is, but the stuff coming out of the stack that has -- you know, it involves your ability to see beyond. It's opaque.

That -- that type of stuff, they have technical equipment such as electrostatic precipitators that would actually help capture particulate matter, and that reduces those types of emissions.

And then, you know, making sure that those requirements are in a court-enforceable order

and also permits. Thank you.

CHAIRMAN LINARES: Any questions? Mr. Kazmi, follow-up?

MR. KAZMI: Yes. The follow-up was because in the previous panel, as Ms. Shah said, one of the panelists basically said that Illinois law generally was, if the power plant or any kind of plant shuts down, as long as there's no spillage or runoff, they are allowed to just close the door and leave.

Now, since you are in the AG office and you are the attorney here, is that actually accurate? Because I think that it's quite alarming to just a reasonable person, if that's the case.

MR. SYLVESTER: Well, I think that there's -- you know, there's a lot of laws on the books. Some might have been -- you know, it depends who was the sponsor of the law. Sometimes they favor industry; sometimes, the environmental folks.

There is -- for land pollution issues? I don't know specifically what you are referring to.

MR. KAZMI: Yeah, land pollution is good enough.

MR. SYLVESTER: I don't know. Some of the ash facilities are on site and typically with Midwest Gen plants, their policy has been that in their impoundments they will put the ash into the water, which kind of lets the solid material settle to the bottom, and then at a certain point they take that out.

Now, because they have done that for a long time, it gets into, you know, potentially the soil below the impoundments.

One of the issues that, once again, for land disposal issues is, under the Environmental Protection Act, for facilities to generate waste on their own sites, there is an exception for getting permits and going through that process for facilities to generate on site.

Of course, there's regulations for them to take certain actions.

MR. KAZMI: Upon closing?

MR. SYLVESTER: Yes.

MR. KAZMI: I think that's what we are

looking for.

MR. SYLVESTER: Correct.

And, once again, our office is essentially the enforcement arm of the state.

MR. KAZMI: Yeah.

MR. SYLVESTER: The Illinois EPA is the one that issues the permits and has the oversight for service impoundments. It's also, like I said, part of the current rules that are being presented in front of the Pollution Control Board which will hopefully provide adequate solutions for all the impoundments of coal plants in the state.

CHAIRMAN LINARES: Any other questions? Follow-up for Ms. Shah.

MS. SHAH: This is actually for Ms. Albrecht.

I have a question of what percentage of energy produced from solar currently in Illinois, and how does that compare to California or other regions of the country that perhaps are further along than we are?

MS. ALBRECHT: We are still less than one percent here in Illinois. We have a long way

to go.

Our mandated renewable portfolio standard requires that we be 25 percent by 2025, and we are way off.

The funding mechanisms, when we had municipal aggregation and entire communities lost ComEd, it broke the funding mechanism that was supposed to have created more investments and more installations.

When we look at other states, for example, Hawaii is a really interesting situation right now where they have about around 40 percent of their grid supply is coming from renewable resources.

I believe California is approaching the 8 to 10.

They have solar -- they have more solar than most countries.

So typically there -- it's China, Germany, and California is usually the order of magnitude of how solar has been installed thus far, but solar has been growing in California for the last 15 to 20 years.

They have had a long-term policy which has

greatly helped.

New York is actually working very hard at catching up, and actually most of the growth at the moment is all east coast.

CHAIRMAN LINARES: Thank you, and we are almost out of time. I'll take the liberty to ask the last question, if you don't mind.

Let the record reflect the chair is asking the question.

And it's actually for both of you and regards community knowledge of your services.

For the AG's office more so, is it the community that is coming to you with these issues and that's how you are enforcing?

Or is it you guys doing the investigation and going forward with the litigation.

And for Ms. Albrecht, are you seeing influxes of people coming to you for solar services or are you actually having to go out and educate people on this?

MR. SYLVESTER: Sure. Our office I think uses, you know, a wide variety. We have both criminal and civil issues for environmental. Like I said, we -- I am in our environmental

civil bureau.

We have an attorney of the month who fields questions throughout the state about all types of issues. And we do have outreach.

Obviously there's certain topics that are policy-driven, and we had task forces that we work with, other folks as well. We also have -- like I said, once again, our state agencies have inspectors and folks that are out in the regulated community looking at these facilities, and, you know, we get referrals from them as well. So it's a little bit of everything.

MS. ALBRECHT: And then for solar service, at the Illinois Solar Energy Association, we find more and more people are intrigued and interested. We get an awful lot of tire-kicking questions. Many people aren't sure if solar costs $500 or $5,000 or $50,000. So there's a great deal of price shopping that we typically find.

As with every experience, many consumers are uneducated om what solar is. In particular we worked a lot to educate architects,

engineers in particular who have a direct influence over consumer choices to make sure that they know that the reason why solar is not here is not because we don't have sunshine but because we just don't have a well-educated -- City of Chicago actually had a program in the summer called Solar Chicago, and they had anticipated -- I believe they thought they might get about 500 inquiries, and they were in the thousands, and so there's definitely a great deal of interest out there.

CHAIRMAN LINARES: Very good. Thank you both for your time and input. Thank you, everyone, for asking your questions. And we'll be back in 10 minutes with our final panel. Thank you.

(Recess taken.)

CHAIRMAN LINARES: So we are back in session. Thank you, everyone, for remaining for our final panel for today. And this is our government panel.

So I don't believe anyone was here at the beginning of the day when we announced the rules. Some of you have been here.

MR. VILLALOBOS: I have been here.

CHAIRMAN LINARES: You know the rules, but what we'll do is everyone gets a maximum of 15 minutes to give their personal presentation.

I believe a few of you are with state agencies. So I'm not sure if you want to divide it up --

MR. WALTS: We can both do it in the 15.

CHAIRMAN LINARES: Please do not be offended if I show you my five-minute and one-minute end signs, just so we keep track of time here.

And then after all the panelists have gone, we will open it to the Committee for questions. Thank you all again. We will introduce you all individually for a moment here. Then we will start off.

We have Christopher Wheat, Chief Sustainability Officer for the City of Chicago. Thanks for being here.

Alan Walts and Michele Jencius with the U.S. Environmental Protection Agency.

We have Ken Page, Environmental Justice Officer with the Illinois Environmental

Protection Agency.

And David Villalobos with the Waukegan Fourth Ward. He's the alderman.

We'll start with Mr. Christopher Wheat. Again, if you could please talk into the microphone for our transcriber, please.

MR. WHEAT: Thank you, Chairman and members of the Advisory Committee for the opportunity to speak with you today. My name is Chris Wheat, and I serve as the City of Chicago's Chief Sustainability Officer.

Today I'm here to talk about the role the City administration played -- has played in regard to the closure and repurposing of the Fisk and Crawford plants.

I will provide some historical context behind the City's involvement with Fisk and Crawford and the work of Mayor Emanuel, in cooperation with community partners, to close the facilities, the mayor's task force for site reuse and the City's broader work to lessen the impact of fossil fuels on underserved communities.

For context, when Fisk and Crawford were

1 operating, they were the only coal-fired power
2 plants within the city limits of any major
3 American city, creating unique legal and
4 regulatory challenges for city officials but
5 also unique responsibilities to reduce the
6 impact they had on our communities.
7 The health risk created by the Fisk and
8 Crawford plants had affected the Pilsen and
9 Little Village communities for nearly a
10 century; however, these risks came into the
11 larger limelight in the 1990s due to a
12 coalition of community organizations and
13 environmental groups voicing concerns about the
14 negative effects of the plants under the
15 Chicago Clean Power Coalition.
16 In 2010 a group of aldermen introduced an
17 ordinance, with the support of the Chicago
18 Clean Power Coalition, to limit the amount of
19 pollution that could be created by power plants
20 within city limits and gave the plants two
21 years to come into compliance.
22 This time line accelerated an initial time
23 line established between Midwest Generation,
24 the plant owners, and the Illinois EPA to shut

1 down both facilities by 2018.
2 Soon after taking office in May 2011, Mayor
3 Emanuel met with Midwest Generation to make it
4 very clear that the plants either need to
5 reduce their pollution on an accelerated
6 schedule, either via new infrastructure or
7 conversion of cleaner fuel, or the City would
8 use whatever means available to shut the
9 facilities down.
10 On February 29th, 2012, Mayor Emanuel,
11 Midwest Generation and Chicago Clean Power
12 Coalition announced the accelerated retirement
13 of the plant, with Fisk closing by the end of
14 2012 and Crawford closing by the end of 2014.
15 This agreement not only met the interest of
16 the community but also aligned with the
17 objectives outlined in the above-mentioned
18 ordinance of 2010.
19 Both plants were closed earlier than
20 scheduled in August of the same year.
21 Although the mayor's hard line on the issue
22 made it very clear that the City would no
23 longer tolerate the pollution these plants were
24 emitting, it is important to acknowledge that

the agreement to accelerate the closure of Fisk and Crawford would not have been possible if it weren't for the tireless efforts of community members here in Pilsen and Little Village who championed this issue prior to the mayor coming to office.

Two months after the announcement of the plants' closure, Mayor Emanuel appointed the Fisk and Crawford Reuse Task Force to develop a mission for the future of the Fisk and Crawford plants.

The task force included community members, Midwest Generation, aldermen, labor, ComEd, and the City's Department of Planning and Development.

You heard earlier today from Kim Wasserman, one of the task force members, and the Sierra Club who helped to fund the task force's facilitation.

A critical element of the task force's work was impact on the community.

Two public feedback sessions were conducted with over 125 participants who voiced their thoughts and input as to the future use of the

site. One of those sessions was conducted right here in the National Museum of Mexican Art.

Community groups conducted their own surveys regarding the facilities' reuse, and the City established a website for individuals to provide their own input.

The task force produced several guiding principles as to the remaining work in their September 2020 report which included enhancing the ability of residents that live, work, and play in a healthy environment, prioritizing quality living-wage jobs, identifying and pursuing resources for development, recognizing existing constraints and context for the redevelopment and encouraging collaboration of stakeholders on redevelop, knowing that will likely lead to the best outcome for all.

In 2013 Midwest Generation, who had filed for bankruptcy protection, sold the Fisk and Crawford plants to NRG Energy, a New Jersey-based power generation company.

NRG has been working with City officials and community leaders to develop alternative

uses for the facility.

We believe there's an opportunity to develop the space into an area that will create jobs and create space, with significant and real input from the community.

Mayor Emanuel and the City of Chicago have recognized the detrimental impact coal has had on our communities and has acted in other ways besides the Fisk and Crawford plants to reduce the City's dependence.

In 2013 the Mayor and the Department of Fleet and Facility Management announced the City was removing coal from its energy supply agreement, signing agreements with Constellation New Energy that requires a company to source its City of Chicago electricity, and this is City of Chicago and the government individual buildings, from non-coal-fueled assets. This move reduced carbon emissions in the city supply by 99.5 percent and removed the carbon equivalent of 221,000 cars off the road at the same time saving city taxpayers $1.2 million over two years.

In addition, the City launched a two-year municipal aggregation program in early 2013 that provided non-coal electricity to 750,000 residents and small businesses in Chicago.

The aggregation program also contained five percent clean energy sources from right here in Illinois.

It's important to note that the declining use of coal is not only being driven by communities but also demands that are reducing energy uses and driving the use of cleaner fuels.

The Mayor also recognizes that it's not enough to reduce our dependence on coal. We must increase the access and capacities for all communities to participate in energy efficiency and renewables.

Currently the City is working with Cook County, ComEd, Elevate Energy, the Environment Law and Policy Center, who you heard from earlier today, and other partners on the Solar Pathways Project.

This initiative, funded by the Department of Energy, is designed to identify

opportunities to develop community solar projects where community members are able to purchase solar power from local or neighborhood installation.

These projects in time could be opportunities for the reuse of areas like Fisk and Crawford.

The City's Retrofit Chicago Residential Partnership has worked with utilities, finance companies, and community groups to streamline the process for single-family homeowners and landlords to retrofit their energy usage.

In conclusion, the closure of the Fisk and Crawford facilities was a culmination of over a decade of work of community activist organizations.

Mayor Emanuel and city officials are proud to have played a role in making these communities healthier; however, the closure of these facilities is not enough.

We must empower families and communities with the tools and resources to charter a more sustainable future for all Chicago neighborhoods.

The City remains committed to converting the Fisk and Crawford sites, community-driven uses, and reduce the dependence on fossil fuels for all Chicago residents using energy efficiency and renewables.

I thank you for your commitment to these issues and am happy to take questions.

CHAIRMAN LINARES: Thank you, Mr. Wheat. We'll move on to another panelist, and then we will ask the questions for all the panelists.

I'm going to jump just a little bit to stick with the municipality theme. And I want to go to Mr. David Villalobos, if you are ready. And you have 15 minutes. So the mic is yours.

MR. VILLALOBOS: Before I start my statement, I just want to say something.

Sylvia Hood Washington mentioned that DuPage County has the most Superfunds in the state at five, and it helped me gain new respect with -- regarding Waukegan. Waukegan has five Superfund sites also.

So I wasn't aware that that's the high number for the state and Waukegan has that. So

I learned something today, and it gives me a different perspective more so.

Now, I'll jump into my statements.

I would like to start by saying thank you for this opportunity to speak today.

As mentioned, my name is David Villalobos, and I am from the City of Waukegan.

I am also the Alderman of the 4th Ward of Waukegan. So I represent my community in two capacities, first as a resident and second as an elected official.

I will begin by making a couple of recommendations to the advisory committee, one specific and two general, that I hope my narrative will help further explain.

For one, create policy that mandates industries to make financial assurance that remediation will occur during operations and post-operation.

Two, Better enforce and strengthen existing laws.

Three, U.S. EPA and IEPA make stronger efforts to support environmental justice communities in advocacy.

I will speak first from the perspective of a resident from my community. I was born and raised in Waukegan, and my family roots go back approximately 70 years in the City of Waukegan when my paternal grandparents moved to Waukegan. I am proud to consider myself a product of my community. I am also proud to have been sitting in this room with my friends and fellow Waukeganites.

When I speak with people who grew up in other communities, they perceive Waukegan as a bad community to live in, and when I speak with my fellow Waukeganites, many speak of times when Waukegan was a “better community.” There is often talk of crime in Waukegan and poor educational opportunities for the youth. I personally have not experienced violent crime and consider my Waukegan public school education to have properly prepared me for higher education.

I have had many conversations with individuals regarding Waukegan, and far too often the conversation gravitates toward the negatives of Waukegan. I remind people that

there is much to be proud of and will cite that in 2013 both Waukegan's public library and park district received national honors for the work done for our community.

Forgive me. I cannot help but to promote the positives of Waukegan when speaking about my community.

As I mentioned, I speak with many residents in my community, and there is a topic that is rarely mentioned when speaking about the flaws of Waukegan, and that is Waukegan's environment and the negative health impacts. I myself knew only to the extent that Waukegan had a polluted creek and lakefront.

I was not aware of the severity and duration that Waukegan has been exposed to pollution.

I admit, to my chagrin, that I was not even aware, as a lifelong resident, that Waukegan is the host site to a coal-burning power plant currently owned by NRG Energy, that is until I started volunteering with Clean Power Lake County over two and a half years ago. It has been through my volunteering with Clean Power

Lake County that I have become more informed about Waukegan's history and present situation regarding pollution.

Now I have become a more informed resident and advocate to see Waukegan move forward from a history and present of industrial pollution that includes mercury, arsenic, sulfur dioxide, carbon dioxide, nitrogen oxide, boron, PCBs, and many others.

It is a fascinating phenomenon that has happened in Waukegan regarding the exposure of industrial pollution to residents and how few residents are aware of this exposure.

I have had conversations with residents, some of which are life-long Waukeganites, and many were unaware, much like I was, that Waukegan has a long history of industrial pollution and presently has a coal-burning power plant on the lakefront that has been in operation for over half a century.

In consideration of the highest percentages of demographic makeup of Waukegan, according to the EPA's Community Involvement Plan, of the approximately 89,000 Waukeganites, 55.7 percent

are Hispanic/Latino, for children, 16.5 percent are ages 5 to 14, and for adults, 16 percent ages 25 to 34, 31.5 percent have less than high school education, 7 percent are unemployed, 13 percent have household incomes between $20,000 to $30,000 and $75,000 to $100,000. Language percentages were not mentioned in the report, but from personal experience there is a sizable percentage of Waukeganites that are bilingual or speak Spanish as a first language.

Given these percentages, the likely adult to meet in Waukegan is a Spanish-speaking Hispanic, 25 to 34 years of age, did not complete high school, and makes $20,000 to $30,000.

Interestingly, I match three and a half out of the five descriptors. I speak some Spanish, and I finished high school.

Given the likely adult in Waukegan, it is easy to be uninformed about the community one lives in when the basic necessities of life and the household take priority over the environment in which that person lives in.

This is one key aspect to understanding the

social injustice that is happening in Waukegan.

When I began volunteering with Clean Power Lake County and sought support from community organizations, I came across a rather unexpected barrier. Past and present industries will donate to or financially support organizations or their programs, and the organizations that accept the financial contribution will not support any movement that may adversely affect the industry or even testify at public hearings asking for stronger protections.

It seems to me that accepting the money also means accepting the industrial pollution.

To me this is a shortsighted view regarding the community but one that many within my community have fallen victim to.

I cite this also as another key aspect to understanding the social injustice happening to Waukegan.

I believe that Waukegan and its residents are far overdue and deserve to have a pollution-free community.

Now, I will shift and speak as an alderman.

I must make mention that within the 4th Ward is the municipal beach, some industries, and the Waukegan Port District.

The coal-burning power plant owned by NRG is not in the 4th Ward but resides in the 7th Ward, which is approximately 2 miles north along the shoreline from the municipal beach and operates with open-air unsheltered coal mounds along with two open-air unsheltered coal ash ponds.

Please keep in mind the proximity of the coal-burning power plant and the municipal beach.

I am currently the youngest alderman on the council, at 34 years of age. The next youngest alderman is approximately 16 years my senior. I start by mentioning my age because I think it will help bring perspective to my narrative as an alderman.

I believe that my comparative youth affords me the great opportunity to realistically think about Waukegan in terms of 20 years in the future.

In 20 years from now, I will have reached

the age of my peers on the council, and God willing, I will still be involved in seeing Waukegan prosper, whether as an elected official or a community leader.

Presently, as I make decisions for Waukegan's future regarding development, I ask questions with the mentality of "How will this affect Waukegan and myself in 20 years?"

It is this mentality that drives my efforts to see a Waukegan free from industrial pollution with great economic potential.

I find myself faced with a dilemma. The dilemma lies in that we are devoting money and manpower to see development projects on the lakefront come to fruition, and on the other hand, there is the legacy and present industrial pollution to be faced and overcome.

In 2003, Waukegan created a Master Plan for the Lakefront, and for over a decade very little has been accomplished to see that Master Plan come to fruition.

There are many reasons for this, but one of the central challenges is the long legacy of contamination left at many of these lakefront

sites that offer few opportunities for reuse.

Waukegan's mayor, Wayne Motley, and my fellow aldermen have devoted ourselves to see a newly developed Waukegan lakefront. We have commissioned Edgewater Resources, an economic consultant company, to review the Master Plan, conduct community meetings, and lay out a strategy for accomplishing aspects of the Master Plan.

We are presently moving forward with the recommendations as presented by Edgewater Resources by devoting funds and manpower to see new development on the lakefront.

Interestingly enough, Edgewater Resources stated that the coal plant was "incompatible" with our lakefront's future and recommended that the City of Waukegan support efforts to transition the plant to clean energy.

Unfortunately, that recommendation was removed in the final report to the City, thus leaving my fellow aldermen, who were not present during that meeting, in the dark about this recommendation.

In the efforts to move forward on the

proposed recommendations, Mayor Motley created a Lakefront Coordinator position to oversee project management of the lakefront, and just this past Monday, during our council meeting, we hired Deigan & Associates, L.L.C., on an interim basis to fill this position.

Also, this past council meeting, we agreed to sign a contract that will bring a music festival to Waukegan's lakefront during Memorial Day weekend that will hopefully bring approximately 200,000 visitors over the weekend.

Also, we have submitted a grant application to the Illinois Department of Natural Resources to assist in funding for signage, a new gate house, new permanent public restrooms, trail guides, a plank walk, a pavilion, and bioswales that will help with the current water drainage problem.

I am excited about us moving forward on these projects that will bring more visitors to the lakefront, but I am also concerned about pollution exposure that present and future visitors are faced with unless we can get firm

policy in place that can help move Waukegan forward from industrial pollution.

This past February I visited Washington, D.C., and spoke with Senator Durbin and a staff member and also staff members from Senator Kirk’s office, Representative Gutierrez's office, and Representative Dold’s office, regarding the coal-burning power plant owned by NRG Energy in Waukegan.

In speaking with Senator Durbin, he posed a question to me that at the time I could not answer. To paraphrase the question, if a private industry is operating under compliance, how can we force them to improve their operations regarding pollution?

After consideration, I have a thought to answer that question. Simply put, we need to actually enforce our existing laws while also strengthening policy regarding industrial pollution, particularly in environmental justice communities, specifically enforcement of existing laws such as the federal Clean Air Act.

The Waukegan coal plant still does not have

a finalized, up-to-date operating permit that is required under this law. This is due to mismanagement of the Illinois EPA Title V Permitting Program, and I ask that the Advisory Committee support our efforts to make sure the agency finally moves forward with a strong permit that adequately protects our community.

