

Minutes of the Forty-second Meeting of the  
**ENVIRONMENTAL JUSTICE TASK FORCE**

DATE: December 18, 2018

TIME: 4:30 p.m.

PLACE: King Commerce Center  
BMO Harris Conference Room  
2745 N. Dr. Martin Luther King, Jr. Drive  
Milwaukee, Wisconsin

Members Present

Aloysius Nelson ..... Director, Division of Veterans Services, Kenosha County  
Chair  
Ella Dunbar ..... Program Services Manager, Social Development Commission, Milwaukee  
Keith Martin ..... Engineering Specialist - Advanced 2, Wisconsin Department of Transportation,  
Southeast Region  
N. Lynnette McNeely ..... Legal Redress Chair, Waukesha County NAACP  
Tammy Rivera ..... Executive Director, Southside Organizing Center  
Theresa Schuerman (by telephone) ..... Walworth County Bilingual Migrant Worker Outreach  
Willie Wade ..... President and Chief Executive Officer, Employ Milwaukee

Guests and Staff Present

Joseph Boxhorn ..... Principal Planner, SEWRPC  
Michael Hahn ..... Executive Director, SEWRPC  
Kevin Muhs ..... Deputy Director, SEWRPC  
Benjamin McKay ..... Chief Community Assistance Planner, SEWRPC  
Nakeisha Payne ..... Public Involvement and Outreach Manager, SEWRPC  
Jennifer Sarnecki ..... Principal Transportation Planner, SEWRPC  
Dennis Grzezinski ..... Law Office of Dennis Grzezinski  
Andrew Levy ..... Systems Planning Supervisor, Wisconsin Department of Transportation,  
Southeast Region  
George Sanders ..... Citizen

**CALL TO ORDER**

Mr. Nelson called the meeting of the Environmental Justice Task Force to order at 4:42 p.m., welcoming those in attendance and asking them to introduce themselves.

**APPROVAL OF THE SEPTEMBER 13, 2018, MEETING MINUTES**

Approval of the September 13, 2018, meeting minutes was deferred until later in the meeting because a quorum of Task Force members was not in attendance at the start of the meeting. A quorum was later achieved; however, prior to a vote on the minutes being taken, Ms. Schuerman, who was participating by teleconference, disconnected from the call because technical problems made it difficult for her to hear the discussions.

## PUBLIC COMMENTS

Mr. Nelson asked if there were any public comments. Mr. Sanders indicated that he wanted to provide comments, and noted the following:

1. He formerly worked with local governments for 12 to 13 years when he held a position in the State Department of Local Affairs and Development (DLAD), with part of his tenure being during the time that Warren G. Knowles served as Governor.
2. His work with DLAD involved the Community Development Block Grant (CDBG) program and issues related to tax incremental financing districts.
3. The “Conta Bill,” which was sponsored in 1970 by former Wisconsin State Representative Dennis Conta, established policies for providing monetary payments and assistance to relocate people who were uprooted from homes, businesses, and farms. African Americans whose residences were removed by public works projects had difficulty finding affordable replacement housing due to a lack of supply and discriminatory policies.
4. He has concerns with the distribution of Federal and State funds for relocation and CDBG program within the City of Milwaukee.
5. Low-income households are not being adequately informed of the types of Federal, State, and local assistance available to them.

Mr. Sanders distributed some information on the “Black Think Tank” concept developed by Mr. Eddie Williams, and suggested that the SEWRPC Environmental Justice Task Force could review legislation for funding programs within the City of Milwaukee and could help ensure that the funding was properly administered and directed. He cited the development of a community relations-social development commission as authorized under Section 66.0125 of the *Wisconsin Statutes* [Chapter 66 of the *Statutes* addresses “Municipal Law”] as a mechanism to address some of the concerns that he noted.

