

AGENDA
SUSTAINABILITY COMMISSION
January 18, 2018
7:00 P.M.
COMMUNITY CONFERENCE ROOM 206

1. Consideration of November 16, 2017 Meeting Minutes
2. Public Comment
3. Review of Coal Tar Sealant Recommendation
4. Water and Energy Conservation Program Updates/Next Steps
5. Ideas for Community Outreach
6. Other Items for Discussion
 - a. *Drawdown* by Paul Hawken – L. Leibowitz
7. Next Meeting Date and Time – February 15

**MEETING MINUTES
SUSTAINABILITY COMMISSION
November 16, 2017**

A meeting of the Sustainability Commission was held on Thursday, November 16, 2017 at 7:00 p.m. at Deerfield Village Hall, 850 Waukegan Road, in the Community Conference Room 206. Chairman Don Anderson called the meeting to order at 7:00 p.m.

In attendance were:

Present:

Don Anderson, Chairman
Daniel Dorfman
Richard Heller
Laurie Leibowitz
Bill Mertes
Michael Shalen
Chenlin Zhao

Absent was:

Brian Wolkenberg
Gloria Threats

Also present:

Andrew Lichterman, Assistant Village Manager

Approval of Minutes

Commissioner Shalen made a motion seconded by Commissioner Leibowitz to approve the minutes of the October 12, 2017 meeting. The minutes were approved unanimously.

Public Comment

There was no one present for Public Comment.

Water/Energy Conservation Programs

A. Recap of Oct. 14 Water Presentation at DPL

Chairman Anderson noted that Commissioner Mertes led a wonderful presentation at the library about the water treatment process and 25 people attended. Mr. Mertes thoroughly reviewed the water treatment and distribution systems and spoke about the pros and cons of having a home water filter. There was a good level of engagement from the attendees.

B. ComEd Aggregate Usage Data (2016 & 2017)

A line graph illustrating the aggregate ComEd data by user type was reviewed and discussed. The Commission found it to be interesting but noted that without ComEd providing additional context it leads to many assumptions. Mr. Lichterman noted that the information would be posted to the website and he would follow-up with ComEd and attempt to get additional information but was not sure how much ComEd would be able to share about their users' data.

Discussion of Coal Tar Sealant Products

Chairman Anderson summarized that at the last meeting the Commission voted unanimously to pursue the following action items: (1) research the status of coal tar sealant regulations at the state and county

level; (2) contact local area paving contractors to investigate what seal coating products they offer in order for the Commission to assess whether or not there is a natural trend away from coal tar sealants; and, (3) identify what governmental entity studies and tests for the presence of PAHs in our waterways.

Mr. Lichterman responded with the answers to questions from the last meeting. He noted that Lake County advised that since they are a non-home rule jurisdiction that they do not have the authority to ban the use of coal tar sealants in the County. He noted that various legislation has been introduced at the State level throughout the years but they have not gotten much traction to date. Mr. Lichterman reviewed the responses from the paving contractor survey that was included in the Commission's distribution. Chairman Anderson summarized that a majority of the respondents offered asphalt based sealants exclusively or as an alternative to coal tar. Lastly, Mr. Lichterman noted that it would be possible to include testing for PAH levels in the waterways as part of the Village's annual water sampling report.

Commissioner Heller inquired about the frequency of the water sampling that would be conducted. Mr. Lichterman noted he would find out specifics about the testing but confirmed it would occur multiple times per year. Mr. Mertes noted that testing PAH levels in the water will be a great help to informing our future discussions and restated his belief that there are valid concerns about coal tar but there is not a clear causal link. Commissioner Leibowitz concurred and restated her belief that regulation should be the last option and suggested that we work with contractors to educate them rather than regulating them.

Commissioner Dorfman concurred and suggested a targeted promotion to contractors. Commissioner Leibowitz suggested begin the education campaign with government agencies first. Mr. Mertes noted that we can raise awareness that asphalt based sealants are a readily available alternative to coal tar. Commissioner Zhao agreed with the suggestions and noted that he believes education is preferred and that it can take time to see the effects.

Chairman Anderson suggested that market forces are driving people away from coal tar products and that we should help inform them and steer them in this direction. The Commission discussed tactics to help educate the public about the potential impacts of coal tar including sending letters to paving contractors, other governmental agencies and large commercial property owners in the Village.

