

## ENVIRONMENTAL MANAGEMENT COMMISSION MEETING MINUTES

Wednesday, July 10, 2024, 4:00 p.m. to 6:00 p.m.

Meeting Location: Online via Microsoft Teams



Commissioners Present: Marty Kraft, Carol Adams, Scott Klamm

Commissioners absent: Caroline (Molly) Davies, Michael Kelley

Staff: Sarah Benal, Jensen Adams, Stephanie Dresen, Andy Savastino, Vicki Peters, Kacey Eis, Regan Tokos, Claire Chaffin, Kellie Herman

Guests: Andrew Bonkowski, Kelly Gilbert

- A. The meeting was called to order at 4:03pm; a quorum was present at that time. Chair Carol Adams welcomed commissioners, staff, and guests.
- B. Supreme Court Updates – Andrew Bonkowski provided updates on recent Supreme Court Cases that are relevant to the commission
  - a. *Loper Bright Enterprises vs. Raymundo* – This is colloquially known as “Chevron Deference” and it is about the federal agency’s ability to interpret federal law and make rules where there might be gaps in the federal law. When agencies do make rules and those rules are challenged by the industry, what type of deference the courts will give to the agency ruling. Now courts will analyze on a case-by-case basis when agency rulings are challenged, they won’t always defer to the agency interpretation. This takes away some power from federal agencies and their ability to make rules in the areas in which they govern, and there is more ability in the judiciary to analyze and make determinations.
  - b. Clean Air Act “Good Neighbor Rule” – About ten years ago, the EPA issued a rule that regulated interstate ozone pollution and required states to manage their air quality and limit pollution on “downwind states.” Various states were required to submit a plan on how they would implement this rule and states sued in federal court. The case is pending in the appellate court and states and industry went to the Supreme Court to seek an injunction to prevent the plan from going into place while the litigation plays out, and the Court granted the injunction. The states involved in those litigations do not have to comply with the federally imposed plan for the time being while the litigation is being resolved.
  - c. *The SEC vs. Jarkesy* – This case pertains to the abilities of federal agencies to fine and adjudicate those who violate rules and federal regulations and institute penalties through administrative process without going through a normal civil litigation. The ruling stated that the agency did not have the ability to impose a fine and penalty administratively and they would need to seek an institute of civil litigation.
  - d. *7 County Infrastructure Coalition vs. Eagle County* – This case has not been decided yet and is on the court’s docket for October. The question surrounds whether the National Environmental Policy Act requires an agency to study environmental impacts beyond the approximate event, approximate effects, the action over which the agency has regulatory authority. Depending on how the Court rules, it might limit the applicability of those impact studies on various infrastructure projects or other types of development.
- C. Office of Environmental Quality Report
  - a. Nuisance Code – The proposed code was shared with stakeholders for comment, and they offered a few minor edits, and then it was sent back to Law. Following the review from Law, the code will be taken to Council. Following approval, there will be community training and educational opportunities.
    - i. We plan to issue an RFP for an outside organization to provide training services to the inspectors, so they are brought up to speed on the invasive plant list and the noxious plant list. The RFP will

also provide outreach to Kansas City residents.

- b. Conservation Community Cost Share Program – Through the Missouri Department of Conservation we submitted an application to build a program that offers funds to assist in consulting as well as procurement or purchasing native plantings.
- c. Energy Code – It is currently on the docket for council on July 23<sup>rd</sup>.
- d. Ordinance #240572 – Sponsored by Councilman Patterson Hazley, it is a program that would set aside \$500,000 for a nonprofit organization to enter into a contract for the purposes of improving the efficiency, affordability and durability of existing homes and historically disinvested communities. It is being held until July 23, and you can offer comments, testimony, and support for or against.
- e. MARC Solid Waste Management Grant - OEQ applied for the grant to focus on a pilot program for waste diversion at City permitted events. The program would help provide recycling and composting for events that the City offers a permit at. We are working on identifying the events that we'll work in.
- f. The Center for Regenerative Solutions, Urban Nature-Based Climate Solutions Accelerator – The accelerator is a five-month long capacity building, designed to grow community capacity to implement equitable nature-based climate solutions. The application is due in June and hope to hear an answer by mid-July. This is a learning opportunity that focuses on nature-based solutions and information on green infrastructure solutions, specifically related to stormwater and will help inform the Blue River project. We hope to hear this week on if we've been accepted.
- g. Composting – OEQ has been working with Public Works to expand the composting program in Kansas City to 10 large drop off kiosks. We've got two new sites up and running: Fire Station 19 and Westport Roanoke Community Center. A community education session is being scheduled.
- h. Solar – There are no updates. The City is still in negotiations with Evergy.
- i. Feasibility Studies – We are doing two feasibility stays on hydropower, one on the Missouri River to locate some potential sites along the river for a turbine project or something similar. And one study will look our water and wastewater infrastructure to see about turbines within the pipelines themselves that generate some power to more or less offset the power that we're using to pump water around the city. And a landfill along Raytown Road, adjacent to Round Grove Creek that could be a potential solar site.
  - i. Following the results of the feasibility studies, the NREL research group through Oak Ridge will review the results of the studies and help us navigate the results.
- j. Bloomberg American Cities – Kansas City was selected among 25 cities to participate in this program. The hiring process is currently underway for two of the positions and will conclude by next week. Jensen Adams, OEQ Sustainability Manager, attended a retreat with community-based organizations to hear about the priorities of these organizations. The conversation will help create the framework for Bloomberg to use to find programs and projects the City can invest in.
- k. Charging Fueling Infrastructure Grant – We applied for this grant last year and did not receive it, but were encouraged to reapply. The application was due July 1. There is also an opportunity to submit a new application at the end of August.
- l. Employment – The USDA grant with Cultivate KC has finished negotiations and will allow us to hire a Food Systems Coordinator. The Mayor's office has applied for an AmeriCorps VISTA that will place 5 VISTAs in our office for one year. Through the Brownfields Pro Grant, we will be able to hire an Environmental Justice Advocate that will be housed in the Ivanhoe neighborhood.

#### D. Liaison Reports

- a. There were no liaison reports

#### A. Old Business

- a. The Commissioners did not discuss old business.

#### B. New Business

- a. Carol Adams suggested implementing an educational effort to provide resources for neighborhood associations for tree planting programs for neighborhoods that don't have street trees. Andy Savastino

said that he would discuss the matter with Forest Decker.

C. Remarks from Visitors

- b. There were no remarks from visitors

D. Adjourn

Next meeting: Wednesday, August 14, 2024- 4:00 p.m. to 6:00  
p.m. Location: Microsoft Office Teams

There will be general discussion regarding current environmental issues. The Commission may vote to go into Closed Session pursuant to RSMo Section 610.021 subsection 1 or subsection 3, during or after the meeting to discuss designated items.

“Any person with disability desiring reasonable accommodation to participate in this meeting may contact the 311 Action Center at 311 or (816) 513-1313 for TTY 513-1889 or by email at [actioncenter@kcmo.org](mailto:actioncenter@kcmo.org).” The meeting room is accessible.

The Kansas City Environmental Management Commission was created to make policy recommendations to the Mayor and City Council, staff and all other boards and commissions of the City concerning the issues of environmental planning, management and compliance with Federal, State and local regulations and programs.