[Secretary’s Note: Section 66.0125(3) of the *Statutes* states that the purpose and functions of such a commission are “to study, analyze, and recommend solutions for the major social, economic, and cultural problems that affect people residing or working within the local governmental unit, including problems of the family, youth, education, the aging, juvenile delinquency, health and zoning standards, discrimination in employment and public accommodations and facilities on the basis of sex, class, race, religion, sexual orientation, or ethnic or minority status and discrimination in housing on the basis of sex, class, race, religion, sexual orientation, ethnic or minority status, or status as a victim of domestic abuse, sexual assault, or stalking.” The Milwaukee Social Development Commission (SDC), which is represented on the EJTF by Ella Dunbar, SDC Program Services Manager, was established in 1963 pursuant to Section 66.0125 of the *Wisconsin Statutes*. Thus, the type of commission mentioned by Mr. Sanders is in place, and is working to address the issues described in the legislation as quoted above.]

Ms. McNeely thanked Mr. Sanders for his input and noted that expanding the functionality of the EJTF had been discussed previously. Mr. Sanders asked about the EJTF function regarding outreach. Mr. Nelson

noted that SEWRPC outreach to communities of color, low-income populations, and people with disabilities is accomplished through the extensive efforts of the Public Information and Outreach (PIO) Division. Mr. McKay added that, in addition to the many events attended by the SEWRPC PIO Division staff and their continuing outreach to community groups, the SEWRPC staff is currently assisting many communities throughout the Region with updating their comprehensive plans, which is another opportunity for public outreach.

Mr. Sanders asked what prompted creation of the EJTF. Mr. Hahn replied that the Task Force was established in a response to a Presidential Executive Order on Environmental Justice that was issued by President Clinton, was directed toward Federal programs, and was particularly relevant to SEWRPC's transportation planning work with the Federal Highway Administration and the Federal Transit Administration.

Mr. Sanders asked about a possible SEWRPC/EJTF role related to the concerns he raised regarding allocation of funds. Mr. Nelson replied that the Commission staff would look into Mr. Sanders' comments.

### **INTRODUCTION OF NEW TASK FORCE MEMBERS**

Mr. Nelson then introduced two new members of the EJTF:

Ms. Tammy Rivera, Executive Director of the Southside Organizing Center (SOC), who was appointed to fill one of the three City of Milwaukee seats on the Task Force, and Mr. Keith Martin, Engineering Specialist - Advanced 2, with the Southeast Region of the Wisconsin Department of Transportation, who was appointed to the Ozaukee County seat on the Task Force.

[Secretary's Note: Ms. Rivera was appointed to fill the City of Milwaukee seat occupied by Tyrone Dumas, the President and Owner of Dumas Consulting Specialties, who notified the Commission staff that he would be unable to continue as a member of the EJTF, and expressed his regrets that he would no longer be able to serve. Mr. Martin was appointed to fill a relatively long-term vacancy in the Ozaukee County seat on the Task Force.]

Ms. Rivera expressed gratitude for her appointment, said she was eager to learn more about the EJTF, and noted that the SOC was involved in some development projects on the south side of the City of Milwaukee, including implementation of the plan to reinvigorate the Harbor District.

Mr. Martin also expressed thanks for his appointment and said that, through his membership on the EJTF, he hoped to be able to work to expand transportation opportunities that connect people to jobs.

### **DISCUSSION OF THE SEWRPC REPORT ON IMPLEMENTATION OF TASK FORCE SUGGESTIONS**

Mr. Nelson asked Mr. McKay to review the SEWRPC staff report on implementation of EJTF suggestions. Mr. McKay noted that Eric Lynde, SEWRPC Chief Special Projects Planner, compiled the report from EJTF member comments documented in the minutes of past EJTF meetings and the SEWRPC reports and documents that address the Task Force comments. (The report is available [here](#) on the SEWRPC web site.)