Additionally, our community is in desperate need of air monitors, and I would ask the Advisory Committee to support our advocacy efforts with Illinois EPA and U.S. EPA to bring those to Waukegan.

Under the U.S. Constitution Article 1, Section 8, commonly referred to as the Elastic Clause, Congress has the power to make laws which shall be necessary and proper for carrying into execution...powers vested by [the] Constitution...

The U.S. Constitution is the law of the land, therefore, logically it is within legislative power to strengthen policy regarding industrial pollution.

One such policy that needs to be implemented is the requirement of industries to

take ownership of the pollution created on site by paying for remediation of the site during operations and prior to vacating a site.

Currently, the Illinois Pollution Control Board is reviewing whether to move forward with state-specific coal ash regulations, and given that the federal coal ash rule is inadequate to protect communities like Waukegan, I would ask that the Advisory Committee recommend that the Pollution Control Board move forward with strong state protections. Included in those must be a requirement for coal plant operators to set aside financial assurances for eventual coal ash remediation and clean-up upon retirement.

This is critical to make sure environmental justice communities like Waukegan are better positioned for future development of these sites and are not plagued with legacy pollution for decades.

This brings me back to Waukegan because Waukegan has had to find funding and pay for remediation of lakefront land and shoreline for over 30 years. As noted in the Chicago

Tribune's article dated August of 2014, "With the culmination of a 30-year, $150 million cleanup to rid the shoreline of contamination left by the city's former industrial giants along Lake Michigan, the U.S. Environmental Protection Agency announce that the harbor has met requirements to be removed from the list of 43 polluted sites dubbed the "Great Lakes Areas of Concern." The federal agency will continue to monitor the site for an unspecified amount of time, possibly a few years, before it is officially "de-listed.""

Waukegan has had to deal with just one industrial pollution remediation project for almost as long as I have been on this Earth. There are five Superfund sites in Waukegan which means that for decades Waukegan has had to place millions of dollars toward remediation that could have been used toward infrastructure projects such as roads, walkways, and sewers that could have improved the city aesthetics and enhanced the quality of life for Waukeganites.

CHAIRMAN LINARES: You have three minutes.

MR. VILLALOBOS: Presently, I have to be concerned when heavy rains occur because multiple residents within the 4th Ward have basement flooding due to inadequate city sewer drainage. Heavy rain events and flooding will only continue to increase due to our warming climate. The resident may lack the economic resources to pay for the water damages -- pay for the water damages and have to live with the potential for mold growth, or pay thousands of dollars in water damage repair which can bring about financial hardship and thus lower the quality of life for the resident and family. Had Waukegan been able to reallocate funds used for past remediation to upgrade the sewer system, basement flooding would not be occurring for 4th Ward residents. I make this one correlation to show that for decades Waukeganite’s quality of life has been adversely affected by conditions brought upon by industrial pollution, and this is social injustice.

To be sure, there are many more unforeseen correlations that can be made.

When Waukegan moves beyond industrial pollution, I fear that history will repeat itself, and Waukegan will have to fund another remediation project along the shoreline, and lakefront development will get stymied.

As I mentioned, the City of Waukegan is all in to see a developed lakefront that will offer entertainment and leisure to visitors and potential lakefront residents.

We are placing a lot of Waukegan’s future on the success of the lakefront development and don't need barriers such as industrial pollution to be a cause for failure which could potentially cripple Waukegan financially if dollars need to be redirected to another remediation project. If such an event were to happen, Waukeganites could become disenfranchised and Waukegan could potentially see a mass exodus of residents, thus spiralling the city into financial ruin as the tax base diminishes.

As the Lake County seat and the ninth largest city in the state, Waukegan should not have to endure potentially decades more of

industrial pollution.

As I envision the future of Waukegan, I see a Waukegan that is a clean power community where some of Waukegan's brownfield sites have been converted to solar fields.

These projects will create job opportunities and put Waukegan on the map as a clean energy community thus attracting new residents and boosting city economics. I envision this future coming to existence with the help of NRG.

CHAIRMAN LINARES: One minute remaining.

MR. VILLALOBOS: There have been efforts made to NRG to discuss the future of their site and other clean energy opportunities, but NRG has been reluctant to begin dialogue. And so, I end my statement on a note of hope. A hope that NRG can come to the table and talk with Waukeganites in the efforts to truly become a champion for Waukegan and aid in the revitalization of the lakefront and the city as a whole.

Thank you.

CHAIRMAN LINARES: Thank you very much.

We'll continue with speakers as listed.

So Mr. Walts and Ms. Jencius, whichever one of you, wants to speak.

MR. WALTS: Thank you for this opportunity to speak before the committee. I appreciate that.

I am appearing as the environmental justice program manager for Region 5. Ms. Jencius is -- I guess you can introduce yourself.

MS. JENCIUS: I'm a scientist in the Air and Radiation Division. So I can speak to our air program specifically.

MR. WALTS: As you'll hear, our air program has been doing some really significant and valuable work in communities in southeast Chicago in particular.

Thank you.

So what I can say at the outset is environmental justice is a very high priority for EPA. It's been a very high priority throughout the Obama administration. I'm not going to go into this in detail because of the time allowed, but if you look on our website, you will see the work that was done in the EJ

2014 Plan to try to make significant progress by the 20th anniversary of the executive order, make sure we have the tools and approaches in place to address environmental injustice.

And really what that comes down to are principles of meaningful involvement and fair treatment.

We work with a wide range of government and non-government partners to carry out that work, but most importantly people who live, work, and play in overburdened communities help us to identify what the priorities are and how we can best carry out our programs in ways that are responsive to the needs of the communities and that build upon the strengths of those communities in creating long-term sustainable positive change.

Illinois EPA, particularly in southeast Chicago, has been an important partner for us to make sure that we are doing exactly what Mr. Villalobos highlighted, which is to make sure that facilities are in full compliance.

We may not be able to change the overall statutes, but we do have significant

enforcement powers, and one of the things that we do try to do is make sure we have full compliance. And we work together with the state on that.

I provided a copy of a PowerPoint that goes through some of these items I'm going to refer to in more detail, and you have that detailed information in your hands.

But, essentially, when you look through it, in general our starting point -- of course, if we want to assure fair treatment, we have to identify where disproportionate impacts are or may be occurring.

And so EJSCREEN is our current tool for doing that. It is publicly available. Anyone, government or non-government, can use that tool, and we hope it creates a common conversation about where those disproportionate impacts are so we can build the partnerships and coalitions that we need to create positive change.

However, it is just a screening tool. It is not going to give us the answer, and it is very important for us as well to be talking

with people in communities so, if somebody says to us, we are experiencing social injustices or disproportionate impacts, we don't stop to look at our tool and see whether our tool agrees with them. We speak to those folks, and we figure out what their issues are and what tools and resources EPA has that can contribute to the positive solution.

We also refine our understanding of the environmental justice concerns and disproportion impact by using a wide range of environmental data, and one set of environmental data that I've highlighted for the Committee is the National Air Toxics Assessment.

There's a new set of data that I believe is just coming out or is coming out soon. Just come out. Okay. A new set of data from the National Air Toxics Assessment that's just been released. And so that's a tool that helps us, once we've screened an area, to get a more precise understanding of the risk of -- risks associated with air toxics in specific areas.

So we have -- again, the fundamental point

that I want to make here is we use the full range of data that we have and specifically use this data to find disproportionate impacts so we can target our work to those most significant issues. That's just good government. It's to find the worst problems and solve them first. And that's what we try to do.

One of the really important tools that we have -- you know, when we talk about approaches, rather, that we have learned over many years is essential to create that sort of systemic change is collaborative problem-solving that engages the community, engages a wide range of partners, and brings all the different authorities, tools, and resources we can to the table to address the priorities that have been identified by the folks who live in those communities.

So in that respect, you'll see a few slides towards the end here that talk about our community initiatives that our air program in particular has been carrying out.

We have been active in South Chicago for

many years now, working with folks like the Southeast Environmental Task Force, but particularly in fiscal years '14 and '15, continuing into this year, we had a concerted focus on southeast Chicago. And what you'll see when you look at these info-graphics here is that it will give you a sense of the range of tools that we bring to the table. Okay?

So there are voluntary programs. There are educational/informational types of things we can do like helping schools familiarize themselves with air quality indices and give students a chance to empower themselves by checking that information, but a very important part of that, again I want to emphasize, is enforcement.

We do inspections. We find violations. We address those violations. And we can get both injunctive relief that changes the way a company is carrying out its work, as well as recovering penalties that deter future violations and make it clear that we expect compliance in every part of every city and that

there are no sacrifice zones or other areas where it's okay to not comply with the law.

And through those enforcement actions and our other actions, we can get very significant emissions reductions.

So I think that's one of the most important tools that we have where we can target our work to where the need is greatest.

We also apply this philosophy in the context of permitting.

Most permits are issued directly by states. And so, you know, our partner, Ken Page, will talk about the environmental justice programs that Illinois EPA has. We attempt to support the work that Illinois is doing by providing information to them on a potential for environmental justice concerns as we review state permits.

And when we are reviewing state permits, given the large number of state permits and the limited capacity that EPA has to duplicate and look at what the state is doing, we focus our attention/energy on the subset of permits that are being proposed for facilities in these

areas that we know are overburdened, where there's concerns about disproportionate impacts, as well as, aside from impacts, where we know there's a great deal of community interest, and we want to make sure we're working together to make ourselves available as representatives of the government for members of the public in that community to talk to us to raise their concerns and really make sure that we've got a true public participation process that doesn't just meet the minimum regulatory requirements but actually assures meaningful involvement and makes sure people have a voice in that decision to the full extent they can under our statutory regime.

So with that, I'll stop to try to allow ample time for comments when we get to that stage.

MS. JENCIUS: I guess I can add a little bit to what Alan was saying with our work in the Air and Radiation Division specifically.

So historically we use the tools that Alan talked about, the National Air Toxics information and the environmental justice

tools, to guide our work into different things that the air division does. So with enforcement, we would look at these environmental justice areas and we would prioritize those. Same with permits.

However, recently we started kind of doing things just a little bit differently where we would actually pick a specific community, and we would bring all of our resources to bear in that community. So we would tell them about things that we could offer, but in addition to that, we would ask them what do they need.

So the community itself could be city officials. It could be groups that have concerns. And we would just open ourselves up to hear what they wanted.

And we would refer within our group -- since we are air, if someone had more interest in blight, we would refer them on to a contact. So we are trying to make ourselves available to very specific communities.

That's created a good relationship. It's also created some sort of direct access and allowed us to be responsive and know what's

going on.

And I think it's been really great that we have been able to. If a company is going through the permit process like Alan talked about, and Illinois is issuing that permit, but the community wants to know how to review that permit, not only are our permit folks saying, hey, Illinois EPA, this might be an area of concern, you know, maybe take a little more interest in public noticing this to the community. If the community group itself says we want to know how to review these permits, we'll do a training and teach them how to review permits and how to go through that process.

So we are trying to be nimble and flexible to meet the needs.

CHAIRMAN LINARES: Very good. Thank you so much.

So we'll now pass microphone on to Mr. Ken Page. The microphone is yours for five minutes.

MR. PAGE: Thank you.

I would like to thank the Illinois Advisory

Committee for inviting the Illinois Environmental Protection Agency here today to explain our environmental justice program.

I have been here for a few hours. So I've heard a lot of things. My name came up quite often.

But, again, I'm Ken Page. I'm the agency's environmental justice officer. And the agency has worked with environmental justice communities in the northernmost parts of Illinois to the southernmost tip of the state.

The agency is very sensitive to the issues that are raised by environmental justice areas.

We have established direct communications with the EJ groups throughout the Chicagoland area, as well as the state.

The agency has the best, if not one of the best, environmental justice programs in the country, and the agency has dedicated time and resources to make environmental justice programs and this environmental justice program successful.

The agency has dedicated a full-time staff person to become the environmental justice

officer, that's myself, to this program, and I coordinate all the agency's EJ activities throughout all the bureau. That's the Bureau of Land, the Bureau of Air, as well as the Bureau of Water, and I also act as the spokesperson for the agency on environmental judgment issues.

All the agency staff in all the permitted programs and all the bureaus, the Bureau of Air, Bureau of Land, as well as the Bureau of Water, and all the cleanup programs are trained in environmental justice.

And the agency has developed a website dedicated to environmental justice, but I was going to bring copies, but we do not have a budget and we have a zero printing budget at the agency so I would recommend that you go to www.epa.illinois.gov, and I will discuss some of those things, those tools, that are found on the agency's website.

The agency developed an EJ policy, and that policy ensures that communities are not disproportionately impacted by degradation of the environment or receive less than an

equitable share of environmental protection. It strengthens the public involvement in environmental decision-making including permitting, regulating, remediation, and enforcement matters.

It ensures that the agency personnel use a common approach to address environmental justice issues and also ensures that the agency continues to refine its environmental justice strategy.

And that policy is located on the agency's website as well, and it's in English as well as Spanish.

And so in order for us to communicate to the -- to the public what we -- how we want -- how the programs have been involved in the different permitting aspects of our agency, the agency developed an EJ public participation policy, and this policy was developed for the community, but it also was great for us internally because it forced us to put things in writing what we were doing because, you know, as a governmental agency, we -- we knew that we -- we knew what we were doing, and we

were not able to explain it to individuals. So we had to put it in writing. So with that EJ public participation policy, it explains the agency's approach to involving the public and EJ communities and predominantly addresses public outreach in the context of permitting transactions.

But it can be applied to other agency actions. Cleanups as well.

And that EJ public participation policy is well used by a lot of the community groups as they installed new permits that the agency issued and the opportunity to explore public involvement.

And that policy is in English -- on the agency's website, and it is in English and Spanish as well.

And also the agency wanted to give the public an opportunity if they had complaints or grievances, a procedure to file those complaints and grievances with us.

So we developed an EJ, environmental justice, grievance procedure, and that procedure is on the agency's website, as well.

And basically that procedure gives an individual an opportunity to file a complaint with us. If they are alleging discrimination, we encourage them to file a complaint with us because it will give us, as a state, the opportunity to try to address that before going to the feds to file a Title VI complaint with the U.S. EPA Civil Rights.

So we've had a number of complaints, and that grievance procedure has worked well for us as well as the community.

And also on the agency's website you will find our notice of nondiscrimination, and all those documents on the agency's EJ website page are in English, as well as Spanish.

So in order for the agency to determine whether or not a community or -- was a potential -- was located within a potential EJ area -- or some people have used that -- say EJ community -- the agency developed their own screening tool.

Now, we did have access to U.S. EPA's screening tool, but we developed our own internally, and it's called EJ START. And

that's how -- and that's -- the agency uses that screening tool to determine -- to screen -- we have screened all of our permits and permitted transactions within the agency. So whenever a permit comes in, that permit is flagged as either EJ or as not.

So if it's EJ, that permit -- that permitted transaction is sent to the EJ officer for further review to determine the type of outreach that is necessary.

And also the community was requesting access to more information from us, and usually they had to go through the FOIA process, and that can be somewhat labor-intensive for us as an agency, but we wanted to make sure -- we wanted to provide that information to the community so they could have easy access to it.

So the agency developed a permit portal. So that permit portal lists all of the permits within the Illinois EPA. So -- and that's on the agency's website as well.

So you can go to that permit portal. You can put in -- if you don't know the name of the facility, you can put in the city so it pulls

up all those permits within that city, and it would tell you whether or not that permit is located within an environmental justice area.

So that's a great tool that has been used greatly by the community groups.

And in addition to the permit portal and because of the freedom -- because of FOIA, the Freedom of Information Act, community groups were complaining that the agency was not provided -- was not transparent enough, they did not get all of the information that they needed or they did not know the type of information that they needed, and instead of going through FOIA -- because the permit board just lists the permits and lists just basic information.

So the agency developed a document explorer tool, and that's on the agency's website.

So in addition to the permit portal, a person can go to the document explorer tool, and you can put in a site name, and it will pull up all the documents under that site, everything entirely under that site.

And a big issue that community groups had

was they were not able to get the enforcement information. So that information is on -- in that document explorer tool as well.

So that document explorer tool will contain all the agency records on air permits, construction as well as operating, the NPS water discharge permits and national pollution discharge elimination system permit, the underground storage tank sites, the voluntary site remediation program sites, as well as state responsive action technical documents.

So there are thousands of documents filed on that document explorer. So you can put in any site manual and pull up everything that we have in-house so that you can have it electronically, and that has worked for us greatly because it cuts down on the number of FOIA requests that we have to provide to the public.

Now, what was happening is that the community had concerns that they found out about permitting transactions when it was too late for them to have an opportunity to gather the information in order to provide meaningful

dialogue if there was a public meeting, a public hearing.

So what the agency -- what we have done, we've started this program. It's a couple years now. The environmental justice notification letters.

Whenever a permitted transaction is submitted to the agency, as soon as it hits the agency, if the EJ -- if it's located within an EJ area, it's flagged to the EJ officer, we will immediately send an environmental justice notification letter. It will go to all of the elected officials in that area. We have a huge distribution list that will -- that includes a lot of the community groups that have requested to be on that list, and so it will go to the elected officials, it would go to the facility itself and all the community groups, like the NAACP, the Sierra Club, LVEJO. If it's within that area, they will get that EJ notification letter to let them know that we have received a permit and they have requested this and that -- and so we give -- there's a contact on that letter so -- for them to contact.

And what we found is that we already know as an agency where we are going to get a lot of hits in certain areas, and we do get those hits. Those community groups do, in fact, call, and they enjoy getting those letters.

Now, we send hundreds of them out, and maybe probably ten percent we will get hits on, but you never know. The other 90 percent you may get a hit on one area now and then -- but those high-traffic areas, we know we are going to get hits on those and communities do appreciate those letters.

And I have five minutes.

MR. KAZMI: There's plenty of questions.

MR. PAGE: I'm sure there is.

But, you know, in addition to that EJ program, the agency -- we established an environmental justice advisory group and -- to advise our director on environmental justice issues.

So that consists of U.S. EPA. We have some -- several universities, other state agencies, and community groups. So we meet quarterly and discuss issues that they have, as

well as what we have. So that information is provided to the agency.

Now, by statute, the legislature passed the Environmental Justice Act that included the Environmental Justice Commission. So we do have -- and in the state of Illinois, we do have the Environmental Justice Commission, that we -- and the chairman is appointed by the governor, and we have several state agencies on that: Illinois EPA, Illinois Department of Public Health, Illinois Department of Transportation, Illinois Department of Natural Resources, Department of Commerce and Economic Opportunities. There's about six or seven state agencies on there, as well as community groups, members that represent industry, and so forth and so on.

So that group committee -- commission meets quarterly and provides recommendations and reports to the governor as well as the legislative leaders on environmental issues and things that need to be changed.

But I would like to say that, in addition to all of the things that have been said today

that included the Illinois Environmental Protection Agency, we have since the beginning of our program and -- and I've been in our program since the beginning, and I worked with Alan Walts with U.S. EPA. So we've sought to make sure that the community was well -- was involved, and we also look for opportunities to include the community in those permit processes, and we provided -- we've given communities, if they requested from you -- especially the EJ communities -- additional time, to provide comments. We have done that. If they've requested a public hearing, we have done that. If they have public meetings, we've done that, community meetings, and, you know, we drive -- we drive from Springfield to -- to this area, and so it's about -- a little over three hours for us to come here, and we have evening meetings. All of our meetings are in the evening. We have never had a meeting that wasn't in the evening, and we provide that -- a lot of community groups to choose locations that they would like to have meetings, but we have to make sure that those locations are

accessible because we have to do that as a state agency.

But I feel that we've made great strides in our EJ program. And, of course, everyone is not going to be very happy with what we do, but we do what we have to do, and we -- and we will continue to evolve. It's not a stagnant program, and our policies and documents are not stagnant. So they are -- they have evolved as we have evolved as an agency.

So, again, I do appreciate this opportunity to discuss our -- to give you a quick overview of our environmental justice program.

So please look at that website and check out our environmental justice documents.

And thank you again.

CHAIRMAN LINARES: Thank you all so much.

So we are going to open it up to the Committee for questions.

Mr. Howard.

MR. HOWARD: This is for Mr. Walts and Mr. Page.

We had testimony earlier in the day that complained that the EPA was tardy in

1 investigating these issues, pushed for
2 settlements rather than, I guess, punitive
3 enforcement. They also suggested that the only
4 recourse the EPA had was to withhold grants,
5 and Mr. Walts has mentioned that you have
6 injunction power and other penalties that you
7 can use.
8 I guess I just wanted to get a sense of to
9 what degree are you particularly using Civil
10 Rights Act of '64 and that Title -- what was
11 it? VI?
12 MR. KAZMI: Yes.
13 MR. HOWARD: Title VI in your enforcement
14 of environmental justice.
15 MR. WALTS: Thank you. I'll start and turn
16 it over to Ken.
17 So the work that I was talking about during
18 my statement is all under the rubric of
19 environmental justice, and that's the work that
20 we in Region 5 own. We do it every day, and we
21 use the full range of tools.
22 When we talk about use of injunctive
23 authority/punitive authority, those are the
24 authorities that we've been given under

environmental statutes, Clean Air Act and so forth.

