

***National Environmental Justice
Advisory Council Meeting***

November 16 - 18, 2010

***Tuesday,
November 16, 2010***

National Environmental Justice Advisory Council

November 16, 2010

NEJAC Committee Members Present:

Elizabeth Yeampierre, Chair
John Ridgway, Vice-Chair

Teri E. Blanton
Sue Briggum
Peter M. Captain, Sr.
Jolene M. Catron
Wynecta Fisher
Stephanie Hall
Jodena Henneke
Savonala "Savi" Horne
Hilton Kelley
J. Langdon Marsh
Margaret J. May
Fr. Vien T. Nguyen
Edith Pestana
Shankar Prasad
Patricia E. Salkin
Nicholas Targ
Vernice Miller-Travis
Kimberly Wasserman

Victoria Robinson, Designated Federal Officer, ***Ex Officio***

NEJAC Committee Members Absent:

Don Aragon
M. Kathryn Brown
Chuck D. Barlow
Paul Mohai
Nia Robinson

National Environmental Justice Advisory Council

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AFTERNOON SESSION

(1:15 p.m.)

Welcome and Opening Remarks

MS. ROBINSON: I would like to welcome everybody to the 37th meeting of the NEJAC. I am Victoria Robinson. I am the Designated Federal Officer for the NEJAC. It is great to be here in Region VII. We have been here a couple days so far. We are excited about the various successes here in the Region with the Green Impact Zone Initiative, which we will be hearing more about a little later on today, and the implications for federal interagency coordination.

We would also like to recognize Region VII EPA's officer -- Region VII here who held an EJ community workshop yesterday and this morning. We especially want to thank those -- and welcome those local residents in the audience who also attended that workshop. A special thanks to the Region VII staff who put that -- who organized the workshop and were of great assistance to us in helping to put on this NEJAC meeting.

We also have a youth workshop in progress upstairs on Intergenerational Engagement. So, you may see some high school and college students wandering around. They are here in a -- just to learn more about intergenerational engagement around decision making. In keep with the NEJAC's hardworking ways, and I think we are one of the hardest working FACA Committees, we have a full agenda over the next couple of days.

We have a public comment period scheduled today starting at 4:00 p.m. and we need to stick to that timeline. So, we will be taking a very short break at 3:45 p.m. and then coming back to start public comment at 4:00 p.m. In preparation for today's -- this afternoon's comment period, I would like to remind all the EPA EJ Coordinator's to make sure that they are here in the audience.

We want to make sure that the commentators can connect with the appropriate regional people after they speak if it -- where appropriate. We have a few administrative announcements, as well. For those of you who still want to make public comment who have not signed up yet, you must sign up in advance. Public comment signup will end at 4:00 p.m.

If you have pre-registered and indicated that you want to provide comments, you need to make sure that you have signed in so that we know you are here. That way -- so that we know that you are here and those who are on the list of pre-registered folks will be the ones who will be called first. For those who do not know where the restrooms are -- out to the lobby to the foyer and turn to your right past the elevators.

We do have a court reporter and two note takers here. You can identify them by the blue staff name badges and they will be -- there is also an audio recording. Certain portions will, of the meeting, be available via podcast on EPA's website at a later date. There is also a verbatim transcript and a written summary of the meeting proceedings.

So please remember, when you speak to state your name clearly and to speak audibly so the court reporter can -- and note takers can hear you -- who you are. So, we are going to go ahead and get into the meeting. I would like to introduce Elizabeth Yeampierre. She is the Chair of NEJAC. Next to Elizabeth is John Ridgway. He is the Vice-Chair of NEJAC.

We are very pleased to have Karl Brooks to my right. He is the EPA Region IV Regional Administrator and we are going to hear from him momentarily. Lisa Garcia, who is the newly appointed Associate Assistant Administrator for Environmental Justice, and Cynthia Giles, who is the Assistant Administrator of EPA's Office of Enforcement and Compliance Assurance, is also here and will be making remarks. They are down to my left.

So, before we go ahead and hear opening remarks from Karl, Cynthia and Lisa, I would like to have Elizabeth to greet the Council, after which the members will go around, introduce -- give their name and their affiliation. I have -- forgive me, I forgot to indicate that we also have here at the head table Mr. Bob Perciasepe.

He is the Deputy Administrator for EPA and he will also be giving remarks as well this afternoon. So, Elizabeth?

Remarks by Elizabeth Yeampierre, NEJAC Chair, Executive Director, UPROSE, Inc.

MS. YEAMPIERRE: (Speaking Spanish) Good afternoon. It is a pleasure to be here in Kansas City in the home of Margaret May. It is an exciting opportunity to have the NEJAC, I think for the first time, be in a community where we can address rural issues. I think it is the first time that the NEJAC

does that and so we are really excited about hearing you and having an opportunity to weigh in and help guide that discussion.

I want to take a minute to recognize that one of our members, Nia Robinson, is not with us today because her grandmother passed away last night. If we could just take a moment to send her some peace and blessings, I would really appreciate that.

(Moment of silence.)

MS. YEAMPIERRE: Thank you. A lot of the members come from environmental justice communities and often have to deal with the kinds of struggles that many of you deal with on a daily basis and bring that to the meeting with them. I think it helps to shape the recommendations that we make and make us insightful in trying to come up with recommendations that are actually -- that actually resonate on the ground.

My name is Elizabeth Yeampierre. I am Executive Director of UPROSE, which is a community-based organization in Brooklyn. I would like to go around and have all of the members introduce themselves. So, to my left.

(Members introduction.)

MS. YEAMPIERRE: Jody Henneke from Texas is -- will be here shortly, Patti Salkin from Albany, New York is in transit and absent today are Chuck Barlow, Don Aragon, Paul Mohai and Katie Brown. Now, I have the pleasure to introduce you to Karl Brooks, the Regional Administrator of EPA Region VII. I want to thank him for joining us.

Karl was appointed by President Barack Obama as EPA Region VII Administrator in February 2010. He supervises agency operations in Iowa, Kansas, Missouri, Nebraska and 9 Tribal nations. He earned his PhD from the University of Kansas and joined the faculty in 2000 where he taught American Environmental, Political and Legal History, as well as Environmental Law and Policy.

He is author of several books and a member of the Idaho State Bar. Karl, thank you for joining us.

***Remarks by Karl Brooks,
Regional Administrator, EPA Region VII***

MR. BROOKS: Thanks so much Elizabeth and Victoria. I want to welcome all of you both, the members of the Council, as well as folks in the audience, to the greater Kansas City area and to Region VII. It is a real honor and a pleasure for this Region to host the National Environmental Justice Advisory Council, as well as to welcome leaders from other federal agencies here in the heartland, representatives from the many communities that make up our Region and many other EJ stakeholders from around the country.

Welcome all to Kansas City and to Region VII. As Elizabeth said, this is the first time that Region VII has had the privilege of hosting NEJAC. We recognize and enjoy that this is a landmark opportunity for us for a couple of different reasons. First, it allows us to bring to our home communities here in this part of the country the environmental justice conversation that goes on in such exciting and stimulating ways throughout this great country.

Then secondly, it allows us to engage stakeholders from throughout the four states and Tribal communities in Region VII with this national dialogue. I am going to brag for just a second about Region VII. You understand I am one of the hosts, so bear with me for just a second.

If you have looked at it on a map, Region VII looks like a bunch of big rectangles in the heart of this country but it is an incredibly vast and incredibly rich landscape, both human and natural. We stretch from the flanks of the Rocky Mountains out in the high plains of Nebraska, literally to the gates of the Mississippi Delta down in southeastern Missouri.

We include some of the nation's leading industrial cities like Omaha, St. Louis and our own Kansas City here, but we are also a region in which 80 percent of the 15 million people here live in communities smaller than 20,000 people. We also are the home to 9 Tribal nations in 3 of the 4 states of this Region. We have some of the nation's traditional leading industries including some of the oldest industries in this country like lead mining.

We also feed cattle. We raise crops. We raise forage. This is the most productive farmland in the North American continent, and by some measures the entire world. The people of Region VII enrich this diverse nation, although maybe if you are a newcomer here, you tend to think of us as a little bit ordinary. We are not. 25 different language communities weave the tapestry of Region VII.

That is why EPA has such an important job here. I just want to summarize a little bit about what we at EPA can offer to the quest for Environmental Justice. We recognize that it poses

complex challenges and we know that to solve these challenges, it requires the commitment and the ideas and the energy of stakeholders from throughout our diverse communities.

We at EPA understand that the challenges that we choose to take up are based on historical, social, economic and yes, natural factors that often lie deep in the history of the American experience. These are complex problems in part because they are often very old problems. We know that environmental justice is a quest that we are engaged on because we know that citizens and neighbors of ours live in communities that are disproportionately impacted by hazards and there are citizens among us who do not enjoy the same access to environmental goods and services and qualities that many of our neighbors take for granted.

Too many of our neighbors, not just in Region VII but throughout this country, do not reap the advantages of this very bounteous land and this incredibly prosperous nation that we are privileged to live in. We at EPA strive to use all the tools in our regulatory and educational toolbox to help those citizens take their place at the table and share in that bounty.

We at EPA and I am speaking here not just for Region VII but for this entire agency of which I am privileged to be a part, are dedicated to ensuring fair treatment in the making of our decisions and to pursue equitable environmental protection for all of our neighbors throughout this Region and throughout this country.

We here in Region VII look forward to three days of open participatory robust debate and conversation. Even more, I think I can speak for all of my colleagues who worked very, very hard to put this conference together here, we look forward to learning from you and to sharing our own observations and our own ideas about how to go forward on this journey that we are all engaged in.

Again, my pleasure to welcome you to Kansas City and to Region VII. Thank you so much. Thanks Elizabeth.

(Applause.)

MS. YEAMPIERRE: Thank you so much for framing that Karl. Those of us who come from urban areas understand the interconnectedness between our communities and yours and we know that we have to do this together. This Advisory Council has been really fortunate, unlike years past, that we are graced by the participation of a number of assistant administrators.

Today, we have Cynthia Giles, Assistant Administrator EPA Office of Enforcement and Compliance Assurance, joining us. Prior to her confirmation as the Assistant Administrator for EPA's Office of Enforcement and Compliance Assurance, Cynthia served as Director of the Conservation Law Foundation's Advocacy Center in Rhode Island where she drafted legislation to control greenhouse gases, influence the state to adopt stringent emissions standards for cars and defended those standards in court.

In her 30 year career, Ms. Giles has prosecuted violations of federal environmental laws as an Assistant U.S. Attorney, led the Bureau of Resource Protection in Massachusetts and served as Director of Enforcement Coordination for EPA Region III in Philadelphia. Ms. Giles has a B.A. from Cornell University and a law degree from the University of California at Berkeley and an MBA from Harvard. Join me in welcoming Ms. Cynthia Giles.

(Applause.)

***Remarks by Cynthia Giles,
Assistant Administrator, EPA Office of Enforcement and Compliance Assurance***

MS. GILES: Thank you very much. As the Assistant Administrator for the Office of Enforcement and Compliance Assurance, I have the privilege not only of heading up the enforcement work for EPA but also the agency's work on environmental justice. So, it is in both contexts that I am happy to be here with you again today.

I wanted to make, first, a couple of announcements about personnel changes that we have made at EPA to elevate the profile of environmental justice and make sure we are aligning our policy and management team. As was already mentioned, Lisa Garcia is now -- in addition to her role as Senior Advisor to the Administrator for Environmental Justice, she is also now an Associate Assistant Administrator for Environmental Justice in my office.

So, I am thrilled to be able to be working even more closely with Lisa. I think we make a great team and looking forward to all of the things we are going to accomplish together in having her in that management role, as well as the policy role that she had previously been serving. So, she will, in this new position, be the manager responsible for the Office of Environmental Justice. So, we are all

clearly aligned and ready to go.

Second announcement is that Charles Lee, who has been the Director of the Office of Environmental Justice for awhile, is taking a new position as Lisa's Deputy. So, he is not going to be the Director of the Office anymore but he is now going to be, poor Charles, the Deputy Associate Assistant Administrator --

(Laughter.)

MS. GILES: -- for Environmental -- we have to figure out a shorter name than that for him -- in which Charles can devote himself to policy questions and working on Plan EJ 2014. So, we are looking forward to Charles assuming that very important role for the agency. He cannot join us today because he is out at a one month training figuring out how he is going to be an even more effective leader and helping us work on that.

As Charles moves into this new role as Lisa's Deputy, the acting -- we have a new acting director of the Office of Environmental Justice. That is Heather Case. So, many thanks to Heather for being willing to step forward in that. You want to stand up?

(Ms. Case stands up.)

MS. GILES: Everyone see Heather? Her deputy, Kent Benjamin --- so, these are the acting positions in the Office of Environmental Justice. We will shortly be going out with an announcement for soliciting a new Director of the Office of Environmental Justice. So, stay tuned for that. Tell your friends and pass the word around.

As I have been talking to folks about Plan EJ 2014, which I am very eager to hear your comments and questions and suggestions about, I am really encouraged to know that people understand that this is EPA's effort to really embed environmental justice in all the key work that we do. It is in that spirit that it was offered and I could tell from looking at your draft comments that it is in that spirit that it is being considered. So, I am really looking forward to hearing your comments on that.

Finally, I wanted to say that after the last meeting, we heard and recognized your desire to have more opportunity for conversation here, fewer topics and more opportunity for real dialogue and feedback. As a result of that, the many folks at EPA who wanted to bring their issues here to discuss with you -- had to tell a lot of them no, this is a high demand agenda.

Let me tell you that we had to turn a lot of people away, including Enforcement. So, we had -- I had very much wanted to talk with you more about the many exciting things going on in Environmental Justice Enforcement in targeting and designing remedies and getting mitigation for communities who have been subject to illegal pollution.

So, there are a lot of things going on that I am looking forward to hopefully getting on the agenda next time if that is good with the NEJAC and good with Elizabeth to have some more robust conversation around some of the questions that you had about what we are doing in Enforcement and Compliance. I was willing to step aside on that agenda item today in the interests of the NEJAC having more time -- fewer topics and more time. So, I am really looking forward to hearing your comments. Thanks.

MS. YEAMPIERRE: Thank you so much Cynthia. We are actually really heartened by the fact that there is such a meaningful commitment to environmental justice and look forward to continuing our working relationship. Now, I have the pleasure of introducing you to Lisa Garcia. Lisa is -- her entire life has been committed to doing environmental justice work and congratulations on your appointment --

MS. GARCIA: Thank you.

MS. YEAMPIERRE: -- as Associate Assistant Administrator. Lisa, formally to this position, was a Senior Advisor -- the Administrative Senior Advisory on Environmental Justice. In her role -- her role was to elevate EJ issues and -- to the highest levels of the agency and work across programs to integrate and strengthen all of EPA's EJ initiatives.

She joined EPA, after serving as the Chief Advocate for Environmental Justice and Equity at the New York State Department of Environmental Conservation, where she developed statewide environmental justice initiatives to tackle critical environmental challenges and served as co-chair of the Governor's Environmental Justice Interagency Task Force.

Lisa served as Assistant Attorney General for the State of New York where she represented various state agencies in environmental litigation matters and defended New York state's brown field cleanup program which is a program that is actually being looked at to be replicated all over the country. It is an amazing program where communities work with developers and it is just really

amazing.

She also served as Staff Attorney at NY PIRG and she has a long and impressive history of using legal policy and legislative experience to promote environmental justice. Lisa, thanks for joining us.

***Remarks by Lisa Garcia,
EPA Associate Assistant Administrator for Environmental Justice***

MS. GARCIA: Thank you. Thank you, Elizabeth and the members of NEJAC, hello once again. It is nice to be here. Of course, thanks to Region VII for helping us host this in Kansas City. I think, as Cynthia said, we look forward to hearing your comments on Plan EJ 2014 and continuing to work together. So, I am happy to be here and continue that work but I have the honor today of introducing Bob Perciasepe, who is the Deputy Administrator at EPA.

He brings to the agency a wealth of experience in environmental stewardship, advocacy and management. His previous position was Chief Operating Officer at the National Audubon Society where he coordinated national and state programs for one of the country's leading environmental organizations. Before that, during the Clinton Administration, he served at EPA as the Assistant Administrator for Water.

He was also the Assistant Administrator for Air and Radiation. So, he has a lot of experience. Prior to that, he held the post of Secretary of Environment for the State of Maryland and Assistant Director of Planning for the City of Baltimore. So, he brings, like I said, a wealth of knowledge and a lot of understanding with that. So, that is who he is on paper but many of you may not have heard the name Bob Perciasepe before working on environmental justice issues but make no mistake, he is a true ally on these issues.

He really understands what needs to be done for EPA to truly incorporate environmental justice principals into the everyday workings of EPA and he has truly been an advocate on the senior leadership team making sure that we really work on some of these challenging aspects and move the administrators priority forward on incorporating environmental justice and expanding the conversation on environmentalism.

So, I will turn it over to him so he can speak but definitely welcome him as one of our EJ advocates. Bob?

***Remarks by Bob Perciasepe,
Deputy Administrator, EPA***

MR. PERCIASEPE: Well, thank you. Thank you, Lisa. Elizabeth and Victoria, I thank both of you, as well. It is truly an honor to be here talking to all of you today. The -- I know that Lisa, I call her the lead Lisa, was here in June. We have a lot of Lisa's. The lead Lisa, Lisa Jackson, was here in June talking to all of you.

At that time, it became sort of a -- and many of you have been very involved with this, as well -- at least several of you from Louisiana, the update that she gave on the BP oil spill and what EPA was doing. You know, that was a hard time for many, many, many people. The EPA, you know, our supporting role to the Coast Guard that was the lead of the response, we took on a really significant role under Lisa's leadership of gathering information, doing monitoring throughout both in -- out in the water and also in communities with our mobile buses and called TAGA's, Trace Atmospheric Gas Analyzers.

Also making a very concerted effort. I know Lisa Garcia had several trips to the region during the time of the spill. We made a special effort to make sure that we were able to communicate directly with lower income and minority communities that are not normally part of the discussion when something like that is going on and who end up being disproportionately impacted either economically, as the economy is effected, or even directly by pollution.

So, I think that was an important role that EPA played under Lisa Jackson's leadership. Now today, we are trying to turn our attention as a country and as a Region away from the ongoing onslaught of the oil to a recovery and restoration effort which is, in many ways, as complicated, if not more complicated, than fighting a very known enemy at the bottom of the Gulf of Mexico.

As hard as that was, trying to dig through what has happened, how do we move forward as a Region and as important as that Region is to the economy of the country and the peoples in that Region and their culture is very important. So, the President has issued an Executive Order and has appointed Lisa Jackson as the Chair of the Gulf Task Force, as it is called. The Gulf Task Force had its

first organizational meeting last week. At that meeting, they had the -- I really -- their first meeting with community groups.

So, we are going to make sure that the hallmark of that task force, as it looks at what the future should hold and how restoration and recovery takes place, that we involve those same communities and more in that longer and much more robust discussion about the future. It is kind of refreshing to a certain extent to change from talking about the immediate problem and start looking at the promise of the future, but it is also a region of the country that has had that conversation going on for a long time even before Hurricane Katrina and before this oil spill.

So, it is time -- and under this task force and Lisa's leadership, I am sure that we are going to be able to make that transition and really move that forward but the key component of it, and I think as a lesson from the task force to EPA at large, is the engagement and the expanding of the conversation with all the communities that are involved from Native American communities to communities of color to lower income communities all throughout that region.

So, it is an important step, an important lesson in how we are going to be and are approaching our job, as you have heard a lot about. You know, EPA -- this is our 40th anniversary and there is a lot to be proud of as an agency. Pollution -- air pollution in the country is down 40 to 50 percent. Blood levels in every child in America are lower today than they were 40 years ago but still what we know, as we have lowered pollution around the country, this has not been uniformly and evenly distributed.

We know that too often that low income and minority communities are still disproportionately impacted by pollution. From a public health perspective, if you think about heart disease, cancer, respiratory illnesses like asthma, these are three of the top deadliest health problems that are linked to pollution. We know that they line up with three of the most important health problems in many minority and lower income communities.

So, we really think from a public health perspective, you can look straight right at that -- those connecting dots there and see the work we have cut out for us even though, as a country, we have made tremendous progress reducing pollution, we still have not made and fulfilled that promise uniformly to all communities.

So, while we think about that, think about also the economic side of this. There -- these disparities exist and they adversely impact different communities. Well, in those communities that are impacted do not become the primary locations that people want to invest in. So when you have -- you now have not only the relationship between health but you also have the relationship between the long term economic viability of these communities.

So, when we talk about moving the agency in this direction, we are talking about not only fulfilling that promise of the public health protection but also the important link to the economic sustainability and long term viability of these communities. This is why it is so important that this task that the NEJAC and its work in how it is helping the agency move in this direction.

These -- what is probably equally important and really gets to the heart of the matter here is that these are the same communities that have had -- and I know I am preaching to the choir, as they say here. But these are the same communities that I just talked about that have had too little voice in what those policies should be and how the work of the agency should be conducted.

So, we now have an administrator and a President who are vitally interested to change that dynamic and to change the face of how we approach our environmental problems. The involvement and the engagement of all these communities are vitally important to our success. We cannot presuppose anything, to a certain extent, other than those disproportionate impacts that we have to deal with.

As the Deputy Administrator, I have the -- sort of the responsibility to make sure the operations of the agency are working. I am going to mention a few things here about the operational side of this because Lisa Jackson looks to me to make sure that while we have emerging will and policy and plans, how do we make sure that we build that into the fabric of the agency.

I want to mention a couple of things that we are working on there in that area. First of all, and I think you know this from the last meeting Elizabeth, the issuing of the EJ Rulemaking Guidance. You know, how the agency goes about making a decision on anything, we actually have a -- what I would call a user manual on how to do that at the agency so that all the proper steps are taken, the proper involvement -- it did not really mention environmental justice in the past.

Today, it has -- it has been revised to include a whole section that says that part of that

decision making process in the agency, no matter what it is, this part of the work has to be considered. That won't make it happen automatically but you at least have the user manual, as I call it, and get on with it. The second thing I want to mention, and this is going to be talked about quite a bit today and there has been involvement already, is the Plan EJ 2014.

That is a dynamic and emerging powerhouse of a plan in the agency but the plan, in and of itself, you know, is not self-implemented. So, we have to make sure that as that plan -- and as good as that plan has become, that that plan gets translated into concrete specific actions and commitments that the agency has to take each year that then get built into the accountability system of the agency.

So, one of the things that you all commented on before was the weakness perhaps of our overarching strategic plan for the agency and whether or not it had enough of a structure in it to deal with the environmental justice issues. What we have done with the recently approved strategic plan is we have created these crosscutting strategies.

There is a crosscutting strategy in there that cuts across all the programs of the agency and it has very specific things that we are going to work on, but it does not have the actual annual measures that we would do. That will come from the 2014 planning process. That will tell us what we need to do next year and then that will become part of the accountability system all the way down to performance evaluation at the personnel level for the agency.

So, it is very important that you see that the work that goes on on that plan and how it will now fit into the strategic plan as the door on the strategic plan has been constructed for that to go through. The other thing I will mention in brief, and I think you are going to talk a lot more about it today so I will not say too much about it, is the next step is at the operational level of how do we incorporate some of these issues into our day to day work life in permits or in making decisions at the -- not in the regulatory framework but also the application level.

That is where we are working now. I know that you are going to be having a conversation about it during the next day or so and all your advice is going to be very, very helpful in that regard. That is going to require obviously analytic tools and many other policies that we will have to work on. So, from a strategic level, those are some of the strategies that we are changing and how we are trying to construct that in the agency to make sure that we have everything aligned to make progress.

The last thing I am going to mention, in terms of structure on incorporating and building on the foundation here, is the area of partnerships. In September, the Interagency Working Group on Environmental Justice, which has been dormant for a longtime, was reactivated. Administrator Jackson hosted that meeting. Many cabinet level folks came to that meeting and made renewed commitments to the subject and to working with EPA and the other agencies in terms of whether it is public health, the law, with the Department of Justice and Attorney General holder.

All of these folks were at the meeting. They are all pledging now to work together through that task force so that the partnership at EPA is trying to expand to these other federal agencies is really important. The other one that I wanted to mention is in December, the White House is going to host a forum on EJ and invite not only administrative officials but other folks from around the country to really talk through how we should be building these partnerships.

I want to say one last thing. A vital NEJAC is an important part of the partnership. You all come from many different walks of life in the United States and have all your different perspectives and expertises that then you volunteer your time to help EPA do a better job at what we are trying to embark on here and move forward on.

So, I want to thank you for doing it but I want you to know that one of the key touchstones in our ability to have strong partnerships is working with a vital and vibrant NEJAC. So, I want to thank you for all that work that you are going to do and you have been doing to help us do that. The last thing I am going to do is just echo what Cynthia said and congratulate Lisa on being our new -- what we call "AAA"; Associate Assistant Administrator for Environmental Justice.

So, thank you all for having me here today and I will turn it back to you, Elizabeth.
(Applause.)

MS. YEAMPIERRE: Thank you so much. I think that your presentation is a great segway to our next panel. It is true, for members of the public, that every single member of the NEJAC is someone with a lifelong investment in addressing environmental justice issues and really addressing the issues of our most vulnerable communities.

While we talk a lot and you will hear a lot about all of the -- how our communities of color and low income communities are saturated with environmental burdens and we talk about the

environmental and health disparities, there is also a lot that is being done on a grassroots level to address these disparities and to work towards environmental remediation.

It is coming out of different kinds of partnerships. So, we have a panel on the Green Impact Zone. The panel is entitled Implications and Lessons -- I am sorry?

MS. ROBINSON: ---.

MS. YEAMPIERRE: I am sorry. I did not realize that was not on the agenda but we do have questions for -- and maybe comments for Bob. So, before he leaves -- he has got until about 2:10. Members of the -- Shankar?

MR. PRASAD: Bob, welcome back to EPA and congratulations. We are glad to have you back and the -- and we know that you have been a great leader, have done very well in the previous time and we expect the same in this tenor as well. One of the things that are very key to make any kind of a significant progress is the issue of resources.

So, while certainly it has improved with the OEJ, maybe an effort can be made somehow to integrating to your dialogue at the OMB or into some fashion or the other so that there can be a long-term funding that could be established not just to expand the OEJ piece of regional offices, but to see that could there be a way to put money into the various communities --- in each region.

That could be identified using an EJ seat or some other such tool is something that I want to throw open for you to seriously consider about that and how we can help you to move that agenda forward.

MR. PERCIASEPE: Well, that is a very good question and I guess, you know, there is the -- first of all, whatever advice you guys have on structural things that we need to be doing at EPA is going to be welcome and highly respected and considered. One of the things, as I mentioned, that I am trying to make sure we do is even within the existing programs -- you know, there is this -- and I think Lisa is very sensitive to this.

There is, on one hand, you could have resources that you identify that say these are our EJ people or these are our EJ workers or this is -- on the other hand, you could work very hard to make sure everyone in the agency, particularly in the decision making chain, are building this as part of their day to day work. So, you have to do a little bit of both.

You have to have enough resources to develop tools and to develop the analytical capacity and the legal frameworks that we need to have but on the other hand, we have to really instill this into our normal day to day work. I think that that is what I am toiling on. That is, my inner working kind of effort is to make sure that Lisa Jackson's priorities are built into the fabric of the agency.

So, a little bit of both of those but certainly any recommendations that you all have because even with declining -- potentially declining resources, we will still have to take the time to build into the structure that we have to make sure these things are done on the -- again, going waxing back again to the 40th anniversary and all the great accomplishments that EPA has had, I personally think it is the greatest bargain the American people ever had.

We have this lingering, you know, last step almost that we have to take to make sure that it is now evenly distributed and delivered. I think that we are all committed to doing that, but any advice would be welcome and well considered.

MS. YEAMPIERRE: Any other questions or comments from the Advisory Council?

(No response.)

MS. YEAMPIERRE: Okay. Well -- I am sorry. Lang?

MR. MARSH: Let me add my gratitude for your taking on this role again, Bob, and welcome back to the agency. We look forward to a good working relationship with you. I am interested in following up on a couple of things you said about the -- first that the President and Lisa Jackson are very committed to -- I do not know your exact words but to making sure that communities have a greater voice in the things that affect them.

Also, to your notion of integrating EJ into the fabric of the agency. One of the -- I will call it an obstacle or difficulty. As a former regulator, I am very aware of how this happens is the problem of breaking down barriers among programs and of course among agencies, as well.

So, I think one of the things we are struggling with is how to give that community voice in a way that is most relevant to the way that government is organized and the notion of partnerships where the government role changes a little bit from the traditional application, response, public comment and decision to one where the agency folks participate in a collaborative way with members of the community.

With businesses, with local government, state government crimes and so on in

communities that have EJ issues and apply their knowledge, technical expertise and resources to helping making decisions such as on permits or on technical assistance or enforcement so that they support the priorities that have been established through that partnership, including the communities, but also including EPA and other federal and state agencies.

I guess I am not trying to pin you down on anything but just to say as a reality, the role of government has to change and part of it is breaking down some of those stovepipe barriers, part of it is being open to engagement with communities upfront about priorities and so forth.

The challenge that I certainly ran into, and I know you have, is how do you change the mindset of the folks who have been used to reviewing permits and applications and requests for technical assistance and funding and so forth so that they are enabled and encouraged to participate in these local and regional partnerships.

I don't expect an answer but I think that is the challenge that we are probably both going to be struggling with over the coming years.

MR. PERCIASEPE: Lang, those are very important challenges but let me just say a couple of things about those two -- the two larger issues that you framed. The barriers inside the agency for working across, you know -- obviously working a concept into our strategic plan that did not exist before of a crosscutting goal and strategy is part of our internal structural hope to build a component of the strategic plan that would have annual commitments that have -- that would be met as part of the annual measures.