Mr. McKay's presentation generated the following comments:

1. Ms. McNeely asked if the Commission had considered adding Instagram to the social media outlets that it uses to inform the public. Mr. Muhs noted that use of Instagram would require regularly posting high-quality photographs. Ms. McNeely replied that photos from events attended by the SEWRPC Public Information and Outreach staff could be posted.
2. Mr. Wade asked about the Commission efforts related to staff diversity. Mr. McKay noted the Commission's commitment to having a diverse staff and cited the use of professional staffing resources that would provide access to a diverse pool of candidates and the past hiring of student interns from the universities in the Region as two examples of that commitment. Mr. Wade said that he would like to see the Commission work with Employ Milwaukee when hiring staff. Mr. Muhs replied that the Commission would welcome such a collaboration. Ms. Dunbar noted that the Social Development Commission (SDC) employment program would be another option for the Commission and she suggested contacting Mr. Tyrone McKee, Program Manager, Workforce Development and Training. Mr. McKay said that the Commission would pursue that collaboration as well.

[Secretary's Note: A recent Commission initiative to increase the diversity of the staff was to connect with student members of the National Society of Black Engineers at the NSBE Regional Conference in Milwaukee in 2017. Resumes collected from interested students are kept on file, and when a job opening is posted, students whose educational background and interests may fit that job are contacted directly to notify them of the opportunity.]

The Commission's Affirmative Action Plan for 2018-2019 can be viewed [here](#). That plan documents the media outlets used to publicize job openings and includes a detailed workforce analysis that compares the diversity of the Commission staff with the diversity of the workforce in Milwaukee County and the Southeastern Wisconsin Region.]

3. Ms. McNeely expressed an opinion that there should be more transparency with the EJTF when the Commission is considering candidates for a job opening, noting that such transparency would help the Task Force members to determine the effectiveness of their input regarding candidates. Ms. McNeely and Mr. Muhs discussed that notification to the EJTF could be accomplished by providing general information on the composition of the candidate group being considered for an open staff position without specifically identifying candidates.
4. Mr. Wade mentioned that Employ Milwaukee had established a formal process for selecting members of its Board of Directors, and that such a formal process should be considered for appointing members to the EJTF. Ms. Rivera asked if quantifiable goals had been established for EJTF membership. Mr. Hahn cited the background document that has guided the operations of the EJTF since its inception. He noted that the Task Force membership is diverse by definition.
5. Ms. Dunbar asked if any Task Force members had recently left. Mr. McKay noted that May yer Thao, Director of the Hmong Chamber of Commerce, who was the representative for the "remainder of the Region" as specified in the background document, and Tyrone Dumas, the President and Owner of Dumas Consulting Specialties, who was one of the City of Milwaukee

representatives, had both recently resigned from the EJTF. Mr. Korb said that, in 2012 when Task Force members expressed concerns regarding attendance at meetings, the Commission staff met with members to discuss their commitment to serving. Ms. Dunbar asked that EJTF meeting minutes indicate when members have left the Task Force. Mr. McKay said this was done in the past, and that future meeting minutes will mention membership changes.

## **DISCUSSION OF THE SEWRPC WHITE PAPER ON LEAD IN DRINKING WATER**

Mr. Nelson asked Joseph Boxhorn, SEWRPC Principal Planner, to review with the Task Force a white paper that he wrote on issues related to lead in drinking water.

[Secretary's Note: The white paper on lead in water was developed in response to Task Force member comments at the February 13, 2018, Task Force meeting.]

Mr. Boxhorn distributed a PowerPoint presentation to the EJTF members. That presentation can be accessed [here](#).

Mr. Boxhorn's presentation generated considerable discussion, including the following:

1. Ms. Dunbar asked if disturbance of a water line could cause a release of lead into the water. Mr. Boxhorn said that it could.
2. Ms. McNeely asked for clarification regarding the fifth slide in the presentation that graphically depicts water service lines. She asked if a water utility would disturb the service line when modifying the water meter in the house, and she noted that, although the private property owner is responsible for the water service line extending from the curb stop to the house, the utility owns and services the water meter that is located near where that service line enters the house. Mr. Hahn said that the issue of water service line ownership is established in law and through Wisconsin Public Service Commission (PSC) rulings to that effect. Ms. McNeely asked if the meter could be moved to the curb stop, which is the limit of the public portion of the service line. Mr. Wade said that it is much easier to service the water meter if it is located inside the house where it is readily accessible, rather than if it were underground, as would be the case if it were installed at the curb stop.
3. Ms. Dunbar asked if water meters could be modified to detect lead. Mr. Hahn said that was an interesting idea, and he noted that researchers at the Global Water Center were working to develop simply operated, relatively low-cost sensors for detecting lead concentrations in water. He said that a future application of such sensors might be to deploy them to automatically detect lead.
4. Mr. Nelson referred to the tenth slide in the presentation, which provides information on sources of lead in the water supply and indicates dates when the use of lead was prohibited for service lines and interior plumbing. He asked if there should be concerns regarding lead in water for houses built prior to 1986 when a ban was instituted on the use of lead in interior plumbing lines, fixtures, and solder and flux for joining pipes. Mr. Boxhorn noted that the Wisconsin Department of Natural Resources had identified the year 1951 as being of interest statewide because it represents a point in time when the use of lead water service lines was becoming less prevalent.