So the way that using those authorities advance environmental justice is by us using them in the places where that is needed the most that create positive change and address disproportionate impacts.

Title VI of the Civil Rights Act is administered by the Office of Civil Rights in D.C.

I can't speak in a great deal of detail to how they are processing Title VI complaints.

I can say that they have been aggressively attempting to improve the civil rights program over the past several years and trying to update the regulations and be more effective and more timely in addressing and responding to Title VI complaints.

What we try to do through the environmental justice program is to do the work on the ground that will address the disproportionate acts that are driving these complaints, and we also work with the Office of Civil Rights to try to promote expeditious response to those

complaints to the extent that we can.

With respect to the question of "Are there other tools besides withholding grant money", specifically under Title VI, it's my understanding that's -- that is the ultimate backstop. If we cannot reach an informal resolution that addresses the concerns about discrimination after we've investigated it, and we issue a letter of findings that finds that discrimination occurred and the recipient of federal funding that we are trying to address that with refuses or is unwilling to address those findings in a constructive way that will resolve it, then the ultimate recourse, after several other layers of process, is withdrawing grant funds.

I'm not aware of any instance where we have gotten to that point, and in one sense that is really sort of, you know, cutting off -- I would say cutting off your nose to spite your face because what we need is to double-down on the resources that those programs have to solve those critical issues of disproportionate impact. And if we were to withdraw grants

funding, that means the EPA has to administer that program, and we don't necessarily have the capacity to do that.

So there are good reasons why that final resort of withdrawing grant money, at least to my knowledge, has never been deployed for EPA, but that is, in fact, as I understand it, our ultimate authority and our ultimate responsibility if we cannot resolve a Title VI complaint in a fashion that fully addresses the concerns regarding discrimination that we identify.

MR. HOWARD: So the grant money is to clean up?

MR. WALTS: The grant money is the money that we give to state and local agencies to run federal environmental programs as delegated, or authorized programs.

So if we withdraw that grant money, we are essentially taking away the money that we are giving the state to run that environmental program which then puts the burden on EPA to then start to run that program.

MR. HOWARD: I see.

MR. WALTS: Was that helpful, sir?

MR. HOWARD: Yes.

CHAIRMAN LINARES: Mr. Page, did you want to respond at all?

MR. PAGE: Well, you know, I -- we refer all -- I would like to have the -- Mr. Sylvester discuss the enforcement aspect.

I think you asked an enforcement question because we refer the cases to the Attorney General's office for enforcement.

I think he was saying -- somebody said things were slow or --

MR. HOWARD: It was actually -- can I mention his name? It was Mr. Harley.

MR. PAGE: Keith Harley.

MR. HOWARD: Yeah. He has done, what, five civil rights cases or six.

MR. PAGE: Well, the process is slow when it becomes enforcement, and we -- as one state that has had probably one too many -- we've had several Title VI civil rights complaints, that we had to address as a state agency. So it is a process, and we work closely with U.S. EPA's Office of Civil Rights in order to resolve

those issues, in addition to working with the complainant as well.

So it's not that we -- you know, you come up with that -- those results by yourself. So everybody is involved in it.

So there are a lot of factors that go into resolving a complaint. So -- and sometimes it may, in fact, get to be slow because there are a lot of things that go into it. So I can see the process sometimes being slow, but maybe we could say slow and deliberate, but that can, in fact, happen.

MR. WALTS: And if I could add, you know, as Ken mentioned before, Illinois EPA does have a very strong environmental justice program when you look across the states in this country, and they also are in full compliance with Title VI, which cannot be said of all states in this country.

So the grievance procedure that Mr. Page referred to earlier is the procedure that the state uses to implement Title VI, and there is a fairly recent instance you will find, if you take a look at their website, where Illinois

EPA did successfully resolve a Title VI complaint to Mr. Harley's satisfaction through the state Title VI process.

So I think that's an example of a success, and in my view, it was handled in a, you know, reasonably timely fashion, that particular matter, at a state level, which is how we'd like to see Title VI function.

MR. HOWARD: I'm a little confused.

Does the EPA have a civil rights division or it sounds like you were --

MR. WALTS: Right.

CHAIRMAN LINARES: -- referring to a completely separate --

MR. WALTS: We have an Office of Civil Rights within the administration in D.C., and then we have Title VI liaisons that work with that office.

I myself am the liaison for Region 5.

MR. HOWARD: Okay.

CHAIRMAN LINARES: And then we have two questions. We'll go to Ms. Rodriguez first and then Mr. Jackson Green.

MS. RODRIGUEZ: Along those lines, we heard

earlier today that the EPA is hamstrung to process or to find enough evidence to build a case that there is, in fact, a violation of Title VI.

So what would you say to an office is quantifiable evidence to suggest that there is a violation of Title VI?

MR. WALTS: Ms. Rodriguez, that's an excellent question that is, frankly, beyond my ability to answer that.

It's really something that the Office of Civil Rights would have to speak to, and I am sure they'd be happy to address that question if asked.

But, essentially, you know, and most importantly, you know, we have been -- the Office of Civil Rights in EPA has been reviewing how they process these complaints and is trying to develop new processes that are more in line with the state-of-the-art for how to run civil rights programs in other federal agencies.

So I say that to say, you know, the way that these cases were handled in the past and

sometimes the very lengthy investigation into impacts that, you know, uses our full range of risk assessment capacity is not necessarily the model going forward.

We want a more fast-moving model that we are entering into dialogue with recipient agencies as quickly as possible to reach a resolution that addresses the underlying concerns that drive that Title VI complaint and not tie ourselves up in years and years of risk assessment because we -- it's clear that that is not the best way to get at the Title VI civil rights issues that are being raised.

What's clear is that it's more important to quickly enter into a dialogue and come up with a constructive solution that improves processes at the state or local agency that's getting EPA money and that addresses the impact concerns of the community.

So I think -- again, I can only speak on their behalf only so far. But what I see, from where I sit in Chicago, is that they are working very hard to try and come up with a process that can move more quickly and is more

inclusive and involves more dialogue so that we get to a resolution more quickly without spending as much time in analyses before we enter that dialogue.

So we heard that -- throughout the day that there's a plant in Waukegan that has not had an operating permit or an updated operating permit.

Whose responsibility is that? I'm a little bit concerned with the many layers in bureaucracy in terms of the checks and balances when you are talking about efficiency that ensures that everyone is up to compliance.

Who -- who does that responsibility fall on?

Is it the Illinois -- the board, the pollution board, the Illinois -- your agency, or the EPA -- the U.S. -- on the U.S. side?

MR. PAGE: I think people use EPA interchangeably. We are the Illinois EPA, and we say U.S. EPA. So a lot of people will say EPA.

But, you know, we do have that permit in process for the facility in Waukegan.

MS. RODRIGUEZ: Why is it taking so long?

MR. PAGE: Well, I'm not exactly sure, and we can provide that information to you, where that permit is and what has transpired with that permit because I'm not -- at this point I'm not ready to answer site-specific questions because those were not given to me to bring here to answer them appropriately for you. So that's a permitting process, and I'm not exactly sure where it is.

MR. VILLALOBOS: I can speak a little bit to it. I have a little knowledge.

From my understanding, the permitting is under litigation right now.

I think it might have been the Sierra Club filed suit against the permit because it felt that it wasn't substantial enough to where it should be at.

From my understanding, the proposal was from the 2006 guidelines, and even then it was weakened from the 2006 guidelines.

So my understanding is it's under litigation right now which is holding up the finalization of it.

But as an alderman/resident of the community, we are a community that doesn't deserve second best anymore, and we have been stuck with that for so long.

So when I found out that litigation, it wasn't finalized yet, I was like, okay. That's fine. Let's strengthen it up and make it better for our community.

To me it seemed like it was a backslide permit for our end. So that's my understanding of the situation right now.

MS. RODRIGUEZ: I have one more question, if that's okay, for Mr. Wheat.

You mentioned that the City is looking for alternative uses of the Crawford and Fisk plant and my understanding, based on other speakers today, is that they are privately owned land that still have a lot of residue from, you know, the hazardous material that they left behind.

So whose responsibility is it to clean that for the City to say we're looking for -- to revitalize these spaces for public use? And what is the time line that the City is looking

at to move forward with revitalizing those -- where those two plants were sitting?

MR. WHEAT: So you mentioned two -- two questions, first the question of environmental remediation and then a second question regarding the time line.

So environmental remediation typically falls on the owner of the -- of the land.

So in this case it would be NRG Energy and so the question is the use of that land going forward.

And so depending on the different types of uses will depend -- will determine the amount of environmental remediation that will be necessary.

Now, Fisk and Crawford operated for a century. So it's fair to say there will be significant levels of remediation that will have to be necessary for any -- for any use.

But I think the first question is: What is the use of the property? And the second question becomes, you know, what does that process look like?

NRG and the Chicago Transit Authority have

entered into a memorandum of understanding to potentially use some of the space -- I think specifically the Fisk area -- part of the Fisk area for a -- basically a bus depot.

The advantages of that is that it would provide a bus depot closer to the downtown corridor. So it actually reduces not only emissions for Chicago Transit Authority because they don't have to go as far to park the buses at the end of a run, but it also save -- it will also save gas for the company -- for CTA as well.

So that process began in 2015. That process is ongoing and will take time.

There is not only the commitment on the part of NRG in terms of environmental remediation. The other question is the capital. As those that have been involved, in government it can take a while to raise capital for fiscal assets.

And so the Chicago Transit Authority is going through the process to potentially raise capital to build that depot.

So I don't have a certainty in terms of

that time.

I know that, as part of the process that Delta Institute ran, I believe they said it typically takes somewhere along the lines of nine years or more to take a brownfield or a power plant area and convert it into reasonable use because of the amount of community involvement and the amount of environmental remediation.

So it is a process, and it will take some time I think, and the City is still committed to working with NRG and others to make sure that comes to fruition at some point.

CHAIRMAN LINARES: Mr. Jackson Green.

MR. JACKSON GREEN: Mr. Page, to what extent would you say that the lack of a budget in Illinois has affected the Illinois EPA's activities?

MR. PAGE: The lack of what?

MR. JACKSON GREEN: A budget.

MR. PAGE: Well, the lack of money does impact greatly on a lot of things. You know, we -- you know, I'm not exactly sure how to answer that.

I know that we -- we have been impacted by staff retirements and not replacing staff and things like that for the last couple years. So -- but I'm not -- you know, I'm not sure of the percentage and how -- but I do know that -- that we are understaffed in a lot of our programs. That I do know. And so...

MR. JACKSON GREEN: Thank you.

CHAIRMAN LINARES: Mr. Kazmi.

MR. KAZMI: Yes. Thank you guys for coming.

So let me start off by saying, based on what you shared about Region 5, it seems like you guys are doing good work.

While you guys were speaking -- no disrespect -- I was reading. Actually your PowerPoint slide that -- gave a bit of a highlight on what you guys have been doing the last couple years, which is great, and, Mr. Page, you talking about what all the website has and how accessible is, all you need to access to Internet, and you can find out a lot of information.

But to piggyback off of some of these

questions today, we received a lot of information pertaining to requests for us to support the endeavor of trying to get the Illinois EPA and also the U.S. EPA to speed up the process on a few different site-specific matters.

We don't need to get into those.

And so my -- I don't want to say "way out" for you, but I pose the question. Is it because of budgetary constraints?

I know that here Illinois EPA with the state budget, you know, is correlated to you, but I also know that, you know, maybe the feds might have some assistance.

So the question I say all that to say, what can you to share with us to make us not be, or at least secondguess, or do more research and get more evidence to not provide heat or seek stronger support for speeding up processes for permitting?

Because we found out some information today, of course, we are all going to double-check, basically that there are certain laws in place that seem, I guess, unreasonable

and even unconscionable and it correlates to some of the rules that existed between your two agencies.

So what do you guys think it is that might be, I guess, providing a catalyst for community members to feel that way?

I worked in government a lot, and I know that community members always are going to have different perspectives on things.

So I want to hear your perspective to provide us information so we can make a good judgment to provide to, you know, our chair for the U.S. Commission on Civil Rights.

MR. WALTS: Thank you. I'll try to speak to that first and then turn it over to Mr. Page.

So, unfortunately, I was not able to be here today. I did want to be able to hear everything that folks had to say, but I would be very happy to work with you and other colleagues in Region 5 to help you with the fact-checking, tell you everything we know on the site-specific issues with respect to the different laws so we can address those issues.

I do want to say in general, though, there's absolutely no question that there's much more work to be done to achieve environmental justice in this country. We are very clear on that.

You know, again, if you look at our website, you will see the plan that's EJ 2020 which is really to take where we are now with a fairly robust set of tools and approaches to tackle these issues -- really take it to the next level and figure out exactly that, how do you accelerate progress on these issues? How do accelerate progress on mitigating disproportionate impact? How do we accelerate progress on empowering communities to drive the priorities and drive what agencies are doing what in their communities to solve their most significant issues and, you know, build the strengths that they want to have?

And there's much more to be done there. There's no question about that.

I personally welcome the attention, the pressure. I welcome the voices of communities. I welcome the voice of this committee to drive

us to work harder, to drive us to find a better way of doing business because that's very much what we want to do.

Site-specific stuff we can talk about, and it's really -- you know, again, do that fact-checking, but globally speaking, you know, there are tremendous resource concerns that this agency faces. There's no question about that. You can look at our budget over the years. You can see that. That's strained us.

The way that we try to meet that challenge is by authentically making environmental justice a part of what every program does.

So if we are using environmental justice principles in our sincere intent and desire to reduce disproportionate impacts as part of our guiding principles, then that guides the work of all of our programs and where all of our existing resources are being directed.

So if we had the choice to take an enforcement action in a particular sector that's a priority for us and there's one facility that's in an area that we believe to be disproportionately impacted, that's the

facility we are going to try to go to first.

If there's a permit that's being proposed for a facility in an overburdened area, that's the permit that we'll devote our limited resources to.

So the more resources we have, the more net work we can do.

Within the resources we do have, we make that a fundamental basis for how we prioritize the resources we do have.

But the voices of the community, the voices of this committee to, you know, encourage us to find better ways of doing business, and to call for more resources to get that work done for the American people is welcome.

MR. KAZMI: Do you not have -- if I could --

MS. JENCIUS: I just wanted to add one thing. I think we are also trying to work a little differently because I don't know if we project that we are going to get a lot more money any time soon. We are trying to think differently about how we do our business.

So one way we are doing things differently

is we really do try to partner. If there's a concern with asthma, we know we ourselves can't take it on. So maybe we'll work with the American Lung Association.

So we are right now kind of reshaping ourselves and trying to say, okay, we know we can't do this ourselves, but who can we partner with and sort of maybe liaison to bring the right people together in the right way to make things happen?

An example would be right now there may be an opportunity to get Medicare to pay for in-home asthma visits.

So if you have a disproportionately impacted community, asthma rates are a lot higher, the one thing we are doing is we're trying to work with the insurance companies, Medicare, health providers to get it to become a new process that when you're in a home and you need in-home asthma care so that it prevents an ER visit that can happen. So we are just kind of reshaping how we do things where we can because we know what is the likelihood that we are going to get more money.

MR. KAZMI: Do you guys not have rule-making authority?

We just heard a few specific instances today where -- I mean, this came up in the last panel as well, where there's a particular set of laws, for example, that a previous plant of some sort -- maybe this is better for you, Mr. Page -- may shut down and upon shutting down, as long as there's no spillage or runoff of any contamination from that plant that's been shut down, the company can just shut down and leave without there being any repercussions.

And maybe you could better speak to that for us.

Mr. Sylvester chimed in a little bit on it from the AG's office, and I'd like to hear from you because that's one of those things that I don't know about my fellow Committee members. I'm just taking a guess that they also think that's ridiculous. So do I.

And so could you share -- if you don't have rule-making authority, what about that? Is that true? You might be best to answer that.

MR. PAGE: The Illinois EPA does not have rule-making authority.

MR. KAZMI: And neither does the U.S. EPA?

MR. WALTS: U.S. EPA does have rule-making authority, yes. Under federal statutes, it defines where we need to make those rules.

And, you know, again, I'm not a practicing attorney at this point, so I can't really get into the specifics of it, but I can say in general. So at least in the RCRA context -- R-C-R-A.

MS. JENCIUS: Resource Conservation Recovery Act.

MR. WALTS: Resource Conservation Recovery Act, RCRA.

At least in that context, there is a requirement that an operation that's treating, disposing, or storing hazardous waste has to go through clean closure when they stop business. Right?

And then, in the brownfield context, it was mentioned, before that property is redeveloped, it has to be cleaned up to the standard that's necessary to support that use.

Those are a couple of things I do know about that regime.

MR. PAGE: I think that was a very broad statement that was made, and it's probably -- there's probably an element of truth to it somewhere.

You know, it's complicated. Not all companies are allowed to walk away. Then you would have thousands and thousands. So nobody would do a cleanup, but they would just leave it and say, it's okay. It's not leaving -- it's not going off-site.

Now, I think that's what they were trying to say. There are some maybe -- let's say, for instance, a gas station may have -- I'm just using this as an example -- a leaking underground storage tank on their property.

And with -- they may -- in fact, they are going to have to do cleanup if the tank is leaking.

But the big issue is whether or not contamination is leaving your property -- transferring to somebody else's property.

So there are a lot of situations where you

have a site -- a facility may be -- a site could be 50 years old that has never -- contamination has never left it. You only find out about it when somebody is doing a property transfer or something like that.

So, you know, there are probably instances where -- but not -- in a broad sense -- like Alan mentioned RCRA, Resource Conservation Recovery Act, site where they have to go through the closure and everything.

So that was a broad statement to say that everything -- they just walk away from sites, which is not true.

MR. KAZMI: Thank you. Thank you for the clarification. I don't know we are, I guess, going to check that.

CHAIRMAN LINARES: And perhaps that's an area of recommendation that this committee comes up with that -- where that nexus is of a potential disparate impact.

MR. VILLALOBOS: So it might have been the summer or spring of 2014 where I went to an IEPA hearing in Chicago, and I walked away with that mentality.

My understanding was that there was no policy in place that requires remediation of land, and I think one of the aspects of it might be if that industry still owns it, they are not required to remediate.

So maybe the recommendation can be that there would be time lines, if you stop operations within X number of years, you have got to remediate the land. That possibly could be something.

I know I walked away from that hearing like there's no guideline, there's no remediation for land. And maybe it's been shifted when they walk -- I'm thinking if they own and possess it still, it's not required.

Waukegan has faced this with Johns Manville in particular. They have been holding on to the property for a very long time, and they have been remediating very slowly over decades I believe. I think since the mid '90s. That 20 years is inexcusable.

Waukegan's lakefront has thousands of acres of fenced-off land right now that's in the process of remediation.

Presently there's a bunch that are going to be accessible to us again and we are excited about that because that's land I have never physically been on, thousands -- 8, 9,000 acres of revenue. I have never been on that land.

MR. KAZMI: Your city and county was quite popular today. And --

MR. VILLALOBOS: Yes.

CHAIRMAN LINARES: Any questions?

I'm going to take the liberty of a question.

Let the record reflect that the chair is asking a question.

This is for our municipal representatives, Mr. Wheat and Mr. Villalobos.

Mr. Villalobos, you intrigued me with one of your comments. It was, I think, if I'm not mistaken, a question I was pulled back to by Representative Gutierrez, which was how do we reduce pollution when the coal-fired plant, or whatever it is that you mentioned, is already in compliance?

Are there goals from your end to actually close down the Waukegan plant, just to be

clear, or the southeast Chicago plant, or do you want to see stronger -- I know you guys don't have maybe the regulatory power to shut something down -- but maybe stronger legislation to reduce pollution? Is that something that you want to see?

MR. VILLALOBOS: So regarding the plant in Waukegan -- correction. It was Senator Durbin.

So what I'm working on right now in Waukegan County is a transition plan.

So, yes, working with Clean Power Lake County, one of the goals is to set a retirement date for the site so, yes, to see an end date for its operations but also coupled with a transition plan for the site, talking about remediation of the land, talking about transition of the workers.

Waukegan has a history of industry walking away, shutting the doors, and having the workers out in the wind.

We don't want to see that happen again.

Also we want to work with NRG Energy to invest in Waukegan for a clean energy project.

NRG made commitments when they bought the

site in Waukegan to invest approximately $300 million in solar panels for rooftops of some of our schools.

That project has not come to completion yet. It's in a limbo right now. It's approximately two years, two and a half years now, since NRG bought the site in Waukegan. So it's more aspects than just close the door. That's the question. I've talked to residents about what we are trying to do here in Waukegan regarding the coal plant.

And so that's why I mentioned, yes, it is set for a retirement date for the site that's old. It's crumbling to a degree. One of the coal stacks just cracked, and it was taken down recently. So even the physical structure of it is starting to -- starting -- it's end date is coming due physically too.

MR. WHEAT: You mentioned the southeast side. So I think you were referring to the pet coke plants.

So similar to what Waukegan encountered, Fisk and Crawford in the city, we're literally between a rock and a hard place from the

regulatory standpoint.

So emissions has typically been the purview of the federal government and also the state through Illinois EPA and U.S. EPA.

So the mayor and the city have tried to take creative approaches, if you will, around -- around this work.

So the City's position is that we are unable and we are not allowed to ban pet coke within the city limits.

So what we have done through both our Chicago Department of Public Health and also through the Department of Planning and Development is try to place significant limits on the ability to store pet coke within the city limits.