Motion

Commissioner Dorfman made a motion to recommend a multi-year, multi-pronged educational campaign to raise awareness about the potential impacts of coal tar sealants. The comprehensive educational approach includes: (1) sending letters to paving contractors that work in the area, (2) sending letters to other governmental entities (i.e. school districts, township, etc.), (3) sending letters to large commercial property owners, (4) and; sampling local area waterways to monitor PAH levels over a two year period.

Commissioner Shalen seconded the motion.

Discussion

Commissioner Mertes noted that he supports the approach but wants to ensure that the costs of sampling for PAH are not exorbitant. Chairman Anderson noted that it is important to remember that residents are unable to purchase the product from home improvement stores and therefore it makes sense to focus our efforts on paving contractors and large property owners.

Roll Call

The motion passed on the following roll call vote:

Ayes: Anderson, Dorfman, Heller, Leibowitz, Mertes, Shalen, Zhao

Nays: None

Mr. Lichterman noted that he would prepare a draft report consistent with the motion for the Commission to review at the next meeting.

Other Items for Discussion

Drawdown

Commissioner Leibowitz shared highlights from the book *Drawdown: The Most Comprehensive Plan Ever Proposed to Reverse Global Warming* by Paul Hawken. Commissioner Leibowitz suggested the book could be a tool to help us identify future areas of concentration. The book provides tools to measure the impacts of various actions related to renewable energy, food waste, etc.

Chairman Anderson recommended Commissioner Leibowitz provide the Commission with excerpts from the book and encouraged members to check the book out from the library for consideration next year.

Community Outreach

Chairman Anderson recommended that the Commission continue their efforts to get more involved in the community and suggested the group brainstorm additional community outreach ideas. He requested that members bring ideas for consideration at the next meeting.

Public Inquiry

Chairman Anderson reported that the Mayor received an email from a resident requesting that the Village sign onto the Sierra Club's Ready for 100 Campaign reaffirming a commitment to move our community to 100% clean, renewable energy. Chairman Anderson noted that the Commission has already addressed this by signing on to the U.S. conference of Mayors climate action plan several years ago.

Adjournment

The meeting was adjourned at 8:22 pm. The next meeting is scheduled for Thursday, January 18.

Respectfully submitted,

Andrew Lichterman
Assistant Village Manager

Memorandum



DATE: January 8, 2018
TO: Mayor and Board of Trustees
FROM: Sustainability Commission
SUBJECT: Report of Sustainability Commission re: Coal Tar Sealants

Introduction

Sealants are regularly used on asphalt driveways and parking lots as a means of protecting the asphalt surface from weathering. One particular type of sealant that has raised concern in the community are coal-tar based sealants. Last year a Village Trustee requested that the Sustainability Commission study the impacts of coal tar based sealants and consider imposing a ban on the product in the Village. Accordingly, the Sustainability Commission spent the last 8-months reviewing the impacts of coal tar sealants on the environment. As part of our study, the Commission reviewed federal, state and county guidelines related to coal tar sealants, researched coal tar sealant bans currently in effect in other Illinois municipalities, studied several peer-reviewed articles on both sides of the debate and surveyed area paving contractors and home improvements stores to determine the availability of coal tar sealant products.

Findings of Fact

The information gathered over the course of this study revealed that coal tar based sealants contain a higher level of polycyclic aromatic hydrocarbons (PAHs) than the most common competing offering, asphalt based sealant products. The EPA notes “PAHs are of concern because of their harmful impacts on humans and the environment. They are persistent organic compounds, and several PAHs are known or probable human carcinogens and toxic to aquatic life” (U.S. Environmental Protection Agency [EPA], 2016). However, at the same time the EPA has not taken action to ban coal tar sealant products.

The primary question the Commission endeavored to answer during the course of our study was whether the contamination of PAHs in the environment (i.e. waterways and residences) and the potential concern for human health and aquatic life warrants the Village of Deerfield imposing a ban on the use of coal tar sealants in the Village.

Government Regulations

Studies by the U.S. Geological Survey, academic institutions, and state and local agencies have identified coal tar based pavement sealcoat as a major source of PAH contamination in the environment (U.S. Geological Survey [USGS], 2016). Studies have shown that coal tar based sealants contain PAH concentrations one to three orders of magnitude higher than those found in asphalt based sealants, which is an alternative with lower potential for contributing PAHs to the environment (City of Austin, 2005).

While the EPA and other government agencies have identified potential impacts of coal tar sealants on the environment due to their association with elevated levels of PAHs, neither the federal government, nor the State of Illinois have banned the use of coal tar.