5. Mr. Hahn mentioned that lead plumbing within older houses was also a part of the overall problem. Ms. McNeely asked if there is any requirement for landlords to replace interior lead plumbing. Mr. Boxhorn said there was not. Mr. Wade noted special concern with the plumbing and service lines for day care facilities.
6. Ms. Rivera inquired regarding reporting requirements regarding the existence of lead service lines. Mr. Boxhorn replied that in 2017 the PSC requested that water utilities throughout the State provide information on the number of lead service lines within their systems.
7. Ms. Dunbar said that there had been concerns regarding lead in toys made in China, and Ms. McNeely asked whether industries whose products included lead (e.g., pesticides, paint) are being held accountable.
8. Mr. Wade noted that there were contaminated brownfield properties in the City of Milwaukee, including a former paint manufacturing plant site, that were placed by the City on a “do not acquire” list which precluded the City from taking ownership under foreclosure proceedings.
9. Ms. McNeely asked whether the age of water pipe was related to the potential for corrosion. Mr. Boxhorn said that development of a scale on pipe walls that locks in lead could occur over time and through addition by water utilities of chemicals to promote such a coating to reduce lead concentrations. Mr. Hahn noted that the potential for corrosion in lead pipes is independent of the age of the pipe, with other factors such as water chemistry and pipe disturbance governing.
10. Ms. Dunbar asked if lead accumulated within the body can be removed. Mr. Boxhorn replied that treatments exist, but damage cannot be reversed.
11. Ms. McNeely inquired about the recycling of potable water containing lead when it is treated and discharged to Lake Michigan. Mr. Wade suggested that someone from the staff of the Milwaukee Metropolitan Sewerage District could be invited to speak to the EJTF on this issue. Mr. Hahn noted that SEWRPC staff may be able to compile data from MMSD to answer Ms. McNeely’s questions.

[Secretary’s Note: See Attachment 1 for a discussion on lead concentrations in Lake Michigan.]

#### **DISCUSSION OF ESTABLISHED PROCEDURES FOR APPOINTING TASK FORCE MEMBERS**

Mr. Nelson asked Mr. Hahn to address the procedure for appointing Task Force members. Mr. Hahn referred the Task Force members to the background document that was provided as part of the informational packet for the meeting. He noted that the EJTF is to include representation from minority populations, low-income populations, and people with disabilities. He said that the document specifies that there should be one representative from each of the seven counties in the Region plus three representatives from the City of Milwaukee; one each from the Cities of Kenosha, Racine, and Waukesha; one representative from the “remainder of the Region;” and one “at-large” representative. He said that, when there is an open seat on the EJTF, the Commission staff solicits recommendations from the members of the EJTF and also identifies candidates based on Commission staff familiarity with members of the populations to be represented on the Task Force, particularly contacts identified through Commission public information and outreach efforts. The candidates for each open position are then ranked by the Commission staff, and a meeting is arranged

with the top candidate for each position. He noted that the EJTF background document specifically states that appointments to the EJTF are to be made by the Commission.