It would be distributed appropriately and coordinated appropriately between the different programs. Fundamental inside of our capacity to be better at that is to not think so much how does the air program affect this community or how does combined sewer overflow program affect this community or what about this brown field site?

It is turning it the other way and think about community as the organizing principle, as opposed to the programs as the organizing principle and then figuring out how you have to coordinate them. So, we are working pretty vigorously in the agency to develop community -- and I do not mean community organizer here.

I mean, you know, an organizing principle of thought on how our programs work together and use the needs of -- at the community level, whether it is rural or urban, that will help guide the coordination of our programs. That does not take away the prerogatives and the need to fix the combined sewer overflow but it is a way of how we communicate and that leads into your second part.

So, we have an effort underway to build tools, get understanding, see how our programs work. I had a presentation this morning from Karl's staff, who have done some amazing work here in Region VII, looking at how they coordinate at the community level and what additional work they need to do that. So, that conversation is happening very strongly in the agency right now in terms of building those tools and those techniques and skills.

The -- but that leads to the point of where -- that is sort of like, to me, a necessary step to be able to then go on to start talking about the skill sets and the -- of our staff and how they communicate at the community level. We have a situation where you could find places in the United States where there are different EPA programs going on for the betterment of the community and they may not have been coordinated.

They are all doing good things but could they do more? Could they -- could it build the capacity of the community? Could it be changed slightly to achieve multiple goals? All those things are possible when you start thinking a community as the organizing principle but this clearly (laughter) -- I am getting hints over here. The -- not about this.

(Laughter.)

MR. PERCIASEPE: About time. So, the idea of EPA listening to and engaging communities is not new. In fact, we do it as well as many agencies do and sometimes we have to recognize that we have many of these skills already in place. It is just a matter of nurturing them and growing them inside the agency and doing it -- I might add, we have to do it in coordination with the local governments, with the local NGO community and with the states.

We cannot just swoop in and do it but that is the power of the convening power and some of the resources we can bring that EPA can have. So, I am anxious to continue working on this. It was mentioned very briefly in my introduction by Lisa, but I spent 11 years as a city planner in Baltimore. So, I might be the first city planner that has been EPA Deputy, I have been called worse things, but the idea of really being at that neighborhood level is something that is sort of in my public service DNA.

So, I think EPA does it a lot better than people sometimes gives itself credit for. I think I am going to have to go. I apologize Elizabeth.

MS. YEAMPIERRE: Thank you so much and I know Karl was leaving.

MR. BROOKS: Right. I also need to go over to the youth workshop. So, I will see most of you back in just a couple of hours. Thanks so much. Thanks Elizabeth.

MS. YEAMPIERRE: Thank you. Thank you. That is great. Karl is joining the youth workgroup. We have, since our last NEJAC, convened a youth gathering at every NEJAC to try to engage our young people in a meaningful way and to the work that we do. So, I think that presentation again is a great segway to what communities are doing on the ground to address these very complex and serious issues that affect the environmental health of the people who are most affected who are usually really in vulnerable communities.

We have on our panel -- I am going to introduce you to you the members of the panel. We have John Frece, Director of the EPA Office of Sustainable Communities. John serves as Director of this office, which houses the agency Smart Growth program. Prior to joining EPA, he was Baltimore's Maryland State House Bureau Chief for 11 years until 1996, then Special Assistant for Smart Growth under Governor Paris and Glendenine.

MS. ROBINSON: Glendenine.

MS. YEAMPIERRE: Glendenine. There is my bilingual limitation right there. In 2000, he was instrumental in creating the University of Maryland's National Center for Smart Growth Research and Education. Having helped coordinate Smart Growth efforts among state agencies for Governor Glendenine, Director Frece envisions close federal cross-agency coordination to promote Smart Growth principals and policies on transportation, housing and urban development and post-disaster recovery. We have with us also Anita Mall --

MS. ROBINSON: Maltbia.

MS. YEAMPIERRE: -- Maltbia, Director of the Green Impact Zone of Missouri. Did I say Missouri right?

MS. : ---.

MS. YEAMPIERRE: Did I say it with a Brooklyn accent?

MS. : Missouri.

MS. YEAMPIERRE: As Director of the Green Impact Zone of Missouri, Anita (laughter) oversees the staff responsible for implementing and coordinating various initiatives in the Zone working with neighborhood leadership to coordinate programs and outreach in the Zone, building partnerships with a wide range of stakeholders and fiscal and program monitoring evaluation and reporting.

Ms. Maltbia has many years of management and community experience, including eight years as Assistant City Manager for the City of Kansas City. Her focus has been on business development, infrastructure, energy and water. Let us see.

MS. ROBINSON: Paula Schwach.

MS. YEAMPIERRE: Paula Schwach is Regional Counsel for U.S. Department of Transportation for the Federal Transportation Administration, Region VII. Paula Schwach is currently -- let us see the way this is written. She is responsible for legal issues arising in Iowa, Kansas, Missouri and Nebraska related to real estate development and infrastructure finance.

She was part of the FTA working group on the re-draft of Joint Development Guidance and is currently a member of the HUD FTA Interagency Working Group. She was previously with the Kansas City Office of the Resolution Trust Corporation where she handled real estate loan workouts. She was lead attorney for tax exempted industrial revenue bond transactional matters.

She holds a Master's Degree in Urban Affairs from St. Louis University's Center for Urban programs where she was a HUD fellow and holds a J.D. from the University of Missouri. Finally, but not least, we have Margaret May who is a member of the NEJAC. Ms. May has been the Executive Director of the Ivanhoe Neighborhood Council since October 2001.

Organized in 1967, Ivanhoe is one of the oldest and largest organized neighborhoods in Kansas City facing the challenge of vacant lots, illegal dumping and criminal activity. Under Ms. May's leadership, Ivanhoe initiated several community projects, including the Ivanhoe Land Trust lots maintenance program, to improve the appearance and safety of the neighborhood and provide neighborhood youth with jobs in the Ivanhoe Rehab Program to reclaim vacant abandoned houses, rehab the houses and sell them to homeowners.

Currently, Ivanhoe is one of six neighborhoods participating in Congressman Emanuel Cleaver's innovative Green Impact Zone project. Ms. May holds a Bachelor's of Science Degree and Business Administration from Park University and recently earned the National Development Council's Housing Development Financial Professional certification. Ms. May will be moderating this panel.

MS. ROBINSON: Last minute addition.

MS. YEAMPIERRE: I am sorry?

MS. ROBINSON: Last minute addition.

MS. YEAMPIERRE: A last minute addition is Rita Boyd for Kansas City Power and Light.

MS. ROBINSON: ---.

MS. YEAMPIERRE: Is she here?

MS. ROBINSON: No? She forgot. Okay.

MS. YEAMPIERRE: Okay. It is someone else. Surprise. It is a surprise person. All right. So, I am going ask that you take a moment and introduce yourself. Then I am going to ask Margaret May to moderate the panel. Thank you.

MR. MENGE: Hi. I am Bill Menge. I am with Kansas City Power and Light. I am a Director of our Smart Grid Project and we are coordinating with the Green Impact Zone in Kansas City, Missouri.

MS. YEAMPIERRE: Margaret?

***PANEL: Green Impact Zones -- Implications and Lessons for
Federal Interagency Cooperation on Environmental Justice and Sustainable Communities***

MS. MAY: Thank you, Elizabeth. I moved on you. Good afternoon everyone again and it is my pleasure to have an opportunity, along with the folks sitting here to talk a little bit about the Green Impact Zone and its many facets. We are going to begin with John Frece who is going to provide an overview of the role that EPA has played in this and also tell about sustainable communities.

***Presentation by John Frece, Director,
EPA Office of Sustainable Communities***

MR. FRECE: Thank you very much. It is an honor to be here today. Thank you. I am going to give you sort of a national overview of some work that we are doing, primarily with HUD and DOT but with some other agencies, as well, which is consistent with the Green Impact Zone work and is supported with the Green Impact Zone work.

I want to tell you about what is called the Partnership for Sustainable Communities, which is a partnership that was formed by Administrator Jackson's Secretary Donovan at HUD and Secretary LaHood at Transportation in June of 2009, and talk about the work this partnership is doing in connection with environmental justice issues.

I run what is called the newly named Office of Sustainable Communities in EPA. It is the home of the 14 year old Smart Growth Initiative there. I want to just say from the outset that I know that over the years there has been times where the Smart Growth movement and the environmental justice movement have not always seen eye to eye.

There have been concerns over displacement, gentrification and how too often it seems the Smart Growth communities get funding and traditional EJ communities do not. The work I am going to talk about today I hope convinces you that we understand these issues and we are beginning to try to address them. My office has been the lead, from the staff standpoint, for EPA on this partnership with HUD and DOT.

The broad purpose of this partnership is to get us -- the three agencies on the same page to align our resources, to -- it is a partnership that recognizes that where we build our houses and our businesses affects where we build our roads and that where we build our roads affects where we build our houses and our businesses and that they both affect the environment and public health and the economic prosperity of our communities and the people who live there.

There was some discussion earlier this morning or earlier this afternoon about breaking down silos. I think that the real thrust of this partnership is to break down silos not only within -- not only between various federal agencies but also within the federal -- each federal agency within EPA. We are warping with the Office of Water and the Office of Solid Waste and Emergency Response, with the Office of Air and Radiation, with the Office of Environmental Justice, with a variety of different parts of the agency in a way that I think was not happening before.

Since the inception of this partnership, environmental justice has really been a centerpiece of our principals, the goals of this partnership and our work plan. The people working on this partnership recognize that a truly sustainable community is one where all residents can find an affordable healthy home, a good job or an education, convenient safe ways to get around and it is a place where residents feel that they have a voice in how their neighborhood grows and develops.

Put simply, I think this partnership believes that the development should lift up all members of the community. I think this belief is reflected in what are called the livability principals that Administrator Jackson and Secretaries LaHood and Donovan agreed to together when they announced this partnership a year and a half ago.

Among them are to promote equitable affordable housing, to provide more transportation choices, to reinvest in existing communities through strategies like mixed income, transit oriented development and land recycling and to enhance economic competitiveness by creating jobs and improving access to employment centers.

So, let me, if I may, just briefly tell you about seven ways that I think that these principals are being reflected in the work of the partnership. First, we are deeply into each other's business now. All partnership staff meets on a weekly basis. We are on the phone and email on a daily basis. I have said publicly more than once that to say that our federal agencies are actually talking to each other is frankly a pretty low standard but on the other hand, everybody who knows government knows how rare that is and how often it does not happen.

We are now working together to better coordinate how would federal housing, transportation, water and other infrastructure is invested. All three agencies are trying to target resources to areas of disinvestment or past industrial activity have left a legacy of contaminated or abandoned sites, insufficient or inferior housing or lack of transportation choices.

Just last month, this is the second item, HUD awarded \$100 million in regional planning grants and other -- and combined with the Department of Transportation for another \$70 million in community challenge grants to support multijurisdictional planning efforts that integrate housing, land use, economic and workforce development, transportation and infrastructure investments.

This partnership, in terms of working together and doing things jointly, HUD, DOT and EPA staff, and I would say we were joined by staff from the U.S. Department of Agriculture and from several philanthropic organizations, screened the hundreds of grant requests for this money to make sure that the applicants were engaging populations that are not traditionally included in such planning such as low income groups, minority groups, non-English speaking groups, youth, elderly and disabled groups.

As part of the review, extra points were rewarded to communities in economic distress. The third thing is through EPA's environmental justice showcase communities. There is 1 in each of the 10 Regions, including 1 in the Green Impact Zone here in Kansas City. The three agencies are working together now on these EPA environmental justice showcase communities.

HUD, for example, has selected on in Jacksonville, Florida as a sustainable community's initiative signature project. Fourth, HUD, EPA and DOT have worked together on five brown field pilot projects that were selected by EPA in Boston, Indianapolis, Iowa City, Denver and National City, California. The criteria that was used for picking these brown field sites was that they had to be located near the stress community and have economic potential because they were close to transit or transit potential and they needed affordable housing.

As part of this work, the partnership staff is trying to find ways to minimize displacement as these brown fields are redeveloped. Fifth, in collaboration with HUD and DOT and other agencies, EPA has also just announced 23 new brown field area wide planning grants. These are specifically designed to serve underserved and economically distressed communities to help each one create a shared vision for how brown field redevelopment will inform the cleanup decisions.

Six, the three agencies are also working together as a follow-up to a workshop that we did last year in Seattle at our National Smart Growth Conference. Elizabeth was there. Vernice was there and others. It was called Working Together for Equitable Development. It was the first time that we had really tried to bring together the environmental justice and Smart Growth worlds to talk about our mutual issues and interests.

We are going to have a follow-up -- a second version of this workshop before our conference in Charlotte, North Carolina in February of 2011. It will be on February the 2nd. This conference -- this workshop is a daylong workshop. It is going to include training sessions with the banking, development and philanthropic communities that will focus on building the capacity of

community based organizations to engage in growth and development issues.

The conference organizers also are offering diversity scholarships to help those who might not otherwise be able to attend this conference. Finally, the last thing I want to mention is that the partnership has created -- the way we do our work is we identify an issue and we often create a small workgroup. This is an unusual thing in the federal government because we create these workgroups that go off and do their work and when they are done, we dissolve them. That is the unusual part.

We have set up a workgroup now to look specifically at the ways that the partnership work can be directly linked to and supportive of environmental justice issues. This group has just completed work on -- or just about to complete work on a first of its kind comprehensive environmental justice and sustainability desk book that will get information out on the federal resources that are available to help communities today.

Just in conclusion, I would like to say that we hope that this is just the beginning of the partnership work to connect environmental justice with sustainable communities. We are working to provide resources to communities most in need to build their capacity and get them involved in the development process early on so they can see their visions realized.

I look forward to your comments and your questions. Thank you very much for the time and the opportunity.

MS. MAY: Thank you, John. I am very happy to hear about the interagency collaboration. That is one area that we share as a concern. So, maybe we will be able to ask you a few more questions --

MR. FRECE: Sure.

MS. MAY: -- about how that is working rather than asking you why it is not happening. We are going to hold questions until the end and move on with our next panelist. That is Anita Maltbia, the Director of the Green Impact Zone, and one of the people that I work very closely with here in Kansas City. Anita?

***Presentation by Anita L. Maltbia, Director,
Green Impact Zone of Missouri***

MS. MALTBLIA: Thank you, Ms. May. If you could queue up the PowerPoint please. Good afternoon and thank you so much for this opportunity to share with you. My charge this afternoon is to just quickly, which is difficult for me to do, give you an overview of the Green Impact Zone. While that is being brought up, I will just share with you that we are kind of like the new kid on the block.

Neighborhood leaders were convened about a year and a half ago and it was from their insight, their direction that the Green Impact Zone then was formed.

(Slide.)

MS. MALTBLIA: I also shared with folks this morning that it was -- came about as aligning up of the planets is what I like to call it in that our Nation was in trouble economically. We had a new administration coming in that needed to do something about it. We here in Kansas City had the blessing of having in Congress a person who had come up through the ranks as a City Councilperson as Mayor of the city and is now, and was at that time as well, a Congressman and then therefore was very knowledgeable of the issues in Kansas City and particularly in the urban core.

So, from all of those factors being present at the same time, he made a recommendation that the Green Impact Zone initiative be instituted. So, we have been working now, fully staffed, for just a little bit over a year. The Green Impact Zone is actually a place. It is a geographical location about 150 square blocks, very much in the heart of the urban core of Kansas City, Missouri.

Therefore, it is what is called a place-based initiative, which most of you as veterans know, is not -- has not been the norm. Typically a problem is identified and the solutions are shot gunned wherever people might think that those problems exist. In this case, we are concentrating on 150 square block area that has suffered disinvestment for about 40 years now.

(Slide.)

MS. MALTBLIA: As I mentioned earlier, neighborhood leaders were brought together. The Green Impact Zone happens to be made up of 5 neighborhoods. The people then who had been working, living in these communities, very conversant with the issues, were all brought together and asked what are the main issues.

Where should we start? What would you like to see happen? What do your people say? From that came this particular vision. If you notice that the vision includes one that is environmentally,

economically and socially stronger tomorrow than it is today and that speaks to the realization that when there are issues, you cannot go in and deal with just one little piece at a time.

That there has to be this broad based approach in order to unstick, as it were, to stimulate that particular area. So, this is our vision. From that vision then flows several strategies and you will notice that the large center circle there says "Neighborhood Outreach". That is the way that we work in the Green Impact Zone. We have a small staff of seven.

Four and a half of those seven positions are dedicated to the whole concept of neighborhood outreach, which just says that we go out into the community working with the community, listening to the community, bringing the community back in together periodically in a cohesive fashion to create a broader sense of community.

(Slide.)

MS. MALTBI: Neighborhood outreach is that methodology -- that mainstay methodology. When you look at our various strategies there, you will see that we are dealing with things that are not new subjects but they are subjects that have persisted. Housing is -- has risen to the top. We were talking this morning about the difference between a revitalizing and redeveloping.

In order to revitalize, people often have to see something tangible. This is where the redevelopment piece comes in. The Green Impact Zone has largely old housing stock and housing, therefore, then -- the rehab or the building of new housing becomes critical to people feeling that there is movement. Not only is it meeting the need of housing, because we do have 1,000 vacant lots in this 150 square block area, so there is definitely a physical need but then the vision of new construction or rehabilitated construction helps to stimulate that revitalization.

We are very pleased that the Ivanhoe community has stepped up to the plate to take on 23 properties in the Green Impact Zone -- foreclosed properties. This brings to mind the whole subject of capacity building which is one of our main goals -- our central goal in formulating something like a Green Impact Zone. That is that once whatever this formal setup is moves on or morphs into something else, in its wake is left a community with increased capacity to deal with its own issues.

Weatherization, of course, is a bedrock first rung issue, when it comes to energy efficiency, the city of Kansas City, Missouri has had a Low Income Weatherization Assistance Program for over 20 years. However, just recently we won, in the Green Impact Zone, our own grant to deal specifically with that 150 square block area. In addition to the Low Income Weatherization Assistance, we are also very pleased that we are part of another grant called Energy Works KC which helps homeowners, business owners who do not qualify as low income to also step up to the plate and engage in energy efficiency and energy retrofit.

This serves not only the purpose of energy efficient improvements, but also the creation of jobs by broadening the market. Employment and training. Of course jobs, this is number one for our country therefore, definitely is in the Green Impact Zone, as well. We are in the process of formulating a procedure of having staff and having partners in place that we can do a better job of preparing people and then actually helping people to acquire employment.

Public safety and community service, an ongoing issue for any community, whether it is urban or not. In the public safety area, we have decided to take a nitch approach. Our approach will be that we need to up the conversation between public safety providers and the community. We are going to do that by facilitating the engagement of our residents in a citizen's police academy.

This will allow them to have the opportunity to have ongoing conversation over about 10 different sessions where they learn about the workings of the police department, the philosophy of the police department, the issues and vice versa, the police will have the opportunity to be conversant with our citizens.

Energy and water conservation. We have a representative here today that will be telling you more about the Smart Grid which we are thrilled to be the main participant in this almost \$50 million effort. You will hear more about that. Infrastructure. As an old public works person, I am totally thrilled by the fact that we will have over \$26 million worth of infrastructure improvements done in the Green Impact Zone in that 150 square block area; curbs, sidewalks, street improvement, signalization.

(Slide.)

MS. MALTBI: It makes all the difference in the world, not only in the safety of the community and the look of the community but in the community being able to be mobile, to walk, to bike ride, et cetera, which also contributes to health issues. Urban gardening and food has definitely come to the forefront. One, because we do have so much vacant land and two, because we have a lack of

access to fresh fruits and vegetables.

At the time -- at this time, we have one grocery store within this 150 square block area and so we have been in conversation not only about the establishment -- hopefully the establishment of some more outlets, but also distributorships which would then generate employment, as well. The whole education piece -- which anything that we work on will have to include education of the community, about the importance of fresh fruits and vegetables, about the preparation of them and how to grow them, as well.

The last box there, but certainly not least, says "Youth". It is our absolute belief that you do not build capacity to the level that you should and that it could be built until and unless you deal with the young people in your community. So, we have instituted a couple of approaches to that -- and had not by our say so, but by the outcome that was expressed by our young people.

Two very successful programs this past summer where we dealt with young people in one setting and an enrichment program, 13 to 18 year olds, and then an employment setting for 18 to 24 year olds. So, these are the things that -- the strategies that were outlined to us as being needful by our leadership. This makes up our daily work.

There are other projects and things that undergird that are the ways by which we do much of what you just saw on the other slide. Community wide events are important because they bring the people in together. There are five neighborhoods. They all have their own issues but it is also important that there be a broader sense of community, that there be a very calculated setting for conveying information to people and we are very pleased with the response that we have received thus far.

We are about to launch our third communitywide event. All of the previous ones have attracted over 500 people each time we have had one. We run a community leadership program there at the Green Impact Zone office, which is made up of 25 classes and 5 modules, where people can come and learn how to be leaders in their communities.

It is facilitated by professional trainers. They have a good time but they also leave feeling very equipped. We are so pleased that 2 of our graduates went on to be the chairpersons of this year's Night Out Against Crime for the city. Community crews is very important because this is an effort that was presented to the Neighborhood Leadership in the Green Impact Zone via the Ivanhoe community, which had done a pilot program over a year ago whereby young people were taught the skill of concrete finishing.

Old houses typically have sidewalks that run right around those houses. When those sidewalks become crumbled or they tilt inward toward basements, then people have wet basements. So, this was something that was expressed as being needful by the residents. The Green Impact Zone leadership embraced it. Ivanhoe has been the administrator of that on behalf of the Zone and we have been training young people in concrete finishing.

We have two young people who have now pierced the -- some of the issues that we have had with moving people into apprenticeships. We are wishing them well as they work to become journeyman in the concrete finishing area. Our work is based on data collection. We do that through a contract with the University of Missouri at Kansas City. Let us see what else.

Energy efficient appliance program. That was one of those educate, inform and sell a little sizzle all at the same time in that our partner, Kansas City Power and Light, acquired on our behalf several sets of full sized, brand new energy efficient refrigerators, washer/dryer sets and hot water heaters. If you do not think that did not create a stir, think again. It was very exciting for our residents.

We also created some work in the process of those being installed in the resident's homes. It is just one of those ways that we seek to get the attention of our residents. People know that many of the things that we are talking about are good to know or necessary to know, but in this daily struggle of making it, oftentimes people have to be convinced that they should spend part of their precious time dealing with it.

So, we shy away from talking head meetings. We shy away from a lot of glossy brochures. We rather tend to be interactive. We do not mind mixing some fun and entertainment in it, as long as we can get people's attention and then their engagement in their own future.

(Slide.)

MS. MALTBI: We are designated to be a national model. You will see your own administrator there in the middle picture who visited with us several months ago.

(Slide.)

MS. MALTBIA: Of course we have ongoing challenges and job training that goes into job placement. It is the same one that we have on a national level and then we are working to attract businesses to the Zone.

(Slide.)

MS. MALTBIA: This last slide is what we see as the path for capacity building that leads to sustainability. Information and education. People have to be given the opportunity to understand. They know what the issues are because they are living them. They need to have the opportunity to understand what some of the possible solutions might be out there.

After the understanding, we accept that that does not necessarily mean that people believe that you are serious about assisting with that. That we are actually going to be helpful. So, we do strive to gain trust that leads to belief. Usually that belief leads to action. We have seen an increase as told to us by our neighborhood leaders and attendance at neighborhood association meetings.

We continue to have good attendance when we do something that is zone wide. So, therefore we have action and that action in these various communities leads to delivery of change. This is what we strive for every day -- that capacity building that leads to sustainability. So, I appreciate the opportunity to very quickly explain to you something that has become certainly near and dear to my heart and it is an honor to be a part of it. Thank you.

MS. MAY: Thank you, Anita. I will refrain from asking you to elaborate at this point and move on to our next speaker from Kansas City Power and Light. I am sorry. I did not catch your first name but the last name is Menge?

MR. MENGE: It is Bill. Bill Menge.

MS. MAY: Menge. Okay. Thank you.

***Presentation by Bill Menge, Manager of Asset Management and Automation,
Kansas City Power and Light***

MR. MENGE: Thank you for having me today. I apologize for the mix-ups and who was going to be here. Rita Boyd would certainly be more pleasant to view than me, but thank you. We very much are appreciative of our partnership with the folks in the Green Impact Zone and our ability to overlay our project.

As we were looking at implementing a Smart Grid Project and applying for our grant, which we received from the Department of Energy -- a \$24 million grant a little over a year ago, it just made sense to line it up with what was being done in the Green Impact Zone and the ability to leverage more and more grant money into the place-based neighborhood.

Our project does include 100 percent of the Green Impact Zone. It goes a little wider than the Green Impact Zone -- what we call an area of the Blue Zone around it. We are going to be affecting 14,000 of our customers, 3,000 of those are in the Green Impact Zone itself. When we talk about what the Smart Grid -- you know, most people do not know what that is.

Most people even within our own company have a hard time with just what exactly is the Smart Grid and it is -- it means lots of different things. To a certain degree, you can think of it as kind of like bringing the internet to the power industry and/or things related to, you know, what cellular has done to phone service in the last 20 years.

It is the ability to really modernize the grid from one end to the other. There are a variety of different demonstrations that are going on. Our project is what we title an end-to-end demonstration. We go all the way from where we generate it -- where we are going to have solar generation involved. We are going to have a grid storage battery system which is very exciting.

I will talk a little bit more about that, all the way through the delivery system down into the homes in providing some products that can help people understand how they use electricity. Ultimately, they can use that to control what winds up on their bill at the end of the month. If you think about the electric delivery system, most people have no idea how it gets to the lights.

It is just magically shows up. We like it that way. That is part of my job is to make sure that people take it for granted but want to be able to make it so they can take it even more for granted. Things are more automated and that there is more energy efficiency built into the entire delivery system so that we are having less of an impact on the environment and providing more reliable service to our customers that requires less human intervention.

If you think about the delivery system, you know, there is no truck that shows up in the neighborhood delivering things. We do not have any inventory in our system. The inventory is stored in

the fuels that we use to generate power from. So an industry that is, you know -- of our wide nature, to not have any inventory is kind of a unique item.

So, that is where demonstrating storage and how storage will be able to be an enabler for renewable sources such as wind, which is intermittent. The wind does not always blow at the time when the highest demand is out there. Solar is -- does not match up exactly one to one with the times when the peak demands are but if we find the way to store that in an efficient manner and then use it when it is needed, that is going to offset significant generation resources down the road.

So, our project -- again, we are going to do -- we are setting 14,000 Smart Meters. These are meters that have two way communications so we can talk to the meter and the meter can talk back to us. We can send signals to the meter. The meter can send back a signal that yes, I got -- I received what you sent to me. We are going to go from a Smart generation through the Smart Substation and Distribution System.

So, that is kind of like the trucking system for how they deliver the electricity to your home. Energy efficiency and demand response programs, SmartEnd use, which again is enabled by the Smart meters and the communication system. So, we are leveraging that system as a basis for it. It will be designed with smart two-way controls throughout the system.

A good portion of the electric utility system -- you know, if Thomas Edison was walking around today, he would recognize quite a lot of it. You know, there are a lot of things. There are wooden poles and wires and, you know, a lot of those things do not need to be changed to modernize the system, but the systems that we put around those and the smartness of the controls and our ability to communicate those controls are where we are going with the Smart Grid.

So, in terms of generation, we will have solar panels -- rooftop solar. Because we are in an urban core area, we are not going to be demonstrating wind generation but the systems that we put in place will be able to also be used to model wind generation for other areas of the country or even other areas of our territory when you go further west into Kansas.

We are going to have a grid scale battery storage. So, this is a very exciting event where we are going to have about the size of a semi-trailer -- it is a one megawatt battery. So, we will be taking energy from the solar panels, storing it into the battery and we will be calling on the battery at times when we need it. Then there is a variety of other things that we are demonstrating there.

From the DOE's perspective, what we are doing is really R&D. So, it is kind of an experiment for them to see what works best in different settings. We will have plug-in electric vehicles. Plug-in electric vehicles are eventually thought to be a source of energy, as well. You charge them during the nighttime. You charge them when electric demand is not high and then if you have Smart controls in place, you can actually draw out of the vehicles during a time when it is in need.

Again, deferring the need for building expensive generation plants. We are going to have Smart substations. We are going to modernize our midtown substation which serves the urban core. Distribution automations, we are going to put Smart Switches on our circuits feeding the area. So, really kind of just smartening up the delivery system in general.

Most people do not need to pay too much attention to that but we have some systems that are built into there also to make that more efficient so that we are not wasting as much power as we are delivering it and so that we can -- if we waste less, we have to generate less. So, that is good for us, good for the environment, et cetera, et cetera.

Energy efficiency and demand response, our CEO likes to talk about a virtual power plant. So, you know, we can take coal or nuclear or whatever fuels that we want and generate electricity from that but right now, the next most available and most cost effective resource is to not need it. So, energy efficiency becomes a very -- very good resource for generation, in particular demand response so that during a peak day, we can call on resources to reduce demand.

Therefore, we did not have to build that additional power plant to serve that particular peak load. We can rely on less and spread those loads more evenly and use the system more efficiently. This reduces our carbon footprint, defers the need for expensive generation -- which again, when we build a generation plant, we pass costs along to customers for that. It reduces our dependence on foreign oil.

SmartEnd use. This is a really exciting part of what we are doing and really what -- all the rest of that stuff is fine and dandy, but from a customer perspective they are like that is nice that you are doing that and it is really cool that the lights stay on but, you know, how does it really affect me in the end. How is it affecting my bill, am I paying more for that, et cetera, et cetera.