So in 2014 we created requirements that set specific end dates so that all pet coke piles had to be covered and all conveyor belts do not have exposure to the outside -- the outside air with a deadline in place of June of this year.

At that point there were three facilities that store pet coke. There is currently one. So one is operated by KCBX, and KCBX to my best

knowledge is currently working to convert that facility to a transport facility.

MR. KAZMI: Is that southeast as well?

MR. WHEAT: Yes.

MR. KAZMI: So all three are?

MR. WHEAT: All three are in the Calumet area on the southeast side.

And, again, the City -- it creates some potential legal challenges for the City in regards to what we can and can't do. This also gets back to one of the earlier questions in regards to the path of litigation.

So there was litigation around the Fisk and Crawford -- Fisk and Crawford plants, and that litigation has been going on for several years.

The City understands that at times applying public pressure is another avenue that the City has and also the mayor and the City being able to convene parties to discuss -- to talk and discuss these issues also creates a more expedient path than litigation.

So if we were to litigate Fisk and Crawford, for instance, there's no guarantee that Fisk and Crawford would be closed today,

but they have been closed -- closed for several years.

I think the City will continue to act not only through our Law Department but also through the mayor's office and our operating departments to try to find ways of reducing pollution.

CHAIRMAN LINARES: Thank you. Any other questions?

So we are going to dismiss this panel in just a moment.

I do want to mention that we have an open forum which we have to comply with for the open meeting or public meeting, and what I'm suggesting is we give the opportunity for our staff, both the U.S. Commission and the regional staff, to make some comment.

With that, I do want to thank you for your time and input. This has been very helpful for us in any recommendation we put toward.

With that, we'll dismiss this panel and thank you again.

(Applause.)

CHAIRMAN LINARES: All right. So thank

you, everyone who's still with us today. I think we had a great day and afternoon of panel speakers and questions and a lot of information for potential recommendations to the Commission.

At this point we are going to open it up for an open forum. And we'll have others make comments.

We had only one person signed up thus far, Sal Cavello (phonetic) from Chicago, Illinois. Are you present? No.

So is there anyone else who would like to make a public comment, anyone at all who is in the room? You just have to sign up with us but also come up to the table.

It seems not. Let the record reflect that we paused for a moment.

So at this point I want to open it up to our Commission staff, the regional staff, either Melissa or David or whomever from the regional commission, or our EP Commission, Chairman Martin Castro or Mr. Mauro Morales, if anyone wants to make comments today or corrections or reflections?

CHAIRMAN CASTRO: Are you asking me to speak?

CHAIRMAN LINARES: You can if you want to. You don't have to.

CHAIRMAN CASTRO: I don't know if I'm allowed to unless you ask me.

CHAIRMAN LINARES: Mr. Castro, would you like to speak to the Commission?

CHAIRMAN CASTRO: Are you asking me?

CHAIRMAN LINARES: I am asking you to.

CHAIRMAN CASTRO: As you know, the Commission does not at all interfere with your hearings and your briefing. So I was pleased to be able to give welcoming remarks and observe today.

And if you are asking me what -- to give you an opinion of what I saw today, it was, first of all, a tremendous briefing, very well -- well run, Mr. Chairman, and I always appreciate a chairman who can run the meetings, keep everyone's questions engaged and still keep the panels moving.

The substance of what we heard today was spectacular. I think you had a broad range of

witnesses discussing a broad range of issues including coal ash but other areas, lead, issues related to pet coke.

So it was very broad-based, and we appreciate that.

Now, much of what we did in Washington relates to the coal ash issue and does not deal with specific states.

So I can't tell you what the Illinois EPA said compared to what we heard because we didn't hear it from the Illinois EPA.

I can tell you that -- and these are my views because the Commission has yet to make findings and recommendations. So I can tell you what I observed during the hearing in Washington, particularly as it relates to the U.S. EPA.

As often happens, I think there is sometimes a disconnect between what's happening on the ground and what may be happening at headquarters or at the national level.

I do not at all doubt the sincerity and enthusiasm of the U.S. EPA reps who were here today. It sounds like they are doing a lot of

great work in my home neighborhood, but some of the critiques of the U.S. EPA at the national level have been that, while -- there was a reference to incorporating environmental justice into everything the EPA does.

Some of the critiques we heard at the national level were that that's not actually happening in practice.

That is still very silent and very compartmentalized and so that's an issue that we -- we heard at the national level, and there are budget challenges.

Our agency experiences them all the time. So we are very keen on understanding when other federal agencies have that same problem.

And I have no doubt that the U.S. EPA does not have the financial resources that it needs to really do everything it's supposed to do.

My recollection is that their Office of Environmental Justice only has nine employees. And that's not a lot to handle all the issues that they have to deal with across the country. So no doubt that that does affect their ability at the national level to perform.

Having said that, it does seem that the national EPA, based on what I observed and heard at the hearing, are very focused on process and less on the actual adjudication or resolution of some of these claims.

It's my recollection that there may have -- there may not be any claim that they have actually found valid, any complaints in the -- in the complaints that have been filed before them.

Could that be an issue that relates to staffing and timing and budget? Sure. But that's a concern.

If that is the entity that's supposed to be doing these things and it's only got nine people and it's really focused on the process, like plan 2020, which is great they are moving forward with that, but by the same token, the critique we heard was it's more process-oriented, this is how we are going to do things versus how are the things actually going to be -- when are they going to be done?

And so those are some of the disconnects that I see between what's happening on the

ground and what may be happening at the national level.

It reminds me of other federal agencies that we looked at.

I recall that when we had the -- we did our briefing on U.S. military sexual assault, I had these generals and admirals stand in front of me under oath and say, "We got this issue covered, Mr. Chairman, don't worry about it. We are working on it."

And the next week in the Washington Post, I see that on the ground, in the troops, in the ranks, there was record numbers of sexual abuse. It was a disconnect between what's going on on the ground and what's going on nationally.

Same thing with our recent hearing on the immigration detention centers. I had DHS and Homeland Security sitting in front of us saying, "We got this. We got our regulations. We got our anti- rape regulation. We are doing all this." And then when we visited the detention centers in Texas and on the border, the reality was different.

So my advice to you, and the advice that we always take, is there's sometimes a disconnect between what's really going on on the ground, the work they're trying to make happen there and what may be happening at the national level.

So sometimes it takes a little extra digging.

So what you did today was very helpful to us, from that perspective, to be able to see that maybe there are some things that are going on on the ground that we can look at a little more closely that don't seem to be reflected in what we heard at the national level.

CHAIRMAN LINARES: Thank you, Mr. Chairman.

I'm not sure if we're -- any Committee members were able to ask any questions.

CHAIRMAN CASTRO: I'm happy to answer if you have questions.

CHAIRMAN LINARES: Mr. Director, do you have any questions?

DIRECTOR MORALES: Yes. I'd be remiss if I didn't take the opportunity to address you.

I mean, obviously I echo and support

everything the chairman has said. I simply want to thank the staff, our staff, regional staff here, David Mussatt and Melissa and where is -- anyway, just I wanted to thank them for a lot of logistical stuff, putting it together, obviously working with you, communicating with you.

And I just wanted to make the point of thanking you for spending your entire day. There's a lot of things you can be doing. You all have jobs. You all have other lives.

And thank you for taking the time and, you know, of course the witnesses as well.

The work you do, you know, is important, as the chairman said, because you are on the ground. You are the eyes and ears out in the community of how your community is being impacted, how your community is being affected.

The information you are giving us is stuff that we are going to use, and things and information we're going to use, as we work on our environmental justice report.

And we have one of the other -- the gentleman who was -- Daren Fernandez who's

actually doing the writing of the report was here listening to the testimony and hearing your questions.

And so, you know, I just wanted to thank you for that, that time and your time. It's precious. You could be with your families, your children, whatever you do in your normal lives. So thank you from the Commissioner and all Commissioners, all eight Commissioners, of course, the Chair.

So thank you again, and we really appreciate your work and support.

So -- and if you come to Washington -- and I mean this sincerely. If you come to Washington, coffee on me. I'd love to give you a tour of the office. You can see how we run things, introduce you to some of our staff, the Office of Civil Rights, our team over there, like -- they'd like to meet you as well.

So if you get an opportunity to come to Washington, I'd like to spend an hour or whatever time you have available, give you a tour of our offices and, again, introduce you to the staff.

So with that, I'll end, and I'll thank you very much.

CHAIRMAN LINARES: Thank you so much for both being here and addressing us. We really appreciate it. For most of us this is our first set of panel hearings.

CHAIRMAN CASTRO: I can tell you guys are a good team together.

CHAIRMAN LINARES: I will open it up to Committee members who have final concluding thoughts.

MR. KAZMI: Thank you guys for staying the whole time. I was shocked that you guys were here the whole time.

CHAIRMAN LINARES: And then my final thoughts are this -- I want to thank also David and Melissa and Carolyn and Christina who are not here anymore, but they did a fantastic job.

I was told this was kind of a quickly done, you know, set of panel hearings, and we wanted to get this in time to be able to inform you of what's going on on the ground here.

I also wanted to thank the subcommittee. Sweta Shah, Selena Greene, and Joanna Vrdolyak,

who's not here today, who we were on the phone quite a bit, you know, calling people up and getting this in.

So this was, I think, well done by the entire team.

With that thank you, everyone. I think this was great as well and looking forward to our next set of panel hearings, and we are adjourned.

(Meeting adjourned at. 6:31 p.m.)

Kathleen E. Maloney, License No. 084-003235, being first duly sworn, on oath says that she is a Certified Shorthand Reporter, that she reported in shorthand the proceedings given at the taking of said hearing, and that the foregoing is a true and correct transcript of her shorthand notes so taken as aforesaid and contains all the proceedings given at said hearing.

_____

Certified Shorthand Reporter
No. 084-003235

U.S. COMMISSION ON CIVIL RIGHTS

Civil Rights and Environmental Justice in Illinois

Hosted By:

The Illinois Advisory Committee to the U.S. Commission on Civil Rights

Date:

Wednesday March 9, 2016

Time:

10: 30am—7: 00pm

Location:

National Museum of Mexican Art

1852 W. 19th Street
Chicago, IL 60608

U.S. COMMISSION ON CIVIL RIGHTS

Midwestern Regional Office
55 West Monroe
Suite 410
Chicago IL, 60603

Phone: 312-353-8311
Fax: 312-353-8324
Online: www.usccr.gov

The Illinois Advisory Committee to the United States Commission on Civil Rights is hosting a public meeting regarding environmental justice concerns in the State. Specifically, the Committee will examine factors contributing to disproportionately poor air quality on the basis of race, color, or national origin.

Opening Remarks - *10:30am-10:40am*

Panel 1: Background & Data– *10:45am-12:00pm*

Panel 2: Community I - *12:10pm-1:25pm*

Break 1:25pm-2:25pm

Panel 3: Community II – *2:25pm-3:35pm*

Panel 4: Industry – *3:45pm-4:30pm*

Panel 5: Government – *4:45pm – 6:15pm*

Open Forum: *6:20pm-6:50pm*

Closing Remarks – *6:50pm-7:00pm*

The Committee will hear public testimony during the open forum period as time allows. Please arrive early if you wish to speak. For more information please contact the Midwestern Regional Office of the U.S. Commission on Civil Rights.

State Advisory Committees to the U.S. Commission on Civil Rights are composed of state citizens who serve without compensation. The Committees advise the Commission of civil rights issues in their states, providing recommendations and advice regarding such matters to the Commission.

Agenda

Opening Remarks and Introductions (10:30-10:40am)

Juan Carlos Linares, Chairman, Illinois Advisory Committee to the U.S. Commission on Civil Rights
Marty Castro, Chairman, U.S. Commission on Civil Rights

Academic or Data Focused Panel (10:45am -12:00pm)

Carlton Waterhouse, Professor of Law and Dean's Fellow, Indiana University Robert H. McKinney School of Law (Via Conference Call)
Sylvia Hood Washington, Environmental Health Research Associates, LLC
Susan Mudd, Environmental Law & Policy Center
Brian Urbaszewski, Director, Environmental Health Programs, Respiratory Health Association
Keith Harley, Attorney at Law, Environmental Law Program, Chicago Legal Clinic

Community Panel (12:10pm-1:25pm)

Peggy Salazar, Southeast Environmental Task Force
Christine Nannicelli and Faith Bugel, Sierra Club
Dr. Antonio Lopez, Executive Director, and Kim Wasserman, Little Village Environmental Justice Organizations
Naomi Davis and Jean Paul Thomas, Blacks in Green

Lunch (1:25pm-2:25pm)

Community Panel (2:25-3:35pm)

Dulce Ortiz, Clean Power Lake County
Barbara Klipp, Co-Founder of Incinerator Free Lake County
Celeste Flores, Most Blessed Trinity Catholic Parish
Susana Figueroa, Faith in Place, Lake County Office

Industry Panel (3:45pm-4:30pm)

Barry Matchett, NRG (not confirmed)
Lisa Albrecht, renewable Energy Specialist, Solar Service, Inc.
Omar Duque, President and CEO, Illinois Hispanic Chamber of Commerce

Government Panel (4:45pm-6:15pm)

Stephen Sylvester, Assistant Attorney General of Environmental Bureau, Office of Illinois Attorney General Lisa Madigan
Christopher Wheat, Chief Sustainability Officer, City of Chicago
Alan Walts and Michele Jencius, U.S. Environmental Protection Agency
Ken Page, Environmental Justice Officer, Illinois Environmental Protection Agency
David Villalobos, Waukegan 4th Ward Alderman

Open Forum (6:20-6:50pm)

ILLINOIS ADVISORY COMMITTEE TO
THE U.S. COMMISSION ON CIVIL RIGHTS
MEETING MINUTES

March 09, 2016

The Illinois Advisory Committee to the U.S. Commission on Civil Rights (Committee) convened at the National Museum of Mexican Art, 1852 W. 19th Street, Chicago IL to hear testimony regarding civil rights related to environmental justice in the State. Juan Carlos Linares chaired the meeting and performed the initial roll call of committee members present. The meeting was open to the public and took place from 10:30 AM to 6:45 PM CST.

Attendance

State Advisory Committee Members:

Present

1. Juan Carlos Linares (Chair)
2. Cindy Buys
3. Salina Greene
4. Reyahd Kazmi
5. Evelyn Rodriguez
6. Sweta Shah
7. William Howard
8. Richard Garcia
9. Bryant Jackson-Green
10. Anne Wortham
11. Kendric Cobb

Absent

1. James Botana
2. Tabassum Haleem
3. Johnathan Bean
4. Joanna Bohdziewicz-Borowiec
5. Trevor Copeland
6. Malik Nevels

Commission Staff Present

1. Carolyn Allen
2. Martin Castro
3. Darren Fernandez
4. Chloe Gremaud (USCCR Intern)
5. Mauro Morales
6. David Mussatt
7. Christina Rosales (USCCR Intern)
8. Melissa Wojnaroski (DFO)

Members of the Public Present

1. Emily Rosenwasser, The Sierra Club
2. Saul Carreno, Carreno Consultant
3. Alex Carreno, Chicago-Kent College of Law
4. Adam Gasper
5. Valeria Velasquez, Chicago-Kent College of Law
6. Jacqueline Nwia, U.S. EPA, Region V
7. Kelly Nichols, Moms Clean Air Force
8. America Ferrera
9. Brad Schneider, Schneider for Congress
10. Robert Bourret, Schneider for Congress
11. Henson, Schneider for Congress
12. Booker Vance, Faith in Place
13. Brad Frost, Illinois EPA
14. James Gignac, Office of the Attorney General, State of Illinois

Meeting Notes/Decisions Made:

The Committee heard testimony regarding civil rights and environmental justice in Illinois, according to the following agenda:

Opening Remarks and Introductions (10:30-10:40am)

- Juan Carlos Linares, Chairman, Illinois Advisory Committee to the U.S. Commission on Civil Rights
- Marty Castro, Chairman, U.S. Commission on Civil Rights

Academic or Data Focused Panel (10:45am -12:00pm)

- Carlton Waterhouse, Professor of Law and Dean's Fellow, Indiana University Robert H. McKinney School of Law (Via Conference Call)
- Sylvia Hood Washington, Environmental Health Research Associates, LLC
- Susan Mudd, Environmental Law & Policy Center
- Brian Urbaszewski, Director, Environmental Health Programs, Respiratory Health Association
- Keith Harley, Attorney at Law, Environmental Law Program, Chicago Legal Clinic

Community Panel (12:10pm-1:25pm)

- Kim Wasserman, Little Village Environmental Justice Organizations
- Naomi Davis, Blacks in Green
- *Peggy Salazar, Southeast Environmental Task Force (no show)*

Break (1:25pm-2:25pm)

Community Panel (2:25-3:35pm)

- Christine Nannicelli, Sierra Club

- Dulce Ortiz, Clean Power Lake County
- Barbara Klipp, Co-Founder of Incinerator Free Lake County
- Susana Figueroa, Faith in Place, Lake County Office

Industry Panel (3:45pm-4:30pm)

- Lisa Albrecht, renewable Energy Specialist, Solar Service, Inc.
- Stephen Sylvester, Assistant Attorney General of Environmental Bureau, Office of Illinois Attorney General Lisa Madigan
- *Omar Duque, President and CEO, Illinois Hispanic Chamber of Commerce (no show)*
- *Barry Matchett, NRG (no show)*

Government Panel (4:45pm-6:15pm)

- Christopher Wheat, Chief Sustainability Officer, City of Chicago
- Alan Walts and Michele Jencius, U.S. Environmental Protection Agency
- Ken Page, Environmental Justice Officer, Illinois Environmental Protection Agency
- David Villalobos, Waukegan 4th Ward Alderman

Open Forum (6:20-6:50pm)

Closing Remarks (6:50pm-7:00pm)

No decisions were made and no votes taken. The proceedings were recorded by a court reporter; a transcription will be available for inclusion in the public record within 30 days.

Next meeting

TBD

Meeting Adjourned

6:45 PM CST

From: Lisa Albrecht
To: David Mussatt
Cc: Juan Carlos Linares; Chloe Gremaud; Melissa Wojnaroski
Subject: RE: Thank you
Date: Friday, March 11, 2016 5:51:47 PM
Attachments: ICEJO-25 (1).pdf

David,
Thank you for the opportunity. I had mentioned the Illinois Clean Jobs Bill several times during my testimony and I thought perhaps some back up information on this legislation would be helpful.

Additionally, most of my comments were geared toward Photovoltaic (PV) technology but at the end responded to questions regarding my company's experience with low income housing projects. As mentioned, we have installed Solar Thermal or Solar Hot Water systems in many locations in Chicago and I should have focused more on this technology. Economically the value of solar is measured by the value of the energy it displaces. With Natural Gas prices currently extremely low across the country, the payback for solar thermal has increased. However, the environmental value is tremendous and there is a huge advantage to using the heat of the sun to provide energy to heat domestic hot water. The technology is extremely mature, highly efficient and, in fact, is required technology in many parts of the world because of its efficiency. I regret that I did not spend any time discussing its merits further and would encourage the commission to also consider this as they examine technology solutions moving forward. I noted today that President Obama and Prime Minister Trudeau had conversations regarding methane use and solar thermal can be an excellent solution to this widely unknown danger as we shift to more methane based energies. I would be happy to provide any additional questions anyone may have.

Sincerely yours,

Lisa Albrecht
Renewable Energy Specialist
NABCEP Certified PV Technical Sales™
Solar Service Inc.
7312 N. Milwaukee Ave.
Niles, IL 60714
847.647-9312 - o
[redacted] – c

Support Solar in Illinois - Join the Illinois Solar Energy Association or sign up for our newsletters and stay on top of what is happening.

From: David Mussatt [mailto:dmussatt@usccr.gov]
Sent: Thursday, March 10, 2016 3:39 PM
To: David Mussatt <dmussatt@usccr.gov>
Cc: Juan Carlos Linares [redacted] Chloe Gremaud <mwrointern2@usccr.gov>; Melissa Wojnaroski <mwojnaroski@usccr.gov>
Subject: Thank you

Dear Panelists,

On behalf of the Illinois Advisory Committee to the U.S. Commission on Civil Rights, I wanted to thank you for the excellent and insightful presentations yesterday. We realize the time and effort it takes to prepare for these presentations, and we are grateful for your unique and diverse perspectives.

Moving forward, please submit any documents that you prepared or referenced during your presentations. The transcript of the meeting is normally available within two weeks. When we receive it, we will send it out to all panelists for review. I encourage you to ensure that your presentations are transcribed accurately and to also search the transcript to identify if you or your organization was discussed by other panelists. The record of the meeting will be open for 30 days so you will have time to respond to any statements that you believe are not accurate.

Thank you again, and feel free to contact me with any questions.

David Mussatt
Chief, Regional Programs Unit

U.S. Commission on Civil Rights
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@ILCleanJobs

Illinois Clean Jobs Coalition

ILCleanJobs.org

ILLINOIS CLEAN JOBS BILL

HB2607 - Chief sponsors: Reps. Elaine Nekritz, Robyn Gabel, Michael Fortner, and Christian Mitchell;
SB1485 - Chief sponsors: Sens. Don Harmon, David Koehler, and Jacqueline Collins.