Ms. McNeely noted that Task Force member Yolanda Adams, the Wisconsin Deputy State Director for the Elderly, League of United Latin American Citizens (LULAC), who was unable to attend the meeting had expressed concerns to her that candidates who speak out are being overlooked. Ms. McNeely suggested that the background document be revised to list specific grounds for disqualification of a candidate for membership on the EJTF. Ms. Rivera supported making the membership decision process more transparent and objective. Mr. Hahn said that the EJTF background document may need updating regarding member selection procedures. He said that it may be difficult to develop a set of specific, objective criteria that adequately address the full range of qualifying and disqualifying characteristics. He concluded by saying that the ultimate decision regarding membership would be made by the Commission. Mr. Wade suggested that the Commission staff review information on the Employ Milwaukee web site that was developed for that organization to make objective decisions when evaluating candidates for its Board of Directors.

#### **PUBLIC INVOLVEMENT AND OUTREACH DIVISION UPDATE ON PRIMARY ORGANIZATIONAL CONTACTS**

Mr. Nelson asked Ms. Payne to review updates to the 2019 SEWRPC Primary Organizations Contact List. Ms. Payne noted that four organizations have been added to the list, including the Northwest Side Community Development Corporation (Milwaukee), Root River Environmental Educational Community Center, Sherman Park Neighborhood Association, and Walworth County Community Alliance. The following comments and discussion points were made during the update:

1. Ms. Dunbar suggested contacting Walnut Way Conservation Corporation regarding their interest in being added to the Primary Organizations Contact List.
2. Ms. Rivera suggested contacting the Sixteenth Street Community Health Centers regarding their interest in being added to the Primary Organizations Contact List. Ms. Payne responded that the Sixteenth Street Community Health Centers should be included under the Coalition for Community Health Care Inc. member organizations, but was accidentally omitted from the list. She stated that this will be corrected (see Attachment 2).

#### **RECAP OF 2018 TASK FORCE ACTIVITIES AND DISCUSSION OF POTENTIAL 2019 ACTIVITIES**

Mr. Nelson asked Mr. McKay to summarize 2018 EJTF activities and begin discussion of potential activities for 2019. Following Mr. McKay's summary, Mr. Nelson noted that, on November 6, 2018, Reggie Jackson, Head Griot at the Black Holocaust Museum in Milwaukee, made a presentation to the SEWRPC Commissioners on the causes of segregation and racial disparities in the Region that was similar to his presentation at the 2018 EJTF Retreat. Mr. McKay explained that review and comment on the Foxconn-related amendment to VISION 2050 and the EJTF Retreat were the two main activities undertaken by the Task Force in 2018.

Mr. McKay noted that Mr. Jackson will be working with SEWRPC staff in 2019 to develop a report on Commission plan recommendations that benefit environmental justice populations as requested by Alderman Rainey of the City of Milwaukee. Mr. McKay also noted that the Commission has joined a number of partners from UW-Milwaukee in an effort to bring Dr. John Powell to speak at the 2019 Causier

Lecture, which is hosted annually by the School of Architecture and Urban Planning. Mr. McKay noted that Dr. Powell is a national leader in social justice and the planning process. Ms. Rivera commented that the recent election of a new Governor may have an impact on the activities undertaken by the Task Force in 2019.

#### **NEXT MEETING DATE**

Mr. McKay suggested that the Causier Lecture, which is typically held in spring, could be the next quarterly meeting of the Task Force. Mr. McKay noted that there may be an opportunity for the Task Force to meet as a group with Dr. Powell, in addition to the Lecture. The Task Force members expressed their enthusiasm for the opportunity to bring Dr. Powell to UWM. Ms. McNeely suggested also inviting Kimberle W. Crenshaw to speak at the Lecture.

[Secretary's Note: Organizers of the Causier Lecture are now planning to hold the event in fall 2019 to provide more time to market the event, secure a larger venue, and coordinate the event with the 45th Anniversary Celebration of the Urban Planning Department.]

#### **FURTHER PUBLIC COMMENTS**

Mr. Nelson asked if there were any public comments. There were no comments.

#### **ADJOURNMENT**

Mr. Nelson thanked those in attendance. The meeting was adjourned by consensus of those members present at 6:45 p.m.

Respectfully submitted,

Benjamin R. McKay  
Recording Secretary

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