So, one of the things that we are doing is beyond the meter into the homes is, you know, three or four -- three main things that we are offering and a fourth one that is a little more sophisticated. First one is an in-home display. It is a small little device that you plug in. It talks to the meter and the customer will be able to see what they are using real time.

They will be able to see it in 15 minute increments what they used in the last 15 minutes. I cannot remember -- it might even be 5 minutes but it is least 15 minute interval data that they can see. Ours is going to have a prediction of what your bill is going to be at the end of the month. It will compare what you did last month.

There are a variety of different things. One thing that is really nice about this in-home display is all you have to do is plug it in and it works. It talks to the meter. Several of the other things I am going to talk about require internet access, which again, you know, not everybody have internet access. Not everybody wants to have internet access.

So, it is an enabler from that perspective and so, we do this as a game changer. We have -- we started installing meters October 18th. We have installed 1,500 so far. So, we are about 10 percent done on our project. As we are offering in-home displays and we started in the Green Impact Zone itself, we are finding that about 30 percent of the people are home and/or home and answer the door.

Of the people that answer the door, just a little bit under 90 percent of them say that they want to have the device. So, people are interested. They are excited. We want to package that with a lot of education as to how this device will help you and ultimately help you control your energy use which controls your bill at the end of the month.

Now, we have a web portal which is basically a website. It ties into the meter. It offers suggestions for how you can save on energy. It looks at what you are using -- kind of similar things to what the in-home display does. It does require you to have internet access or go somewhere where you have internet access to be able to use that.

We have programmable communicating thermostat that will be talking to the meter and then a next stage up is what we call a home area network. This is where you put a broadband gateway in that will talk to all those different devices. It will talk to the Smart appliances and through standard protocols. One of the things that -- like with the in-home display, in order for me to save money, I have to change my behavior.

I do not run the dishwasher during the day but I have to remember to do that. If I can have this home area network that automates that and says it is really expensive or this is a bad time to run it, do not run now, wait and run later, that will control those things for the homeowner, people are more likely to adopt. So, again, all this is very experimental.

We will be seeing how the different things work in different areas. There are other demonstrations going on in other areas of the country doing things that are slightly different than what we are doing. Smart appliances, which Anita talked about -- and then we are going to have 10 plug-in electric vehicle charging stations that we put in the area of the project which is a pretty heavy concentration for 14,000 customers and have the ability to control those.

A big portion of this is we can put, you know, devices and things out there but without the education and the outreach component -- we really have to get out there in outreach and get to the people and speak to them in a language that they can understand and do it more than once. Electric companies. Utilities are, you know, traditionally our communication method is to remind you once a month that you owe us for your bill and then we put a bill insert in there which of course everybody scans and reads that line for line.

That is not going to be effective -- that will not be effective technique so we have, you know, a very different marketing approach and one of the first ones in the Green Impact Zone is we go up and we knock on the door and we are leveraging the folks that we have hired, same folks that Anita's group used through the summer, to do outreach.

They are knocking on the door. So, they have some familiarity. They kind of know how to do that and quite actually -- they are quite good salespeople in terms of convincing people to accept the devices. So, it is an exciting project. I think it goes along with the concept of capacity building and that you have got to educate people. Again, people do not -- they do not understand how electricity gets to them.

They do not understand what they use for the month. Then you get it at the end of the month and you go wow, I cannot believe I used that much. It is not like going through the grocery store,

as you are filling up the grocery cart you see how much you are using. So, these are tools that will enable people to help understand that and help them change their own behavior to be able to control their bill.

We do have a demonstration house where we are going to have all these different items demonstrated that is going to open probably this month, I believe, is the grand opening is targeted for but we have all the in-home displays. We have got the web portal. We do not have a home area network yet installed there but that will be coming next year.

There are other utilities, as well, that are demonstrating things -- the Missouri gas, energy, water conservation. They have got gardens in the front of the home. So, there is a variety of things that are being done at this demonstration house. So, I encourage you to get an opportunity to go see the demonstration house to take an opportunity to do that.

If you want to know more about our -- a particular project, you can visit our website. It is www.kcplsmartgrid.com. So, it is k-p-c-l-smartgrid.com and it has some information on what we are doing. Thank you.

MS. MAY: Thank you, Bill. I can see lots of questions on the faces of the panel of our committee members but we must move on. Paula Schwach is with us with the Department of Transportation. You are on Paula. Thank you.

***Presentation by Paula L. Schwach, Regional Counsel,
U.S. Department of Transportation, Federal Transit Administration, Region VII***

MS. SCHWACH: Thank you. Could someone queue up the PowerPoint for me please? Anita, you have got the -- thank you.

(Slide.)

MS. SCHWACH: First of all, let me thank the Advisory Council. The Federal Transit Administration is proud to partner with the EPA, both in its national policy setting efforts and in its local job here in the Region. With regard to the Green Impact Zone, let me kind of set the stage. Anita spoke to you about the local partners working with residents to identify these eight initial strategies.

FTA, of course, is involved in funding one of those eight. We are attempting in the process to be responsive to the needs that residents have identified for themselves with regard to infrastructure. We are seeing the impact to that as the project moves forward in a block by block basis.

(Slide.)

MS. SCHWACH: FTA does not do these things in a vacuum. Our local major partners or our recipients of funding are the Mid-America Regional Council, which is the Metropolitan Planning Organization, and Kansas City Area Transportation Authority plus there is literally a cast of thousands. Anita talked a little bit about this -- our partners; EPA, HUD, the Department of Labor, Health and Human Services, Kansas City Power and Light that you have just heard from, the city of Kansas City, Missouri, the University of Missouri at Kansas City, the Discovery Center, the Neighborhood Associations of Ivanhoe, Manheim Park, Troostwood, 49/63 Blue Hills, Town Fork Creek.

The Community Development Organizations; Neighborhood Housing Services, Blue Hills Community Services, Swope Community Builders, Brush Creek Community Partners. In my previous life, I worked in these very neighborhoods from -- I hate to admit now how many years ago but nearly 30 years ago. I know for a fact that the hardest jobs are literally the folks whose feet are on the ground, walking block to block, talking to neighborhood residents and that what the federal government does best is provide technical assistance and money.

(Slide.)

MS. SCHWACH: The infrastructure itself that we are attempting to provide first is Bus Rapid Transit service. Called here the Max, this is the Green Line -- because there is also a previously funded, very successful line called the Max Blue Line which was the first in Kansas City, Missouri. Bus Rapid Transit has the advantage of being extremely cost effective per rider compared to rail.

At the same time, it has a bit of a disadvantage in that property -- appreciation of property is not the same for a bus line as it is for a fixed guide way line. So, there are trade-offs in making these choices. What is available -- and one of the reasons that Bus Rapid Transit is being used on this line, which is one of the heaviest uses of a bus line in the city, is because of the low density design of Kansas City as a city.

Hey, what other are we attempting to provide? An accessible path to the bus and that includes curb replacement. It includes sidewalk replacement. We are attempting to provide a usable

route and that includes signal improvements, signal prioritization, meaning that as the bus approaches the light, it can cause the light to stay green a bit longer so that the bus can continue and not lose time.

We are certainly doing street repaving and the infrastructure is green. In addition to being a green line, the Max Line features solar lighting at bus stops, rain gardens, permeable surfaces for a Park and Ride lot, recycling bins at stops, hybrid electric buses and an all electric service truck that is going to use one of those 10 plug-ins that Bill just described.

(Slide.)

MS. SCHWACH: The partnership with EPA and HUD and with the neighborhoods we work in is really about place making. That is a place that folks want to come home to, a place they want to work in, a place they want to pray and play in. We think that transit lends itself to those concepts. What we are getting in this instance is faster trips.

The Max Line means that there is service every 10 minutes for the bulk of that route. Especially within the Green Zone, there will be service every 10 minutes. It means real-time information at stops with shelters. It means a cost effective way to get to and from jobs, to services and to school. It means connections to other places are more easily made now.

If you have to switch between bus systems, because there are three in this metropolitan area, that will be easier to do and faster to do now. It provides a choice of how to travel besides the single occupant automobile. That is a choice that is cheaper for residents. There are all kinds of numbers about how when you add the cost of transportation to the cost of housing, the further you live out and in the lower -- the more low density the area is, the greater your combined costs.

Part of the place making too is not just to run a bus up and down the street but look at how the infrastructure improvements get made and public art is a part of the transit experience. At 39th and Troost, we have a project that I am about to display here if my -- I think.

(Slide.)

MS. SCHWACH: There we go. This is commonly referred to as the Praying Hands. It is at 39th and Troost, which is the northern edge of the Green Impact Zone. An artist named Jefre is creating this sculpture that draws on the image of hands coming together. We think that this kind of art establishes the concept of place. It establishes the notion that this is someplace special.

(Slide.)

MS. SCHWACH: In this particular instance, it reflects in part the church near which it stands which has been a longtime anchor of the neighborhood. You can see that peaked roof behind it is St. James Catholic Church.

(Slide.)

MS. SCHWACH: The art fabrication in this case is what this is a picture of so the exterior of that sculpture is a series of handmade tiles, if you will. What the artist did in this case is work with the children who are in daycare facility called The Troost Early Learning Center. That daycare facility is also part of a local transit transfer facility that we built less than 10 years ago -- pardon me, fewer than 10 years ago.

So, the kids worked with the artist and the question was what do you want to be when you grow up? The kids made pictures of doctors, firefighters, engineers and other vocations and those are being translated into this tile that will clad the exterior of the sculpture.

(Slide.)

MS. SCHWACH: Infrastructure also includes the replacement of the Troost Bridge. The design there again connects the neighborhood -- I want you to see a picture of this.

(Slide.)

MS. SCHWACH: There. This is one of the pictures of the bridge. It has got a lot of reflective glass on it and it is a very sleek looking structure such that the bridge itself becomes a piece of sculpture and art. The goal of the bridge is not only to move vehicles but to provide a walkway associated with it that will connect this area to the Country Club Plaza which has a similar series of bridges along this same creek with walkways.

It becomes a resource for health and recreation, including walking, biking and skating.

(Slide.)

MS. SCHWACH: The infrastructure also creates new construction jobs and it retains existing jobs. The kinds of jobs we are talking are working class jobs where people can make a living. They are bus drivers. They are concrete workers. They are laborers, electricians, artists, engineers, architects, factory workers who are building buses and their components like tires and fare collection

systems.

(Slide.)

MS. SCHWACH: That economic stimulus remains here in the United States. Why? Because FTA has a particular rule, particular to its statute that says "must be made in America". It is called By America Act, not to be confused with something Buy American. It basically requires that all the major components of a bus or a transit vehicle or of a construction project be made in America, thus also sustaining American manufacturing jobs.

Not on your sheet but the estimate of actual jobs for the Green Zone, based on the Green Line Max, are roughly 36 jobs per \$1 million expended. That number comes from the American Public Transit Association as their estimate of how to calculate the amount of temporary construction jobs created by transit funding.

Then, in the Green Impact Zone itself, Kansas City Area Transportation Authority estimated that that project would create 231 jobs. Most of those are construction jobs but there are retained jobs for bus drivers and there are a couple of new permanent, long-term jobs. Thank you.

***Presentation by Margaret J. May, Executive Director,
Ivanhoe Neighborhood Council***

MS. MAY: Thank you, Paula. I have the privilege this afternoon of serving as a moderator and to wear the other hat of also sharing in the presentation to provide you with a sense of how all of this feels for folks in the community and what involvement the community has had. As was mentioned by several of the presenters, we are very, very aware of the affect of the last 50 -- 40 -- 50 or whatever number of years on communities like the Ivanhoe community and the communities that are within the Green Impact Zone -- the result of the disenfranchisement of those areas.

It is really neat to have worked in the Ivanhoe neighborhood for the past 10 years and on an individual basis having had some relationship with each one of the speakers that we have had here and yet to now, through the Green Impact Zone, have an opportunity to work with all of them together. Just think of the time that is saved and also how much better things come together when we are working collectively, rather than on single activities.

The Ivanhoe neighborhood has the privilege of being about 43 percent of the Green Impact Zone. That represents about one-half of the Ivanhoe neighborhood. There are five other neighborhoods that are a part of the Green Impact Zone. One of those has its entire neighborhood included in the Zone and others just of small parts of the neighborhood.

Each of our neighborhoods is distinct. We share some things that are in common but each of us has a little different need and perspective. We have varying levels of capacity and so it has been quite a joy to have the opportunity for the five of us to put our heads together and to see how we can learn from one another and how we can maximize this great opportunity.

It seems like maybe it was five or six years but actually in March of 2009 or thereabout, I recall getting an email from the Mid-America Regional Council saying that there would be a meeting and that Congressman Cleaver had an idea that he was going to present to us. At that meeting, we learned of the vision that our Congressman had about this Zone of 150 blocks and what he envisioned could potentially happen within the blocks.

I was one -- and usually I am pretty optimistic about most things but I recall him saying that he would be meeting with our city government leaders and that he would be asking them to give their approval to the project. I was kind of like right. Well, to my surprise our mayor and all of our council representatives approved this idea 13 to 0. We do not get very many votes like that in Kansas City.

I do not know about your cities but it does not happen that way that much in Kansas City. So, we were told the five neighborhoods that are part of this initiative that we were -- would be at the forefront. That what we wanted to see happen within the Zone would be the plan. Having worked in the Ivanhoe neighborhood for nearly 10 years and being able to recall how 10 years ago nobody came or very few people came to even ask what you thought or what you would like to see happening.

If they came at all, it was on the tail end after they had talked with everyone, made all the plans and suddenly realized that it might them to get approval if they had a support letter. So, to have someone to actually -- at the beginning of the process to have the community involved and to say here is a blank page, tell us what you would like to see happening, what the needs are but that is, in effect, what happened with this initiative.

As Anita has already shared with you, we actually had developed that plan and when

staff was hired Anita was hired as the Director and then subsequently staff members were hired. That is a plan that they have and they have been steadily implementing. Now, our involvement did not end with the hiring of staff.

They have been very, very intentional about every step of the way, checking in with us, having regular meetings with us to make sure that not only do we approve of what they are doing but that we have an opportunity to shape and to say that we would like to see things happen one way or the other. So, as a result of this cooperation -- collaboration and this empowerment, this is truly a model for not only Kansas City but hopefully for the nation on what can happen when the people have an opportunity to be heard, to be involved and to shape things.

As you have heard yesterday, and I tend to say over and over and over again, it does not matter how much money you put into any of our communities, if the people within the community do not want it, do not have some involvement with it or they do not have buy-in, you can just look at some money that has gone down the tube because it is not going to be sustained.

Capacity building is a very, very big part of what is happening within the Green Impact Zone. As I mentioned before, each one of our neighborhoods has a different level of capacity. We recognize that. We are not in competition with one another in that regard. We are each trying to improve. If we had a few people that were working within our community, we want to grow that number to a larger number.

If you have the blessing, as Ivanhoe for the past 10 years it has been hard at work at this, while we have a large number of people that have become involved over the years, we still do not begin to have as many people as we need to have. So, we have welcomed the opportunity to have the Green Impact Zone to influence Kansas City Power and Light and other agencies to do things to incite people to come to our meetings.

We usually have 60's or so people -- 60 to 70 on a regular basis at our meetings but at the past 2 months, we have increased that number to 80 or 90 at each one of those meetings because of some special incentives that were provided through the Green Impact Zone, be it a \$25.00 gift card or something of that sort. So, we have seen people at our meetings that we never ever have seen before and we are looking forward to retaining -- is it likely to retain all of those that come for the first time to have a chance at winning something?

Well, that is probably not likely but we have seemed to -- we know the importance of measuring how we have gotten to where we are and understanding that usually that is 1 or 2 people at a time. So, if we have 20 people that come to a meeting that have not been there before and we are able to retain 2 or 3 of those, I mean over a period of time just look at how many more people that we have that are really engaged.

Anita also mentioned the leadership training. I must address the importance of that. We have done a lot of things over the years to try to grow capacity and to provide leadership training but Anita and her staff have been steadily on it. We have a number of people who have attended those classes and then have not just gone to the class but then have come back into our community and they have utilized the things that they have learned.

They are very, very, very, very proud of themselves. Just a quick work about the SmartGrid. As a rule, new things like the SmartGrid never ever begin in communities like those in the Green Impact Zone. So, just think of the power that just having the opportunity to participate in something that is brand new that later, at some point, that more affluent parts of the community will have an opportunity to experience.

For these folks to be able to say well, I know that or I have that or I am able to reduce the -- my energy costs because we have this. Just think of the empowerment and the improvement in self-esteem that the community will have as a result of that. Those of us that have done this work know how very important it is to have people to begin to think of themselves in a new light -- to think of themselves as in control or knowing something or being involved in something first.

So, that alone to me carries a very, very heavy challenge for us in the city to try to provide more of those kinds of opportunities for the people who have been ignored. So, from the community perspective, I can only say thanks to Congressman Cleaver and the Mid-America Regional Council, Anita and her staff for this serious opportunity, not just, you know, okay we are going to say you are going to be involved but does it really happen but this serious opportunity to be involved and to shape this initiative.

My final comment, several people said yesterday that you would have to come back to

Kansas City because you would like to be able to see the Green Impact Zone and see the Ivanhoe neighborhood. You heard some things today that are underway, that you must come back to see so I am inviting the NEJAC to consider next year sometime or maybe early in the following year to come back to be able to actually see these things that you have heard that are underway.

Now, I have an opportunity now to try to monitor for the next 20 -- 25 minutes. I think we have your questions. So, if you would please -- all right. We have got Father Nguyen here. All right. Let us go.

Questions and Comments

FR. NGUYEN: My question is directed to Mr. Menge. What is in it for your company? Why did your company get involved in this? I guess it could -- would be helpful for all of us to learn from your mindset because I mean from the profit perspective, the more energy people use, the more they have to pay your company. Why are you helping them to reduce their payment --

(Laughter.)

FR. NGUYEN: -- is my question.

MR. MENGE: It is an interesting dilemma. You know, a couple of years ago, we have been involved in energy efficiency and demand response for multiple years. We just are now finishing a program called our Comprehensive Energy Program. We have 48,000 thermostats out there already that -- they are not two-way thermostats.

They are not as smart as what we are demonstrating here but it sends its -- it is like a pager signal. So, we send a signal to it and it cycles the compressor on and off or in 15 minute intervals. We get about 30 megawatts of reduction out of that. That is about one-third of a peaking unit. So, that is reducing costs for us and so one of the things that the DOE is looking to demonstrate also is they are looking to say that investing in efficiency is not a lot different than investing in a power plant.

Utilities, you know, are a regulated monopoly. So, we invest and then we earn a return on that. So, we are seeking to get a return on our investment in efficiency but it is for the greater good. Another key element about -- and this is true of most -- well, of any power company, particularly in the United States, is we are Kansas City Power and Light.

We do not have the opportunity to say, you know, we do not like Kansas City anymore. We are pulling up stakes and going to Mexico or wherever else. We cannot move our manufacturing facility. I mean we are tied in with our communities and it is important to us, you know. So, the ability to uplift the community is important to us.

In fact, our latest model is, you know, improving the lives of the communities we serve. So, this is one of the ways that we do that. We do it that it is, you know -- for the greater good of all. Should there become some kind of carbon legislation that is a benefit to our company to be able to have - - to be able to reduce. So, we are kind of forward thinking in that regard. Some utilities are still pretty backward thinking in that regard.

MS. MAY: All right. I think we have Elizabeth and then Shankar, Patricia and Vernice.

MS. YEAMPIERRE: What an inspiring way to begin the first day of the NEJAC I have to say. The fact that it is grassroots, that it is community based planning, that you are politically strategic -- it is absolutely phenomenal and congratulations. You really inspired. We were taking notes to take back and absolutely, it is a model that has to be and should be replicated.

I just have a few questions. One has to do with U.S. DOT, what your relationship was with city DOT and whether or not they presented challenges. Also, just -- I am going to say the three of them. The other is city planning. I know that you had a lot of political support but city planning often -- those offices have cobwebs and they do not know how to think out of the box.

What kind of challenges did that present? Then finally, my last question is in looking at alternative energy processes, do you take the peekers offline to result in a net reduction in emissions? So, there are three questions. Thank you.

MS. SCHWACH: Let me start with the first one. There is no city DOT. There is a city Public Works Department and there is a bi-state compact agency called The Kansas City Area Transportation Authority. That, KCATA for short, is the entity that is what we call a designated recipient meaning it gets the formula money for this metropolitan area.

That is because it complies with Federal Transit Administration's statutory requirements and has been named by the governor and by a metropolitan planning organization process to fulfill that role. We work very closely with the Kansas City Area Transportation Authority and they work very closely with the MPO Mid-America Regional Council.

Our process requires the major grantee in every metropolitan area to go through a planning process and to have that plan adopted following a public hearing or at least the opportunity for a public hearing. The goal there is to be certain that there is a broader community involvement in defining what are the highest priority transportation needs in any given metropolitan area.

In addition to that, our regulations require that if you are building any sort of facility that you take into account, both at the feasibility stage and at the environmental analysis stage, the impact of the facility on low income and minority populations so that we have made an attempt to incorporate the consideration of impact on the local populous in all of the funding choices we are making.

MS. MAY: Anita, you want to address the planning --the role of working with the city? You need a microphone.

MS. MALTBI: Yes. In giving us the \$1.5 billion, we worked actually with the city manager's office not the city planning department. The city outlined some different deliverables that they felt they needed to have in order to justify giving that money for the establishment of the offices of the Green Impact Zone. We went through those and looked for direct compatibility with what the neighborhoods had said but also taking into account those things which the city saw from their perspective and from their many, many years of working in the community as being needful.

So, we really did not have to deal with the city planning department directly. We have been, however, included in a plan that they are working on and by included in, I mean been invited to the table to give input and to be a part of that. The city also brought together all of the various departments that would impact in a way that met with the desires of the neighborhood through their vision -- their mission.

So, we have met with them periodically, as well. We make sure that we keep the city council well informed. We put out a report every 45 days. I will tell you that 45 days rolls around real fast but nevertheless, we have not missed doing that. That helps to keep the lines open. So thus far, I would say that we have really had a very harmonious walk with all elements of the city.

MS. MAY: Bill, do you want to do the power part of that?

MR. MENGE: The simple answer is yes. The peakers would stay off. It really boils down to there are two things that any power company considers. The first one is operational needs. So, it is our job to keep the lights on, keep the air conditioners running -- we are a summer peaking, so that is our critical load, but to keep all those services running is the first thing.

Next thing is economics and, you know, it is much more economical to call upon energy efficiency than it is to turn the peakers. The peakers are the most expensive generation that there is so we desire to keep them off as much as we possibly can.

MS. MAY: Okay. I see Shankar, Patricia, Vernice and then Savi and that is probably all the questions we are going to be able to take. If we can keep our answers short, we will be able to manage the time.

MR. PRASAD: It is really commendable to see this project started and moving forward and all the --- that many of us have talked about over the years have come -- seem to be coming into fruition and certainly what the thing to consider as a national model to try out in other areas. Good luck to you in getting it through to the final stages.

Two questions. One is how did the 150 blocks was defined and how did that come into play? What were the parameters that were used to define that size? Two, as this moves forward, this area becomes a desirable place to live. Certainly the realistic value and other things will go up and will the low income and minority population will be sort of in a way have a negative impact of the progress of the growth and not able to live there.

Is there any kind of a safeguard that people are thinking in terms of that community owning the property rights and things like that nature?

MS. MALTBI: Starting with your last question, in the plans that are being discussed right now as pertained to particularly upgrading rehab, new construction, et cetera all of the discussions are around mixed market housing. So, there is the -- we plan to be very intentional that you have market rate housing but that you also have affordable housing as a part of that plan.

So then that is definitely one way to ensure that you have you people from different levels and therefore, most likely your greatest ethnic diversity. The other thing is that we have had already a homes tour in the Green Impact Zone. We marketed that homes tour to people in the Zone. So, we are sending out a message that we -- while we are open, certainly, and want people to move back into the community, that we are also very desirous that people who are in the community and may perhaps be

renters right now, that they are also the population that we would like to have there. Your first question was --

MR. PRASAD: How did you -- how was the area defined?

MS. MALTBI: Yes. Okay. First of all, the Congressman, again because he was so conversant with the area, sought to get the demographics -- the actual demographics. All of the demographics showed the great need that this particular area had. The other thing is that we happen to have three councilmen at districts that are in this area. So, that was very politically astute of him to make sure that the area also included more than one councilperson's area.

MS. MAY: Was that your question Patricia?

MS. SCHWACH: I have a couple of others too.

MS. SCHWACH: I wanted to add my congratulations and housing affordability was my top question. I was wondering, sort of related to that, for the -- I assume that with the low percentage of housing ownership in the area, have you had outreach to the landlords -- to the absentee landlords and how is that communication been going?

I was wondering on the zoning aspects. I understand that the city sort of took your idea and your vision and adopted that as maybe part of their comprehensive plan for the area but did it involve regulatory changes, zoning changes, and did those happen fairly quickly. Lastly, related to the leadership training programs, has the city appointed anybody to the planning and zoning boards who live in the impact zone?

MS. MALTBI: Okay. Question one; outreach to landlords is actually a part of our Low Income Weatherization Assistance Program. This is -- granted this is only one way to reach out to the landlords but it is certainly a great start. The city's Low Income Weatherization Assistance Program, which has been in effect for many years, requires that landlords put up 50 percent of the money for any energy upgrades.

We have come along with our grant and reduced that to 5 percent for folks who have units of 4 or less, up to as much as 25 percent but no higher than 25 percent for even the largest of units. So, we already have one of the major rental areas -- or rather complexes that are wanting to be a part. So, what we have found -- we have looked at where the gaps are and oftentimes will approach something from a niche perspective in order to try to get it jump started.

So, that has been what our outreach to landlords look like. Zone changes, I know that the Congressman has been in conversation and would like to see a zoning overlay plan done but again, we have only been at this for a little over a year so we have not gotten that far as far as the zoning changes are concerned. We do not have anybody that has been specifically appointed from the Green Impact Zone to the Zoning Board or anything but we believe that as we build the capacity and as our conversations continue and as we continue to show that it does make a difference in bringing the people who live there onboard that we will see more of this. All of these things are out there as a part of our future.

MS. MAY: Vernice?

MS. MILLER-TRAVIS: Thank you. Like everybody else, I love hearing about the Green Impact Zone. Anita, I cannot listen to you enough. So John, I wanted to recommend that I know that we have chosen all of the educational sessions for the new partners for Smart Growth Conference, but I think we are still trying to figure out the plenary sessions.

If EPA could consider a presentation from the many partners of the Green Impact Zone to demonstrate for folks what this looks like and how Smart Growth is achieved. Patricia's last question about the displacement and Shankar's question about the potential displacement is the real crux of the issue that we are trying to struggle with around EJ and Smart Growth.

So, here is a process and a group of folks and committed citizens who have really tackled it. So, it might be good and demonstrative for the audience to hear this is what it looks like when it gets rolled out. To Mr. Menge, I wanted to ask how much of your power is generated by coal. How much is alternative sources and do the folks who are participating in this new energy efficiency program have the ability to purchase energy that is generated other than coal.

How much -- what is the differential costs in kilowatt hours for alternative energy and coal power energy?

MR. MENGE: I probably do not know the exact answers to those but we are a very heavy coal generator. That comprehensive energy program that I spoke of, a good portion of that was environmental retrofits at our coal fleet. As we are looking at the units that have not been retrofitted, we

are considering, you know, costs to upgrade those versus alternatives.

We have installed 100 megawatts of wind out in western Kansas. We have a commitment to install another 200 megawatts of wind. We have a part ownership in a nuclear plant in Kansas. So, we are probably -- I do not know the numbers exactly but we are probably 60 or 70 percent coal. The rest generate -- or a nuclear combined with natural gas in a very small part that is renewable.

Very similar to your typical Midwestern utility. As far as the ability to pick where their purchasing from, that is not currently part of our program although the state of Missouri is moving towards those types of things. That is moving at a slow pace. We are participating in that. One of the problems that we have today with -- is our rates are relatively low.

When you compare what is happening in the Midwest, particularly in Kansas and Missouri to what is happening on the West Coast, Texas or the East Coast, you know, we are at \$0.08 or \$0.09 cents a kilowatt compared to \$0.18 or \$0.19 cents a kilowatt hour. So, differential pricing is not a real strong incentive for our customers because, you know, things are pretty affordable.

So, that is not quite there yet. We would like to drive towards those types of programs. We have some time of use piloting built into this program that we will do but it we will do but it will be -- the customers will have the opportunity to opt in. It will not be you are going to get it and then you have to opt out. So, if customers want to do it, they will be able to do that.

We will struggle a little bit with that because there probably will not be enough differential in the pricing. As far as the differential in costs, it is probably at least twice if not three times. As we are able to improve our storage opportunities and there is -- you know, we have a very small demonstration. It is just a piece of ours but there are other demonstration projects going on that are demonstrating, you know, neighborhood wide energy storage and other storage options.

So, you know, as more and more comes into it and we are using the stimulus to kind of get up over the hump and nudge the investment forward, you will start seeing the price of that come down and be more reasonable. Then you will be able to bring more renewable resources in and make it a more cost effective option.

MS. MAY: Savi?

MS. HORNE: Yes. Thank you. I just really want to thank the panel and to congratulate the work of the Green Impact Zone and to really uplift the work of one of NEJAC's finest members, Ms. May. My concern is sort of --- off of Shankar, Patricia and Vernice's points. I come from a very unique place as the only sort of deeply rural person on the NEJAC and one that works at the intersection of farm land loss -- particularly African-American farm land loss and environmental justice and I would like to see the model that we have discussed replicated.

But I just would like to put that the metropol of Detroit in the spotlight for a minute because it has a combination of all these different models. You have Smart Growth. You have aspect of Partnership for Sustainable Communities and food security kind of coming together and it is coming together in a way that is disempowering to the African-American population of Detroit.