Energy policy has taken center stage in Illinois, presenting an opportunity for lawmakers to not just make do with the old ways of generating electricity but build an innovative, diverse, and clean electricity system that costs less, delivers reliable power and creates thousands of good paying jobs. Lawmakers can put Illinoisans to work in every part of the state, capturing our vast potential for clean energy, by passing the **Illinois Clean Jobs Bill.**

By fully embracing energy efficiency and renewable energy, we can meet and exceed proposed EPA carbon pollution rules, lower electricity costs, and leave Illinois a better place for our children and grandchildren. At the same time, when it ramps up, the Illinois Clean Jobs Bill will create **32,000 new jobs** and sustain that level for the next decade.[1] That's on top of the more than 100,000 clean energy jobs in Illinois today.[2]

Here's how the Illinois Clean Jobs Bill would help us get there:

1 Prioritize Energy Efficiency to Create Thousands of Jobs

Energy efficiency has been a proven winner for our state. In 2007, the General Assembly passed utility energy efficiency standards that have saved customers more than a billion dollars, while creating an industry in the state that employs tens of thousands of people who design efficiency measures, weatherize and insulate buildings, and upgrade appliances and technology. However, we are still only scratching the surface of the enormous potential to save energy. Now, Illinois should:

Raise the State's Energy Efficiency Target:

By 2025, Illinois electric utilities should achieve a **20 percent reduction** in demand through energy efficiency. To reach this goal we must -

A Implement the cumulative standard through regular 4-year planning process with ICC oversight to ensure that the energy efficiency portfolios are cost-effective.

B Ensure that residents and owners of affordable housing fully participate in cost savings by setting aside a specific portion of the efficiency budgets.

C Allow non-utility energy efficiency service providers a fair opportunity to compete to deliver savings.

D Align financial regulation of electric utilities with the goal of capturing all of the cost-effective potential for energy efficiency.

E Expand successful on-bill financing programs so that private capital can be better leveraged to support energy retrofits.

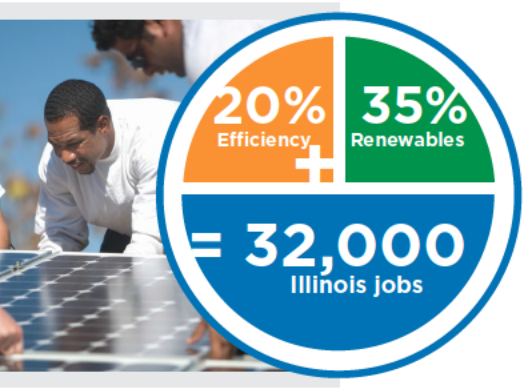
F Make time-of-use and real-time pricing more customer-friendly.

Sources: 1) Report by the Illinois Science and Technology Institute, with data provided by the Illinois Department of Commerce and Economic Opportunity, the Union of Concerned Scientists and the Natural Resources Defense Council; 2.) Clean Energy Trust.

2 Ramp Up Illinois' Wind and Solar Industries

While renewable energy development in Illinois has stalled in recent years, other states like Iowa, Minnesota and Colorado are moving ahead, growing their wind and solar industries.

We need to re-establish Illinois as the renewable energy manufacturing, financing, and development hub of the Midwest-- and put thousands of people to work in the process. How?



By increasing renewable energy and energy efficiency standards, we can create **32,000 new jobs in Illinois--** on top of the 100,000 clean energy jobs in Illinois today.

A Make the RPS work: We are not meeting our current goals because our vintage standard did not anticipate changes in the marketplace. We need to fix the technical glitches in the statute and simultaneously allow the Illinois Power Agency to use a longer-term planning horizon to make sure our ratepayer dollars are used effectively.

B Raise the Renewable Portfolio Standard: Elevate the RPS from the current goal of 25% by 2025 to 35% by 2030. A stronger and longer commitment sends a strong signal to investors to come into Illinois for good.

C Target key areas: To make the most of our money, we need to make targeted investments in solar on blighted brownfields, rooftop solar, new wind, community solar for ratepayers without rooftop access, and a robust solar program for low-income families.

D Keep it cost effective: The original RPS included a 2% rate cap and we want to keep that in place.

3 Pursue market-based strategies to reduce carbon emissions, create jobs and invest in Illinois.

The bill provides a range of tools to help customers and the environment, including the option of a market mechanism to limit carbon pollution. The bill authorizes the Illinois EPA to develop a market mechanism, but only after a through review of the impact on customers and other stakeholders. With a market mechanism to limit carbon pollution, the state could create a new revenue stream to invest in clean energy, workforce development, low-income bill assistance, research and development of new energy technologies, and other key priorities.

Moreover, if Illinois allies with other states in the region to create a multi-state market for carbon pollution, we can benefit by both gaining access to new buyers for our clean energy resources, and to potentially less expensive clean energy solutions for our electricity customers as well.

To provide the Illinois EPA the toolkit to best limit carbon emissions, this bill would authorize the agency to create a mass-based cap and invest market, should the Illinois EPA deem it to be, after a rigorous stakeholder process, a cost-effective option for reducing carbon emissions. Should the Illinois EPA move forward, an auction system for allocating emissions allowances to carbon emitters would be created and the proceeds of this auction would be directed to areas where it is needed most – direct bill assistance for families, investments in renewable energy and energy efficiency, and clean energy job transition assistance.

The Illinois Clean Jobs Bill is the one bill that saves customers money.

According to modeling from the Citizens Utility Board (CUB), the Illinois Clean Jobs Bill **will save customers a minimum of $1 billion** in net present value through 2030 through energy efficiency alone. That translates into minimum savings of 10%, or $8 to $9 per month in current dollars, by 2030 for the average residential customer.

Printed In-House

Prepared Statement for the

The Illinois Advisory Committee
To the
United States Commission on Civil Rights
Public Hearing on Environmental Justice Concerns in the State of Illinois

By
Sylvia Hood Washington, PhD, MPH, MSE

Wednesday, March 09, 2016

I would first like to thank the Commission for allowing me to submit my comments offered today during the meeting. As I stated after our session I was invited to make comments during the session with less than 48 hours' notice.

It is critical that the Commission understands that Environmental Justice (EJ) issues are grounded in history and that this phenomena extends beyond the city of Chicago and is not limited to just Waukegan, IL. As I stated today my work around environmental health impacts from fossil fuels has been over a 36 year career. It began as a corporate environmental chemist and environmental engineer working for the power industry, specifically with the Cleveland Electric Illuminating Company in Ohio in 1980 and then culminating as an engineer working on the public and environmental health impact of power systems for NASA in Region V. I then received my MS in Systems and Control Engineering at Case Western Reserve University, a PhD in the History of Science, Technology, Medicine and the Environment (my PhD dissertation topic was on how engineering and industrial systems lead to environmental injustice in communities of color and immigrant communities in the Great Lakes). In 2006 I received funding from the National Science Foundation to conduct a multiple year study on *Engineering, Infrastructure and Environmental Justice* that was focused on an epidemiological spatial temporal analyses of the Great Lakes (insufficient water infrastructure and water contamination in African American communities). The funding was also supposed to create an EJ center of learning within the academy for community groups. My MPH in Environmental Epidemiology from the UIC School of Public Health in 2008 was as GIS spatial temporal analyses of cancer clusters in West Chicago, IL located in the Superfund sites that were supposedly remediated by Kerr McGee.

I am currently an appointed Environmental Justice Commissioner for the State of Illinois; as well as the Illinois EPA EJ Advisory Elect Co-Chair. I am also the founding Editor-in Chief of the international EJ Journal (Mary Ann Liebert Publishers) and the author of *Packing Them In: An Archaeology of Environmental Racism in Chicago, 1865-1954* (considered to be one of the most definitive environmental histories of Chicago).

To reiterate the key points made during my testimony today:

Prepared Statement for the

The Illinois Advisory Committee
To the
United States Commission on Civil Rights
Public Hearing on Environmental Justice Concerns in the State of Illinois

By
Sylvia Hood Washington, PhD, MPH, MSE

Wednesday, March 09, 2016

1. Environmental Justice Initiatives around air quality cannot and should not be limited to one racial and ethnic group because the impact of fossil fuel combustion extends to a 30 mile geographic radius. The commission should demand that EJ studies of African Americans be conducted for those communities who lived within 30 miles of the Crawford/Fisk Plants. African Americans represent over 30% of the city of Chicago and no study has been conducted to date about their health impacts from these power plants.
2. As an Environmental Justice Commissioner I am deeply concerned that African Americans in Chicago are being ignored by the USEPA and by the Illinois EPA. Too much emphasis on the concerns of one well organized EJ grassroots group creates additional injustices. One EJ and environmental health disparity outcome of fossil fuel power generation is the improper disposal of PCBs. This happened to Altgeld Gardens and had devastating health impacts on African Americans in Chicago but this was not discussed today.
3. Historical practices of discrimination in housing and job access is tied to higher environmental health risks. It is why people of color and immigrants are living in older housing (pre 1946) near power plants, landfills and transportation networks. It is disingenuous to claim that asthma cannot be explained by race. There have been too many public health studies to support this assertion. I provided a copy of the most recent paper that I cited during the testimony. "Inner City Asthma" by, Peter J. Gergen, MD, MPH, Alkis Togias, MD. One of the key statements in the article was that *"Although racial segregation has declined in the United States, African Americans as a group continue to experience the highest level of housing segregation.[19] Worse community functioning as measured by increased crime, incarceration rate, or exposure to violence has been associated with higher asthma prevalence,[20] lower adherence to inhaled corticosteroids,[21] and more asthma symptoms.[22]"* With respect to African Americans in Illinois, concern for their wellbeing must extend beyond Chicago's metropolitan borders because their outmigration to areas like Joliet, Aurora and West Chicago are to environmentally marginalized communities that are not receiving attention because they aren't the focus of the Illinois Sierra Club, the Environmental Law and Policy Center and LVEJO.
4. **COAL ASH FACILITIES (Joliet, IL) & Environmental Justice & Race in Illinois**
   Of the 24 identified facilities in the state of Illinois, the 4 that are closest to the Chicagoland area are in heavily occupied African American and Hispanic communities (other than Waukegan, IL). http://earthjustice.org/sites/default/files/library/references/il-coal-ash-factsheet.pdf Almost 20% of these facilities are in the Joliet/Aurora areas where there is a 40 to 50% Black/Hispanic population. Again, attention and initiatives for EJ must extend beyond the borders of the city of Chicago.

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5. Last but not least is the recurring issue of cancer clusters near the 5 Superfund sites in DuPage County/West Chicago, IL. In this situation Hispanic, working class whites and African American newcomers are not being informed that their home purchases were formerly remediated Superfund sites. This failure to disclose this information by real estate agents coupled with the new cancer clusters creates another form of environmental injustice. The USEPA has lost legal cases in the past around this non-disclosure practice for remediated Superfund sites. This practice should be rejected in the state of Illinois as well.
http://www.dailyherald.com/article/20140403/news/140409344/
6. I am very disheartened today that not one university in Illinois came to testify about the environmental health conditions facing minority communities in the state. Dr. Victoria Persky, Professor of Epidemiology has received millions of dollars from NIH and NIEHS for decades to study and document environmental health disparities and she should be invited to provide testimony in future hearings. University of Chicago and Northwestern University also should have been at the hearing and hopefully will be invited in the future to provide testimony. Although I received funding to develop an EJ Institute in Chicago 10 years ago, no university in the area wanted to create one with the funding because it seemed too political and only a sidearm of environmental scholarship. It is inexcusable and sad that there is no dedicated environmental justice institute in the state of Illinois.

Dr. Sylvia Hood Washington
President/Founder Environmental Health Research Associates, LLC
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Addendum to Prepared Statement for the Human Rights Commission on Environmental Justice
Sylvia Hood Washington, PhD, MPH, MSE
Monday, March 14, 2016

A. African Americans and Risks of Lead Contamination in Chicago+

I would again like to reiterate that the Humans Commission should not exclude the struggles for environmental health equalities (e.g. Environmental justice) of African Americans in Chicago and the state of Illinois especially in light of the Flint, MI situation. The impact of aging infrastructure on the environmental health of African Americans has been my focus as an environmental justice scholar since 1995 and dealt with extensively in my monograph, *Packing Them In: An Archaeology of Environmental Racism in Chicago, 1865-1954*. I also conducted a study of race and infrastructure through the National Science Foundation: *Engineering, Infrastructure and Environmental Justice* (2006-2009) that revealed that African American populations were at high environmental health risks because of aging or nonexistent sewage and water infrastructures in the Great Lakes.

The discussion of high levels of lead in schools, homes and in water sources for the Chicagoland areas should be something that is addressed in light of aging infrastructures (housing and water supplies) that the poor, minority and immigrant neighborhoods will be disproportionately subjected to with life changing consequences.

1. http://www.chicagotribune.com/news/watchdog/ct-lead-poisoning-durbin-quigley-met-20160303-story.html

"Considered by some elected officials to be a problem from the last century, lead poisoning remains a significant threat in poor, predominantly African-American neighborhoods in Chicago and other cities. Researchers have documented how early exposure to even tiny amounts — typically by ingesting dust from old lead-based paint — harms children in ways that don't become apparent until years later, costing taxpayers in the form of increased spending on health care, special education and law enforcement."

2. http://www.chicagotribune.com/news/local/breaking/ct-archdiocese-closes-holy-angels-school-because-of-lead-dust-20160310-story.html

http://www.chicagotribune.com/news/local/breaking/ct-closed-catholic-school-st-elizabeth-20150826-story.html

"The Archdiocese of Chicago has closed Holy Angels Catholic School on the South Side for several days after work in the older section of the elementary school spread dust with high levels of lead.

The archdiocese did not say how high the lead level was or how long children may have been exposed to it before the school was closed this week.

In a letter to parents, Principal Siobhan Cafferty said "above-normal lead levels" were "recently discovered" in an older portion of the school at 750 E. 40th St. that houses the gymnasium."

3. http://www.chicagotribune.com/news/opinion/editorials/ct-chicago-lead-water-epa-flint-edit-jm-20160212-story.html

"But Chicago is testing tap water for possible lead contamination in only 50 homes every three years — the federal standard. That's a pittance in a city of 2.7 million where any home built before 1986 could have lead pipes.

The city doesn't need federal approval to go beyond federal guidelines and test more homes. It should do that, at least in construction zones where pipes have been replaced or disrupted by construction work.

Those federal rules also require water utilities to check only the first liter of water drawn in the morning. "The EPA study found that although the first liter often is lead-free, high levels of the toxic metal can flow through taps for several minutes afterward, depending in part on the length of the service line between the home and street," Hawthorne wrote."

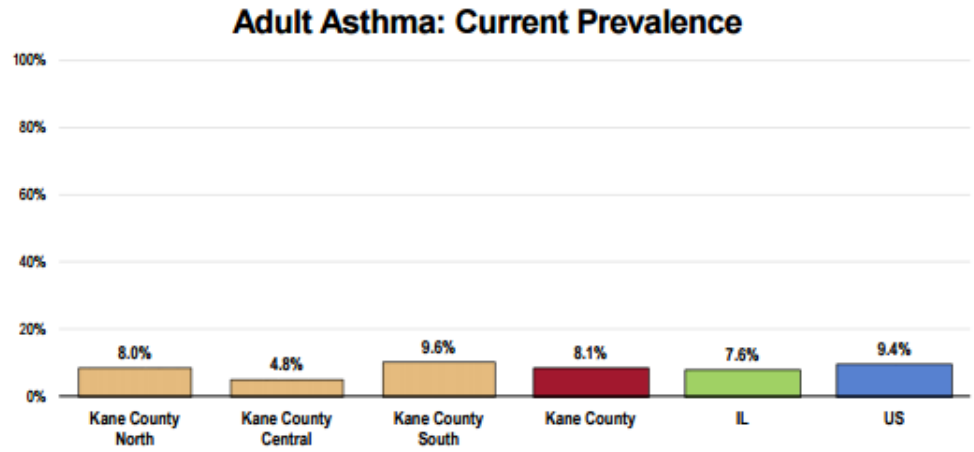
B. Asthma Outside of Chicago and in the Suburbs

I am deeply concerned that environmental justice meetings and the focus remains centered on the city of Chicago. As an appointed Environmental Justice Commissioner for the state of Illinois who represents the western suburbs the Illinois EPA has unfairly focused most of its efforts to date on the city of Chicago in this part of the state. The public health data does not support their focus since there are heavily industrialized areas like Aurora and Joliet Illinois with significant and growing minority/immigrant populations who are suffering from environmental health issues that are tied to environmental injustices: poor and older housing (lead exposures) , Superfund sites, higher asthma rates (Kane County) and high cancer rates (from potential radioactive waste materials from the Superfund sites in West Chicago/DuPage County).

Cities and suburbs in these industrialized areas should also have equal access to air monitoring equipment based on their asthma & COPD prevalence rates. Who gets the air monitoring equipment should not be based on internal or external politics and preferences.

Moving to or living in the western suburbs of Chicago, IL does not ameliorate or eliminate asthma. There is older housing, transportation networks and highways that contribute to the prevalence of asthma in these areas.

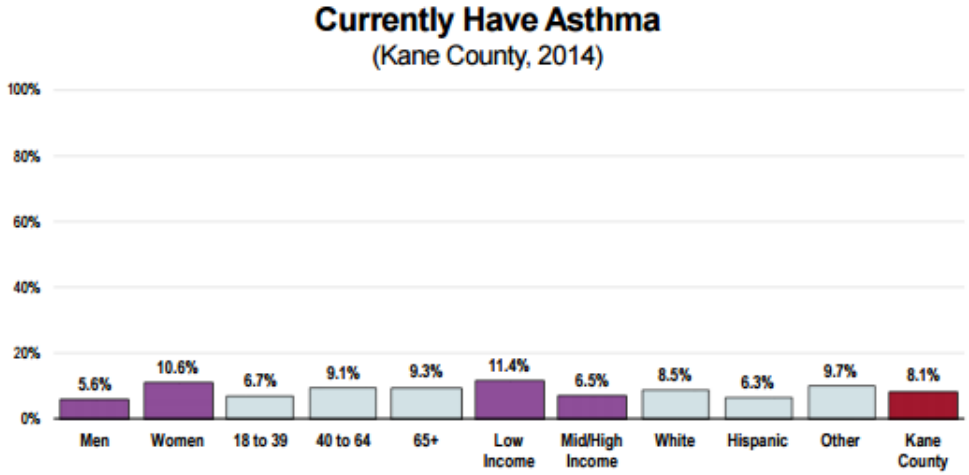
Addendum to Prepared Statement for the Human Rights Commission on Environmental Justice
Sylvia Hood Washington, PhD, MPH, MSE
Monday, March 14, 2016



Sources:
- 2014 PRC Community Health Survey, Professional Research Consultants, Inc. [Item 170]
- 2013 PRC National Health Survey, Professional Research Consultants, Inc.
- Behavioral Risk Factor Surveillance System Survey Data. Atlanta, Georgia. United States Department of Health and Human Services, Centers for Disease Control and Prevention (CDC): 2013 Illinois data.

Notes:
- Asked of all respondents.
- Includes those who have ever been diagnosed with asthma, and who report that they still have asthma.

Viewed by demographics, Kane County women are more likely to suffer from asthma.



Sources:
- 2014 PRC Community Health Survey, Professional Research Consultants, Inc. [Item 170]

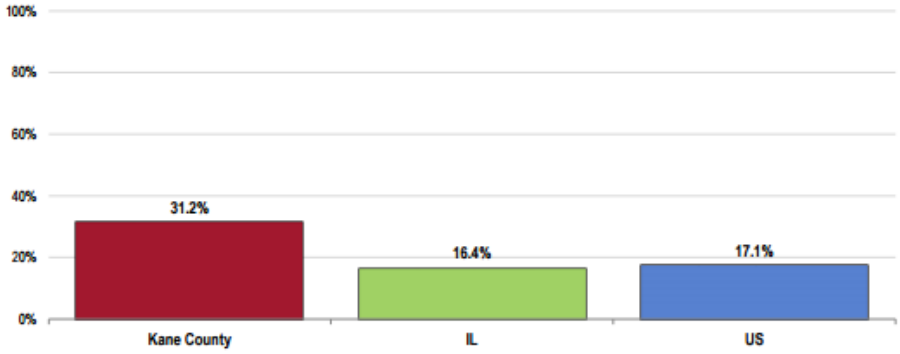
Notes:
- Asked of all respondents.
- Hispanics can be of any race. Other race categories are non-Hispanic categorizations (e.g., "White" reflects non-Hispanic White respondents).
- Income categories reflect respondent's household income as a ratio to the federal poverty level (FPL) for their household size. "Low Income" includes households with incomes up to 200% of the federal poverty level; "Mid/High Income" includes households with incomes at 200% or more of the federal poverty level.

ETHNICITY

A total of 31.2% of county residents are Hispanic or Latino.

- Nearly twice that found statewide and nationally.