You had a -- what to me kind of looked like almost similar to a carpetbagger reconstruction land grab of the city of Detroit and it is being played out in a way to the lens of food security that people are not really paying much attention to it because at the end of the day, we -- they are providing vehicles to increase healthy foods and green pathways in the city of Detroit.

But my main concern is that you had a -- say 125 acre farm in Detroit that has essentially left the public landscape and now belongs somewhat to a greening of Detroit movement, the eastern market movement and there was not a lot of community input into that process. In fact, it got so ugly that you had a breakup of a union.

So, there is even union busting around sustainable development of Detroit. You also now have within the inner city of Detroit, for the land grab of distressed properties that are really victim of a -- the greed of corporate America that has gone awry and is punishing -- punishing and leading into wealth derision within our African-American communities.

So, those properties are now being grabbed to -- redevelopment of a mega, mega 300 acre farm within Detroit and while that has good aspects, it is as if the city fathers of Detroit are no longer looking at zoning. Zoning has just been thrust aside and just really an expediency that is unprecedented when it comes to good public policy and observing law and due process.

So, I really wish that the city of Detroit -- or somebody will pick up at least a transcript of this conversation and look at what the models of participation has been in Kansas City and uplift that work and really rethink their model. With regard to the vacant lots, I would really recommend that a more

public process be used -- public/private partnership process around some kind of community land trust be created and become a repository for those properties as you being to think through what needs to be done in many ways under the guise of urban agriculture, so that the land itself becomes part of the public trust even though the use might become more community oriented.

So, I just really want to thank you for your work and really, I think you all have a really good model and I hope that it is replicated elsewhere. Thank you.

MS. MAY: All right. Panelists, does anyone have anything else that you would like to add? We have maybe a minute before time to break.

MS. MALTBY: Yes. Would you speak to the land trust properties that went -- that your community assumed and also the taking over of the redevelopment of those foreclosed homes?

MS. MAY: The Ivanhoe neighborhood started back in 2003 -- an initiative that was simply designed to put some people to work and make the neighborhood look a little better. After the first year of it, we realized that doing 43 lots, when we had probably 300 vacant land trust lots in the neighborhood -- that we needed to do something more.

I do not have enough time to tell you the story in detail but that summer of mowing 43 lots led to our hiring young people and getting funding from the city to be able to maintain -- and we say maintain rather than mow because we do more than mow of the lots. This past summer, at the end of July, the Ivanhoe neighborhood now owns 162 land trust lots that were very, very carefully selected.

In part, we paid for it with sweat equity and in part with money that we begged from Commerce Bank and James B. Nutter. We are planning to use these lots for -- to incent the building of homes on the lots or infield housing. We also have set aside some for play areas. If you know, most older neighborhoods may have a park here or there but nothing like sufficient green space for our children to be able to play on.

I imagine that a few of them may also become community gardens. Our initial plan was infield housing and green space. Through the Green Impact Zone, we also will be owners very, very soon of 23 Wells Fargo properties. Wells Fargo had an inventory of more than 200 properties in Kansas City that they were going to auction this past spring.

We were able -- when I say "we", the city -- some of the city leaders were able to convince them that it would not be a good thing for Kansas City to auction those properties as we had heard that there was one speculator that wanted to buy all of them. All of us know what would have resulted from that. So, Wells Fargo did delay that.

Through meetings with the community and through the influence of Congressman Cleaver, 23 properties -- all of the properties within that inventory that were located in the Green Impact Zone, Wells Fargo has donated to the Green Impact Zone. The Ivanhoe neighborhood will be the lead for rehab of the houses that can be rehabbed.

A few will be demolished and I think there are about 3 vacant lots. So, we are looking forward to working with those homes, rehabbing them in an energy efficient manner, getting homeowners into them, be it on a lease/purchase arrangement or an outright sale. This is another example of the way that the community can make sure that we are getting people to move back into the neighborhood and that we are decreasing the vacancy rate.

MS. YEAMPIERRE: Thank you so much, Ms. Margaret. We could literally be here all day listening because it is that intriguing and uplifting. We are going --

MS. MAY: You have to come back.

(Laughter.)

MS. YEAMPIERRE: For the barbeque alone, it is worth it.

MS. MAY: Yes.

(Laughter.)

MS. YEAMPIERRE: So, are going to take a break now. We will be back for a public comment period at 4:00 o'clock -- no later than 4:00 o'clock. We want to respect the members of the public who have come to testify before this body. Thank you.

MS. MAY: Thank you. Thank you, panelists.

(Whereupon, a brief recess was taken.)

MR. RIDGWAY: --- so if that you have a chance to read it and --- for you so please do have a look. Thank you.

MS. ROBINSON: I just want to add for clarification on that John, that is a summary of the recommendations. It is not the actual document. Everybody in the room should have them there. ---

packs the actual document. It is a summary so it is a quick down and dirty sheet, okay? Also, we will be passing around for the members the information that Jolene said that she wanted to include about Plan EJ.

She talked yesterday. That is also being passed around right now for your use and preparation for tomorrow's conversation. So, I am going to turn it over to Elizabeth to convene our public comment. Thank you.

PUBLIC COMMENT PERIOD

MS. YEAMPIERRE: On a more personal note, I want to thank Sue Briggum for providing us with candy and everyone else who brought snacks. The lighting is really low and Shankar -- the lighting is really low, so it kind of has us at a low energy place so the public should know that it is not that we are not completely engaged, it is that this lighting is really challenging.

So, we are now at that point at the meeting where -- that we all really look forward to. It is the opportunity to listen to communities come and provide us with information about how issues are affecting them and their community. So, I am going to call the first three speakers who have signed up. You should be able to see your name on the screen.

The first one is Maurice Copeland with Community Advisory Panel, Bannister Complex Legacy Group. The second is Steve Klafka from Wingra Engineering and the third is Kristin Riott from Bridging the Gap. If the three of you could step up to the mike if you are here. If you are not, we will move on to the next three.

So again, Maurice Copeland, Steven Klafka and Kristin Riott. Are you Maurice?

MR. COPELAND: ---.

MS. YEAMPIERRE: Well, welcome sir. Thank you for joining us.

MR. COPELAND: Go ahead?

MS. YEAMPIERRE: You can begin. Thank you.

Comments by Maurice Copeland, Concerned Citizen, Kansas City, Missouri

MR. COPELAND: Okay. I am not speaking for the Community Advisory Panel. I am speaking for the sick workers and former workers at Honeywell, Bendix, Allied Signal, that is the same company, and also IRS and GSA, it is a federal complex on 95th and Troost. I worked at that complex for 32 years. I was discharged from the Army straight out of Vietnam, came back to Kansas City, went to work for IRS.

Shortly after that, I went to work for Bendix. I worked there 32 years as a machinist and then a tool and dye supervisor. The history of the nuclear weapons complex I am sure is well known by most people, especially people that work for the EPA and other regulatory monitoring agencies. In the recent past, I think that the news has come out that there were some misleadings done by the officials and the management of the complex as far as it related to the contamination and pollution that was dispelled from the complex.

I am here today to ask for a simple question -- ask a simple question of the government, the United States of America, who is -- think it is well known with another cover-up that I have been involved in with the Agent Orange from the Vietnam that they deceived us for many years and in the recent future the -- recent past, they started owning up to some of the contamination and the illnesses after 30 years of warriors, Vietnam Veterans dying.

My brother has brain cancer. He was in Vietnam also with me. My father has 6 brothers, so that is 7 of them that served in the United States Army. My grandfather served in the United States Army. I served in the United States Army also as I said. I am looking for environmental justice to reach me and the people that I represent.

The complex has denied -- openly denied the contamination and the illnesses at the plant. That they have known for years. I was a manager at Honeywell. I know what I did. I know the poisons that I gave to my people that worked for me as tool and dye makers. I know the exposures and the contamination that they took home and there are agencies that also know this.

If they do not know it, they should know it because they did monitoring and regulated certain chemicals and substances at that plant. I want environmental justice. I want the EPA, OSHA, the union, the International Association of Machinists and Aerospace Workers, I want GSA, I want Honeywell, I want IRS to come forth with the information and save the government a lot of money -- a lot of money for

the investigation of the past practices at that plant.

Now, GSA has informed me in the recent past that they cannot get in next door. That is Honeywell, the very same facility that they cannot get in there next door, that they cannot get their investigation that has been plaguing them. It should be known that GSA are paper pushers. They do nothing but push papers. So, how is it that GSA is so contaminated and they have all of these illnesses attributed to the chemicals at Honeywell and Honeywell is not coming up in the news as the root cause of the contamination?

How is it that none of these agencies have stepped forward, put the monitoring records of the cleanups, the evacuations of the plant -- it is mindboggling to me to be an employee of that plant?

MS. YEAMPIERRE: Mr. Copeland?

MR. COPELAND: Yes?

MS. YEAMPIERRE: I am sorry. There -- I think it is time that I -- I do want to say that -- thank you for coming before us. We know full well that an extraordinary number of people of color served this country and are exposed to toxics on the battlefield, come home and work for places -- in places where there are OSHA violations and live in communities where they are also exposed to an unfair amount of exposure to contaminants.

So, I certainly am sensitive to that. We have in previous meetings -- we often invite other agencies to come and we have heard testimony in the past from Veterans and folks similar to yourself who were talking about OSHA violations and maybe OSHA should actually come to future NEJAC gatherings to hear this testimony.

So, I want to thank you. I do not -- do any of the members of the Council have any comments or questions for Mr. Copeland?

(No response.)

MS. YEAMPIERRE: Okay. I thank you, sir.

MR. COPELAND: Thank you.

MS. YEAMPIERRE: Thank you for coming for us. Is Steve Klafka here?

(No response.)

MS. YEAMPIERRE: Kristin Riott?

(No response.)

MS. YEAMPIERRE: Okay. So, I am going to call Marvin S. Robinson, II, Richard Mabion and Don Holt, if you can all three come up to the table.

MR. ROBINSON: You want us to just --

MS. YEAMPIERRE: Marvin Robinson?

MR. ROBINSON: Yes.

MS. YEAMPIERRE: Welcome.

***Comments by Marvin S. Robinson II,
Quindaro Ruins Underground Railroad, Exercise 2011***

MR. COPELAND: What an honor. Thank you so much. This is really a great moment in having the environmental justice National Advisory Council's conference in Kansas City. This is my 23rd, 7th month working with the Quindaro Ruins Underground railroad site in Wyandotte County. They were going to make it a toxic waste dump.

We were able to stop it in federal district court. The Kansas state legislature -- we beat a \$53 million counterclaim while I was through -- working with the Citizens Clearinghouse for Hazardous Waste, Lois Gibbs' group out of Love Canal. They have another name now. The site that your material lists Quindaro Ruins Underground Railroad, you could do a Google search engine and see the body of work for these many years.

Pretty much I wanted to be able to get on the agenda and say that the PBS, Public Broadcasting Station, with the National Parks Conservation Association last year kicked off a campaign for WPA, the Work in Progress Administration, and a group like the Environmental Protection Agency, I heard some of the comments this morning. I read all the time about what the EPA is doing.

I saw the elections November the 2nd. We saw the country go a completely different direction with the need for jobs. I am a Navy Veteran. Many of us are fighting homelessness. If you were here November the 5th, you would have saw probably 700 to over 1,000 Veterans standing on line who were either homeless or near homeless in the Kansas City area.

I heard those guys from Kansas City Power and Light talk about all the great grids with

the utilities. Different world, same community. Just some of the shelters here, you have to get on the waiting list. I used to do social service work and some of the fathers would -- who were actually with the family, they would rotate with the mother who stays in the car or the van with the dogs while the children stayed in the shelter where you would have to get on the list where they would not let the pet stay.

It is a huge honor to be able to be here today and I just wanted to kind of like say the Work in Progress Administration, the WPA, the economy is worse than ever. What better organization that Lisa Jackson's skill set to do the WPA, especially with the quinsentennial of the Civil War getting ready to take place. The Republican Party said they want to create jobs.

We really needs jobs before more people are homeless and forced into the Wells Fargo scenario that the other group spoke about today, which is true all over the country. I would not go further than that because I do not want you to --- or anything like that but thank you, bless you and I hope you enjoy your stay in Kansas City and make a repeat visit very quickly.

MS. YEAMPIERRE: Thank you so, Mr. Robinson. Peace and blessings. Any comments for Mr. Robinson? Edith?

MR. : Mr. Robinson?

MR. ROBINSON: ---. I am really nervous.

MS. PESTANA: You are not getting away that fast. Hi. I am Edith Pestana and I am with the state of Connecticut. I have a question regarding the facility that you are talking about that was going to be used for a --

MR. ROBINSON: Yes.

MS. PESTANA: -- Quindaro Ruins Underground Railroad?

MR. ROBINSON: The Quindaro Ruins Underground Railroad is the largest archeological underground railroad site in all of North America. Also, noted as the Pompeii of Kansas. It is 206 acres plus another 90 acres from another private family, another 25 acres, roughly 780 acres or 90 square miles. I am really very nervous. I --

MS. PESTANA: Let me just ask you a question.

MR. ROBINSON: -- should not be.

MS. PESTANA: Let me ask you a question so you do not think that you have to --

MR. ROBINSON: Okay. Yes. Okay.

MS. PESTANA: Okay. My question is do you have National Preservation Organizations help working with you to preserve the site?

MR. ROBINSON: Yes. The site was going to be a toxic waste dump. It is on the National Register of Historic Places. It is now considered a Kansas historic site. It is also part of the Freedom Frontier National Heritage Area but I am not trying to be funny or anything like that. I do not --- real uptown with a lot of fancy sentences.

Most of these people and agencies do not have the physical spine to -- they have neither the regulatory backbone nor the physical capacity to do what needs to be done. So, it is kind of like just floats and floats into bureaucratic -- I do not know the nice way to say it because I am talking to a lot of, you know, highly educated -- but you know what I am saying. It just -- it is there on paper --

MS. PESTANA: Who owns the property?

MR. ROBINSON: --- that died in '91 who, when he was 91 years old, he said that the fight belongs to the American population in the future because it was established by the French Canadian Wyandot Indians out of Ontario, Canada, the New England Emigrant Aid Society and the African Fugitives on their journey to freedom.

MS. PESTANA: Who owns it? ---?

MR. ROBINSON: The Department of ---. You said the Department of Energy ---?

MS. : ---.

MR. ROBINSON: You are -- that is completely -- okay.

MS. : ---.

MR. ROBINSON: Okay. That is -- okay. So, yes. Thank you so much. The materials, Google could confirm and also we are on Facebook, Tweeter --

MS. PESTANA: You are?

MR. ROBINSON: -- but I -- yes, but I -- it is in Tweeter but I do not know how to Tweet but it is a baseline --

MS. PESTANA: I do not Tweet either.

MR. ROBINSON: Okay. Yes. I am trying to learn --

MS. PESTANA: Do not worry about it.

MR. ROBINSON: -- but, yes.

MS. PESTANA: I do not feel badly.

MR. ROBINSON: The site is famous in cyberspace but it is not in real time and real life and that is what we want to do is the site to create jobs, meaningful salaries, meaningful wages to help to reduce crime --- senseless homicides and we can take and breakdown the barriers and let people know that the Civil War and the Freedom Movement was established by three different races that carved freedom together as opposed to one side being against the other.

There are enough artifacts and relics to fill three football fields -- three NFL football fields, not the stadium but -- and they are in the Kansas State Historical Society.

MS. PESTANA: Okay.

MR. ROBINSON: Thank you.

MS. YEAMPIERRE: Thank you so much, Mr. Robinson.

MS. PESTANA: Thank you.

MR. ROBINSON: Thank you.

MS. YEAMPIERRE: Sounded very sophisticated to me. It is okay to keep it real. We speak that language. I am sorry. I did not see you -- Jolene.

MR. : You have another question.

MS. YEAMPIERRE: Is this also for Mr. Robinson?

MR. : You have a question, Mr. Robinson.

MS. YEAMPIERRE: Mr. Robinson, there is another question.

MR. ROBINSON: --- make me nervous. ---.

(Laughter.)

MS. YEAMPIERRE: So, can you join us for a second? I am sorry.

MR. : Come back up here for --

MS. YEAMPIERRE: I think there is another comment for you -- question.

(Laughter.)

MR. ROBINSON: Okay. Thank you.

MS. CATRON: Sorry to make you keep walking back and forth. My name is Jolene Catron. I am a community organizer on an Indian reservation in Wyoming. So first of all, I would like to thank you for your service. I am also a Veteran of the United States Marine Corps.

MR. ROBINSON: Okay.

MS. CATRON: If there are any communities in the United States that suffer same kinds of issues that you brought up, it is certainly Native American communities a lot of times. The question about how do you organize -- how do you accomplish -- how can you get --- accomplish by organizing is really a good question.

So, I wanted to just offer to you that there are a lot of community organizers here on the NEJAC Council. We work at a grassroots level a lot of times. So, if you are more comfortable conversing with us one on one, I would encourage you to just, you know, pull up beside and talk to us. Our bios are in the paperwork that is out there.

So, do not shy away. We are just, you know, ordinary folks working just as hard in our communities to try to organize and affect change in -- where we live and so maybe there are some tips that we can give you, you know, as far as creating an organization or a structure that can accept funding or partnering as a physical agent with some other organization that has --- or something like that. So, yes. I would encourage you to talk to us one on one. Thank you.

MR. ROBINSON: Thank you.

MS. YEAMPIERRE: Richard Mabion.

MR. MABION: Mabion.

MS. YEAMPIERRE: Mabion.

MR. MABION: Yes, ma'am.

MS. YEAMPIERRE: Mr. Mabion, welcome.

Comments by Richard Mabion, Building a Sustainable Community

MR. MABION: Thank you. I am a community organizer and I was learned to be a -- I was trained to be a community organizer doing the 60's and 70's. So, I am kind of old hat at this. 9/11,

after being in business for 20 or 30 years, 9/11 kind of kicked me back to the curb -- those businesses we lost. It gave me a chance to see a need for a community organizer back in our communities.

I -- the young lady just said that she is a community organizer, so I am sure you are sitting around this table and know exactly what I am talking about. When I got back into it, the environmental movement got started so I picked up from there. So, I am going to talk about one aspect of my community organizing. That has to do with environmental literacy.

We as environmentalists have decided that it is our responsibility to make environmental literacy a front burner issue and that we need to start preparing our future generations for an uncertain future. So, I wrote what I had to say so -- to make sure I do not miss anything, I am going to go there and then I will come back. Okay.

As a community organizer, this -- let me know if you can hear me with this mike. As a community organizer who uses environmental justice as a way to educate low income youth for an uncertain environmental future, I have found most available textbooks very lacking when it comes to the history of the emergence of people of color and to the American environmental movement.

Names like Richard Moore, Ben Chavis are rarely mentioned. Because of this, I was recently asked to present this to a missing --- information to an environmental justice class at the University of Kansas that was studying the American Indian environmental issues. Then in summer -- then in September of this year, after touring the Love Canal as part of an environmental justice field trip sponsored by the North American Association of Environmental Educators in Buffalo, New York.

I was once again asked to present information regarding the history of the environmentalism for people of color -- this time to a group of environmental educators. They too were unaware of the history I was presenting. They were shocked to hear about the shot heard around the west. It was then I realized people of color concerns have been overlooked.

What do I want maybe NEJAC to advise EPA to do? Well, when I was looking at your -- on one of the other items, I guess when you gave them some suggestions or recommendations after the toxic monitoring issue that you have for your own air school, you said basically what I would say that EPA should provide adequate funding to support a community involvement and outreach plan.

Outreach and collaborative work with community partners requiring expertise and resources that needs to be identified and budgeted for doing the projects design phase interpretation of findings and implementation and mitigation measures. My request to you was make the inclusion of our people of color involvement in the environmental justice field a research project for classes, like the one I spoke to at the University of Kansas, and allow the leadership of NAAEE and its environmental justice committee to oversee the research.

I might be asking a lot there. The expected results would be an EPA sponsored textbook for all levels of educational institution. If you were here last night, you heard me saying that one of the things that are missing in our community is -- I am talking the other community, not the people that is mostly talked about when you say the "American public" but that portion of the community that we are not talking about.

The unseen part, the part that is hanging in there and trying to make it society.

MS. YEAMPIERRE: One minute.

MR. MABION: Got you. Is trying to make it into ---. Our responsibility is to see that they also benefit from seeing -- just if nothing else, the name of EPA involved in something. So, such a book is an aid and our boots on the ground, environmental educators -- in their effort to prepare our youth for what is obviously an uncertain environmental future. Thank you.

MS. YEAMPIERRE: Thank you so much, Mr. Mabion. Any comments? Hilton?

MR. KELLEY: Yes. Sir, I thank you for your comments and I think it was well received by this Council. I think more education needs to be done for our young people to get a better understanding of some of the contaminants that are out there and things that they can do to sort of prepare themselves for, like you said, an uncertain future when it comes to exposures.

There are a couple of books out there -- as a matter of fact, Mr. Steve Lerner just completed a book that is out there now called The Sacrifice Zone. It is sort of deals with a lot of the issues that African-Americans are dealing with in underserved communities when it comes to being placed in a close proximity to chemical plants, refineries, toxic dump sites.

So, I think that you can learn a lot from this particular book that is by Mr. Steve Lerner. It is called The Sacrifice Zone. I think that would be a great start to sort of start to educate yourselves and get young people educated on what is out there to assist with organizing and education.

MR. RIDGWAY: Thank you, sir.

MS. YEAMPIERRE: There are a lot of people all over the country who participated in the environmental justice movement. You named Richard Moore. He is one of our heroes -- people -- a person who is really done so much work in the southwest. He probably would not be in that book --

MR. MABION: No. No, he would not be in there.

MS. YEAMPIERRE: -- being Latino, right?

MR. MABION: Right.

MS. YEAMPIERRE: You know, the history of environmental justice goes way back. I mean, we -- the New York City, take it back to the young lords back in the 60's.

MR. MABION: Right.

MS. YEAMPIERRE: So, I think there might not be books. You might find books, of course, you know Bob --- has written quite a few of them but there are also articles. If you do a Google search, you can find a collection of things that you could use to start creating your own materials. I think that you are absolutely right that young people need to hear who these people living among them are --

MR. MABION: Right.

MS. YEAMPIERRE: -- and what the sacrifices they have made to transform the landscape. So, unless there are -- okay, Jolene? Anyone else? Jolene?

(No response.)

MS. YEAMPIERRE: Jolene. Thank you.

MS. CATRON: Hi. Jolene Catron. As an organizer also at the community level, I have looked at the EPA environmental education grants. I do not if you have looked at those.

MR. MABION: No.

MS. CATRON: They are highly competitive though. That is one of the issues that we ran into to augment some of the work that we have done. So, if you do not get the grant, it kind of leaves a hole in your program so you find some other way to fill the hole but --

MR. MABION: Right.

MS. CATRON: -- it is an intriguing question that you bring up. Grant funding for specifically EJ environmental literacy is something that is very important.

MR. MABION: If I may stay -- I know they asked me to go. The purpose here is to motivate the youth that are within our people of color, low income communities. I mean, we use athletes and entertainers to respect them to decide I want to be like that. We need them to become more involved in the environment, not just because of the pollution and the buildings and the stuff around us but the environmental concern.

Being poor is an environmental justice issue and I think we can address that. The books -- just so they can be something real for them to be able to cling to that they actually helped produce. Thank you.

MS. YEAMPIERRE: Absolutely, sir. Thank you so much for joining us. Next, I am going to call Don Holt. You have a comment? I am sorry. Kim? Kim has a comment for Mr. Mabion.

MR. MABION: ---.

MS. WASSERMAN: No, that is okay. I apologize. I was a little late. I am putting up my sign. I just wanted to say -- my name is Kim Wasserman from LVEJO. I just wanted to say until the day comes that organizers can be in the books, one thing that I would invite you to do is to reach out to community organizations and organizers that are on the ground.

I think a lot of us are always willing to work with young people in our neighborhood and outside of our neighborhood to talk to them about what we are doing and why they should be involved. So, I think that is a great resource, as well, is hooking up with community organizers that are already on the ground and having them talk with young people until our stories can make it into lots of books hopefully in the near future.

MR. MABION: Got you. Thank you. Anyone else?

(Laughter.)

MS. YEAMPIERRE: So, I am going to call on Don Holt, Lynda Callon and Stephanie Tyree. So, while you are coming up, I am going to share -- Susie Garnalez*, who is Latina, is in the book and so is Juan Bahrez*. This is The Sacrifice Zone. Welcome Stephanie. It is so great to see you.

MS. TYREE: Thanks, Elizabeth.

MS. YEAMPIERRE: I think we can start with you.

MS. TYREE: I always get nervous too like Mr. --

MS. YEAMPIERRE: Really, I saw you talk at the White House and after that I do not think that is possible.

MS. TYREE: I was very nervous there too.

Comments by Stephanie Tyree, Ohio Valley Environmental Coalition in West Virginia

MS. TYREE: Thank you for letting me speak today. I am Stephanie Tyree. I am with the Ohio Valley Environmental Coalition in West Virginia and I am here with my colleague Junior Walk who is going to be up here next. I am speaking today on behalf of the Alliance for Appalachia which is a regional group to represent environmental justice and community organizations throughout central Appalachia, including West Virginia, Kentucky, Tennessee and Virginia.

We simply work on mountaintop removal mining issues in the central Appalachia coal field. The issues of mountaintop removal mining (buzzing) and to our own families are the most important. Clearly all environmental justice problems are important but I implore the Council and the EPA to recognize the urgency of the environmental injustices that are facing Appalachia because of mountaintop removal coal mining.

In Appalachia, we are under a human rights assault in the coal fields. We are paying the price for our nation's energy addiction every day in Appalachia with our health, our future and our history. The scope and impact of mountaintop removal mining is well known to the EPA. I hope it is well known to the Council.

Those of us in Appalachia appreciate the recent actions that EPA has taken on the issue including guidance that they have given on mountaintop removal and hopefully not accepting a mountaintop removal mining permit but the action the EPA has taken is not enough at all. Regulating mountaintop removal is accepting and slowly facilitating the annihilation of a culture -- of my culture.

Women in Appalachian coal fields live on average a decade less than women in other parts of the nation. Cancer rates are skyrocketing throughout these communities that are literally ringed by environmental harms from billion gallon sludge dams that leach into groundwater or break creating catastrophic safety and long-term health impacts, from drastically poor air quality from processing plants, coal trucks, trains and other distribution points and soil contamination that makes even basic gardening a potentially toxic activity.

These are communities where red tap water is the norm. These are towns where brain cancer, fibromyalgia and other rare diseases are far too common. Where coal field residents die too quickly merely because of where they are born, the opportunities for economic prosperity in Appalachia are intentionally cut-off by the irreversible destruction of mountaintop removal.

Let me state that I am talking about mountaintop removal coal mining. This is a type of coal mining that is less than 10 percent of the entire coal production. It is not necessary at all. At the same time, our cemeteries and our ancestors are literally being destroyed and buried by the mines and whole communities are being forced out by mine operations that span tens of thousands of square feet.

If that is not clear, that is like more than 15 square miles. It is bigger than D.C. and New York City. They are huge operations. Make no mistake, the first communities that are forced to go in the coal fields have been Appalachian communities of color.

MS. YEAMPIERRE: One minute.

MS. TYREE: The scope of the destruction, to public health, the land and our history is far more than I can say in five minutes, obviously, but what I can say now is hopefully to give you a sense that we are getting it from all sides in the coal fields and that those of us on the ground -- and that for those of us on the ground, the EPA is literally the only place we have to turn.

In West Virginia, our governor, who is now our senator, literally shot a whole in the climate though to show his literal allegiance to coal -- his utter allegiance to coal. Kentucky's new senator, Rand Paul, dismissed MTR as affecting just a few hills that nobody would mess. We banged our heads bloody against the brick wall of our state and local representatives for nearly 20 years.

We recognize opportunity that now is in the EPA to stand up for environmental justice in Appalachia but we cannot waiver on this opportunity. I strongly urge NEJAC to recommend to the administrator that mountaintop removal be banned not --

MS. YEAMPIERRE: Time.

MS. TYREE: -- regulated and reduced. We must prioritize people over short-term corporate profits. Mountaintop removal is not necessary. The people of Appalachia are not expendable. Please prioritize protecting us and abolishing mountaintop removal.

MS. YEAMPIERRE: Thank you so much, Stephanie, for that compelling testimony. We will now take questions and comments from the Advisory Board. Teri?

MS. BLANTON: Thank you, Stephanie for making the trip here and a few mountains will be missed if we are talking about 500 mountains in central Appalachia. In Kentucky alone, 600,000 acres flattened -- reduced to rubble. So, thank you for your time.

I want to ask you and I want to Junior, as he comes up here, when the people were talking about greening of Kansas and this community, and I really applaud them for their work, but then I am also a little taken back when Vernice asked where their energy comes from and that 60 percent of it comes from coal, so I am really happy that your greening your community but you seem to be blowing up my community in order to be green in your community.

So, I think, as we move forward talking about being a green community and plugging in your cars and plugging in your busses, you must think about where that electricity is coming from. So, thank you.

MS. TYREE: Can I respond?

MS. YEAMPIERRE: Yes, absolutely.

MS. TYREE: So, Junior and I were talking this morning about statistics for mountaintop removal. One of the statistics that you hear a lot is that 500 mountains have been blown up, like Teri said, and 12,000 -- 1,200 miles of streams have been buried but those statistics are really old. I wonder, you know, how many mountains now have been blown up.

You hear a lot about the EPA stepping in to look at these permits and to potentially veto the one like I sort of stumbled over saying before, but it -- all that talk about that can leave you to forget that mountaintop removal mining is happening six days a week, every week in West Virginia and in Kentucky and Tennessee and Virginia.

So, we are -- it is still happening. We are still under assault. In Kentucky, I know that there are some counties where 25 percent of the land area has been flattened by mountaintop removal and it has not been recovered. It is unstable land that is just sitting there. So, I think that because of where we are located, the scope of the destruction gets -- is unseen and is sometimes forgotten about but when you live there, it is everywhere.

The other thing I wanted to respond to in terms of what Teri said was Junior and I were also sort of talking before when we were listening to the presentations about how cool it was, what is going on in Kansas City with the Green Impact Zone and that idea just generally and wouldn't it be nice if the EPA came to the coal fields and did even half of that in the coal fields.

You know, invest just a portion of the money -- especially the economic development issues and weatherization and those kinds of things and we are really just not seeing it at all.

MS. YEAMPIERRE: Vernice?

MS. MILLER-TRAVIS: Thank you, Elizabeth. Stephanie, like Elizabeth, I am really glad to see you. You are -- the highlight of my day has been seeing you. I wanted to ask you if you have had a chance to look at the materials that were circulated for this meeting like this binder of stuff.

MS. TYREE: Not really.

MS. MILLER-TRAVIS: So, if you get it -- if you get a chance, I want to ask you to look in section -- it says -- it is Section Three, Day Two. The first document in that section is the NEJAC Permitting Subgroups Preliminary Draft Response to EPA's Integrating EJ into Permitting. On page 13 and 14 in this report, we tried to at least take a preliminary stab at the mountaintop removal permitting issues and the conflict with the Army Corps of Engineers and the lack of push and enforcement by EPA to those local 402 and 404 permits.

I would ask -- I would like to ask you and Junior if you could look at those 2 pages and just give us some feedback offline as to whether or not we are on point, if we have captured, you know, the issues, the concern, if we are making recommendations to EPA that you think are really going to change that situation -- but just to give us some feedback since you all are on the frontlines of dealing with this issue.

MS. TYREE: One thing that I can say right now is that there has been a lot of focus on valley fill permitting and changing that permitting as a way to stop mountaintop removal mining. I think that that is key and critical but I have heard and watched as coal companies have quickly attempted to change their practices so they can do mountaintop removal mining without valley fills so they can -- I won't get into the specifics of it.

But anyway, I guess I would caution the EPA from getting sort of lost in the semantics of

it and not recognizing what is happening on the ground and so -- the loopholes, I guess, that can be created when you think you are solving a problem with quick fixes but the problem is actually quite a bit bigger.

MS. YEAMPIERRE: Father Vien?

FR. NGUYEN: Thank you, Stephanie. More of a comment than a question. I guess people like Stephanie showing up here or wherever, a response would be these people are impeding development. These people are impeding economic development shall we say and that is, you know -- the people who are concerned about the community -- their life really are somehow always on the end where we have to defend ourselves in a way.

So, earlier when Bob was talking about somehow to make EPA better, I do not know if there is anyway -- how can we make it so that environmental justice issues would be integral to all of the business decisions so that we do not have to be on the tail end trying to fight it so that Stephanie and Junior would not have to travel the distance coming up here.

Oftentimes, they are the ones who are -- who cannot afford to travel and yet always have to be at the frontline defending. So, I am wondering if somehow that can be integrating into the educational side as we connected with the EPA just so that the smaller communities do not have to fight anymore.

MS. TYREE: I have a response to that.

MS. TYREE: I have a response to that (laughter) of course. So, when you say we are the ones impeding economic development, my first question is who is he talking about? Am I impeding the economic development or are the mining companies impeding economic development?

The way that we see it is that they -- there is literally a mono-economy in central Appalachia, which has been intentionally setup over 150 years, that has created a system where the only jobs that are available -- and Junior can talk about this much better than I can but the only jobs that are available are mining jobs or service industry jobs or you can sell drugs.

So, what other choices do you have if you do not want to leave your town? If you love where you are from and that is where you want to be -- and especially when a strip mining job pays so well, you know. So, I think that for us a lot of the challenge is getting out the facts and even just getting people to listen that, you know, there are economic opportunities that we could have if the coal industry did not have an iron grip on our economy, including our politicians.

MS. YEAMPIERRE: Stephanie, before you leave can you just briefly share with us your position on clean coal?

MS. TYREE: Clean coal is a dirty lie.

(Laughter.)

(Applause.)

MS. YEAMPIERRE: Thank you.

MS. TYREE: I actually say that in honor of Judy Bonds, who is one of our heroes in the environmental justice movement and has really laid so much groundwork in West Virginia in the Appalachian and coal issues. Thank you.

MS. YEAMPIERRE: Thank you so much, Stephanie. That was brilliant. Thank you. (Applause.)

MS. YEAMPIERRE: Sorry. I did not -- wait. You know what it is? I cannot see folks who are right next -- sorry. Lang has a question or comment.

MR. MARSH: Thank you, Stephanie, very much for bringing this up. It certainly has been a practice that -- as the Supreme Court said about another matter a long time ago, it shocks the conscience to think about what this entails. In my experience, asking EPA to enact a ban a certain practice or material is a very, very huge ask.

Where it has been successful is where there is clear documentation of the health and other impacts and, you know, I hate to say it because it sounds crass but where that can be translated into money terms. For example, the diesel emission regulations in the automobile emission reductions that have been quite dramatic over the last 10 or 15 years have been as a result of studies that show what the cost is in terms of hospitalizations, mortality and so forth and so on.

So, as one -- my question is really about the state of the information base about the impacts that have occurred as a result or are occurring or expected to occur as a result of the mountaintop removal aspects. I mean there are a lot of so called -- what the economists call externalities in the coal cycle from mining to transportation of the coal to combustion to waste management and so

forth, none of which are taken into account in the actual pricing of the commodity of coal on the market.

So, what we have to do to really address Fr. Vien's issue as well is to figure out how to incorporate those costs into the price of coal and so -- or into regulatory issues like banning. So, my question is I just do not know what the status of scientific and other documentation of those terrible impacts that you described are and whether there is an investment that needs to be made in getting more information along those lines.

MS. TYREE: I think about this a lot. I am confused about the world that we live in where it seems like facts do not matter or facts are not heard and I wonder how many more studies we need on mountaintop removal. There are enough studies to fill a book. The EPA just came out with a study finding, the negative impacts of it.

I am actually a terrible person to ask this question to because numbers just fly out of my head and all that kind of information sort of non-hyperbole stuff does not really stick with me but the point is the EPA just released a study finding negative -- significant negative impacts with it. There was a study released earlier this year, I believe, in the Journal of Science that was a peer reviewed study finding that the impacts of mountaintop removal are irreversible and the environmental impacts were extreme and there is no way for the ecosystem to recover from it.

What you have is a just total -- not just pollution of water sources for us and for the eastern seaboard -- let us be clear about that, the impacts are pretty huge from this, but an annihilation of those water sources. Then there is a number of health studies too, some of which I cited in my comments. Then there are a number of economic studies finding that the cost of coal, as many of you know on NEJAC -- the cost of coal is far beyond -- the actual cost of coal is far beyond the price that it gets shown as.

In West Virginia, there is a study released, I think, earlier this year or late last year that found that the state was paying millions of dollars more to support the coal industry than it was getting from the coal industry. So, I do not have those numbers on my head but we can and we have supplied EPA with the studies. Like is said, it is enough to fill a book.

We have been working on others, I mean I know -- but many have been working on this for decades and I -- well, I will just speak for me. I am tired of studies. I am tired of us thinking okay, well, let us just see this a little bit more and see if it is really that bad. You can just walk into the coal fields and know how bad it is. It is irrefutable, I think.

MS. YEAMPIERRE: Thank you, Stephanie. Sometimes studies become dilatory tactics. I am going to call up to the table -- I am sorry. There is --

MS. ROBINSON: Teri.

MS. YEAMPIERRE: Okay. You need to help me with this. So, I can sort of answer that question for you.

MS. : Yes.

MS. BLANTON: The only health study that has really taken place is from Michael Hendrix from West Virginia University, I think. That is the quotes that she was talking about, the fact that people die 7 to 10 years sooner than anyone else and then there is the economic studies from West Virginia and also from Kentucky. In 2007, it actually costed the state of Kentucky \$150 million to host the coal industry in the state.

That is dollars in, dollars out. That is not talking about the environmental impacts or the health impacts. That is just dollars in, dollars out. So, we actually subsidize the coal industry at a very high rate within our states and also on the federal level. But as far as studies -- health studies, there have not been that many health studies and some of that is happening now but I am with Stephanie, just take a fly over of central Appalachia.

MS. TYREE: Yes, everyone is invited to come to West Virginia or Kentucky or Tennessee or Virginia and fly over. We have a program set to fly people over so we would be thrilled if NEJAC came and flew over.

MS. YEAMPIERRE: Hilton?

MR. KELLEY: Yes. I commend you for taking a stand for your community and for your state. I had the pleasure of going to Virginia during the Environmental Justice For All Tour in 2006 and we did fly over those sites. It is unbelievable how a mountain can be destroyed and the mud and the soot just rains down into the rivers and then into the communities where homes are being buried by the mudslides.

So, keep going with your fight. Eventually, I think, together we can make some changes

but just keep going. Do not give up.

MS. YEAMPIERRE: Thank you so much, Stephanie.

MS. TYREE: Thank you.

MS. YEAMPIERRE: Junior Walk, Lauro Silva and Eric Kin --

MS. ROBINSON: Kirkendall.

MS. YEAMPIERRE: Kirkendall, if you could state your name and your organizational affiliation before you begin your testimony? Welcome.

Comments by Junior Walk, Coal River Mountain Watch

MR. WALK: Thank you. My name is Junior Walk. I work for Coal River Mountain Watch, a small non-profit in Whitesville, West Virginia. I am 20 years old. I have lived in the Coal River Valley my entire life. Growing up, I went to Marsh Fork Elementary School, which is situated 500 yards from a 2.5 billion sludge impoundment.

Sludge is the byproduct of cleaning coal to make it fit the regulations for clean air standards and it -- but they pump it into these impoundments which are like giant earthen dams and then it just sits up there, you know. It does not go away. Then it is also situated next to a coal preparation plant which is where they, you know, clean the coal.

So, I went there for seven years, you know -- my entire time in elementary school and after I survived that ordeal, I went on to Marsh Fork High School which was promptly closed the last year -- I was there the last year that it was open and consolidated to another school.

That school was about 15 minutes from my home and the school that they consolidated it into was about an hour away from my home so I had to ride a bus for an hour or 2 and from school every day which, you know, I could not do any after school activities or things like. So, it is a way that they kept western Raleigh County and eastern Boone County really kind of like, you know -- keeping them poor, you know, making sure that the kids from that area could not better themselves.

I was the first person in my family who had any interest in going to college. So, I had no idea how to go about it and, you know, I just did not really have a chance to do it for several different reasons. I did what a lot of the people in the coal fields do when they graduate high school. I went to work for Massey Energy which is one of the largest coal producers in the United States.

I worked at the Elk Run Preparation Plant. It was a couple of miles from my home. I worked there for about six months and I just knew that I could not keep doing that. I mean working around all this sludge and the chemicals and the coal dust, I knew like that was going to kill me if I did not leave. I mean I might not be too smart but I was smart enough to figure that out.

My father still works there. He has worked there for about 10 years now and I would say he is lucky if he has another 4 years left in him. So, I quit there and I moved around from job to job for a little while and then a family friend of mine offered me a position as a security guard on a mountaintop removal site. I was hard up for work because you cannot find work in southern West Virginia so I took the job.

I worked there for about six months and just being there in the middle of it -- like I knew mountaintop removal was a bad thing and I knew like strip mining, yes, that has got to be horrible but being there in the middle of it and knowing like that that was actually real. That was a completely different situation because like growing up, I had poison water.

It was red, sulfury. It smelled horrible. I knew that the people below that mountaintop removal site were going through the same thing I was and I felt like just a horrible human being for being the slightest part in what was tearing down that mountain and putting those people through that. So, I started volunteering with Coal River Mountain Watch around that time to, you know, alleviate my conscience a little bit, I guess, and eventually Judy Bonds offered me a job as the office manager.

Now, I knew that if I were to take that job, my parents would have to kick me out of the house, because I still lived with my parents at the time, but I was okay with that. I mean -- because my dad works for Massey Energy and, you know, if he --

MS. YEAMPIERRE: One minute.

MR. WALK: -- associating with a tree hugger, that was an automatic death sentence right there. So, you know, I did and that is what I have been doing. I guess that is about all I have to say.

MS. YEAMPIERRE: Thank you, Junior. Before we take any comments from the Council, Karl, would you like to make a comment for Stephanie or Junior? So -- okay.

MR. BROOKS: Would I?

MS. YEAMPIERRE: Yes. Would you?

MR. KARL BROOKS: Well, I guess since all of this takes place well outside Region VII, I am not sure I have got any real particular level of expertise. I mean I know that the agency is working closely on this but I think I would probably be insulting the intelligence of people who know a whole lot more about this than I do to say anything but thank you anyway.

MS. YEAMPIERRE: All right. Thank you. It was suggested by a member of the Advisory Council and I was trying to follow up. So, all right. Teri?

MS. BLANTON: You know this is my opportunity to talk about some stuff. So, I do not think -- let me tell you what he was talking about with sludge -- with the sludge. It is, I guess, one of those processes they call cleaning coal but no, when the coal is first brought from the ground, whether it is surface mine or whether it is deep mine, then they actually clean the coal and they separate the rock and the dirt and the coal --

MR. : ---.

MS. BLANTON: Yes. They use chemicals in order to separate the coal and the rock and dirt. Then when you have these huge impoundments -- that is what he is talking about that is overtop of this school. In 1972, in West Virginia, one burst and killed like 125 people and displaced thousands. Then, in 2000 in Kentucky -- in the year 2000 in Kentucky, one burst in Martin County which killed 100 miles of streams all the way to the Ohio River with 300 million gallons of toxic sludge.

So, this is the beginning of coal. This is the very beginning -- of when it is severed from the ground and it is processed, before it is even put on trucks and taken to the power plant. So, that is what he is talking about that is going on the mountains. In Kentucky alone, we have over 100 of such impoundments that are holding millions -- sometimes billions of gallons of this toxic sludge.

MR. WALK: If I might respond to that. I actually had a distant family member that died in Buffalo Creek in 1972, so --

MS. YEAMPIERRE: Kim?

MS. WASSERMAN: First thing, I would like to thank Stephanie and Junior for coming up here. I think it takes a lot as an individual to not just talk about what you believe in but how it connects to you personally. So, I thank you for sharing that part of your life with us. I think, if nothing else, I appreciate you all coming to testify because I think it is important for anybody who does not know where their energy comes from or knows that it comes from coal to truly understand what that means.

We have a coal power plant in our neighborhood and it is nothing compared to what mountaintop removal does and I think for us, it only made us more impassioned by knowing what the lifecycle of coal is and so I applaud you for coming forward. I do hope that not just members of NEJAC but members in the audience are really taking home what the fallacy of coal is and really understand why we need to get off of this deadly, deadly form of energy.

So, I applaud all of you and I look forward to fighting -- and continuing to fight with you all against coal from mountaintop removal through coal power plants through coal ash. So, thank you very much.

MR. WALK: Thank you.

MS. YEAMPIERRE: Thank you so much, Junior, for joining us. Next, we have Lauro Silva.

MS. : Not here.

MS. YEAMPIERRE: Not here. Okay. Eric Kirkendall.

MR. KIRKENDALL: Kirkendall.

MS. YEAMPIERRE: Kirkendall. If you could repeat your name, for the record, and your organizational affiliation. Thank you.

Comments by Eric Kirkendall, Johnson County Intermodal Coalition

MR. KIRKENDALL: Thank you. My name is Eric Kirkendall, Johnson County Intermodal Coalition.

MS. : Raise the mike.

MR. KIRKENDALL: Thank you. Better?

MS. : Yes.

MR. KIRKENDALL: Okay. Thanks. My -- what I came here to talk about is the proposed BNSF Intermodal Facility to be located near Edgerton, Kansas in rural Johnson County. I am a citizen who initially got involved in the intermodal in order to save my health and my wife's health and our house.

The house is now gone and where the house was is a warehouse.

I live in Lawrence which is a great place but while fighting for myself, I realized how dangerous the intermodal and the associated trucking was going to be to the nearby towns, Gardner and Edgerton, and started learning about the health impacts. So, though my battle is over for myself and my wife and my house, I have continued it.

My goal is two-fold. One -- and the goal of many other people who have been involved in this very same facility. One is to, you know, share adequate analysis of the affects, particularly the health effects of the proposed intermodal facility, before a federal permit is issued. A federal permit has to be issued because a waterway feeds into the Kansas Rivers to be moved, which has gotten the Corps of Engineers and EPA both involved.

My second goal is to do my best to ensure that the facility is not built until the health risks are mitigated and where we are today is far from there. I am absolutely thrilled to learn about the environmental justice community. Despite having worked this issue for three or four years, I knew very little about it -- probably because I was busy reading about PM and trying to understand all of that.

So, I am grateful to have a couple of minutes to talk about it. A couple of side comments before I dive in, one, I -- my mentor, when I was in college, was a guy who talked about --- a lot and I try not to because it goes -- it is not something most folks are interested in but I heard somebody, perhaps it was Mr. Brooks, bring it up. I will mention this. I think all of you know this.

Diesel exhaust particulate matter is extremely unhealthy. It triggers asthma. Some think it causes asthma. People who live near freight corridors or large concentrations of trucks and diesel die - - it is the very same number I heard earlier; 7 to 10 years sooner than the average person. It causes premature death by heart attack and lung problems. So, it is a very serious problem. It is also 100 percent preventable. It is 100 percent manmade.

The question of studies was raised earlier -- a great question. I am going to start talking faster because I am watching the numbers up there -- down to 2 minutes. There have been a lot of health studies on particulate matter. I have a request to make of the EPA.

I request that the EPA review the funds you granted by the U.S. Corps of Engineers for the proposed facility applying principals of environmental justice and other tools at your disposal and consider requiring or recommending that an environmental impact assessment be conducted. I am going to be really quick. What is the purpose of the BSNF intermodal facilities?

I am going to slow down a little bit on this because you will not see this in any official documents whatsoever because the studies so far cover this up. The purpose of the BNSF intermodal facility is to increase throughput of the import of Chinese goods into the United States. Something like 40 percent of goods come through the ports of Long Beach and L.A., imported Chinese goods, are carried by BNSF across the Trans-Con Line which runs through the middle of Johnson County.

Right now, Chicago is so clogged it takes three days to get through there. BNSF is busy double tracking and triple tracking to improve -- enhance the capability of moving goods --

MS. YEAMPIERRE: One minute.

MR. KIRKENDALL: -- and move more imports but they do not have enough rail capacity so they are moving --- system just like the railroads did, the airlines did for passengers except they take a train to the hub and from the hub, they take trucks. So, the intermodal facility proposed to be built near Edgerton, Kansas is to place the road intends take these imported goods by train, take them off the train, put them on trucks and truck them up to 500 miles.

That is an area of 750,000 square miles. You think of it as a funnel. The funnel has a rail line coming in it and out the other end comes the trucks and the particular matter and the health effects. I am going to skip a lot of my detail because I am sitting here looking at one minute but the analysis done to justify the funds, it was inadequate and I believe it was unjust.

First, no public hearing, as required by NEPA and the CFR. Second, did not -- the EA never considered the true business purpose of the facility or the possibility that the facility would increase the volume of imports into the country and pollution and health effects. Third, despite BNSF presentations about the size of the facility being 1,200 acres, they were allowed to -- may I go one minute?

MS. YEAMPIERRE: (Nodding of head "Yes".)

MR. KIRKENDALL: Thank you. They were allowed to say for the purpose of the study was 500 acres. Fourth -- and I will not get into detail on this. I will skip at the air pollution studies were extremely narrow in scope. They did not consider affects on the schools nearby. There is a school within

a half mile and several others a couple of tenths of a mile away from the Intermodal Facility.

There is also a rehab hospital there. BNSF has projected that this facility, at full build out, will generate 60,000 diesel truck and car trips per day. Per day. That is not the number they used in the EA. That is the number they used on another study.

Needless to say, having 60,000 truck trips and car trips emanating from and going to a single site in the middle of a single county and then spreading throughout the Kansas City area is going to have a disparate effect on the people in that community and the people along those roadways, many of who are poor and underinsured or uninsured. The -- I will skip the rest.

There are many other flaws and they are very well documented with comments by me, by mini -- NRDC, by Sierra Club and by one of you future speakers. Why is it important that EPA consider this proposed development as an EJ issue? Number one, because it is not the final goods movement project that the Kansas City area will be faced with.

The Kansas City area, as you all know, has relatively uncongested highways, does not yet have the air quality controls of other cities. This is a great opportunity for somebody that wants to make money to take advantage of uncoded externalities. That is the congestion and the health effects this thing will bring to Kansas City. BNSF and other shippers would like to take advantage of our good roads and clean air.

There is going to be more warehouses. There is going to be more trucking projects. I ask -- I don't know what you can do. I know how bureaucracies work and I know how the limits of power are when you work for a federal agency but I ask that you do everything you can to take a second look at this project and try and make it cleaner, better and safer. Thank you.

MS. YEAMPIERRE: Thank you so much.

MS. : ---.

MS. YEAMPIERRE: Nobody? Okay. Karl?

MR. BROOKS: Yes. Thanks, Elizabeth.

MS. YEAMPIERRE: Thank you.

MR. BROOKS: Unlike mountaintop mining, this is one that I do know just a little bit about because it is in the Region. It is about 15 miles south and a little bit west of here. I would like to thank Mr. Kirkendall for taking the time to summarize some of the challenges about it. I am not going to get into the mode of defending all that was done at the Regional office.

Responding to the 404 permit, much of that was done before I started there this spring but I just make a couple of observations. One is that the legal authorities that the agency followed in responding to the petition were those that govern the agency in responding to all kinds of requests to do EIS's. We as, I am satisfied, followed the precedence that guide the agency.

Commenting on the proposal, as we saw it, the agency did actually make some substantive recommendations to the Corps of Engineers and to the applicant, which we believe will address the concerns about air quality in that area. I am sure reasonable people can debate about how successful those mitigations will be but we think that they were useful.

I guess the final point I would just suggest for everybody to think about, goods movement through Kansas City is, and has been for a long time, one of the main air quality challenges that all kinds of communities face. About a mile west of here is a huge concentration of rail yards in a very low income neighborhood, populated mostly by Kansas Citians of color. So, these are tough choices in trying to decide how to move goods through here.

We are not empowered to get into the economics of what BNSF is doing. I would just say that an argument has been made and could be made -- and maybe Mr. Kirkendall and I can take it up later, that trying to disperse goods handling away from communities that have historically really taken the brunt of it may, in the end, provide more benefits to more people in the greater Kansas City area.

I recognize reasonable people can disagree about that but it is possible that there may actually be some net benefits to the very kinds of communities that we are trying to serve here. But again, reasonable people could disagree. I thank you for bringing the concerns to our attention.

MR. KIRKENDALL: I would like to, in the future, take advantage of your offer to take it up later. I would appreciate that opportunity.

MS. YEAMPIERRE: Thank you. Hilton?

MR. KELLEY: Yes. Mr. Kirkendall, I just have a question. Did I understand that you said there was no public comment period given before the permit was issued?

MR. KIRKENDALL: No. What I said was that there was no public hearing.

MR. KELLEY: Well, you are familiar that you have a right to request a public hearing and a public comment period should have been given and usually is posted in the paper to where you can make comment. Also, at the library, it should have been posted. So, you might want to check into that. Also, there is a Goods Movement Initiative that is out there now.

Many, many people across the country are organizing to fight issues with goods movements.

MR. KIRKENDALL: Thank you. Thank you for those suggestions. Just a minor point -- but I did request a public hearing of the U.S. Army Corps of Engineers. Very early in the process, the CFR regs, the government actually requires it but they have internal rules that allowed them to not have such a hearing.

MS. YEAMPIERRE: Shankar?

MR. PRASAD: Mr. Kirkendall, thanks for bringing up this issue -- to our attention. Just to -- on a historical note, this is a major issue that we are facing in California too. The whole issue of this goods movement is a challenge and the ports -- what I may really -- rail yards are really strong and powerful and have a strong lobby.

Having said that, what the NEJAC has taken this a serious issue and has actually produced a report on this goods movement particulate issue. One of the recommendations we made is really the challenge the EPA has in terms of assigning any kind of a risk in a nearby zone. The reason is that they --- diesel exhaust is very well known to cause cancer and it has a -- all the studies point to that.

EPA has not been able to establish what you call as a unit risk factor. That preempts them to be calculating what is the potential for cancer risk. In fact, we made a specific recommendation -- this body has made a specific recommendation to EPA to retake -- take a second look at it and see whether they establish that --- risk value because it helps in characterizing the risk nearby ---. So, we will provide you those references to you and so on --

MR. KIRKENDALL: Thank you.

MR. PRASAD: But at the same time, one of the things that -- it happened even in the Roseville rail yard expansion and with the Union railroads and also Commerce -- in the city of Commerce in California, with the expansion. Some of the things that are really help there is actually to -- EPA or one of the agencies -- local agencies take the lead and bring the parties together and see whether there could be some kind of a memorandum of understanding between all the three parties in order to see what the next step could be at -- how -- to what extent it can be mitigated and what stepwise expansion can take place and those are the things that have actually worked in California on a couple of occasions.

MR. KIRKENDALL: I very much appreciate comments. In fact, one of the issues I did not get into, because I had to skip a lot of detail, is that really, really wonderful mitigation agreements have been put together in California in at least one case and those were not even considered in the -- in EA for this particular project.

MS. ROBINSON: Mr. Kirkendall, this is Victoria Robinson here with EPA. I am going to give you the URL, the website, for -- you can get a copy of the NEJAC's recommendations specifically to goods movement and you can -- there is also a response document from EPA that outlines some of the steps that EPA is doing nationwide related to goods movement.

It is a very, very comprehensive and very, very -- it is done from EPA nationwide. The URL is www.EPA.gov/environmentaljustice/NEJAC.

MR. KIRKENDALL: All right.

MS. ROBINSON: When you are on -- that is the main page for the NEJAC and then on the right side there is going to be a little box. One of the boxes says Recommendations.

MR. KIRKENDALL: Okay.

MS. ROBINSON: Click on Recommendations and you will see the list of reports that the NEJAC has generated over the past 16 years, okay?

MR. KIRKENDALL: Thanks.

MS. ROBINSON: One of the -- ones near the top is goods movement, like the fifth or so from the top. Okay?

MR. KIRKENDALL: Thank you very much.

MS. ROBINSON: All right.

MR. KIRKENDALL: I appreciate it.

MS. YEAMPIERRE: Thank you. Vernice?

MS. MILLER-TRAVIS: Thank you, Elizabeth. Thank you, Mr. Kirkendall, for bringing

this. Karl, I want to say that your response left me a little queasy and I want to tell you why. I do not know -- all I know about this subject is this conversation we have had right here, so obviously Region VII has probably been up to their eyeballs in this issue but the permitting of this and the designation of a finding of no significant impact is an issue that happens all too often.

The environmental impact assessments that need to be done do not get done when the agency renders a finding of no significant impact. If I could change anything about the history of the struggle in my home community in New York, it would be when EPA first rendered findings of no significant impacts for a sewage treatment plant that changed our lives fundamentally.

So, that was a little troubling. But even more troubling was when you said that in order to reduce the impact of truck traffic and intermodal rail freight on EJ communities in Kansas City that a determination has been made to put this facility in Johnson County and maybe move it to some other places to reduce the burden in those communities.

I deeply, deeply, deeply appreciate the thoughtfulness of that but to move the problem from one community to another community is not environmental justice. It is disbursement. I just want to make sure that as you think about remedies and you think about practices going forward, that to take a problem that had been concentrated in one set of communities and move it to another set of communities is not justice. It is just moving the problem from one place to another.

The mitigation measures the things you can do to lessen the environmental and public health burden on that community is just as important as the burdens that were concentrated in the communities in Kansas City in the first place. So, I just wanted to share that.

(Applause.)

MS. YEAMPIERRE: Thank you. Our -- yes? I am sorry.

MR. BROOKS: Right. If I could respond just very briefly to that, it is important to establish that the decision that was made by the agency was not intended to distribute the burden. I simply observed that there are people who study the question of goods movement who would identify the classic rail corridors and Kansas City is a place where particulates have been concentrated for a long, long time -- disproportionately burdening people who live there.

Simply an observation that some have made that attempting to open up the Kansas City area would be probably in the long-term benefit of many of those people who suffered for a long time. That was not the basis at all for EPA's position, so far as I understand it. Nearly all of that decision making took place long before I became the RA.

MS. YEAMPIERRE: Thank you.

MR. KIRKENDALL: May I make a 30 second comment in response to the concentration issue?

MS. YEAMPIERRE: Go ahead. Yes.

MR. KIRKENDALL: Thank you very much. I put myself through college working in a warehouse, so I am not an anti-warehouse guy. In fact, Lawrence, Kansas still has a -- has a Kreski warehouse -- has for 30 years, the very one I worked in. What is going on with BNSF and the intermodal is concentration of activities that were once widely dispersed.

A warehouse in a community is a really good thing. It is a good thing for Lawrence to have that warehouse. I have friends that still work there. What BNSF is attempting to do is to concentrate warehousing and concentrate trucking. Like a lot of goods, a little bit is okay. A lot in one place, concentrated, is a really bad thing and I think -- I agree with your point. That is where the injustice comes.

It allows BNSF to make more money but it is making more money because of uncoded externalities because they do not have to pay the cost of the pollution or the congestion or any of the rest. So, thank you again for your time and consideration and thoughtfulness. I greatly appreciate it.

MS. YEAMPIERRE: Thank you. Thank you so much. Next, I am going to call Sharon Rodriguez, Ann Suellentrop and Rachel Russell.