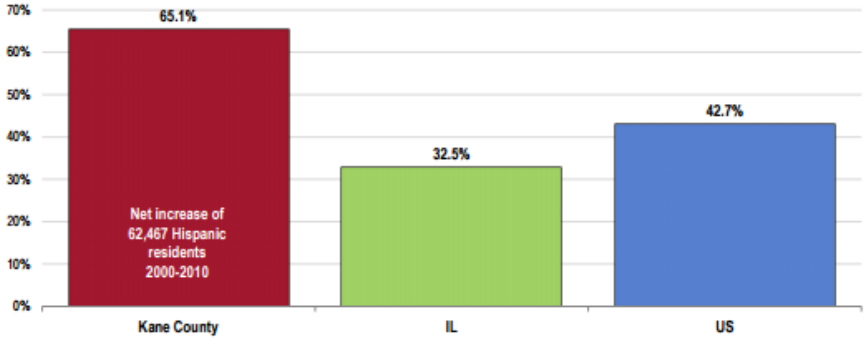
Percent Population Hispanic or Latino
(2013)



Sources: • US Census Bureau American Community Survey 1-year estimates (2013).
Notes: • Origin can be viewed as the heritage, nationality group, lineage, or country of birth of the person or the person's parents or ancestors before their arrival in the United States. People who identify their origin as Hispanic, Latino, or Spanish may be of any race.

- Twice the percentage growth as that found statewide.
- Much higher (in terms of percentage growth) than found nationally.

Hispanic Population Change
(Percentage Change in Hispanic Population Between 2000 and 2010)



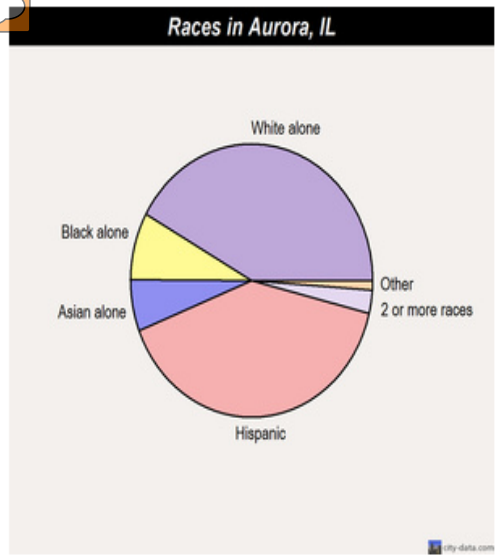
Sources: • US Census Bureau Decennial Census (2000-2010).
• Retrieved November 2014 from Community Commons at http://www.chna.org.

Linguistic Isolation

14.7% of the county population age 5+ live in a home in which <u>no</u> person age 14 or older is proficient in English (speaking only English, or speaking English "very well").

- Higher than the statewide prevalence.
- Higher than the national prevalence.

"BEATING BACK THE HEAT"
CLIMATE JUSTICE
IN
AURORA
&
WESTERN SUBURBS



- Hispanic - 90,100 (44.3%)
- White alone - 77,437 (38.1%)
- Black alone - 17,742 (8.7%)
- Asian alone - 14,501 (7.1%)
- Two or more races - 3,498 (1.7%)
- Other race alone - 791 (0.4%)
- American Indian alone - 40 (0.02%)
- Native Hawaiian and Other Pacific Islander alone - 50 (0.02%)

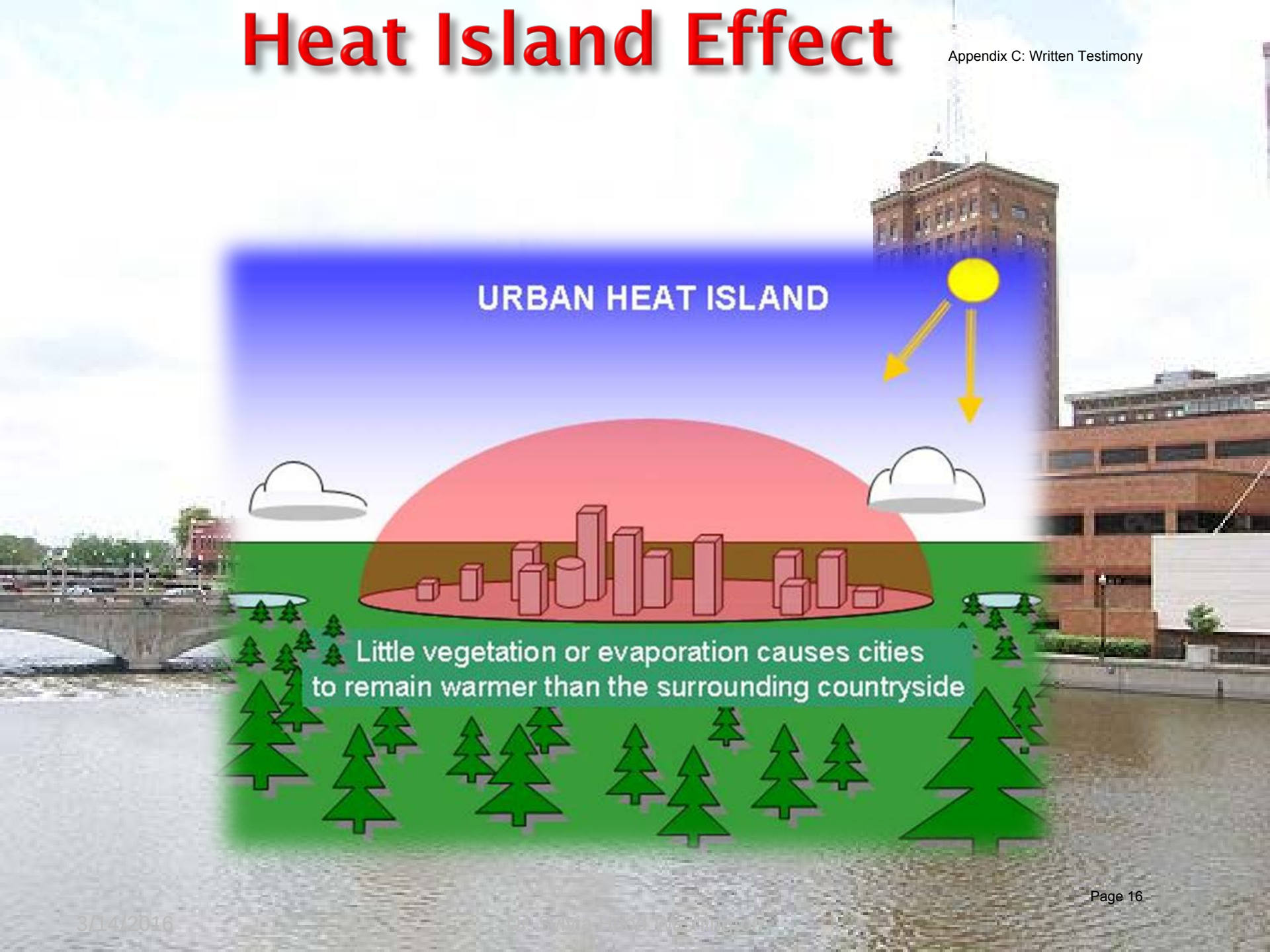
Shade & Permeable Surfaces -- Green Buddha Sustainability Center Aurora, Illinois

Climate Justice

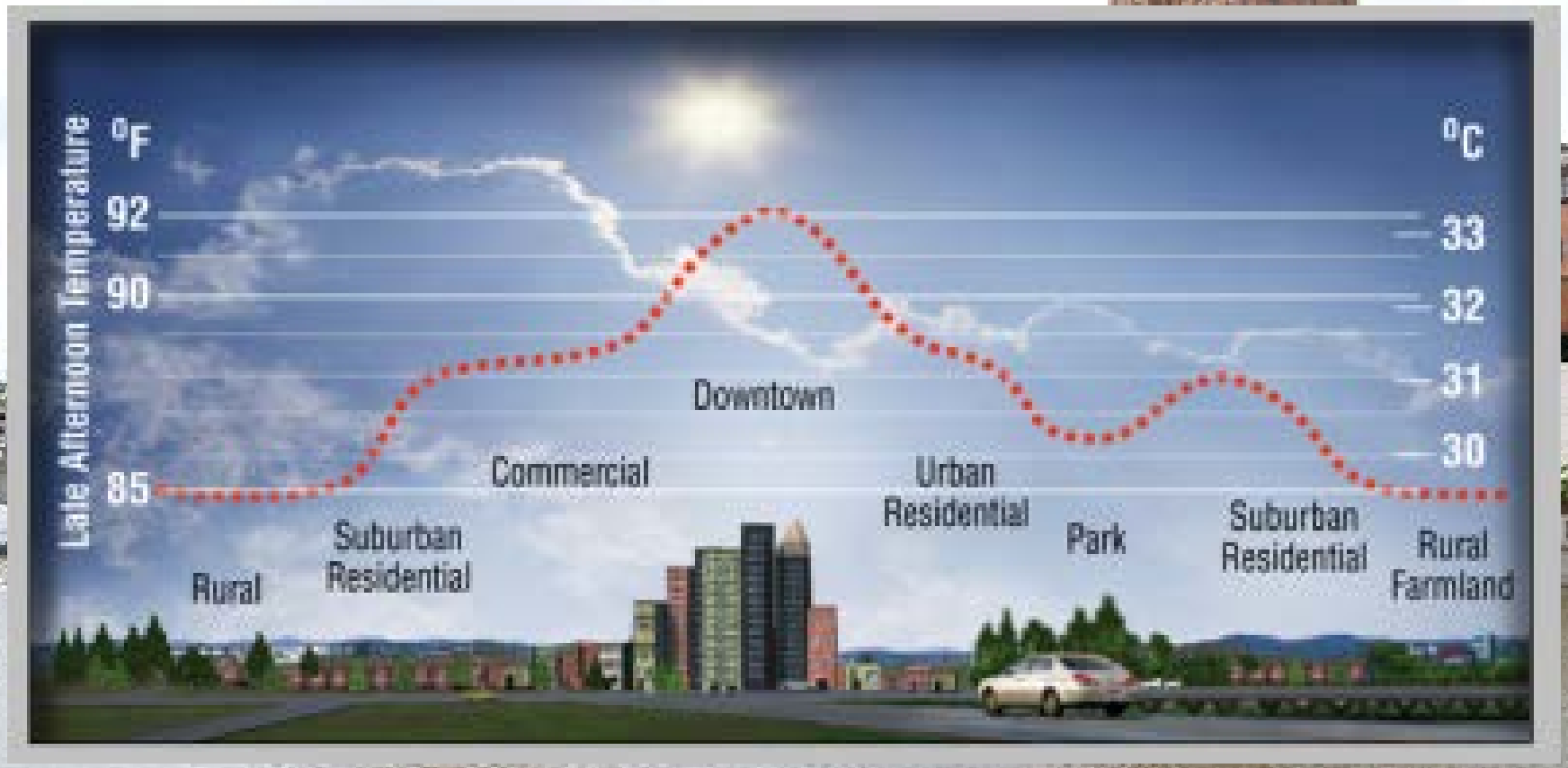
Preventable Deaths and Illnesses Due to Heat Island Effects & Climate Change (floods, tornadoes, etc.from…

Full and equally protective environmental landscapes

Heat Island Effect

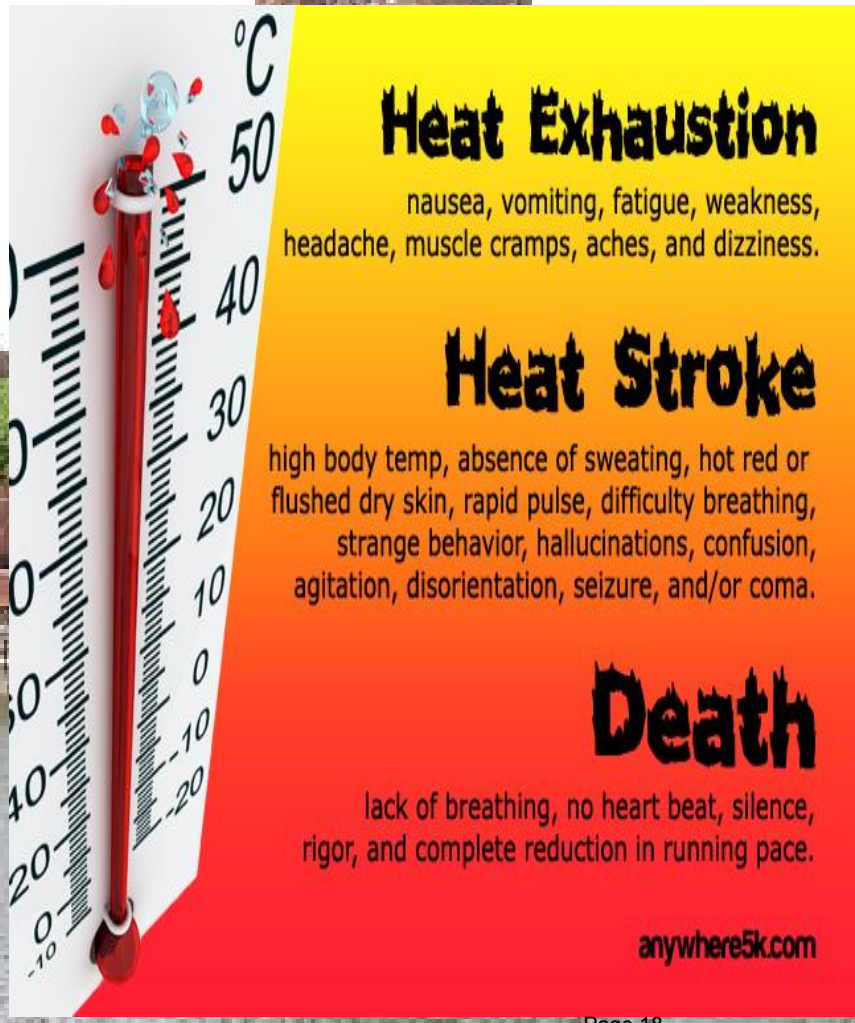


Heat Island Effect



Heat Island Effect
So Why Should We Care?

- Cardiovascular Di
- [illegible]
- [illegible]
- ma

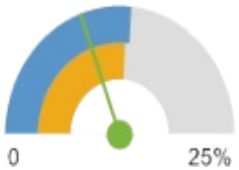


Report Area	Survey Population (Adults Age 18)	Total Adults with Asthma	Percent Adults with Asthma
Kane County, IL	389,243	37,825	9.72%
Illinois	9,701,927	1,265,744	13.05%
United States	237,197,465	31,697,608	13.36%

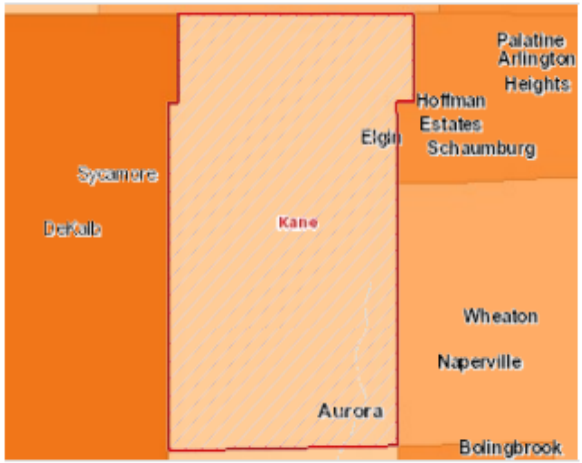
Note: This indicator is compared with the state average.

Data Source: Centers for Disease Control and Prevention, Behavioral Risk Factor Surveillance System: 2011-12. Additional data analysis by CARES. Source geography: County

Percent Adults with Asthma

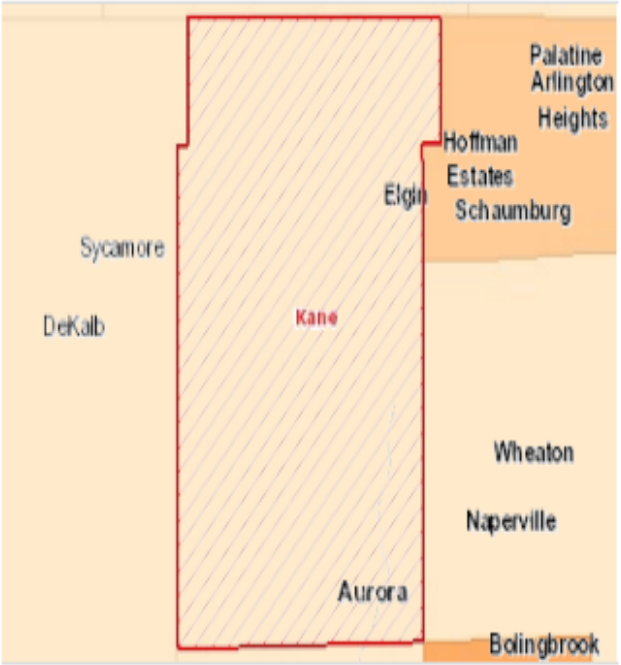


Kane County, IL (9.72%)
Illinois (13.05%)
United States (13.36%)



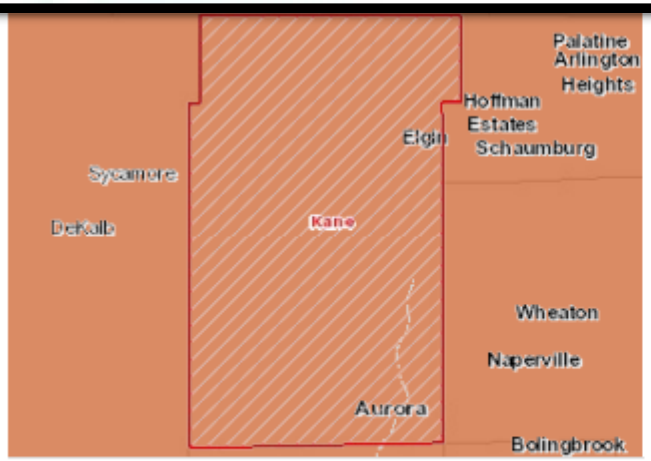
Asthma (Diagnosed), Percent of Adults Age 18 by County, BRFSS 2011-12

- Over 16.0%
- 13.1 - 16.0%
- 10.1 - 13.0%
- Under 10.1%
- No Data or Data Suppressed
- Report Area



Diabetes Prevalence, Percent of Adults Age 20 by County, CDC NCCDPHP 2010

- Over 11.0%
- 9.6 - 11.0%
- 8.1 - 9.5%
- Under 8.1%
- Report Area



Beneficiaries with High Blood Pressure, Percent by County, CMS 2012

- Over 60.0%
- 52.1 - 60.0%
- 44.1 - 52.0%
- Under 44.1%
- No Data or Data Suppressed
- Report Area

High Cholesterol (Adult)

This indicator reports the percentage of adults aged 18 and older who self-report that they have ever been told by a doctor, nurse, or other health professional that they had high blood cholesterol.

Report Area	Survey Population (Adults Age 18)	Total Adults with High Cholesterol	Percent Adults with High Cholesterol
Kane County, IL	260,676	125,080	**47.98%**
Illinois	7,348,647	2,794,348	38.03%
United States	180,861,326	69,662,357	38.52%

Note: This indicator is compared with the state average.

Data Source: Centers for Disease Control and Prevention, Behavioral Risk Factor Surveillance System: 2011-12. Additional data analysis by CARES. Source geography: County

Percent Adults with High Cholesterol

- Kane County, IL (47.98%)
- Illinois (38.03%)
- United States (38.52%)

Obesity

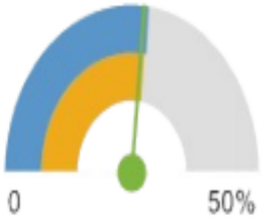
26.5% of adults aged 20 and older self-report that they have a Body Mass Index (BMI) greater than 30.0 (obese) in the report area. Excess weight may indicate an unhealthy lifestyle and puts individuals at rist for further health issues.

Report Area	Total Population Age 20	Adults with BMI > 30.0 (Obese)	Percent Adults with BMI > 30.0 (Obese)
Kane County, IL	353,628	95,126	26.5%
Illinois	9,354,655	2,590,658	27.37%
United States	226,126,076	62,144,711	27.29%

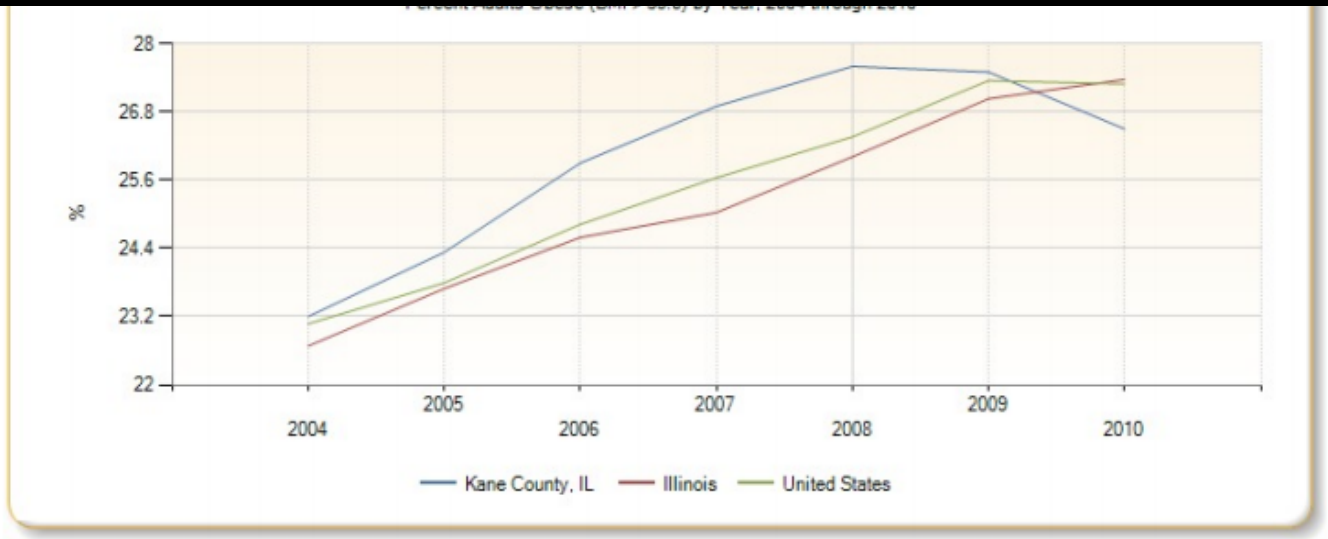
Note: This indicator is compared with the state average.

Data Source: Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Diabetes Atlas: 2010. Source geography: County

Percent Adults with BMI > 30.0 (Obese)



Kane County, IL (26.5%)
Illinois (27.37%)
United States (27.29%)



Overweight

35.38% of adults aged 18 and older self-report that they have a Body Mass Index (BMI) between 25.0 and 30.0 (overweight) in the report area. Excess weight may indicate an unhealthy lifestyle and puts individuals at rist for further health issues.

Report Area	Survey Population (Adults Age 18)	Total Adults Overweight	Percent Adults Overweight
Kane County, IL	374,924	132,645	35.38%
Illinois	9,476,490	3,448,247	36.39%
United States	224,991,207	80,499,532	35.78%

Percent Adults Overweight

Why Do I Care?

"I didn't know it then, but my life has been impacted by climate change beginning the summer that my Mom, Sadie, died prematurely at the age of 56.

She went into the hospital for heat exhaustion and never came out.

It was a death that no one saw coming."

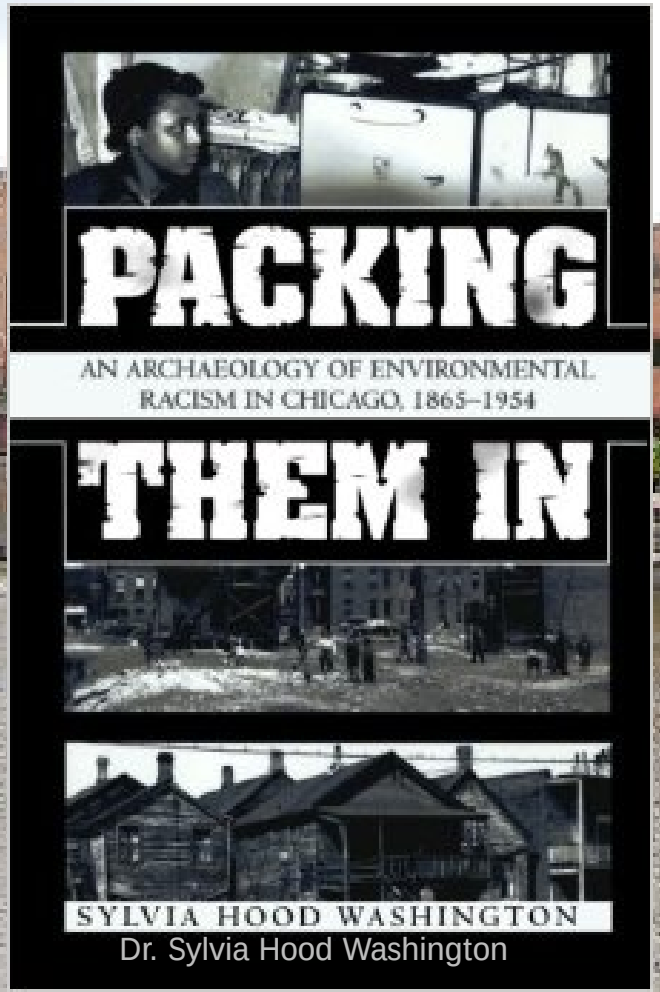
- Dr. Sylvia Hood Washington

PEOPLE'S CLIMATE MARCH

Paths to Sustainable Redevelopment & Climate Justice

May 24, 2015 ENCYCLICAL LETTER
***LAUDATO SI'* ON CARE FOR OUR COMMON HOME**

Dealing with our History of Unsustainable Community Developments



Dr. Sylvia Hood Washington

L.E.E.D. Ideal Sustainable Neighborhoods

- Compact, walk able & vibrant
- Mix of uses and housing types
- Proximity to transit
- Presence of green buildings & green infrastructure

Neighborhood Pattern & Design NPD

1. Walkable Streets

3. Connected & Open Community

2. Compact Development

Green Infrastructure & Buildings GIB

1 Certified Green Building

2. Minimum Building Energy Efficiency

3 Minimum Building Water Efficiency

4. Construction Pollution Prevention

Green Buddha Life Sustainability Center & Heat Islands in Aurora, IL

Vegetated Roofs

Open Grid Pavement

Aurora's Impervious Surfaces – Green Buddha

Vertical Gardening

Green Buddha Vertical Gardens

Provide Shade from Tree Canopies

Shade from Open Structures (SRI>29)

- Occupied Walkways
- Trellis

KOCH™

KCBX TERMINALS COMPANY

December 19, 2013

Dear Neighbors,

The storage and handling of petroleum coke has received a lot of attention in our community recently, which is why we are writing to you. KCBX has handled bulk materials, including petroleum coke, on Chicago's southeast side for more than 20 years and we are committed to managing our operations in a manner that is consistent with protecting the health and safety of our employees and our neighbors.

KCBX currently operates two facilities along the Calumet River. We've owned our KCBX North facility on the west side of the Calumet River at 100th Street since 1990. A year ago this month, we acquired a second facility, now KCBX South, from DTE Energy Services. This South facility, located on the east side of the river at 106th Street, has been the source of recent interest after a windstorm last August caused dust in the area.

After we acquired the South facility from DTE last year, we immediately began work to upgrade the facility. We did this based on our own high standards for operation. So far we have invested nearly $30 million in the South facility, including $10 million in dust suppression technology alone. Forty-two water cannons rotating on 60-foot-high poles now cover the site, significantly more than the six that were in place when we purchased it. We've also installed an advanced weather system that automatically adjusts to wind direction and speed, and increases the amount of water on demand in anticipation of bad weather or high wind conditions.

It took several months to design, permit and install the new dust suppression system, which was not in place during the August wind event. However, it is there now and operating. In fact, during the recent November storms, the system worked very well. We did not observe any dust despite very strong winds.

In addition, KCBX is now working with the U.S. Environmental Protection Agency to install air monitors that will be used to confirm whether the new system is providing the appropriate level of controls.

We also would like to take this opportunity to correct some popular misconceptions about petroleum coke. It is not a waste material as some have said, but a valued product intentionally produced as part of the process of refining crude oil to make transportation fuels and other products. Petroleum coke has many uses, including energy generation. It is used in the United States and internationally, and staged and shipped from ports all around the world. Similar to other industrial and agricultural bulk materials not affected by the elements, such as rain and excessive heat or cold, petroleum coke is typically stored in the open.

It is also important to know that petroleum coke is not considered hazardous. The U.S. Environmental Protection Agency has stated that "petroleum coke has an extremely low environmental hazard potential." It also notes that "petroleum coke has a low health hazard potential." The City of Chicago reiterated this in a recent fact sheet, confirming "there are no known illnesses or health effects associated with petcoke dust."

We want to assure you that KCBX takes the concerns of our neighbors very seriously. As a company and as your neighbor, we are committed to doing the right thing. We encourage you to visit www.aboutpetcoke.com to learn more about KCBX and for updates on what we are doing to ensure our continued safe and compliant operation.

Sincerely,

Mike Estadt, Terminal Manager
KCBX Chicago
Koch Minerals

KOCH™

KCBX TERMINALS COMPANY

February 18, 2014

Dear Neighbors,

I am writing to you today as part of our continuing efforts to keep our neighbors informed about KCBX's operations and the progress we've made to address concerns regarding the handling of petroleum coke and other bulk materials at our facility.

In my letter to you in December, I detailed some of the steps we've taken since acquiring our South facility from DTE Energy in late 2012, including the installation of advanced weather monitoring and dust suppression systems, as well as our work with the U.S. Environmental Protection Agency (EPA) to monitor air quality near our facilities.

Our new dust suppression system at the KCBX South facility is now operational, and we observed no dust during the powerful wind storm that hit the area this past November. In addition, we expect to have our air monitors installed and operational in the coming weeks. These air monitors will provide comprehensive, 24-hour data that will be reviewed by professional air quality scientists at an independent laboratory and shared with the U.S. EPA. The results will also be available to the public and posted on our website.

We also recently worked with an independent environmental expert to conduct testing of surfaces and soil in the neighborhoods near our facilities. Sixty-nine samples were collected from public areas surrounding our site in November and early December, and analysis of the samples suggest that our new controls are working. No unusual levels of dust particles associated with petcoke or coal were present in the test area. The full analysis of these test results is available at www.aboutpetcoke.com.

KCBX has the utmost respect for our neighbors and we are committed to doing the right thing. We have 40 employees in Southeast Chicago whose families depend on the jobs we provide, so we are going to make every effort to work with the city and state to ensure that our operations remain compliant, and that we can continue to serve as a valued member of the local economy. This includes our willingness to consider building a structure to cover the coal and petroleum coke at our facility. However, there are a number of practical issues that must first be resolved with the city and state before we consider making such a significant investment, including the approval of an interim operating plan and the establishment of clear and achievable compliance standards.

As a company and as your neighbor, we are committed to keeping you informed, and we value your opinions. I encourage you to visit our website at www.aboutpetcoke.com, where you will find detailed information about our operations in Chicago and be able to share your concerns or questions with our team.

Sincerely,

Mike Estadt, Terminal Manager
KCBX Chicago

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KCBX TERMINALS COMPANY

May 30, 2014

Dear Neighbors,

You may remember that in my letter to you in February, we announced that KCBX would be working with the US EPA to install air monitors at our two terminal facilities on the southeast side of Chicago. The air monitors are intended to evaluate the effectiveness of our on-site dust suppression equipment and to allow us to better understand any potential off site sources of dust. I am pleased to report that the preliminary data returned from these monitors over the course of approximately ten weeks (February 18 – May 3) show that operations at KCBX's North and South Terminals are consistent with levels that would meet standards designed to protect public health.

These particular air monitors are "source monitors," meaning they are located inside of KCBX's North and South operations and adjacent to the coal and petcoke materials that are being handled. A total of nine stationary air monitors and two weather stations were installed, where they continue to collect data. In addition to the data being reviewed by air quality scientists, is same information is reported to the US EPA and Illinois EPA. The data is available on the KCBX website at *www.aboutpetcoke.com*.

We have also contracted an independent environmental expert to conduct further testing of surfaces and soil in the neighborhoods near our Chicago facilities. The newest samples were tested from 39 neighborhood locations this April after an extended period of windy and dry conditions. Just as with samples from the 69 public area locations tested surrounding our site in November and early December of 2013, the analysis of the April samples shows no evidence of petcoke or coal on surfaces or in the soil of the East Side and South Deering neighborhoods.

We have also begun the process of complying with the city of Chicago's new rules for petcoke and coal handling facilities. We are taking steps to determine the feasibility of building an enclosure and will be submitting our initial plans to the city for the potential project in the coming weeks. It will be several months before we make a final determination on proceeding with the enclosure project, which requires a significant investment, but we remain optimistic that we will be able to comply with the city's new rules and remain in business. If approved, once design and permitting are complete, we expect the project will take approximately two years to construct and will require more than 300,000 hours of skilled labor translating to hundreds of construction jobs.

In the meantime, KCBX will continue to focus on conducting our operations in compliance with all rules and regulations with respect for the environment and our neighbors. When we acquired our South property from DTE Energy, our company made significant improvements to the operation including a new and more substantial dust suppression system which our environmental testing shows is working effectively. I look forward to sharing further developments with you in the coming months. In the meantime, please visit our website at *www.aboutpetcoke.com* where you will find detailed information about our operations and continued investments in our Chicago terminals.

Sincerely,

Mike Estadt, Terminal Manager
KCBX Chicago

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KCBX TERMINALS COMPANY

August 15, 2014

Dear Neighbor,

We would like to update you on our significant announcement from several weeks ago. KCBX Terminals has indeed submitted a plan with the City of Chicago to enclose our product piles and consolidate operations at a single location at the company's existing terminal located at 10730 South Burley Avenue.

We are working toward establishing a single terminal site with state-of-the-art environmental controls in an effort to address the concerns of our neighbors and comply with the city's new rules for handling bulk materials.

KCBX also filed petitions for a limited number of variances that are allowed under the new rules that will enable us to meet our customer obligations while we work to enclose our petcoke and coal handling operations. Once design and permitting are complete, the multi-million dollar enclosure project is expected to take approximately two years to construct and will require more than 300,000 hours of skilled labor resulting in hundreds of construction jobs. To put this as simply as we can, our variance request for four years of construction includes up to 24 months for the important public review and permitting processes before the two year building period can begin.

You have probably also heard that we are requesting 45 foot pile heights in our variance request. This is accurate, but realize that our new $10 million dust suppression system we installed at the terminal on Burley Avenue has proven extremely effective at managing the potential for dust in and around our terminal from our current 45 foot piles. We cannot meet our customers' needs on a consistent basis with piles limited to 30 feet.

KCBX has also worked with the US EPA to install a combined nine stationary air monitors and two weather stations on-site at our two terminals as a way to validate the effectiveness of our on-site dust suppression equipment, and to better understand potential off-site sources of dust. We believe data returned from these monitors shows that operations at our North and South Terminals is consistent with off-site levels that meet standards designed to protect public health. These particular air monitors are "source monitors," meaning they are located inside of our operations and adjacent to the coal and petcoke that are being handled. Data continues to be collected and is being reviewed by air quality scientists, and the same information is being reported to the US EPA and Illinois EPA. The data is available on our website at www.aboutpetcoke.com.

We have also contracted an independent environmental expert to conduct testing of surfaces and soil in the neighborhoods near the two Chicago terminals. Samples were collected from more than 100 areas, and analysis of these samples shows no evidence of petcoke or coal on surfaces or in soil of the East Side or South Deering neighborhoods.

Several other local companies have filed similar variance requests as ours. Covered storage presents many new challenges and there are few one-size-fits-all solutions. We believe we have requested reasonable accommodations and remain committed to working with the City and our neighbors to find solutions that benefit all involved.

For over 20 years, KCBX Terminals has handled bulk materials in Southeast Chicago. Throughout this time, we have remained committed to transparency and operating in a manner that protects the health and safety of both our employees and our neighbors. We will absolutely continue in this tradition.

Yours truly,

Mike Estadt
KCBX Terminal Manager

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KCBX TERMINALS COMPANY

October 2, 2014

Dear Neighbor,

We are writing to update you on a number of important developments involving our efforts to comply with the city of Chicago's new rules for storing and handling coal and petroleum coke products and other bulk materials.

As you may recall from our previous letter, we are moving forward with plans to enclose our product piles and we continue to monitor the environmental conditions around our operations to make sure we're being a good neighbor.

We now have more than 200 days of air monitoring results from the U.S. Environmental Protection Agency (EPA) site monitors showing that air quality near our facility is within clean air standards. Independent laboratories have also conducted tests on more than 100 surface samples from the neighborhood that show no evidence of coal or petcoke dust. Most recently the EPA determined that blackened home air furnace filters, which environmental activists have alleged contain dust from our operations, do not contain petcoke.

You may be aware that there have been two instances since last February when the EPA has said dust readings were unacceptably high. However, in both cases the upwind air monitors detected significant levels of dust coming onto KCBX's property from other locations, meaning almost all of the dust cited by the EPA was not coming from our facility. The EPA's own ambient air monitor located a couple blocks from our facility at Washington High School has never exceeded national air standards for particulate matter or dust that could be associated with coal or petcoke.

While we believe these results show that our dust mitigation system is working well, we understand that some of our neighbors continue to have concerns about the potential for dust. This is why we are making every effort to move forward with the process of enclosing our product piles as quickly as possible.

Over the past few months we have been working with our customers and engineering firms to determine the size and scope of the enclosure. We expect it will take approximately 24 months to complete the multi-million dollar project from the time we break ground. However, this is the first project of its kind under the city's new rules so we anticipate it could take several additional months to finalize the building design and receive the necessary permits that would allow construction to begin.

Because the timeline for when construction can begin is uncertain we are requesting additional time to comply with the city's rules that call for all bulk material products to be covered within two years. We are also seeking a small number of variances that are allowed under the city's rules, which are needed for us to maintain our business until the enclosure project could be completed. This includes permission to maintain product piles at 45 feet – down from their original 60 feet – instead of 30 feet as called for in the rules. The environmental data from the air monitoring and surface sample tests show that a 45-foot height limit is well within the capability of our dust mitigation system. We are confident it will provide appropriate interim protections until the enclosure project can be completed.

Most importantly, we remain fully committed to always conducting our operations with respect for the environment and our neighbors. For more than 20 years, KCBX Terminals has worked to handle bulk materials responsibly on Chicago's southeast side, even earning the "Good Neighbor Award" from the Southeast Environmental Task Force in 2001 and 2005 for environmental work, including our dust mitigation system. This was the same commitment we brought to our South terminal when we purchased it less than two years ago. It's also the same commitment you can expect from us going forward as we start work on the enclosure project.

For more information about the project and our ongoing environmental monitoring, please visit www.aboutpetcoke.com.

Sincerely,

Mike Estadt
Operations Manager
KCBX Terminals

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KCBX TERMINALS COMPANY

May 6, 2015

Dear Neighbor,

After 25 years on 100th Street, KCBX Terminals will cease operations at our North terminal this June. In light of new city regulations, we have decided to stop handling bulk material at this site; there are no immediate plans for the property.

We want to provide you with some additional detail on what you should expect to occur at the North terminal in the coming months. We already are working on reducing our piles so that by June we will have removed all the product piles from the North terminal. We've also already started to remove the staging pad base material, which is currently under the piles of petroleum coke and coal. As a result of this work, you may see some temporary piles of this base material on site (significantly smaller in size than the current piles) until the decommissioning work is complete. Throughout this process we will continue to manage all operations in accordance with the city's rules and regulations.

In addition, by early June of next year, we plan to eliminate the piles of coal and petroleum coke at our South terminal, located at 10730 Burley Avenue. This means by next summer there will be no petroleum coke or coal piles at either of our terminals, as the city's rules require.

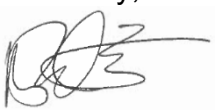
Going forward our South terminal will operate without product piles. Rather than transferring some of the product from railcars to the ground, then to barges and vessels, all of the product will be transferred directly from rail to vessels and barges via the existing covered conveyor system, which is already compliant with the city's rules. We no longer plan to use trucks for inbound or outbound shipments as a regular part of our business after the piles are removed.

We also will continue to follow loading practices that are consistent with the city's rules. These practices include using covered conveyors and keeping the product damp.

Removing the product piles limits the services we are able to provide our customers, but we hope operating this way will allow us to stay in business and continue contributing to the local economy and our community.

I encourage you to visit our web site at www.kcbxchicago.com for more information about our business, including more details about the recently announced changes to our operations.

Sincerely,



Mike Estadt
KCBX Terminal Manager

From: David Villalobos
Sent: Thursday, April 7, 2016 1:28 PM
To: Juan Carlos Linares
Subject: Greetings and Follow-Up to Teleconference

Hello Juan Carlos, it is David Villalobos. I listened in on the teleconference last Friday, and found the conversation to be enlightening. I want to touch base on the conversation regarding land remediation requirements, or rather the lack there of. So, to further elaborate on the necessity to require industries to remediate land during/ceasing operations and upon existing a site. The City of Waukegan is currently going through our annual budget process and here is the amount of money we have had to pay and are going to pay for land remediation. These numbers are only from the past five fiscal years.

FY13: $5,454,618
FY14: $493,032
FY15: $535,370
FY16: $1,083,850
FY17: $695,000 (to be paid this coming fiscal year)
Total: $8,261,870

This is only in a five year period, and Waukegan has been working on remediation, that I am aware of, since the late 1990's. We will have to continue to pay land remediation costs if we are to develop our polluted lakefront. This money could have gone to infrastructure projects, but instead we have had to bond funds to pay for the road repairs which puts the city in an even deeper financial hole.

We are purchasing another parcel of lakefront property, and again we have to be concerned about contamination and remediation costs, because as the new land owners we have to clean up what another industry has left behind. We are in a bit of a "damned if you do or damned if you don't" situation. If we don't take ownership of the lakefront then we can not capitalize on lakefront development and nothing improves. If, we do take lakefront ownership we have built in extra expenses which stimies lakefront development.

I felt that it would be good for me to add to this conversation with a bit more perspective. Please feel free to contact me.