MS. ROBINSON: Somebody else will speak for Ann Suellentrop ---.

MS. YEAMPIERRE: Okay. So, Sharon?

MS. RUSSELL: No. Rachel.

MS. YEAMPIERRE: Rachel. Is Sharon Rodriguez here or Ann Suellentrop?

MS. ROBINSON: Who is speaking for Ann Suellentrop?

MS. YEAMPIERRE: Okay. Could you please state your name and organization affiliation?

MS. DRESSMAN: Alicia Dressman, Physicians --

MS. YEAMPIERRE: You need to speak into the mike please. Thank you. Just turn on the mike.

MS. DRESSMAN: Yes.

MS. YEAMPIERRE: Thank you. Welcome.

Comments by Alicia Dressman, Physicians for Social Responsibility

MS. DRESSMAN: Okay. Alicia Dressman, Physicians for Social Responsibility, Kansas City.

MS. YEAMPIERRE: You can begin. Thank you. Welcome.

MS. DRESSMAN: I will be speaking for Ann Suellentrop. I would like to advocate for comprehensive cleanup of the current Kansas City plant located at Bannister Federal Complex which makes 85 percent of the parts for nuclear weapons and has a legacy of 785 toxics and hazardous chemicals from its 61 years of operation.

The EPA has designated 15 Superfund sites at the BFC in 1989 and is currently reassessing its placement in regards to the National Priorities List. The contamination of the current plant has been covered over with a parking lot and has contamination -- and has pump and treat stations but the contamination still remains in the ground up to 50 feet below the surface and in the aquifer and in spills in nearby rivers.

I would like to discuss the lack of planning for cleanup of the new Kansas City plant now under construction. Groundbreaking was just in September. An interesting quote concerning the Kansas City nuclear weapons parts plant appeared in the National Nuclear Security Administration's Fiscal Year 2011 Stockpile Stewardship on Management Plan, which is the plan that NNSA showboats before Congress in the springtime.

The quote is, "Finally, because a new facility will be leased under a certain subleasing agreement with the GSA, NNSA and the city of Kansas City, there will be no capital investment and the NNSA will not be burdened by costs for legacy disposition should the mission ever be discontinued."

So, this sounds like the federal government is walking away from any future obligation to cleanup any contamination at the new Kansas City plant, which is interesting given how there is no federal commitment to clean up the old plant which is contaminated. The federal government needs to take responsibility for the messes it creates, particularly in residential neighborhoods.

It is an environmental justice issue because the current plant is located in poor African-American neighborhoods and the future plant is located in an economically depressed neighborhood, as well. Thank you. I will take questions.

MS. YEAMPIERRE: Thank you. Before taking questions, what is the level of community involvement in this campaign?

MS. DRESSMAN: There is a community advisory panel that was assembled over the summer with appointees by local Senators and members of the city Council. So, there are -- there is a former employee of the Kansas City plant that serves on this community advisory panel.

There is a Sierra Club member that serves in this environ -- community advisory panel and then there are a disproportionate amount -- and this is, of course, is my subjective opinion, a disproportionate amount of business interests that economic development -- the EDC has its appointee, as well. So, there is community involvement to that level --

MS. YEAMPIERRE: Okay.

MS. DRESSMAN: Local residents are involved. Local residents are --

MS. YEAMPIERRE: And the stakeholders?

MS. DRESSMAN: Local residents are involved. Yes. The Linden Hills Neighborhood Association has a representative on the community advisory panel and that is where -- it is in its initial stages. The second meeting will be happening this Thursday.

MS. YEAMPIERRE: Thank you. Any questions or comments from the Advisory Council? Hilton?

MR. KELLEY: Yes. I understand. You are saying that they have a Community Advisory Panel. Does that panel consist of residents that are -- could possibly -- and that are being impacted by this particular site?

MS. DRESSMAN: By the old Kansas City plant? Yes. The Linden Hills neighborhood is -- is just right across the street. It is in proximity. Yes.

MR. KELLEY: So, how was this panel selected? Were they selected by that particular industry or are these -- was the panel self-injected into this process?

MS. DRESSMAN: The Community Advisory Panel, they were appointed by state Senators, Senators, representatives, city council members -- so, it was political representatives that appointed these members in.

MR. KELLEY: All right. Thank you.

MS. YEAMPIERRE: So, unless selected by an elected official, someone would not have an opportunity to participate in this process?

MS. DRESSMAN: Right. You would have to advocate for -- they would have to advocate for themselves by submitting their name or someone submitting their name to a political appointee.

MS. YEAMPIERRE: All right because we are asking -- you know why we are asking? Because we are talking about environmental justice and we think that in any decision making that has a disparate impact on communities of color, that community of color have to be engaged in a meaningful way that they have to be at the table and that those decisions cannot be made for them by other people.

So, that is the reason that we are asking. So, for us it is extremely important in weighing in and making recommendations on these issues that the people impacted are at the forefront of the decision making process.

MS. YEAMPIERRE: But -- Karl?

MR. BROOKS: Sure. The composition of the Community Advisory Panel followed EPA guidelines for building panels like this. There was a definite effort to reach out to members of the geographic community near the Bannister plant and a number of the representatives are those who are involved in local affairs, including I think a school board member, as well as at least one or two members of the City Council in that area.

I mean I would not sit here and tell you that every single member of the panel would sympathize with your view or with anyone's view but to the extent we -- to the extent we tried to reflect opinion in the community about the issues at the plant, we think we not only complied with the rules, but we think that we reached out in a pretty genuine way to engage members in the community.

Obviously, some views probably are not reflected to the degree that you might expect, but we think the composition is a pretty accurate reflection of opinion in the community there that are directly affected by what happens at the plant.

MS. YEAMPIERRE: Is that your view?

MS. DRESSMAN: Agree to disagree but I think the effort was made there but I think also, it is too early to make a full assessment as there has only been one initial meeting. As the process goes on, I will be there to monitor the situation and make sure that expediting environmental remediation is a priority rather than expediting redevelopments of the Bannister Federal Complex. So --

MS. YEAMPIERRE: Hilton?

MR. KELLEY: Yes.

MR. KELLEY: Yes. Coming from an industrialized community in Port Arthur, Texas, we deal with refineries and chemical plants, and many times what happened, you will find that some of these industries find it their best interest to hand pick a lot of people that sit on these CAP's. I mean, in my community, I am the environmental activist in the city of Port Arthur, yet I was never invited to sit on a CAP, number one because I know too much.

In our particular CAP, you have a coach, you have a police officer, you have some older folks who have been in the community for a long time and they really do not understand environmental justice issues. These are the people that sometime industries seek out to put on CAP's. So, be very, very careful and revisit that and try to identify someone that is on that CAP that is actually from the impacted community and you may find that there is nobody there.

So, if you want a real voice at that table, push to ensure that somebody from that impacted community is on that cap.

MS. DRESSMAN: Thank you.

MS. YEAMPIERRE: Any other comments?

(No response.)

MS. YEAMPIERRE: Did I miss anyone?

(No response.)

MS. YEAMPIERRE: All right. Thank you so much for joining us. Rachel Russell?

Comments by Rachel Russell, Arc Ecology

MS. RUSSELL: Good evening. My name is Rachel Russell. I am here today on behalf of Arc Ecology. We are a community based grassroots organization located in San Francisco, California in a community called Bayview Hunters Point. Our work is focused around the environmental responsibility piece. A compassionate economy and a just society.

I am here today to give you just a brief Arc day on the progress and issues of concern in the Bayview Hunters Point community. We are an environmental justice community and we suffer from a disproportionate of polluting industries, industrial facility, motor vehicle and truck emissions. Our community has served as the city's industrial and human dumping ground.

Bayview residents are predominately low-income people of color. Bayview is the home to the last significant African-American population in San Francisco. It is also the last stop for many of San Francisco's poorest resident before seeing refuge outside of the city. There are more than 325 toxic sites in our community, including the Hunters Point Naval Shipyard, a Superfund sited and the PG&E plant.

We are neighbors to the city's remaining PG&E power plant and 30 percent of San Francisco's hazardous waste sites. 1 in 5 Bayview residents have asthma and the incidents of chronic illness are in the community, as a whole, is 4 times the state average. San Francisco's main waste water treatment facility is also located in Bayview Hunter's Point.

We treat over 80 percent of San Francisco and our neighboring city's waste water. The scary part is that for years, the environmental discourse in our community has been focused on the Hunters Point shipyard and the PG&E power plant. Most residents are unaware of the number of -- and complexity of environmental hazards that they face day to day.

One of our many concerns at Arc Ecology are the hundreds of polluting industries flying below the radar of the EPA, the state of California, the city government and the general public. You would not even know that these buildings were home to polluting industries unless you lived near one of the unlucky homes on the route for a 12:00 a.m. delivery truck.

Or, if you stood on a neighboring hilltop watching the smoke stacks, watching the smoke rise from their exhaust stacks. From what we have been able to observe, these industries released just below the threshold limit and are not required to report their chemical use or disposal. Our concern is the cumulative impacts of all the little polluters in Bayview's industrial flats.

We are not saying that we should no longer focus on the cleanup of the shipyard but we are urging NEJAC to advise the EPA to begin considering the cumulative impacts and pathways of exposure from these small generators of pollution. Our organization is prepared to complete a study to identify cumulative impacts from all point and non-point sources in our community.

We need to begin focusing our attention on the right threats. Lastly, I would like to briefly mention our experience with the Restoration Advisory Board's, also known as RAB's. Communities RAB focused on the Navy's cleanup of the Hunters Point Shipyard was dissolved by the Navy. We believe that RAB served an essential -- as an essential vessel for community input.

Arc Ecology has supported the RAB process in the past. In fact, our organization spent a good deal of time during the 1990's providing input into the RAB process and helping RAB members succeed through RAB caucus meetings. The RAB process and the community involvement programs they represent are in desperate need of improvement.

We suggest RAB's in environmental justice communities be provided additional support, such as bringing in outside expertise from universities and professionals who have signed agreements to forego contracting at the site while engaged in the RAB process. We also believe that RAB's would benefit by greater linkage of local government representatives and reuse authorities.

The environmental justice principal recognizes that poverty is a factor in the creation of EJ communities and countering poverty needs to therefore be a part of the EJ solution. Oftentimes, local residents who participated in the RAB process wanted to discuss issues such as local hiring, a topic that is often outside the scope of RAB's.

EPA should work with the military, the Department of Labor and local government to create a better way to address community input into the cleanup and employment process and the opportunities that they do create. On behalf of Arc Ecology, I would like to thank you for this opportunity this evening. Any questions?

MS. YEAMPIERRE: Thank you, Ms. Russell.

MS. RUSSELL: Thank you.

MS. YEAMPIERRE: Any comments or questions from the Council? Sue?

MS. BRIGGUM: Yes. Thank you. I am thinking about the report we are going to talk about tomorrow with regard to environmental justice in permitting and thinking about what you just mentioned in terms of the small sources. Do these all have permits? Or if we focused on environmental justice in permitting, would they also fall below the radar screen but still be important as the major cumulative impact?

MS. RUSSELL: I am not prepared to answer that question. Part of the problem is we do not know. Like we do not know what these facilities -- what these industries are doing. We can just smell them and we can hear them. We want to know what is going on and we need to be able to do those studies.

MS. BRIGGUM: I would just say that suggests to me that they do not have permits --

MS. RUSSELL: Right.

MS. BRIGGUM: -- so that is very helpful input to us. Thank you.

MS. RUSSELL: Thank you.

MS. YEAMPIERRE: Victoria.

MS. ROBINSON: Hi, Rachel. It is good to hear about the RAB's. I was involved early on in the '90's with the training that EPA worked with DOD in helping to develop the Restoration Advisory Boards -- part of the base closure effort. It is good to see that there is a positive response in your community.

MS. RUSSELL: Yes.

MS. ROBINSON: Regarding trying to find out information about those facilities in your neighborhood, go online. There is an excellent online resource -- GIS resource called EJ View. It used to be called EJ Assessment Geographic Assessment Tool. It was upgraded and we call it EJ View and I - you are going to have to go to Erin or someone over here from our office to get the URL.

MS. RUSSELL: Okay.

MS. ROBINSON: But what you can do is you go in and it provides a geographic interface and links to all facilities that -- from which there are permits have been issued, whether they are all water, air or RCRA permits, solid waste permits, they will show up on that thing.

MS. RUSSELL: Okay.

MS. ROBINSON: You can go in and search by the facility name. You can search and do a whole view of the community in question to get a list of all the ones that have permits and then you can get a sense of whether they are not. If they do not have permits but they are TRI reporters, I believe it is - also will show up, as well, on the TRI listing.

So, you can get a sense of if they are meeting before the threshold for a permit but they are still emitting, there should be a TRI report so then you can cross-reference between the two and get a sense of what is coming.

MS. RUSSELL: We have done some work with the TRI and there is only one reporting industry. We know that there is many, many more. So, like as Sue said, they are not permitted. They are not following the process correctly. So, I am very familiar with EJ View and the TRI program. Thank you.

MS. YEAMPIERRE: Thank you. Hilton?

MR. KELLEY: Yes. I think that your case is very well stated. I think you put it out there for us and I commend you for coming forward to fight. I live in the Bay area for like 21 years -- from 1980 until 2001 in Oakland, California. I spent a lot of time in the Hunters Point area. I am very much aware of the Todd Shipyard issue, which is now resolved, but I know there are many other issues.

I would like to encourage you to check out the Global Community Monitoring Organization with Denny Larson. They have a wealth of information within their organization that I think could really help you to understand exactly what some of those industries are emitting. They are online. All you have to do is Google Global Community Monitoring. I think they can assist you.

MS. RUSSELL: Thank you. I have actually been to that website. You may know Pamela Calvert? She is on the Board with you, right?

MS. YEAMPIERRE: The other thing, Rachel -- I do not know where you might be able to access the resources to do this is to have your own air monitors.

MS. RUSSELL: Right.

MS. YEAMPIERRE: We have mobile air monitors where you measure the levels of

PM2.5 NOx, Sox and Carbon Monoxide and short of having a university that can provide you with those resources, if you could get a grant to get those monitors, you will be able to create your own data and be able to monitor the level of cumulative impact. So -- now, let us talk later and we can share with you what our monitor is doing and how we got them --

MS. RUSSELL: Okay.

MS. YEAMPIERRE: -- but sometimes when those resources are not available, it really just takes accessing a grant that pays for the equipment. I know that the PM2.5 monitor, the mobile one, is about \$10,000.00. So -- but it is something that is worth having in a community like yours where you really need to document that.

MS. RUSSELL: Right. Right. I would love to talk with you about that later.

MS. YEAMPIERRE: Okay.

MS. RUSSELL: Thank you.

MS. YEAMPIERRE: Shankar?

MR. PRASAD: That was very well put and I really appreciate you coming over here and I am familiar with the area and I come from Sacramento and so, having said that, I mean I know of an effort that -- Bay Area Quality Management District undertook, in terms of prioritizing say -- some communities based on cumulative impacts, demographics and the health points. Did your area become one of the priority areas or did it miss it --

MS. RUSSELL: I believe our area did receive those grant monies -- the Green Action, I believe, received the grant but I do not believe the study is out yet or completed.

MR. PRASAD: Okay because that is another place where they are planning on continuing that project and want to integrate this community impacts and they are actually going -- they are integrating that and also looking at modifying the permit conditions in those priority areas.

MS. RUSSELL: Okay.

MR. PRASAD: So, that is something that is going on I am aware of. I have not closely followed it but that is some place that you may want to check, as well.

MS. RUSSELL: Thank you. Thank you.

MS. YEAMPIERRE: Okay. Thank you very much for joining us.

MS. RUSSELL: Thank you.

MS. YEAMPIERRE: Next is Craig Lubow, Jan Whitefoot and Jane Stoever.

MR. : Jan -- I believe she is not here.

MS. YEAMPIERRE: Jan Whitefoot is not here. Craig Lubow?

(No response.)

MS. YEAMPIERRE: Jane Stoever?

MS. STOEVER: ---.

MS. YEAMPIERRE: Okay. Welcome.

Comments by Jane Stoever, Peaceworks

MS. STOEVER: Thank you. Thanks to all of you for your commitment and your courage in doing the community development and in speaking out about an environmental justice in your own locations. I believe that copies of my statement, which I did not make a few days ago electronically -- but I brought copies. I think they are coming around to you now. So, I appreciate the staff's help on that.

Let me say that I am Jane Stoever with Peace Planters, Kansas -- with Kansas City Peace Planters, which is an umbrella group. In that umbrella group, I represent Peace Works, Kansas City. I am a member of Peace Works, Kansas City. You may know we have both sides of the state line in the KC metro area, Missouri and Kansas.

I want to speak about the contaminants at what we call the Bannister Federal Complex. 60 percent of that is the Kansas City plant, which makes parts for nuclear weapons and has for 61 years. 40 percent of that is other federal agencies. The General Services Administration has a big office there and some agencies have succeeded in moving away from the plant, which is known to be highly contaminated.

So, we have 2 different types of things going on. We have got the nuclear weapons parts plant and it is non-nuclear parts but they include things like the trigger for the nuclear weapon. Fuses, radar, containers for tritium, we make it here in Kansas City. It is a very well kept secret in Kansas City. What I am circulating, you will notice that it has two websites on it.

The first website is for NBC Action News. They began a year ago this month

encouraging people who had worked at Bannister Federal Complex, either at the Kansas City plant site, the nuclear weapons production site, or the General Services Administration side with many other federal agencies. People from either sides of those agencies, they began encouraging them to send them their name if they felt that they were sick from contaminants there.

Low and behold, the list that is at this website, which is now a little bit outdated, but it is probably, you know, four or five months old, it has a record of Kansas Citians -- 122 of who's families say they died from contaminants there and then the others are people who have self-declared as having had illnesses from contaminants there.

So, we have a highly toxic work area. We also have, if you look down my little one page for a minute -- we also have had involvement of Sierra Club in checking the discharge pipes and a person with Sierra Club Water Sentinels learned that the Missouri Department of Natural Resources found studies indicating that PCB levels at the discharge points into our two local waterways there were up to 22,000 times higher than acceptable levels of PCB's.

So, Sierra Club people went out and put signs up. Then, within a little while, the Department of Natural Resources came and put up formal signs but it took community action to get that. That was around 2003/2004. The next web address that I asked you to go to is the one that Alicia Dressman from Physician's for Social Responsibility in KC referred to where the NNSA Fiscal Year 2011 Stockpiled Stewardship in Management Plan says "because the new facility will be leased, there will be no initial capital investment and NNSA will not be burdened by costs for legacy disposition should the mission ever be discontinued."

Now, we know many people throughout the world are pushing for no nuclear weapons by 2020. We know many countries are pushing for this. We know many --

MS. YEAMPIERRE: One minute.

MS. STOEVEER: Many people are saying that the power -- what the non-nuclear weapons can do is so stupendous. The human race has figured out many ways to kill people and the dangers of the nuclear weapons are so severe -- but what I wanted to focus on more here was the dangers to our community and to the workers in our area. We hit kind of a bind.

We have EPA doing studies on the GSA side, that EPA telling us that they cannot touch the Kansas City plant side. We are saying -- and the workers there have told us, all the toxins are with them. That is where the toxins are. Then we have the city holding the title to the new property. It will be the only city that holds the title to a nuclear weapons production -- the facility.

We have been aghast at this, but we also know that here it is in print. If the mission is discontinued --

MS. YEAMPIERRE: Time.

MS. STOEVEER: Then -- may I have one more minute?

MS. YEAMPIERRE: If you can just wrap up, please.

MS. STOEVEER: Okay.

MS. YEAMPIERRE: Thank you.

MS. STOEVEER: If the mission is discontinued, Kansas City -- what is the city going to do with all this legacy disposition? We know there is going to be depleted uranium there. I am coming to you to ask for your help in shining a light on this problem that is going on and we know other nuclear facilities are similar in the country for damage that they have done to the residents but we have got some EPA involvement.

We have had a history of not having the full truth from the EPA. I appreciate suggestions being made concerning the CAP but we also need a study of the Kansas City plant itself and the toxins surrounding it.

MS. YEAMPIERRE: Okay. Thank you.

MS. STOEVEER: Thank you.

MS. YEAMPIERRE: Thank you, Ms. Stoeveer. Any comments or questions from the Council?

MS. HORNE: Just a quick check in with Karl. Do you know of any other situation --

MS. YEAMPIERRE: Savi?

MS. HORNE: -- of a municipality or a state --- own in a nuclear facility?

MR. BROOKS: I do not and --

MS. HORNE: Is this the case for this particular plant in Kansas City?

MR. BROOKS: I am sorry. I do not know the details of the arrangements the city of

Kansas City has with NNSA or any of the parties involved with that. I do not know.

MS. HORNE: Okay.

MS. STOEVE: Could I give like a 10 minute --

MS. YEAMPIERRE: No.

MS. STOEVE: -- not 10 minute --

MS. YEAMPIERRE: No, you can give 10 minutes.

MS. STOEVE: 20 seconds.

MS. YEAMPIERRE: We have your testimony. You can --

MS. STOEVE: Yes.

MS. YEAMPIERRE: -- respond but you can respond briefly.

MS. STOEVE: Yes. I did not mean to say minutes. Some of us have come to court concerning protests of this situation. The lawyer for Centerpoint said that the Planned Industrial Expansion Authority, which is totally appointed by our mayor, holds the title to the new facility and then it is being leased and subleased in a very mysterious way but GSA subleased.

Then it gets subleased to NNSA and then Centerpoint will be able to buy it back after 20 years for like \$10.00.

MS. YEAMPIERRE: Thank you. Did I miss anyone on the Council?

MS. HORNE: Can I just follow up?

MS. YEAMPIERRE: Sure, Savi.

MS. HORNE: This is not a charge of the NEJAC but it would be interesting if we could get the specs on the ownership of this particular facility for future consideration.

MS. YEAMPIERRE: Okay. Thank you. Anyone else? Sue?

MS. BRIGGUM: Just that I think it very fortunate Mr. Brooks is here because it is helpful to have him hearing about this ownership issue in that EPA does have the long-term obligation to assure that there will be sufficient resources in order to address any future remediation. So, the statement you mentioned, I am sure will be very helpful to him and his staff in terms of what we can do.

MS. STOEVE: Thank you.

MS. YEAMPIERRE: Thank you. Thank you. John?

MR. RIDGWAY: I am John Ridgway with the Washington State Department of Ecology. My brief comment here is you are bringing up a great example of a reminder to us all that nuclear related facilities have a lot more of a risk and concern than just nuclear related waste. Washington State has the most contaminated radioactive waste site in the country -- some would say in the world.

Just trying to characterize the chemicals beyond the radionuclides continues. It very, very complicated. It is very expensive and my last point is that whether it is in a residential community or out in the middle of a -- what some would call a desert, it is still a resident to maybe a very relatively disbursed population but the pollution is just as extreme and just as hard to clean up and just as hard to characterize.

It is very complicated. So, I appreciate you bringing the attention to the Council for this.

MS. STOEVE: Okay. Thank you.

MS. YEAMPIERRE: Thank you so much for joining us.

MS. STOEVE: Thank you.

MS. YEAMPIERRE: Carol Elaine Giessel, Andrea Gross, Sahj Kaya.

MS. ROBINSON: All three.

MS. YEAMPIERRE: All three. That is awesome. Okay.

***Comments by Elaine Giessel, Chair,
Environmental Justice Committee of the Kansas Chapter of the Sierra Club***

MS. GIESSEL: My name is Elaine Giessel. I have served as a chair of the Environmental Justice Committee of the Kansas Chapter of the Sierra Club for almost 10 years. Before you start the clock, I had a request from Shankar to clarify something that I spoke with him about during a break. KCPL may have sat in this very chair and failed to acknowledge that part of the reason they were involved in energy efficiency programs retrofitting of existing old electrical generating plants and generating -- constructing wind energy plants is that they were forced to.

Part of that was an agreement that was signed with the Sierra Club of Missouri. I just thought maybe that ought to be mentioned. Sometimes it is nice to have carrots and sometimes it is nice to have a stick to go along with it. So, that said --

MS. YEAMPIERRE: You ready to start the clock now?

MS. GIESSEL: Pardon?

MS. YEAMPIERRE: Are you ready for us to start the clock now?

MS. GIESSEL: Yes, please.

MS. YEAMPIERRE: Okay. Thank you.

MS. GIESSEL: First, my colleague Leslie Fields, who directs the Sierra Club's National Environmental Justice and Community Partnerships Program, sends greetings to you all and her regrets that she was not able to be here. She did, however, send me a copy of her comments that she submitted last month on the EPA's EJ 2014 Plan.

As she has pointed out in her letter, the Sierra Club's efforts on EJ are national in scope. Unfortunately, we do not have enough funds to have an organizer here in the Kansas City metro area. We do, however, have volunteer grassroots advocates who work with local partners. For example, our Kansas Chapter is working directly with community activist Richard Mabion who spoke before you on energy efficiency and conservation education.

As part of that effort, we are actually underwriting the purchase of compact fluorescent lights that he distributes along with his education efforts to low income neighborhoods. We have also been involved for years with Haskell Indian Nations University on the proposed construction of a major highway very close to their campus and as an aquatic ecologist, I occasionally have the opportunity to review permit applications for potential EJ concerns.

Several of Ms. Fields' comments on the Plan, the new 2014 Plan mirror concerns that I have regarding here -- issues here in Kansas and I am from the Kansas Chapter. In discussing proposed cross agency focus areas, Ms. Fields notes that she had advocated with the EJ community for enforcing EJ concerns in EPA's permitting process, which I see that you are about to address.

Having the opportunity to make comment during the process is absolutely critical but it is not just EPA's permitting process that concerns both of us. As Ms. Fields states, EPA must develop strategies to ensure that the goals are implemented by the state and local agencies, particularly those to whom this permitting process has been delegated officially.

It has been my experience that personnel of state and local agencies are generally not familiar with or sensitive to the scope of complex EJ issues. Especially of concern is the U.S. Army Corps of Engineers which is delegated authority to deal with Section 404 permits under the Clean Water Act. Eric Kirkendall has already mentioned the issue with the FONSI on the intermodal facility south of here.

I would add to the comments made on that that there are some issues. They are not closing down the area that currently affects EJ communities. It will remain -- perhaps not used as fully but it is not being closed in order to open the other facility. Also, we are not looking at the number of trucks that will be coming up the I35 and I70 corridors through the very heart of downtown Kansas City as a result of this project.

We are already looking at non-attainment for ozone. These trucks are going to be emitting precursors to ozone, the NOx as well as particulate matter. I am particularly interested and concerned about the South Lawrence Trafficway, which has not yet come up tonight. It is a project of the Department of Transportation in Kansas and will have tremendous EJ impacts on the Haskell Indian Nations Community.

They have been opposed to this project since 1985 and still it goes on. The current decision to build right against the campus is based on a core EIS which did not address the EIS -- the EJ issues sufficiently. In fact, there is a quote from the -- of the documents that they considered a non-issue despite the objections of that community.

Apparently, the Corps, the Federal Highway Administration, KDOT believes that 300 acres in mitigation wetlands and a nature center are sufficient to atone for decades of cultural, emotional and physical abuse of Native American children at this site. As one individual put it, the agencies either have no clue or no heart. I would agree with that.

I have a couple of recommendations that I would very quickly like to make. Specifically, one --

MS. YEAMPIERRE: One minute.

MS. GIESSEL: The EPA's regional office should provide technical assistance and funding as needed to the Haskell Community and insist on a moratorium for the construction of the South Lawrence Trafficway until EPA is confident that the complex EJ issues there have been appropriately and

adequately addressed. EPA has to make special efforts with Tribal communities to ensure that the rich and diverse traditional cultures of these indigenous peoples are not compromised in permitting or rulemaking processes.

Ms. Fields also made comments on the need to have lead agencies address EJ issues first. I certainly concur with that. There must be administration wide action involving all agencies, federal, state, Tribal and local in regulatory permitting and compliance activities related to environmental protection. Otherwise, even reconvening the Inner Agency Working Group on environmental justice is not going to make a difference even 20 years after the executive order. I thank you for having this opportunity to comment.

MS. YEAMPIERRE: Thank you for joining us. I am going to make some comments that are just comments coming -- not speaking on behalf of the NEJAC but speaking as an EJ activist. I think that, you know, Leslie Fields is someone who is really well respected, works in solidarity with environmental justice leadership but it is the opinion of many of us that Sierra Club is not an environmental justice organization and does not speak for environmental justice communities.

So, even in that regard, it would have probably been preferable to have actually indigenous people here speaking for themselves --- let me finish -- and I had the unfortunate experience of being on a show with the Sierra Club where they had -- it was a Latina show where they were talking about the solid waste management plan in New York City.

I was one of the founders of the organization of waterfront neighborhoods and they were -- they had all their facts wrong but they were talking about our struggle, our work, our campaign, our victory and were talking about it on national television. I thought it was really inappropriate. So, I do respect Leslie tremendously.

I think that the role that an organization like yours plays is to provide technical assistance at the request of local groups and in solidarity with them in supporting their leadership. So, I just wanted to put that on the table because it continues to be an ongoing problem in different parts of the country. So, I would like to take some comments and -- from the Advisory Council. Jolene?

MS. CATRON: Thank you. Good evening. My name is Jolene Catron. On the NEJAC, I serve as a representative of indigenous organizations and communities. This -- what Elizabeth was talking about is an issue that I have been paying close attention to lately. I work on the Wind River Indian reservation with the Eastern Shoshone and northern Arapahoe Tribes but I am Navaho from New Mexico.

So, I also keep up on the ongoing of my home country in New Mexico and Arizona. I know one of the -- one of the issues that has happened, especially around Peabody and the use of the in aquifer is that Sierra Club has come into support of the local community areas and so the kickback from the Tribal governments has been to kick Sierra Club off of the reservation.