Thank you and have a wonderful day,
David Villalobos

Panel 1 (Transcript pp. 12-83)

1. ***Carlton Waterhouse*** is a professor at the Indiana University Robert H. McKinney School of Law. He is nationally recognized for his work on environmental justice. His articles have appeared in prestigious law journals including the Pennsylvania Journal of International Law, the Fordham Environmental Law Review, and the Rutgers Law Review. He is a graduate of Howard University School of Law, where he was admitted as one of its distinctive Merit Fellows. While in law school, he was selected for an internship with the Lawyers' Committee for Civil Rights Under Law where he participated in the preliminary formation and development of the Civil Rights Act of 1992. Professor Waterhouse currently serves as a member of the Indiana Advisory Committee to the United States Civil Rights Commission. After law school, he began his career as an attorney with the United States Environmental Protection Agency. At the EPA, he served as the chief counsel for the agency and as a national and regional expert on environmental justice. His responsibilities included enforcement actions under numerous environmental statutes, the development of regional and national policy on Environmental Justice and the application of the Title VI of the Civil Rights Act of 1964 to the EPA permitting actions. Following a successful nine-year career with the EPA, Professor Waterhouse enrolled in a Ph.D. program in the Emory University Graduate School of Arts and Sciences as one of the select George W. Woodruff Fellows. In 2006, he graduated with a Ph.D. in Social Ethics.
2. ***Sylvia Washington*** is Chief Environmental Research Scientist at Environmental Health Research Associates, LLC. She is an environmental epidemiologist, environmental engineer and environmental historian, working on the impact of industrial pollution on human health and ecosystems using qualitative and quantitative analyses. Dr. Washington successfully implemented Research Conservation and Recovery Act (RCRA), Clean Water Act, Clean Air Act, Superfund and National Environmental Policy Act (NEPA) regulations for effluents and solid waste derived from power generation sources (space and terrestrial systems) for both industry and the National Aeronautics and Space Administration (NASA). She was recently trained as a Climate Reality Leader with an interest in communicating climate change to environmental justice communities in the Great Lakes region. Dr. Washington is the creator and editor-in-chief of the first international environmental health disparities journal, Environmental Justice. She formed her own environmental health research-consulting firm, Environmental Health Research Associates (E3HRA), LLC. She consults regularly with environmental law firms, as well as grassroots community groups to help them understand the history of industrial operations, transportation systems and the impact of municipal planning on human health and environmental health disparities. In 2010, she was elected Co-Chair of the Illinois EPA's Environmental Justice Advisory Board. In 2012, she was appointed by Governor Patrick Quinn to sit on the first Environmental Justice Commission for the state of Illinois. Finally, Dr. Washington has just arranged for the historic Climate Justice Conference for Black Catholics in Chicago with the Climate Reality Group and the Archdiocese of Chicago.
3. ***Susan Mudd*** is an Attorney and Senior Policy Advocate who leads ELPC's Diesel Pollution Reduction Initiative to help better protect children's and community health, and works with ELPC's Science Advisory Council. She previously served as Citizens for a Better Environment's Wisconsin Director for 15 years. Susan has consulted for the Gaylord and Dorothy Donnelley Foundation and the Brico Fund. She co-authored a Midwest global warming action plan for the State Environmental

Leadership Program and was part of the committee that developed LEED for Neighborhood Development. Susan completed her J.D., M.A. in Public Administration and Public Policy, and B.A. in Botany, at the University of Wisconsin-Madison.

4. ***Brian Urbaszewski*** has worked to implement local, state and national air quality policy and legislation covering coal power plant emissions, diesel and gasoline vehicle emission standards, national air quality health standards, and air pollution education and awareness campaigns. He has been instrumental in capturing millions of dollars in funding for diesel engine retrofits in the Chicago region and in enacting local clean diesel construction requirements for Cook County and Chicago government projects. He was instrumental in establishing strong state coal-fired power plant emission reduction rules that were implemented in 2007-08, and was also instrumental in helping establish the Chicago Clean Power Coalition, which achieved its goals of closing two coal power plants. Mr. Urbaszewski joined Respiratory Health Association in 1998 and holds degrees from the University of Chicago and the University of Illinois, and previously worked for the Illinois Environmental Protection Agency. He is a regular resource for local media on environmental health issues, specifically the effects of air pollution on people with asthma and COPD.
5. ***Keith Harley*** is the Director of the Chicago Environmental and Energy Law Clinic, a collaboration between IIT Chicago-Kent College of Law and the Chicago Legal Clinic, Inc. The Chicago Environmental and Energy Law Clinic provides legal advocacy, education and volunteer services to people confronting urban environmental problems in the Chicago area. Keith is a 1982 graduate of Moravian College and received a Master of Divinity degree from Princeton Theological Seminary in 1985. He graduated from IIT Chicago-Kent in 1988 with a Certificate in Environmental and Energy Law and initiated a public interest environmental law practice on Chicago's Southeast Side shortly thereafter. For the past twenty-two years, Keith served as an Adjunct Professor of Law in Chicago-Kent's Environmental and Energy Law Program, for which he also serves as Co-Director. He also serves as Adjunct Professor of Law at Northwestern University and at IIT's Stuart Business School. Keith has been appointed to many federal, state and local environmental policymaking initiatives, including a present appointment to the Illinois Environmental Justice Commission. Keith served as the Chair of the Chicago Bar Association's Environmental Law Committee from 2006-2009.

PANEL 2 (Transcript pp.83-150)

1. ***Kimberly Wasserman*** is the Director of Organizing and Strategy of the Little Village Environmental Justice Organization (LVEJO), where she has worked since 1998. As Director she oversees the community projects, leadership development and outreach. Kimberly looks to the day La Villita will be a strong sustained community and until that day she continues to work on the frontline. In 2013, Mrs. Wasserman was the recipient of the Goldman Prize for North America.
2. ***Naomi Davis*** is the founder/CEO of BIG™ – a national sustainability network based in West Woodlawn which advances "green-village-building." She's an urban theorist, attorney, activist, and proud granddaughter of Mississippi sharecroppers. She conveys the risks of global warming; the health/wealth opportunities of the new green economy; the power of neighbors to lead in their city's enviro-economic policy and practice; and the primacy of land ownership. She promotes the

self-help conservation lifestyle as a foundation for sustainable community, and the local living economy as greenhouse gas reduction strategy. She trains activists and everyday neighbors to lead where they live in establishing "walkable-villages" within a "City of Villages." She is a Green For All Fellow, LEED GA, and a certified teacher of the environmental literacy curriculum, Roots of Success, NCCER/Maritime, and Marine and Spatial & Marine Coastal Planning. Naomi served on Mayor Emanuel's Transition Team for Energy, Environment, and Public Space, and as a sustainability thought leader at Groupon's First Annual Chicago Ideas Week. Their BIG Urban Homestead Styles represent a higher way forward in the redevelopment of the black community – green innovations in mixed-use housing for the 6 family types prevalent in our communities. "Calling My Children Home" is their campaign to resettle middle class black families, millennials, and returning citizens into urban center legacy communities established at supreme cost to our ancestors, and reverse the nationwide trend of city gentrification.

Panel 3 (Transcript pp. 151 – p. 219)

1. ***Dulce Ortiz*** is currently involved with the Clean Power Lake County Campaign, a coalition effort to build a healthy and clean energy future for Waukegan. She joined the Clean Power Lake County Campaign (CPLC) in 2013, after learning about the pollution from the Waukegan coal plant and how it contributed to poor air quality in Waukegan. Having a mother suffering from asthma, she understood the dangers of coal pollution and what it could do to someone's quality of life. Dulce became even more determined to educate her community about the impacts of local coal pollution, which led her to actively participate in several CPLC events and forums, such as the Health and Environmental Justice Forum, Clean Energy Forum, Hands Across the Sand, and several petition and photo drives, just to name a few.
2. ***Barbara Klipp*** is a leader in the Sierra Club and a co-founder and spokesperson for Incinerator-Free Lake County (IFLC) and our newly formed non-profit, Midwest Sustainability Group. In 2008, Barbara and members of IFLC and the Sierra Club worked together in a successful, grassroots campaign to remove incineration from the Lake County Solid Waste Plan and, instead, encouraged the county to redouble their waste diversion efforts. They agreed and we now lead the State of Illinois in waste diversion rates. Ms. Klipp serves as the Political Chair, presiding over endorsements in Northeastern IL, for the Sierra Club, Chair of the Sierra Club National Zero Waste Communities Team, Federal Lobby Chair for the Illinois Sierra Club, Chair of the Illinois Chapter Zero Waste and Food Committee, member of the Clean Power Lake County coalition to help Waukegan and Lake County transition to a clean, renewable energy future and co-lead of a grassroots organization called Livable Lake County which focuses on sustainable transit, economic development and sustainable communities in Lake County, Illinois.
3. ***Christine Nannicelli*** has engaged in advocacy and community organizing for 10 years. Currently, Christine is the Illinois Campaign Representative for the Sierra Club, the largest, grassroots environmental organization in the country. She has organized for electoral candidates, healthcare and economic policy and since coming to the Sierra Club advocacy campaigns for coal plant retirements, Federal and Illinois environmental rulemakings, and clean energy legislation. Since

2014 Christine has served on the Board of Directors for the Little Village Environmental Justice Organization and currently serves as the organization's Board President. Christine holds a BA from Northwestern University where she studied Religion and Political Science.

4. ***Susan Figueroa*** holds a Bachelor's Degree in Business Administration from Lake Forest College. She has 30 years of experience working with the Latino Community in Waukegan. In 2013, she was hired by Faith in Place as Outreach Director in Lake County to organize, inspire and educate people of all religious denominations to care for the Earth. She has been an active member of Clean Power Lake County advocating for environmental justice in Waukegan, addressing the NRG Coal Plant issue and advocating for a responsible transition plan. In 1995- 2013, she was hired by the Mayor's Office in the City of Waukegan to work as the City's Community Liaison Administrator. As Community Liaison, Susana served as the spokesperson between local government and City residents and clarified issues in recognition of the law and regulations of the city. In this capacity, Susana performed a broad range of tasks to better serve the needs of the entire community of Waukegan. She also facilitated public meetings, bilingual public service workshops, hearings and provided informative literature about city issues and public services.

Panel 4 (Transcript pp. 221- 259)

1. ***Lisa Albrecht*** is a volunteer board member for the ISEA, serving from 2007 - 2010 and then from 2012 to present. She is the co-chair for the Policy Committee working to advance state and local legislation regarding incentives programs, permitting, net metering and interconnection. She has worked at Solar Service, a premier design/installation company in the Chicago area, as a Renewable Energy Specialist since 2007 where she assists home owners and businesses analyze their opportunities to implement solar hot water and photovoltaic technology
2. ***Stephen Sylvester*** is an Assistant Attorney General with the Environmental Bureau of the Illinois Attorney General's Office. For the past 12 years, he has handled a variety of matters for the office, including environmental litigation in both federal and state courts and before the Illinois Pollution Control Board. As part of his duties, Mr. Sylvester has provided legislative and rulemaking support, pre-litigation counseling and negotiations, investigation, and citizen outreach.

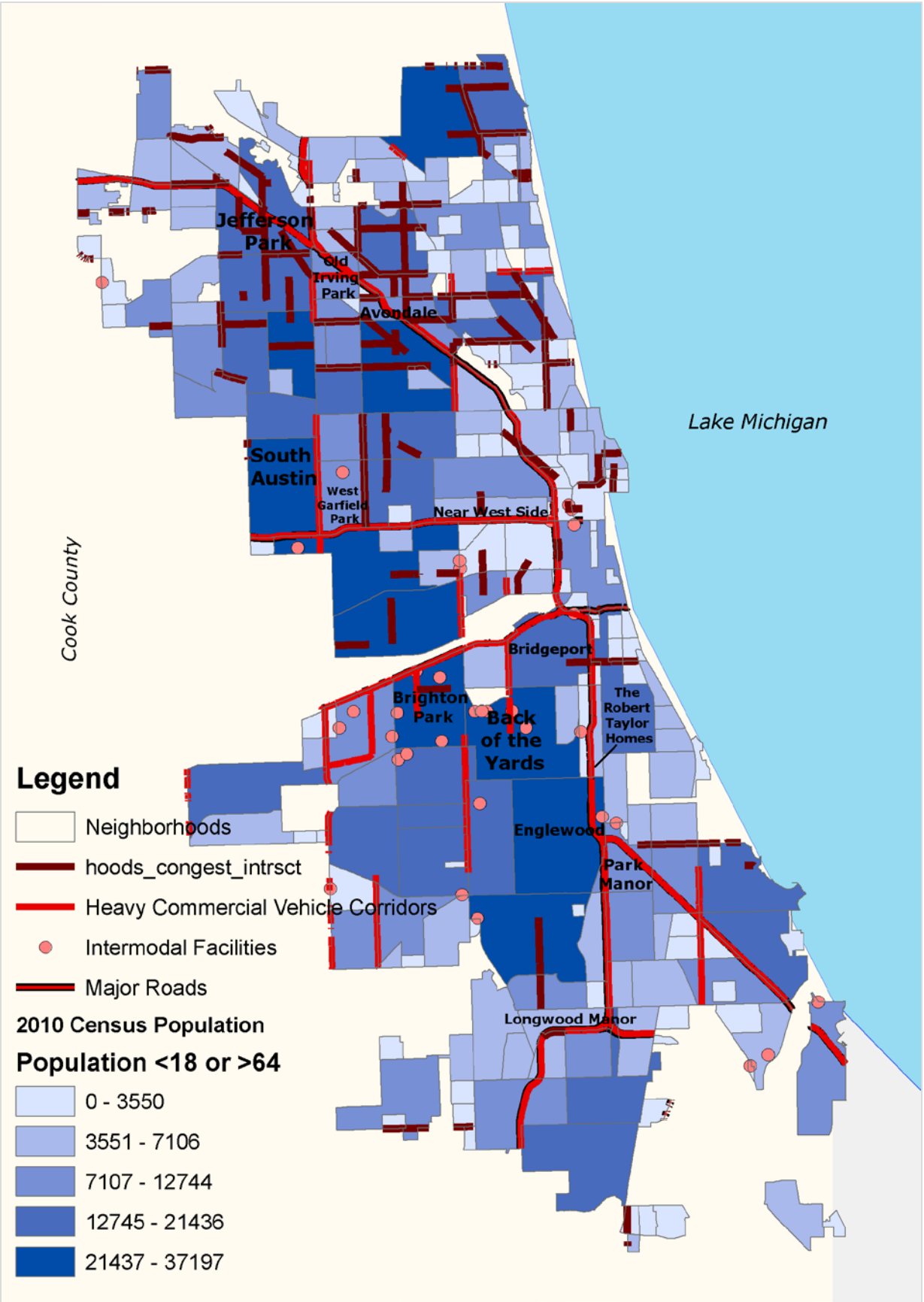
Panel 5 (Transcript pp. 259 – 342)

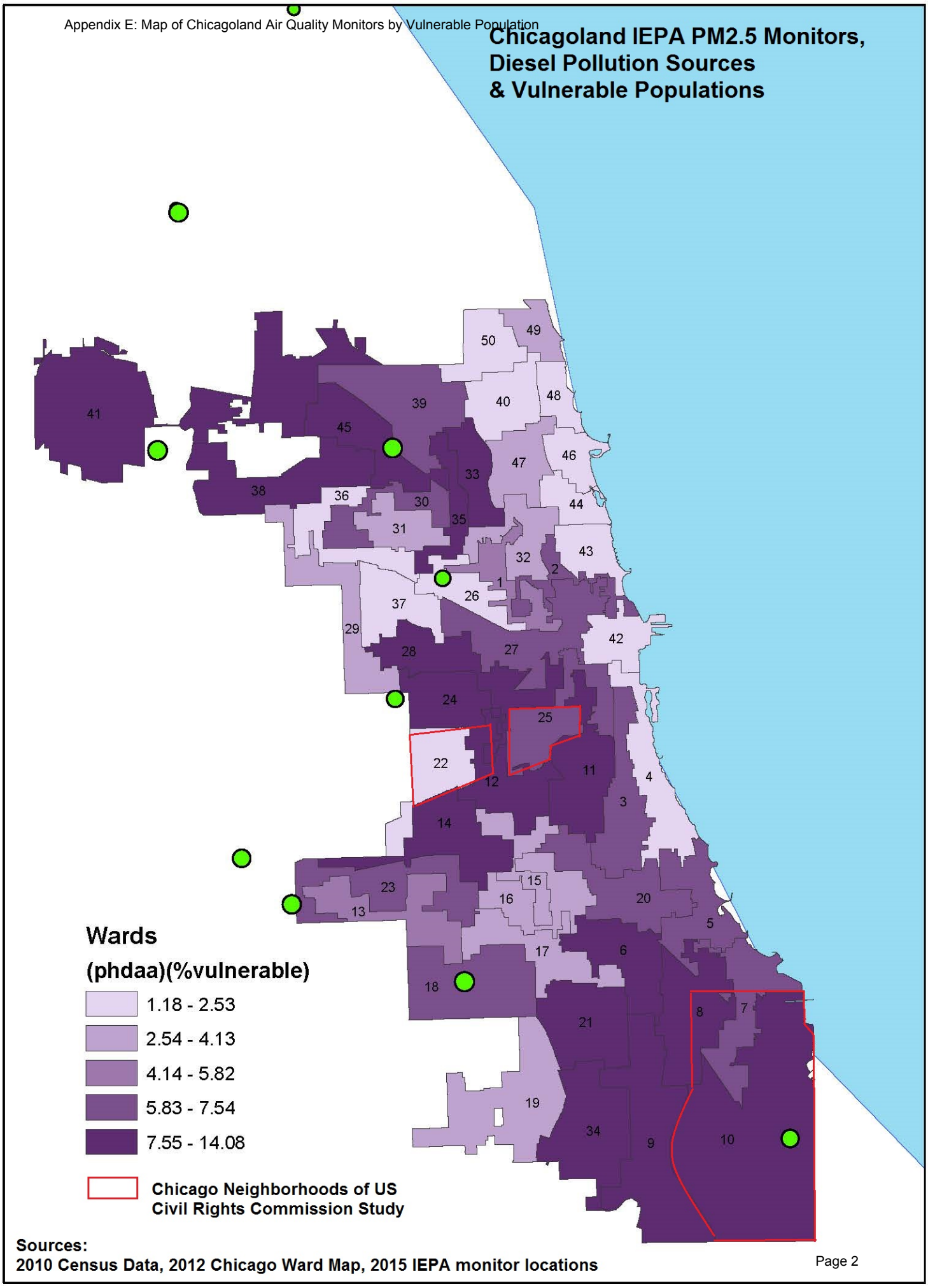
1. ***Chris Wheat*** serves as Chief Sustainability Officer and Senior Policy Advisor in the Office of Chicago Mayor Rahm Emanuel. Chris coordinates policies, projects, and operations across City Departments and Agencies to advance the Mayor's sustainability agenda. Prior to this role Chris served as Director of the Mayor's Innovation Team, an internal consulting and implementation team. Chris helped launch the Retrofit Chicago Residential Partnership, led the work to make Chicago the first city in the nation to include energy use data on home listings, and provided testimony to the Illinois Commerce Commission and Illinois General Assembly. Previously he was a Senior Consultant with Roland Berger Strategy Consultants, as well as an Analyst and Broker with Stephens Inc. Chris earned his

MBA from the University of Chicago Booth School of Business and BA from Washington University in St. Louis.

2. ***David Villalobos*** is born and raised in Waukegan and currently serves as the Alderman for the 4th Ward in Waukegan City Council, which includes the Southern portion of the lakefront and downtown business district. David has volunteered in the community for almost a decade. Past volunteer experience included Former Inmates Striving Together (F.I.S.T.), Waukegan 2 College, and Latino Coalition of Lake County. Currently, David is volunteering with Greentown (Waukegan) Urban Farming, Waukegan Main Street, and Clean Power Lake County. David has spent the past two and a half years volunteering with Clean Power Lake County which focuses on the coal burning power plant in Waukegan and advocates for a proactive transition plan for the plant and lakefront site. David's work experience has been community focused by working at College of Lake County as a math and writing tutor, Volunteer and Outreach Coordinator at Waukegan Public Library, substitute teacher for Waukegan School District 60, and 4th Ward Alderman for the City of Waukegan. David's volunteer work and experience as an elected official has offered a unique insight into the crossover of environmental, social, and economic barriers that Waukegan is presently encountering.
3. ***Alan Walts*** is the Director of the Office of Enforcement and Compliance Assurance in U.S. EPA Region 5. This Office coordinates enforcement, and manages the Region's Environmental Justice and National Environmental Policy Act programs. From 1996-2007, Alan was a staff attorney in Region 5's Office of Regional Counsel. Among other duties during this time, he provided legal counsel and assistance to the Region's Environmental Justice program. He received his J.D. from University of Michigan Law School in 1995.
4. ***Mickey Regan Jencius*** is a Chief in the US Environmental Protection Agency, Air and Radiation Division (ARD) in Region 5, Chicago, Illinois. Her section works to deliver to communities all of ARD's resources. Prior to working at EPA, Ms. Jencius worked as an environmental consultant. Before that, she wrote air quality permits at an environmental state agency. Ms. Jencius obtained her Bachelor of Science from Seattle University.
5. ***Ken Page*** (no bio submitted)

Vulnerable Populations by Age (<18 and >65)




Chicagoland IEPA PM2.5 Monitors,
Diesel Pollution Sources
& Vulnerable Populations
Wards
(phdaa)(%vulnerable)
1.18 - 2.53
2.54 - 4.13
4.14 - 5.82
5.83 - 7.54
7.55 - 14.08
Chicago Neighborhoods of US
Civil Rights Commission Study
Sources:
2010 Census Data, 2012 Chicago Ward Map, 2015 IEPA monitor locations

Additional Resources

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