So, the -- so nationally how that plays out, there has been a house resolution put forth under the concept of consultation that if an agency wants to come in and consult government to government with Tribes, if they want to consult with their Tribal members, they have to go through the Tribal government first to get that approval. That is part of this formal consultation process that they are talking about.

MR. : Right.

MS. CATRON: So, they have to get approval of the Tribal government to talk to any of the local non-profit or organizing communities in the area. So, that really puts us at a whole disadvantage because if we are working in communities building community capacity, building understanding of really foreign concepts of environmental regulation on Indian lands, we are working behind an added layer of governance.

If that governance is saying the only way you can talk to an agency is if they go through us first, then we have really, really lost our voice altogether because sometimes they may see us as -- the Tribal government may see us as an adversarial kind of position. So, if they do not allow an agency to come in and talk to us, then we have no voice period.

So, that is really my concern. It is something that I deal with on a daily basis. I do not know what the answer to that is. I think Elizabeth struck on that a little bit specific to what you were talking about. It would have been good to hear some of the local representatives ---.

MS. GIESSEL: May I respond to that? I appreciate -- I am familiar with the situation of the southwest -- what transpired. I too am dismayed that Haskell is not here because I think this is predominantly an EJ issue with the choosing of a route for a major trafficway through sacred wetlands. I have -- they have been apprised. I know that individuals from Haskell have spoken out in other venues in

literature that serves the Native American community and at conferences.

I am not sure why they are not here; I will be honest with you. They know of this meeting. I suspect it is frustration dealing with the process of Corps of Engineer permits, with hearings, with lawsuits and the works. They have been working this since 1985, long before I moved to this area from Texas. I do not know how to solve that problem.

I know they asked me to help me write a grant for EPA funds to help them with this problem. I sat down with them for a week and did the grant writing and then discovered no one had the number of their tax free charter as a not for profit and we were lost. I mean, it is a different community. As you said, it is sometimes difficult to be able to help even if you just offer that assistance.

I do not know where to go with this. I really do not. I am saddened that they are not here.

MS. YEAMPIERRE: Jolene?

MS. CATRON: I think part of that answer has got to be that the Sierra Clubs of this nation have got to be advocating to Tribal agencies and Tribal governments and working with them to help include a strong community outreach and meaningful participation for the community. So, then that way the support is there at the Tribal government level out to its own community -- its own Tribal members which are the -- which is the heart of the political body.

So, you know, I do not think that there are any EPA's -- even EPA's own Indian policy does not include that. There is no strong statement from EPA that says it is good governance for Tribal governments to reach out to their own Tribal members in a meaningful way.

MS. GIESSEL: What -- our problem at Haskell is that 150 Tribes are represented there on campus and we did work hand and hand with the Potawatomi Nation in looking at alternatives for this. So, we have gone that route.

MS. YEAMPIERRE: Hilton?

MR. KELLEY: Yes. As a community activist, having come up through the ranks over the last 11 years, I would be remiss if I did not say something concerning the Sierra Club's hand in assisting thousands of EJ groups in achieving some of the successes that they had achieved. I do not believe I would be sitting here today had not it been for the assistance that my organization, which is the only organization I can speak for, received from the Lonestar Sierra Club and also from the Leslie Fields in Washington, DC.

So, I am not very familiar with the issues that are being discussed concerning the Tribes but I can say that the Sierra Club across the nation has been very instrumental in helping communities like Port Arthur, Texas and other community organizations that I am very familiar with. So, I would just like to commend you on the work that, you know, we are familiar with and that has been instrumental in helping us to achieve some of the successes we have achieved.

MS. GIESSEL: We are learning as we go and sometimes it is painful.

MR. KELLEY: Yes.

MS. YEAMPIERRE: Shankar?

MR. PRASAD: I also want to commend Sierra Club's support to all of California in trying to move this monumentous decision forward and it has been --- supporters in --- recent bill said community benefits fund --- climate change program in getting that through the legislature though it was vetoed. So, we know that you do not speak for the community but at the same time, I think your interests in this agenda and moving this agenda forward is always appreciated.

MS. GIESSEL: Thank you.

MS. YEAMPIERRE: Let me just clarify that we are not talking about facilitating. We are talking about supplanting. I am not so colonized that I feel like someone needs to speak for me. I am comfortable with being able to speak for myself, and so are my people. So in a lot of cases, what happens is that -- because people are in need, they are willing to give up power because the process is not put in place to provide them with the tools and the information necessary for them to speak for themselves.

I am saying that we do not have to be passive recipients of someone's good graces that we have to be in the driver's seat in transforming not only our community but leadership in our community. So, I just want to be clear about that. That does not mean to say that you have not done good work in a lot of different places but how it has been done in a lot of different places is pretty uneven. Kim?

MS. WASSERMAN: So, I had the fortunate of heading up the NEJAC 2014 -- the EJ

2014 Plan conversation for NEJAC and so, I appreciate the comments from the Sierra Club and I want to take Elizabeth's comment and push it a little bit past that in saying that I think it is great for the Sierra Club to either speak or not speak on behalf of these organizations.

But I would definitely say that I would challenge the Sierra Club to work with these groups to have them if they are going to -- if -- understand and look at the Plan and comment on behalf of themselves, not through the Sierra Club because I think that is where the EPA needs to hear from more and more organizations and people that are on the ground.

I think it is a question of enabling a lot of our organizations -- a lot of our folks to take on this work and not feel like there is one individual or one organization that is going to plant the way for them or fix things for them but really empowering our community's understanding that they themselves are the solution to the problem that they are dealing with in their communities.

So, I would say that I think it is important -- and I think in knowing Ms. Fields and being a great admirer of her, I appreciate the comments but I would also again say that I think it is pushing back on those organizations to find out why they could not be here. If it is a question of some of us reaching out to them on like how we can help transition them to be part of the process to be able to have them participate fully with us.

MS. YEAMPIERRE: Jolene?

MS. CATRON: Thank you. I would just like to add that in my experience in the work that I have done, the idea of activism and rocking the boat really hard is not highly regarded in a lot of Tribal communities. That does not mean to say that they won't -- that -- I mean, I do not mean to over generalize, but you really have to pay attention to how decisions are made in the community.

They may not be made through the Tribal government. It could be through a clan system. It could be through the Elders. It could be however -- however that decision process is made. So, modern day activism is really a difficult thing in an Indian community, especially if they have a strong traditional value.

So, I have learned that over and over again in a lot of the communities that I worked in and so, it is a difficult -- if you come in as a community with -- as an organization into a Tribal community and your organization has resources to help build capacity, you really have to be careful at like what kind of capacity you are building and how you are perceived in the community because if you are not perceived as too radical, too activist, too anything, the backlash is really strong.

MS. YEAMPIERRE: Elaine, do you want to respond to any of these comments?

MS. GIESSEL: No. It is a learning process for me as well. I think our only difficulty in working at Haskell is it was not the kind of setting that I think Jolene is describing when you have transient students from all different Tribes from all over the country. It is a difficult thing to address.

MS. YEAMPIERRE: Thank you for joining us. Is the messenger intact?

MS. GIESSEL: I will pass on the message --

MS. YEAMPIERRE: Thank you.

MS. GIESSEL: -- how about that? Thank you.

MS. YEAMPIERRE: I am sorry. There is one more. Wynecta?

MS. FISHER: Hi. Wynecta Fisher. I actually -- and maybe -- this is just an idea but I have noticed that whenever there is a need to get the numbers out, Sierra Club will do that and they will do that, you know, on behalf of the -- of a community. I am just -- I am thinking about, you know, when I used to work for the city of New Orleans but I will tell you the good and the bad of that.

When you show up with the numbers and there are busloads of eager kids saying don't, don't, don't and they are from every place but the place that has the issue, it is falling on deaf ears because the very first thing people are going to say is wow, there are a lot of people here but it is not the resident that lives in that house or that house or that house.

What it does is it undermines the work that needs to be done and I do not know if -- I know people have good intentions. So, I do not know if when, you know, you are bussing in three or four busloads of people, to get behind a community when they are not actually a resident of that community. It is kind of like okay, yes, well, they do not live here so do we really listen to what they have to say.

So, when you say you are speaking on behalf of the community and you cannot give me a name of a person and you cannot give me the address of a person and you have not actually spoken to a person, not you personally but as an organization, you then begin to wonder well, is this something that they are passionate about or is this really something that the resident is passionate about.

So, maybe when you get ready to bring those three or four busloads in, find out from the

people that live in that community if they would like to take a seat on that bus to go to the state capital to do the protesting themselves and that you would be willing to train them. Just a suggestion.

MS. GIESSEL: Thank you.

MS. YEAMPIERRE: Thank you. Thank you for joining us. Andrea Gross?

***Comments by Andrea Gross, Director,
Community Outreach at the Interdisciplinary Environmental Clinic,
Washington University School of Law, St. Louis, Missouri***

MS. GROSS: Good evening. My name is Andrea Gross and I am the Community Outreach Director at the Interdisciplinary Environmental Clinic at Washington University School of Law in St. Louis. I am here today to speak about a time sensitive issue with regards to the Carter Carburetor Superfund site in north St. Louis. It has been called a Superfund site.

However, it is not on the national priorities list. If I could read from the letter that I believe some of you may have that we submitted to Dr. Brooks and Ms. Jackson just this Monday. "On behalf of the Lindell Park Neighborhood Development Association, we request a 90-day extension of the public comment period on the Engineering Evaluation and Cost Analysis for the Carter Carburetor site in St. Louis, Missouri.

The current comment period is set to expire on November 30th. We were just recently asked by the Association to assist them in reviewing and commenting on the EE/CA. Residents are very appreciative of EPA's efforts to move forward with the cleanup of the site and are eager to submit comments that will assist EPA in deciding on the most appropriate long-term remedy.

However, the community needs additional time to submit comments that will help ensure the EPA's decision is best for the community. The Carter Carburetor site is located in a significant environmental justice community. Lindell Park is the residential area immediately to the east of the Carter Carburetor sit. According to the EPA's EJ View, within the half mile area around the site that includes Lindell Park, over 99 percent of the residents are minority and over 35 percent live below the poverty line.

These minority percentages are far greater than those for St. Louis (53 percent minority) and Missouri (15 percent). The poverty level around the Carter Carburetor site is over twice the state average. Environmental health indicators for the area, including cancer, neurological and respiratory risks, all put the area in at least the 97th percentile for toxic air pollution risks.

Clearly, the area around the Carter Carburetor is exactly the type of community that EPA's Environmental Justice initiative is meant to address. Both EPA's environmental justice principles and Superfund policies direct EPA to ensure that the agency makes every effort to involve Lindell Park in its decision making process.

However, the public participation opportunities that EPA has provided thus far fail to live up to the environmental justice principles and reflect the minimum 30-day extension required by the regulations -- hardly the meaningful participation EPA has promised environmental justice communities. In October, residents learned that the EPA was now prepared to move forward with a permanent remedy for the site, after the building lay as a contaminated eyesore for 25 years.

There is no indication in the administrative record that EPA made any effort prior to the release of the EE/CA and October hearing, which was very well attended, to inform the nearby residents of the likely contents of the EE/CA. Now, the community is being asked to read and comment, in less than 60 days, on an EE/CA that contains over 600 pages of dense scientific and regulatory information.

EPA has designated an even larger volume of documents as the administrative record that residents are expected to familiarize themselves with and provide comments on. It is impossible for any community, much less one that lacks the resources to hire expensive consultants, to review and comment on this much technical information in such a short period of time.

EPA, with its thousands of employees, took over 320 days to review and comment on earlier EE/CA drafts. When a first draft of the EE/CA was submitted to EPA in May 2009, EPA granted itself over 90 days to provide comments back to the company MACTEC that prepared the draft."

MS. YEAMPIERRE: One minute.

MS. GROSS: "When another draft was submitted to EPA in December 2009, EPA granted itself another 5½ months to provide comments on just the parts that had been changed. EPA even granted MACTEC over 6 months to respond to EPA's comments. Surely, having granted itself 11

months to review drafts and MACTEC over 6 months to respond to limited EPA comments, EPA must provide the environmental justice community around Carter Carburetor and additional 90 days to review and comment on the EE/CA."

So, essentially this is a time sensitive issue and we are asking if the EPA consider the 90 day request and let citizens have more time to put in their comments just so the -- as the EPA did.

MS. YEAMPIERRE: Thank you. Karl?

MR. BROOKS: Yes. Thanks Ms. Gross for bringing the letter directly to our attention here. We received a copy of it yesterday in our office. We are giving it very careful consideration. The principals that you state at the heart of the letter are obviously principals that we are taking very seriously. I want to take just a little bit of chance consult with Council and consider how we handle the EJ implications of that, but it is a reasonable request with an adequate basis behind it but you will understand that having just over 24 hours to look at the letter --

MS. GROSS: Sure.

MR. BROOKS: -- I am not prepared yet to make the decision but will in a very short time.

MS. GROSS: Okay. We appreciate that.

MS. YEAMPIERRE: Any other comments or questions from the Council? Do you see any?

(No response.)

MS. YEAMPIERRE: Okay. Thank you, Ms. Gross.

MS. GROSS: Thank you.

MS. YEAMPIERRE: Sahj Kaya?

MS. KAYA: Yes. Thank you.

MS. YEAMPIERRE: Welcome.

MS. KAYA: You said it right too.

MS. YEAMPIERRE: Finally, I get one right.

MS. KAYA: My name is Sahj Kaya. I am an activist. I wear many hats. I am on the member of Peace Planners here in Kansas City and East Meets West of Troost. I have a couple of issues that I wanted to address briefly and quickly. I am an artist also. So, I will start by saying that for 30 years, I have been dealing with the issue of nuclear weapons and one of the pieces that I wrote concerning -- it goes a little bit like this. It goes -- and it is a little variation.

"Test. Test. Nuclear weapons. Build, build nuclear weapons. What are you building for? Do you test to see how many will be killed in the air, on the land, in the sea? Nuclear weapons, ray guns. What are you building for? Destruction is all you see. Can any good -- any good be with nuclear weapons? Defcon 2, Arms Alert. Defcon 3, Combat Zone. Defcon 4, Trigger the bomb.

No more sands. No more seas. No more trees. No more you. No more me. Nuclear weapons, build, build. What are you building for? Only if they could listen. Only if they could hear the blood running, dripping in their tears. Born to live. Born to die. Human inhumanity exploding in the skies. Nuclear weapons. Ray Guns. What are you testing for?

The rays from this gun burns the flesh of children. The rays from this gun burns the flesh of children." That was one of the pieces I have been doing since the '80's and I am very concerned about environmental justice, about this nuclear weapons plant. I managed a road that has contaminated the environment. I try to educate, enlighten, empower and inform people through my art.

There are a lot of people that I --- contaminated and are dying from that plant and now they are building a new plant. They are spending lots of money on this when really they moved it by saying they were going to get 2,500 jobs but if they got green jobs, they would have had 3 times -- 4 times that many jobs and for the cleanup of the Bannister plant and those jobs would last 30 or 40 years.

They would make more money from those jobs, as well. The other thing I want to comment really quickly is I want to save the planet by, you know, banning and get rid of this nuclear weapons. We do not need them. We have got as many bombs as we possibly could need to blow up the world over and over again.

There is no justification for spending all of that money on it. Healing the planet is another thing. I want the -- this group to seriously look at the issue of hemp -- hemp cannabis a tbomb. Hemp is a plant that is non-toxic -- is a non-lethal. It has no lethal attributes. I cannot kill you. It was a number one economy plant for our economy years ago and it is 120 day crop that grows and it produces oils that do everything that fossil fuel and petroleum does without contaminating the environment.

It does everything the trees do without contaminating the environment or cutting down all

the trees that we need in our environment. There are two resources I would like for you to look at that would give you the information that this cannabis ateva hemp plant was made illegal -- illegally. One of those is A Billion Dollar Crop. It is a documentary- films.org. You can get it there.

The other resource is The Emperor Wears No Clothes by Jack Herer, H-e-r-e-r. I really would -- I think it is essential because we have hemp products all over our stores now but it is still illegal for our farmers to grow, which would heal the topsoil --

MS. YEAMPIERRE: One minute.

MS. KAYA: -- and would boost our economy eventually. I think you need to really take a serious look at this plant and how it was made illegal -- illegally and get the information out there. There is more I can say but I really do not want to run the clock out. Do you have any questions?

MS. YEAMPIERRE: Thank you, Ms. Sahj Kaya in bringing in your arty --- spirit into this space. I do not think we have every had anybody do some spoken word here before. So, thank you for that.

MS. KAYA: Yes, I have a -- this is my book. I have five -- four other books --

MS. YEAMPIERRE: Okay.

MS. KAYA: That is all -- has to do with --- environment.

MS. YEAMPIERRE: You are going to laugh but I have actually seen a lot of those films on YouTube and I know that -- I know how hemp was actually taken out by Petra Chemical Industries and all -- and how sustainable it is --

MS. KAYA: Yes.

MS. YEAMPIERRE: -- and how it can be turned into so many different kinds of things --

MS. KAYA: Yes.

MS. YEAMPIERRE: -- and how it was -- and how it became what it is perceived to be now. So, it is actually a material that is actually sustainable and actually good for the environment and can be used in a lot of different ways.

MS. KAYA: And our economy --

MS. YEAMPIERRE: Yes.

MS. KAYA: If our farmers were there to be able to grow it, the products that we have on our shelves, they would be able to put on there and --

MS. YEAMPIERRE: Yes.

MS. KAYA: -- it would boost our economy.

MS. YEAMPIERRE: I know but there is that perception of it being used for intoxicating use and that perception alone will prevent people from embracing all the other good things that come from it.

MS. KAYA: Well, that is information.

MS. YEAMPIERRE: That is the reality.

MS. KAYA: Yes.

MS. YEAMPIERRE: But anyway, let us take some comments.

MS. KAYA: Yes.

MS. YEAMPIERRE: Hilton? Thank you.

MR. KELLEY: Yes. I am familiar with, you know, some of the uses of hemp and how the properties of it can make bags and other garments, as well. I appreciated your point. That is what I really wanted to say, as well.

MS. KAYA: I wish I could do the one about the hemp.

(Laughter.)

MS. KAYA: You would love that one. Yes. Would you let me do that?

MS. YEAMPIERRE: Okay. We have -- yes, we have got about I think three more people so --

MS. KAYA: Okay.

MS. YEAMPIERRE: -- but, you know, on another day. Does anyone have any comments or any questions?

MS. KAYA: Ask me to do the poem.

MS. YEAMPIERRE: Right.

(Laughter.)

MS. YEAMPIERRE: I know you want to perform. I feel it. I feel it. Thank you. Thank you for joining us.

MS. KAYA: Thank you.

MS. YEAMPIERRE: Thank you.

(Laughter.)

MS. YEAMPIERRE: The last three are Andrew Clark, David Mitchell and Sasteh Mosley. Andrew? Where is Andrew?

MR. CLARK: Hello.

MS. YEAMPIERRE: If you could introduce yourself. State your name and your organizational affiliation. Welcome.

Comments by Andrew Clark, Concerned Citizen

MR. CLARK: I am Andrew Clark, lifetime Kansas Citian.

MS. YEAMPIERRE: Welcome.

MR. CLARK: A U of KC undergrad studying Urban Planning and Design. Today, I attended the Youth Workshop that you guys supported, which was great, and it allowed me to reflect on my studies of Kansas City's neighborhoods to what is going on on the national level. I wanted to talk about what is going on here in Kansas City since a lot of you are not from here.

My responsibility as a citizen is to address that Kansas City's youth have been and continue to be disconnected from decision making processes. This is evident -- last school year, the Kansas City, Missouri school district had to close 26 more schools. Over half of these are already in the most distressed neighborhoods in Kansas City; race, poverty, crime, vacancy.

So, this adds another psychological and physiological problem of the neglect of these schools and these kids constantly seeing this environment. So, what I have come to say is that Kansas City is broke. The ETAC's did not go through. The Kansas City, Missouri school district is broke. These neighborhoods already have no money.

So, we obviously need help from another level. I know the federal government is helping with the Green Impact Zone, but the entire school district needs this help. These neighborhoods need the help. One of the schools closed was the Environmental Studies School. It was built in 1992. It is one of the newest schools that were built after the desegregation suit in the state of Missouri.

We are stressing an environmental justice issue and environmental sciences are necessary to understand this issue, then we need to reopen an environmental science school. With the help of the federal government and working with state officials and city officials, perhaps we could even create a hub where the entire region of Kansas City can use it. We are still divided between urban and suburban here.

This is a chance for all colors to come together, all socioeconomic people to come together -- or different levels to come together and learn through ecology. The ecology is being dropped from all these neighborhoods. The only ecology going on is vacant lots. So, I just wanted to say, it would be great if the EPA Region VII -- and I know this is going on all throughout the United States in urban cities, schools closing.

If the EPA could be involved with these repurposing processes and make sure that absentee landlords are not coming in and adding to more deterioration of these neighborhoods. I wanted to keep it short and sweet. Thank you for your time.

MS. YEAMPIERRE: Thank you. Any comments or questions from the Council?

(No response.)

MS. YEAMPIERRE: Okay. Thank you. David Mitchell?

Comments by David Mitchell, Concerned Citizen

MR. MITCHELL: Yes. Hi. My name is David Mitchell, as you just said. I just wanted to be clear. I am an active member of the local Sierra Club group here in Kansas City, Missouri, the THB group, but I was not sent down here by the Sierra Club. I came down as a passionate citizen regarding the issue of global warming. I would specifically like to address CO2 and some comments that James Hansen made in his book, Storms of My Grandchildren. Is that okay with you or --

(Nodding of head "Yes".)

MR. MITCHELL: Okay. All right. Just a little bit of a personal note. I have been increasingly passionate about global warming since about 2004. I have read a number of books on the subject, including various other literatures. Most recently I read James Hansen's book, Storms of My Grandchildren. James Hansen is the NASA climate scientist -- the preeminent scientist who is still

currently employed by the federal government.

He -- I read the book and then I wrote a review for the -- of the book for a recent newsletter that was put out in the Missouri Sierra. Basically, he calls for a reduction of CO2 to 350 parts per million worldwide with a current level of approximately 390 parts per million. The -- in order to avoid the potential for runaway global warming, he recommends that he calls for no new coal plants in the U.S. and a going offline of all coal plants by 2030.

He also calls for the implementation of a policy of fee and dividend, which involves corporations paying an increasing annual tax on the mining or drilling of fossil fuels with these funds that are collected directly transferred equally to all U.S. citizens. It is critical that it is -- it is critical that the U.S. take the leadership role of these significant reductions -- reduction of the use of fossil fuels and the pumping of CO2 into the atmosphere. What will the EPA be doing to address these issues?

MS. YEAMPIERRE: Thank you. Any comments? Teri?

MS. BLANTON: I would just like say thank you for bringing up James Hansen. I would just like to say that him and I were arm and arm as we were arrested in Washington, DC last month protesting mountaintop removal.

MR. CLARK: I read about that.

MS. BLANTON: Thank you.

MS. YEAMPIERRE: Shankar?

MR. PRASAD: You bring up a very good point about the importance of the global warming and the climate change and its interaction in the context of environmental justice. It is well established from many studies what the economic impacts and the health impacts of this parity that is expected as the global warming continues.

At the same time, I think what EPA -- EPA has done an endangerment piece on that --- so to that extent, I think how far they will go, it remains to be seen. As far as we can push that agenda forward, it will be good but it is unfortunate that in terms of the political ramifications and where the political reality is that the --- and the President has made a clear statement a couple of weeks back that cap and trade is not the only way to skin the cat.

It may not be the way to go about but to think that we may try to address this issue in the context of energy possessing. In that sense, probably the question of what you are saying about the coal issue needs to be seriously considered.

MR. MITCHELL: I would just like to, you know -- James Hansen makes clear in his book that he does not feel that cap and trade is an effective policy at all. He does push quite strongly this concept of fee and dividend, which I was not familiar with -- knowledgeable of and am still not but my understanding is that corporations pay this tax when they mine or drill for oil or natural gas or the mining of coal, they pay the tax and then that tax goes directly to U.S. citizens for the increased cost of fossil fuel.

If you annually increase the tax and then billions of decisions made by millions of people to reduce their consumption to make money. You know, the more energy efficient people make money because they do not -- they get so many thousands of dollars of year from this tax and then you -- if you spend less money on energy, then you make money.

So -- but I mean that is, you know -- I am not real familiar with this policy and -- but when I read about it, I just thought it was a really good idea. I think the other issue is that there is a general environmental justice issue around -- he calculated -- James Hensen calculated in his book that each coal plant in the United States is going to wipe out 400 -- I am not absolutely sure of this but it is going to wipe out 400 species per coal plant.

I am not absolutely sure of that figure but I think it is around that. The -- well, and if you want to take an extremely global view, he feels that the reduction of CO2 to 350 parts per million is necessary to have a chance to stabilize the climate before runaway global warming happens. So, that is kind of an issue.

MS. YEAMPIERRE: Thank you, Mr. Mitchell. A lot of us are really concerned about climate and its impact on vulnerable communities. We are working on climate adaptation plans and community resilience but we are also concerned about co-pollutants and oftentimes broad based approaches to address the reduction of carbon do not address the co-pollutants that affect environmental justice communities.

So, we are concerned about all of it. Thank you for bringing it to our attention.

MR. MITCHELL: Okay.

MS. YEAMPIERRE: Thank you for joining us.

MR. MITCHELL: Thank you very much.

MS. YEAMPIERRE: Sastah Mosley?

Comments by Sasteh Mosley, East Meets the West of Troost

MR. MOSLEY: Hello everybody.

MS. YEAMPIERRE: Welcome.

MR. MOSLEY: Welcome to Kansas City. I want to say a disclaimer. First of all, I live in the Ivanhoe neighborhood and in the Green Zone. I take full advantage of all the opportunities and none of my comments are in any way to discourage the efforts going on. Am I covered Ms. May? Because I live in the community and I do get involved with the programs but what I am here to talk about is the -- organization, East Meets the West of Troost, has been a -- working with the coalition of the PeacePlanners and we have broken into three different components.

One to deal with the sick workers at the old plant and the remediation of that. The second component deals with the new plant and the -- what we anticipate will be no need for it if we get our treaties. We ask they enforce our treaties leaving Kansas City with a bag -- an empty bag. The third component is dealing with the actual reason that our African-American leaders that we trust and that we count on voted for the plan.

Their main reason was for the 500 jobs or the 24 percent of the jobs that we were promised. So, as many times, when you are in activism, you look ahead and you fight your fight but you have to watch out for the guy behind you trying to do the same job running into the back of you. So, we basically stopped there at that 24 percent and refocused our green jobs effort at enforcing that.

We have -- I work as an urban farmer. We have put 50 stimulus workers out into the field training youths. They leave our program as urban agricultural specialists. So, I have got my hands involved with the workforce development here in Kansas City. East Meets West also does urban farm tours. We do not just do our farm.

We actually, on call, just take people out and show them all the different types of urban farm initiatives that are out here with community organizations and with just individuals. People that take it to market and people that just want to lower their budget for food and use -- learn life skills. We have had three sites that have already been tested by the EPA.

We are getting those results in. We have got another set coming in. So, we are -- we have got a good relationship with the EPA before today. Another round -- let me see. Each time we look at these large economic development projects, we see these set asides. These are jobs for the most needy people. The leadership votes for them and we are supposed to get the jobs but a lot of times, these jobs are unattainable and uncountable.

What we mean is that I have passed a psychological background test and an FBI background test for getting my job when I worked in a nuclear weapons plant and for being a nuclear --- operator but I know my neighbors cannot pass that test and many of them have felonies and many of them have serious health issues where they would not be able to pass that.

So, I call them unattainable jobs. We -- our group, at this time, have decided to look at the job pieces, listen to what the leaders have already agreed upon and to this point, we have gotten to the point where our civil disobedience has led us to the point where we get arrested, we go to court and then the case gets thrown out.

It is simply a method of diverting us and wasting our time. So, we have decided to focus on a local political solution. What I request would be for our city leaders is we want our city leaders to add to their planning initiatives --

MS. YEAMPIERRE: One minute.

MR. MOSLEY: -- the conversion of a nuclear weapons jobs into green energy jobs. We know the end is near for this industry, hopefully, and we want our leadership to take on that --- and let us know what is going to happen in 5 or 10 years when we are left holding the bag. We have looked at people that have had these relationships and taken these deals.

We are hoping that we do not end up in the same place as the Navaho Tribe that has a 90 percent unemployment rate and the Lakota Tribe that has a 65 percent unemployment rate. Right now, our urban core they say is 20 percent unemployment rate but we know it is really about 40 percent of unemployment rate. We know we are going to learn from the Navaho Tribe that dealt with the remediation of the uranium mines.

We are learning from the green energy training that the Lakota Tribe is doing right now. We are going to develop those relationships --

MS. YEAMPIERRE: Time.

MR. MOSLEY: -- and deal with those sensitive issues when dealing with the Tribes. I am almost done. We want to use the new tools that we have gained at this conference. We have gained the tools of how to look up the actual impact out at the nuclear weapons plant and we have also developed some relationships since we have been here.

So, I want to thank you all for coming to Kansas City. I look forward to working with you in the future.

MS. YEAMPIERRE: Thank you. Any questions or comments from the Council? Nicholas? Nicholas, I am sorry. I did not see your card before and I know you had a question for the previous speaker.

MR. TARG: I just wanted to amplify on the point that you had made that with -- in the issue of climate change, is the policies that address climate change rather frequently, the -- can be substantially impracticable to the community, not just the primary effects of climate change itself.

So, I was very interested in your experience as a urban farmer ---, in working with EPA to test the plots of ground of which you were growing crops, can you talk a little bit about your experience with that? How you came to work with EPA, what the results were and what their -- and how that changed in these practices?

MR. MOSLEY: Well, the first thing I did is the traditional leadership in the African-American community. I went to the NAACP conference and the black caucus actually was doing a national tour with the EPA administrator. She came, you know -- they had questions. My question was first, you know, about getting the -- paying of testing for urban farming because when -- we have got a problem in our urban core, she immediately assigns Althea Moses to get on it.

She came out to our office. They sent Petra Tech out and we got the testing done. It was a great process. We were lining up to do a whole other set because one of the reasons that an economy of urban farming, which is the economy for Kansas City. Kansas City was always known for agriculture and is basically that whole economy is administered plan.

We are left with this big gaping hole called the 64130 murder factory where there is no hope. There is no economy. So, we are trying to fill that hole. We are getting support from the EPA. We want to continue to grow that. We want to build it with the resources that we have learned about here -- the EPA grants. We are going to be submitting for those.

MR. TARG: If I may, what were the results of the testing?

MR. MOSLEY: The actual packet, I was there, you know, I have used the equipment before. I kind of heard everything was good. The guy did not run off with the package. I was told yesterday the package is on the way to our office. The results are not just pass fail. The results will tell us what we need to do with that particular piece of land so that we get all the nutrients in there so the plant that -- does not have arrested development.

So, it is not missing something like a lot of our kids in our school district.

MR. TARG: That is outstanding. Thank you very much.

MS. YEAMPIERRE: Savi? One of the things that I did not say to the members, and I apologize for this, is that when you speak, if you could just say your name and your organization for the record. I should have done that. Savi?

MS. HORNE: Yes. I am just interested. What about the uptake of chemicals that were pre-existing. I mean, is the soil sample -- are you checking the soil sample with your ---?

MR. MOSLEY: Yes. We are --

MS. HORNE: Are you organic certified? I mean what are you saying these things are? Certified organic? Transition organic? Food is good for you? Healthy food? I mean how do you market in that? I am really concerned about the soil.

MR. MOSLEY: Okay. The house that I am -- we had two houses tested. One is the one that I bought for my mother next door to my block captain and I know what is there.

MS. YEAMPIERRE: I am sorry. Do we -- we owe you respect. I mean, you are talking and we stopped listening because we are all giggling over this.

MR. MOSLEY: Okay. Okay.

MS. YEAMPIERRE: So, please start all over again because I -- we want to make sure that you are heard --

MR. MOSLEY: All right.

MS. YEAMPIERRE: -- and that you get the respect you deserve. Go ahead.

MR. MOSLEY: Okay. The last that we are getting --- the people are from lands that I have been living on and the other lot is -- my grandfather owns. We are not selling the food. We are using our EPA certification when we get those results in for next season. The previous lots that I was associated with that we worked with the youth with the stimulus work.

All those lots, we have seen the tests for those. We worked with a site that had planned development so we already had the relationship with the developer who was slowed down by the downturn of the economy. So, I am an engineer. I do know that you will poison people if you do not -- you should test your land. So, yes. We are testing it.

Others have gotten certified by Lincoln University down in Jeff City. It is a land grant college. They consult with us and make sure we are not working lands and getting food out to people that is bad for them. I am not certified organic, okay? I am not certified locally grown. The workers that come to my backyard and the workers that come to my grandfather's farm, they eat that food and they feed their families with the food.

They do not have jobs. They have no income and a lot of times they'll just -- they are taking the same chances that I am when I feed my children.

MS. YEAMPIERRE: Okay. Thank you.

MS. HORNE: I am sorry. It is just Savi Horne with NEJAC. I was the -- I am just kind of curious because I know this practice in Detroit in which they use layer and layers of newspaper to remediate the soil and then you pour topsoil on that?

MR. MOSLEY: Oh my God.

MS. HORNE: You know, I am just really concerned about healthy soils and getting second opinions.

MR. MOSLEY: I do not really want to go too far out with my appointment with the jobs but I will say this, when you focus on the job and when you focus on the job training and your goal is to act like a subsidized farm, lots of farms are subsidized by government dollars. They get their plants and their food all -- in their small fee subsidized for the -- we are running a farm.

We are trying to create jobs and just like they do when they make the nuclear weapons, you have -- you run your business and you take certain risks. That is really what we are trying to teach our urban agriculture specialists are that we show them how to test. We show them how much it costs. It is inexpensive. They have to continue to feed their families.

MS. YEAMPIERRE: You know what the concern is that oftentimes we have to choose between being employed and being healthy. I think that that is the running concern that you are hearing. Wynecta?

MS. FISHER: Hi. Wynecta Fisher. ---. I have a quick question. I think -- and just correct me if I am wrong. You said that the farm -- the land that you are doing your farming projects on, they are actually lands that you own? They are not vacant lots correct?

MR. MOSLEY: Correct. I have another project that does vacant lots and we have to get permission from the owner and get the test.

MS. FISHER: My question with the vacant lot and maybe you can help all of us with this. I know in several other areas, one it is zoning issue because if you are in a residential community and that piece of land is zoned as residential, how -- did you get the zoning changed? That is my first question. In order to put that farm there.

The second question is that a lot of people want to have urban gardens, which is a great idea, but then there is the issues of how do you water that garden so that the vacant lot, with the land owner -- who pays -- how do you get that -- do you get a water meter installed so that you can water the garden. Do you have an agreement with your neighbor? So, to help those individuals who are interested in possibly doing some urban farming that have a vacant lot, how would you suggest they -- what steps would you suggest they take; zoning and the water.

MR. MOSLEY: What I recommend is -- Richard Mabion was here earlier. He works with J14. Joe Jackson is the farmer there. He taught me how to do dry farming -- what is called dry farming and count how high pitched rows and be able to take -- do more land and live off the irrigation that comes from the sky. With our vacant lot piece, the zoning in Kansas City says if you own the lot, you can do crop agriculture and you can sell from that spot. It is very open, okay?

If there is a mixed use, meaning that you own the house that becomes an entirely

different battle if there is a house on the lot. We just passed an ordinance in June, Councilman Sharp came to the conference yesterday and talked about it a little bit where if there is a house there, the rules change. It becomes mixed use and you cannot have open transactions at the place.

I have got open transactions going on at my house so -- in my neighborhood all the time. It is not from a hoop house. It is from a crack house. So, we teamed up with the part of the community that was the green community and we --- prevail over those people that were concerned about the prestige of their neighborhoods.

We changed the ordinance. So, we are organized enough that we will, you know -- if we do not like our laws that were written 60 years ago when we had 90,000 more people in my neighborhood area and it was too tight to do farming, we just changed that arcane law. That is our approach.

MS. YEAMPIERRE: Thank you so much for joining us. I would like to thank all of the members of the public that have stayed and listened. This information is not just for us. It is an opportunity for us to share and get lifted by what we hear. I want to thank you for sharing your analysis, your recommendations, for sharing your stories and sharing your struggle with us.

We are always lifted when this happens. So, muchas gracias. Karl has some comments. After that, we will adjourn.

MR. BROOKS: Sure. Yes. Thanks, Elizabeth. My comments do not have anything to do with the previous witness but an earlier witness's comments veered off into an area that seemed to be to have not so much to do with environmental justice but with perhaps National Drug and Agricultural policy. I know that the chair's opinions in response to that were clearly her own.

She was very careful to make it clear that those were her personal opinions but since this is a transcribed hearing, this is on the record. I just want to say, as the senior EPA official here, the agency has absolutely no views whatsoever on National Drug or Agricultural policy regarding hemp. I just want to make that clear because this is a transcribed hearing --

(Laughter.)

MR. BROOKS: -- and the chairman did express some views about that. I just want to make that crystal clear. She was quite careful on that.

MS. YEAMPIERRE: And I have never smoked in my entire life.

(Laughter.)

MS. YEAMPIERRE: I am -- so, let me put that on the record, as well. In closing let me just say, there are some written comments that are in your records -- in your folders. If you could read those. For those folks that were not able to come here personally to testify before us, they --

MS. : ---.

MS. YEAMPIERRE: They will be incorporated into the record. I want to thank you for your attention, for your passion, for your love this evening. The meeting is adjourned. See you tomorrow morning.

(Applause.)

(Whereupon the meeting was adjourned at 7:01 p.m.)

WRITTEN STATEMENTS SUBMITTED TO THE RECORD

Written statements were submitted for the public comment period by the following individuals who were not present to speak during the meeting.

- Mr. Lyle Courtsal, People's Multiservice Systems
- Mr. Steven Klafka, Wingra Engineering, S.C.
- Ms. Kathleen Weigand, Community Member
- Ms. Lynda Callon, Westside CAN Center
- Ms. Debra Ramirez, Citizens Against Contamination/Mossville Environmental Action Now
- Ms. Patty Brown, Missouri Sierra Club
- Ms. Jan Whitefoot, Concerned Citizens of the Yakama Reservation
- Ms. Ann Suellentrop (represented in person by Ms. Alicia Dressman, Physicians for Social Responsibility)

(Note to readers: Written statements are shown verbatim, as provided by the individuals who submitted

them, with no modifications or changes.)

1. Mr. Lyle Courtsal, People's Multiservice Systems

For decades now, we as a people have been lied to repeatedly about the harm and toxicity of many technologies, products, and processes, to the point that the health of many Americans is seriously compromised and is costing us in many ways both quantitatively and qualitatively; healthwise and spiritually. The pattern is the same over and over and over again. The industry funded research says no problemo, the independent research says big problems. The following areas are ones that I am personally very concerned about.

- 1) The health consequences of exposure to even low level nuclear and microwave radiation (www.iicph.org and Townsend Letters for Doctors magazine summary of health consequences of microwave radiation exposure). DU exposure has resulted in serious deformities to stillborn in offspring of exposed parents, civilian and combatant.
- 2) The health consequences of chemical pesticides and herbicides in our environment and in our food. Lets do a thorough 40 year intergenerational epidemiological study of cancer alley (last 200 miles of the mississippi river for illnesses due to toxic exposures). Also pesticide and herbicides are responsible for reductions in our bee population along with microwaves, so plants don't get pollinated and reproduce.
- 3) What are the consequences of the use of intensive pesticide/herbicide use on farmland nutrient levels? (not good). Malnutrition is a national problem now (brain malnutrition is a significant driving factor in drug/alcohol addictions).
- 4) Communities where lead paint is still around need to be targetted for lead abatement since it can result in so many illnesses in affected people. Likewise for pthalate and other toxic chemicals that we are exposed to daily. (is that how it is spelled?).
- 5) By reducing meat consumption in the US population, feedlot runoff contamination can be significantly reduced. There is a significant connection between meat overconsumption and colon cancer. The support of midscale family farmers (150-300 acres) is crucial to this transformation. Also antibiotic and hormone additives are driving early maturation in adolescents. The problems of chemically and heavy metal contaminated fish can be solved by developing alternative protein sources like hempseed flour and oil as has been going on in Canada for the last ten years (www.hemptrade.ca). Likewise the genetically modified foods need to be seriously and independently studied and labelled so that health consequences of use can be quickly tracked and responded to.
- 6) Small to midscale wind/solar development should be aggressively supported. Local communities so supported can generate and carry a minimum load of power generation so that if the grid is compromised due to a major disaster, basic survival services can continue to function (refrigeration, communications, illumination,etc..). See Home Power magazine for more information on this. Remember the emerging energy resource in America is roofspace!!
- 7) children and mothers need to be supported since 90% of addict/alcoholics are neglected and/or abused as children with socioeconomic and spiritual poverty and personal isolation/deprivation being the main factor driving the abuse. This is the social status quo of a competitively alienating social context that is incapable of appreciating those whose gifts and abilities lie outside a narrow and increasingly judgemental mainstream.
- 8) Nonviolent victimless offenders should be released from prison and supported in our communities so that the root conditions driving their difficulties are addressed and they can find meaningful occupations that are relevant to their humanity. We are in a jobless recovery; this is not an anomaly but a consequence of computers and robots replacing 2-4 people for each machine utilized. This is driving a huge transformation of the American workforce that needs to be supported by both government and industry with new industries and emerging technologies and processes supported adequately along with

the re-education of thousands of Americans as they improve and diversify their skill and expertise areas. Hopefully we will be able to significantly reduce negative health consequences and healthcare costs by reducing our exposure to both toxic and stressful environments and eating a lot better than we presently do. By enabling rather than thwarting a persons' lifelong learning process, we will move our nation and our people out of the present socioeconomic doldrums and into a challenging and very dynamic future free of war and conflict. Respect begins with understanding and restraint, compassion and humility in the face of new and awesome truths.

2. Mr. Steven Klafka, Wingra Engineering, S.C.

Brief description of the concern: Designating a Facility as a "Facility of EJ Concern" and Expanding USEPA Involvement in EJ Noise Abatement

What you want the NEJAC to advise EPA to do: As an environmental engineer for 30 years and active participant in environmental and community organizations, I would like to offer the following suggestions for NEJAC to consider:

Designating a Facility as a "Facility of EJ Concern"

It is common in the air pollution control field for USEPA to classify facilities by their location and level of emissions. Examples include minor/major, attainment/nonattainment, part 70/non-part 70 or major/area source. If a facility which generates pollution is evaluated by USEPA and determined to be subject to environmental justice requirements, then USEPA should consider developing an appropriate designation such as "Facility of EJ Concern". This designation could then be used to establish future pollution abatement, monitoring, public involvement or other requirements uniquely applicable to such facilities. Requirements than normally would apply only to larger industries operations such as the need for Best Available Control Technology to control discharges, or Compliance Assurance Monitoring (CAM) for continuously verifying compliance could be extended to all operations which have been designated as a "Facility of EJ Concern".

Expanding USEPA Involvement in EJ Noise Abatement

It is not unexpected that the noisiest locations are typically home to the poorest individuals. Noise pollution has not received the attention it deserves. Urban areas are typically the noisiest. If we want people to live more sustainable, less energy-consuming lives, we need to make cities healthier by reducing noise. Noise abatement measures are readily available, but environmental noise regulation is not federally mandated, left to state and municipalities, so is inconsistent. Two noise sources which typically impact the poor which need more USEPA involvement are airports and trains.

Airport Noise Abatement - Airports are not required to adopt noise abatement plans and there is no oversight. USEPA and FAA should develop minimum standards for noise monitoring, modeling and abatement. The noise abatement plans for airports in the U.S. should be reviewed to determine if the airports are located in EJ areas of concern, if the plans are up to date and reflect best available noise abatement procedures.

Establishing Train Horn Quiet Zones - When the Federal Railroad Administration (FRA) adopted [regulations](#) which eliminated train horn bans in 2006, it provided no funding for the mandated Quiet Zones - areas where horns would no longer be needed. It is likely the poorest areas are located near train routes and the poorest areas are the last to receive Quiet Zones, if and when they are funded. USEPA and FRA should identify areas where Quiet Zones have not been adopted, determine if these are EJ areas of concern and the changes needed to implement Quiet Zones.

3. Ms. Kathleen Weigand, Community Member

Because of the dry weather the week of October 17, 2010 brought many forest fires throughout Floyd County. Here in David Kentucky it was very difficult to even breathe, the smoke was so heavy. It continued all week long. Then the rains came and put the fires out.

However, on Monday morning as I was approaching St. Vincent Mission which is located in David, I noticed a fire in the hill. It seems that the fire was able to reach an abandoned mine site. That means that there is enough air flowing through the site to keep the coal burning. It is now a week later and the coal continues to burn.

I remember giving a mission talk in central Pennsylvania and having the opportunity to go to Centralia PA where an abandoned underground mine has been burning for over 40 years. Eventually the whole town had to evacuate, and to this day the fire continues to burn.

Is this an environmental concern? I believe it is. I did call the abandoned mine office in Prestonsburg KY. Barry Butcher returned my call and came out to investigate the site. He called to let me know that he would forward his report on to Frankfort for their evaluation. In the meantime we wait.

Unfortunately every day in the Eastern Kentucky Coalfields we are dealing with environmental concerns connected with the coal industry, past and present. Methane gas, carbon dioxide, coal dust, rock dust from explosives, acid mine drainage into our streams, valley fills filled with overburden that leaches into our water systems.

For example as quoted from "Accepting the Challenge" a book compiled by the Slippery Rock Watershed Coalition, "acid mine drainage can have a devastating impact on the stream environment and on the creatures that live there. Yellow boy coats the bottom of a stream, suffocating all organisms that live on the bottom and destroys their food supply. High acidity affects respiratory functions and reproduction. Dissolved metals act as lethal poisons. Silt clogs gills, lowers visibility and can ultimately affect the amount of oxygen dissolved in the water."

Coal ash has also been linked to health risks. "Coal ash is the second largest industrial waste stream in the country after mining wastes" says a report released by the Physicians for Social Responsibility. It goes on to say that "the ash, which contains many elemental materials such as arsenic and mercury, is disposed in about 2,000 sites across the nation. Some of these are in ponds and others in dry landfills."

Then we have Mountain Top Removal that is causing the displacement not only of the innocent creatures of nature, but of the beauty of the Appalachian Mountains and the defilement of God's creation. The people who oppose MTR are seen as "savages screwing up our operations". The coal companies use tactics such as bribery, coercion, fear and even brainwashing to convince the people that "coal is king".

Do I see environmental injustice in Appalachia? You bet I do and almost on a daily basis. When I take people from around the country on a MTR tour, they are moved to tears at the total destruction that is being allowed to take place. When I share stories that have been told to me and that I have witnessed first hand, the people wonder how a local, state and federal government can allow such injustices to take place to the land and its people.

What are some of those injustices?

- When a couple is displaced because of a boulder that lands in their home and pushes it over 11 inches off of its foundation.
- When a blaster is told repeatedly to set a charge that he knows is illegal.
- When a community can no longer sit on their porches because of the amount of coal dust and fly rock caused by MTR.
- When a miner is killed by fly rock as he is leaving the job.
- When a young child is told that it is not safe for them to play outside, because of an upcoming blast from MTR

- When an elderly woman is called on the phone prior to a blast and told to stay inside.
- When a family no longer can get water from their well because of the amount of methane that is now present because of MTR
- When land is literally stolen from a family because the coal company has more clout and money.
- When our own Kentucky Division of Water 2008 list of impaired waters provided to the EPA under Section 303 (d) of the Clean Water Act identified 1,199 stream miles in the Upper Kentucky River watershed, 487 stream miles in the Upper Cumberland River watershed and 780 stream miles in the Big Sandy/Little Sandy/Tygart's Creek watershed as impaired, primarily from coal mining.

Something is wrong. How can Mountain Top Removal be "an environmentally sustainable manner" of coal production? Can this insanity be stopped? We are becoming the laughing stock of this nation. The time is coming when other states will not even want our coal, because they have been able to move forward and are transitioning from the use of coal to renewal energy forms. We must continue to look and support ways to help us transition from coal to clean energy.

Cheap electricity, clean coal has become some of the latest fashionable statements. They say that we all benefit from the Mountain Top Removal form of coal mining. That is not true. That is what the coal companies would like us to believe. The Appalachian people whose mountains are being blown to pieces are not benefiting from it and neither is our environment. Rather the extraction of coal by means of Mountain Top Removal has and continues to benefit the few, the coal companies who sell it to the big companies here and abroad.

We will continue to work to change the environmental injustices that are taking place in Appalachia. We will not give up. We will not stop.

"Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it's the only thing that ever has." Margaret Mead

4. Ms. Lynda Callon, Westside CAN Center

1. Many of us need legal help. It would be helpful if EPA could provide a list of resources for legal help. If we're using Legal Aid agencies then they need advice and assistance from experience environmental justice litigators and need to study precedents. The EPA could provide that resource.

2. Many urban neighborhoods, especially old neighborhoods don't have 1 specific contaminant issue, we have multiple environmental stressors, often the legacy of our 18th & 19th century beginnings. A single stressor in and of itself may be relatively harmless but cumulatively with many other stressors it's a critical environmental justice issue. Yet, it seems that EPA has little research on this, have few research resources to provide. Where is the EPA on this issue? And, in lieu of the EPA's research where else can we go for the science and the data?

5. Ms. Debra Ramirez, Citizens Against Contamination/Mossville Environmental Action Now

My name is Debra Ramirez

I was born and raised in Mossville Louisiana. Mossville Louisiana is located four hours west of New Orleans La. Like New Orleans and Hurricane Katrina, Mossville has been attacked by toxic pollution and Hurricane Rita. Louisiana is polluted from New Orleans to East Texas. Mossville has a location just as New Orleans has, because of its much needed water ways to transport oil and gas. As New Orleans fight to stop deep oil drilling so does Mossville Louisiana. Mossville also have to fight to be NPL and relocated from right next door to industries who has a killer running loose just like New Orleans, that killer, EDC< PVC< VCM and other toxic carcinogen causing chemicals that made its way into our homes, land, water and air. This killer is being allowed to suffocate us to death. This killer has been allowed to attack our women, children, and men. This killer has been allowed by Government to kill us over eighty years plus and it has never been arrested or fined for it crimes. The poisons that this killer is allowed to disburse daily in our homes, drinking water, ground water, air and the very land we live on and eat from, has taken in death over 50 plus Mossville residents a year. Our children are suffering from these rude

acts of injustice. We, the mothers, fathers, sisters, brothers, and grandparents, are witnesses of the horror of having to tend to our love ones as they suffer and fight cancer at every level and every kind. Industry never attended a funeral nor did they send a flower when we put our love one to rest. Something has to be done about the issues in Mossville and New Orleans and the cities and towns who have industries at their door step. We are American Citizens and we deserve a better way of life than what is being forced upon us for the sake of oil and gas and a dollar bill. We demand JUSTICE Now. The UNITED STATES has too much land to say that these toxic industries have been allowed to build right next door to people. Every industry should have a buffer zone between them and people's homes. We know one day we will die, but not before our time nor by the hands of the toxins that surround us and our families. This isn't and should not be the American Way. My whole family has and is being wiped out by these pollutions/polluters which we are surrounded by on the north, south, east and west of our homes. Fourteen of these toxic polluters are only eighty feet away from the doors of some of our neighbors. Industries have messed up our drinking water/land and did not tell us they did it, instead they made us match Parish money to put a bad water system in 1970s, called Mossville water works and made us pay the bill for their mistakes of messing up our private water wells. Polluting Industries caused havoc on our health and did not have to pay a dime, killing our citizens, children, animals, trees, and destroying our homes and our history. How much longer will Government allow this to happen in Mossville? Mossville is too close to Oil and Gas Industries. The UNITED STATES LAW states in its HOMELAND Security (FEMA) that it would protect the UNITED STATES and its LAND, WATER, AIR and its CITIZENS from harm and danger. How come then, was Oil and Gas Industrial polluting, toxic killing, exploding, Industries ALLOWED TO BUILD RIGHT NEXT DOOR TO Mossville and other POOR COMMUNITIES OF COLOR. Are we not American citizens in the eyes of our Government? Or are we just second hand throw-aways, an unwanted society.

If these Industries were attacked by terrorists at this very moment and a horrific incident happened Mossville and all communities who are right next door to (too close to) dangerous Industries will surely suffer and die from the hands of these Companies their products and the hand of terrorists, for we are too close for any means of comfort.

Mossville Louisiana citizens have high blood dioxins, higher than Government standards and the world. There is no other way to address all these issues of Mossville Louisiana, for the damages have already been allowed to happen by bad permitting, wrong choices and permission to kill innocent citizens who wanted to live and not die. Not be taken out and destroyed by the hands of OIL AND GAS POLLUTERS as it has been done in our GREAT CITY OF New Orleans Louisiana. For WE DEMAND JUSTICE AND NOT DEATH FOR A DOLLAR. For if polluters are allowed to continue to pollute and the killers allowed to poison and kill American citizens. No one will be left to spend that almighty dollar. For the death rates from pollution is at a all time high and for what the sake of Greed. Polluter SHAME ON YOU! Government WHAT WERE YOU THINKING?

My recommendation is that our Government send a stronger message and stricter guideline to polluters who pollute.

- Make a clear understanding to polluters that they will be responsible for all cleanup/beautification of any spills, and releases, on communities they neighbor.
- Government should not allow Polluters to sell a company to another company until they clean up releases/spills they are responsible for.
- Government needs to make sure Industries who pollute have a better working emergency plans, which includes easy access to emergency routes directions and instructions in clear language to better protect the public.
- Government should see that Industries who pollute make available to businesses/churches/schools an emergency binders which entails what they make/produce how to, and how to protect their costumers/students/members in case of emergencies.

6. Ms. Patty Brown, Missouri Sierra Club

Ms. Brown submitted the following written comment prior to the meeting: Concern about what's happening in Native American communities. They seem to have the worst situations in terms of Environmental justice. In Kansas City, I'm very concerned about what's happening at the Bannister Complex. There's been over 100 people who've died from chemical contamination and there are higher rates of cancer.

Ms. Brown submitted the following written comment at the meeting:

My first concern is about Native Americans. We have taken this United States land from them through genocide, and rather than finally trying to make amends we continue to take and destroy. We seem to only want to leave wastelands for them to try to live on. 1/3 of all uranium and 2/3 of all low sulfur coal come from native lands. The largest coal strip mine in the world is on a native reservation. Every proposed site for a national nuclear waste dump is on native land. Mega dams have flooded over 3 million acres of native territory. When will we stop this crime and respect Native Americans? They could show us how to reconnect with the land and have a sustainable future. The potential for wind power on tribal lands could supply more than half of America's electricity.

My second concern is about what has been happening to the people who work in and live around the Bannister Complex where 85% of this country's nuclear weapons are made. The United States agreed to reduce our nuclear weapon arsenal but instead we are building three new nuclear weapon parts production facilities, including a new Kansas City Plant. Not only could the use of these weapons destroy lands and all the life on them, hundreds of Kansas City residents are dead or dying because of the many toxic substances used to make the weapons. The responsible agencies should tell the whole truth about this and take responsibility for the cleanup. This area needs to be designated as one large superfund site rather than 15 "baby superfund sites" and put on the national priorities list to be cleaned up as well as possible. Instead the priority of the National Nuclear Security Administration has been to make sure they aren't responsible for the contamination the new plant will bring. This has been assured by a special deal to lease the land and make it the responsibility of Kansas City taxpayers.

My third concern is climate change. Many poor coastal and other communities will suffer and die as extreme weather events and rising oceans occur. According to the book "Merchants of Doubt", a few scientists and political advisors, committed to market fundamentalism and deeply connected to the fossil fuel industry, aided by a compliant media, have misled the public about scientific issues such as global warming. When this kind of subversion can occur in the country that is supposed to be the leader of the free world, I fear for both the future of democracy and life on this planet.

Patty Brown

7. Ms. Jan Whitefoot, Concerned Citizens of the Yakama Reservation

Ms. Whitefoot submitted a written comment to the NEJAC in response to the following public notice:

PUBLIC NOTICE: Yakima Regional Clean Air Agency Draft Air Quality Management Policy and Best Management Practices for Dairy Operations Comments are being accepted for the Yakima Regional Clean Air Agency Draft Air Quality Management Policy and Best Management Practices for Dairy Operations (Draft Policy). Comments will be accepted until December 7, 2010. Comments must be submitted in writing. The public comment period is November 8, 2010 until 5 p.m. December 7, 2010. A copy of the Draft Policy is available upon request from: Patty Walker, Clerk of the Board Yakima Regional Clean Air Agency 329 N First Street Yakima, WA 98901

(509) 834-2050 ext 102 The Draft Policy is also available to view online at:
<http://www.yakimacleanair.org> (09555605) November 5, 2010.

Public Comment - Dairies/Yakima County comment period:
 Why is Tribe not included? Your breathable air is at stake.

Where are the health specialists in all this? Why are they silent? Tribal jurisdiction? Yakima county has not consulted Yakama Nation. They will then go to Olympia and say they did something. Same old same old! There is an immediate need for third party air monitoring next to CAFOs. Please comment on this. Dairies are not proposing anything different than what they are suppose to be doing already? Are you surprised? They say trees are suppose to buffer us. What a joke! What happens when the leaves fall off?

How about mandatory covering of lagoons. Checking to see if CAFOs are permitted for the amount of cows they are suppose to have. Enough acres to match up with cows for their nutrient waste management plan? Stop dumping and pumping raw manure and letting it set on top of the ground.?

Putting their cows back on grass. We all need to comment. No more expansions in Yakima County. They do not have jurisdiction, yet they are taking it.

8. Ms. Ann Suellentrop, Physicians for Social Responsibility

Close It! Clean It! Don't Repeat It!

The Kansas City Plant, operated by Honeywell for the National Nuclear Security Administration, makes parts for nuclear warheads at Bannister Federal Complex. The facility, 61 years old, is relocating 8 miles south to Mo. Hwy. 150 and Botts Road. The new plant will continue to make electronic and mechanical parts for warheads such as the W-76 and W-88 (delivered by Trident II submarine-launched ballistic missiles), the W-78 and W-87 (delivered by Minuteman III intercontinental ballistic missiles), and the B-61 gravity bomb (delivered by B-2 bombers).

The KC Peace Planters oppose the city's ownership of the new plant and the City Council-approved \$45 million tax cut for the new NNSA facility. In addition, Peace Planters hold DOE/NNSA accountable for workers' health and for clean-up of the current plant. The new plant will be the first major addition to the U.S. nuclear weapons complex in 32 years, and it will soon be followed by new plants in Los Alamos, N.M., for plutonium pit primaries, and in Oak Ridge, Tenn., for uranium secondaries. Hey, isn't the Cold War over? Aren't many countries demanding dismantling of nuclear warheads? If not now, when?

More info: kcnukewatch.wordpress.com and <http://groups.google.com/group/kcnukewatch>
 KC Peace Planters includes PeaceWorks-KC, Physicians for Social Responsibility-KC, East Meets West of Troost, Holy Family Catholic Worker House, Cherith Brook Catholic Worker House, KC Loretto Peace & Justice Network
 Contact: Ann Suellentrop, 913-271-7925, annsuellen@gmail.com