States and municipalities that have imposed partial or full coal tar bans include the States of Minnesota and Washington, the cities of Austin, TX, Suffolk County, NY, Dane County, WI, Montgomery County, MD, and the District of Columbia. Locally, bans have been imposed in the Village of Wilmette, Winnetka, South Barrington and the Cities of Evanston and Highland Park.

Market Forces and Trends

Home improvement stores such as Home Depot, Lowes and Ace Hardware have stopped selling coal tar sealants and sell asphalt based sealants only. Consequently, homeowners endeavoring to seal coat driveways themselves will find it very difficult to purchase a coal tar based product; however, an asphalt-based product will be readily available for purchase.

However, if a property owner has hired a contractor to complete the seal coating work they may find that a coal tar based product can be purchased and applied. The Commission surveyed 17 local area pavement seal coating contractors to determine which type of seal coat products they offered. Of the 17 contractors surveyed 6 were unresponsive, 4 offered only asphalt based sealant, 3 offered either asphalt based sealant or coal tar based sealant, and 4 offered only coal tar based sealant. In summary, 7 of the 11 responding contractors (63%) either offered asphalt based sealants exclusively or as an option.

The fact the homeowners cannot purchase coal tar products in major home improvement stores and that the majority of professional contractors offer an asphalt based product indicates to the Commission that consumers and market forces are favoring asphalt based sealant products.

Recommendation

The Sustainability Commission recommends that the Village of Deerfield pursue a two-year long educational campaign to make property owners aware of the potential negative environmental and human health impacts associated with coal tar sealants due to their elevated levels of PAHs. The Commission does not support imposing a ban on the substance at this time, as carcinogenicity of coal tar in seal coating applications is inconclusive or until further research finds conclusive evidence of a direct causal link between coal tar sealants and cancer in humans and threats to the environment.

Education and Awareness

The Commission's recommended multi-year, multi-pronged educational approach includes focusing educational efforts on paving contractors, large property owners, and other governmental agencies so that our resources have the greatest impact.

Specifically, this includes:

- Mailing letters and US EPA and USGS Facts Sheets regarding coal tar sealants to local area paving contractors advising them of the Village's interest in this matter and encouraging them to utilize asphalt based sealants as an alternative to coal tar based sealants, which may be banned at some point in the future.
- Helping to educate other governmental agencies such as the school district, township, etc. about the impacts of coal tar sealants and encouraging them to select asphalt based sealants when hiring paving contractors.
- Contacting large commercial property owners in the Village such as large corporate headquarters and large shopping centers in the C-1, C-2, I-1 and I-2 zoning district to raise awareness about the impacts of coal tar sealants so they too will select an asphalt based sealant when hiring a paving contractor.

Sampling

In addition to raising awareness around the issue, the Commission would like to determine if there are elevated levels of PAHs in our area waterways. Therefore, as part of the multi-prong approach the Commission recommends that water sampling/testing conducted by the North Branch of the Chicago River Watershed Workgroup (NBWW), which the Village is an active participant in, add sampling of PAHs to the annual water report that already tests for over 20 other pollutants. Local monitoring of PAHs will allow the Commission to determine if our waterways have elevated levels of PAHs and track water quality improvements over time, leading to better decision making.

Other Considerations

Sealcoating is typically applied only every two to three years and is not conducted annually. Due to the nature of sealcoating work, the Commission believes the education and sampling that is being recommended needs to be completed over multiple years so that a benchmark and trends can be established.

In addition to the reasons outlined above, the Commission also supports an educational approach (rather than a legislative approach) because enacting coal tar regulations would require additional licensing or registration fees that could indirectly increase consumer prices or have other unintended business impacts.

It is also important to remember that coal tar sealants are not readily available for purchase at home improvements stores so the “do-it-yourself; weekend warrior” will likely not be sealcoating their driveway with a coal tar product. For that reason, the efforts of this education program are focused on professional paving contractors and large property owners where our resources have the greatest significance.

Conclusion

The Commission believes an educational approach to raise awareness about the potential harms of coal tar sealants is the best approach. It is recommended that the educational approach be implemented over multiple years and that we focus our resources on contractors and large property owners, including other governmental agencies, where our impact has the most significance. Additionally, the Commission recommends including annual water sampling of PAHs as part of our ongoing study so that changes in PAH levels in our local area waterways can be monitored and help inform future decisions. Additionally, there is evidence that market forces are pushing consumers and contractors away from coal tar sealants and that these products may become obsolete without further intervention.

References Cited

City of Austin, 2005, PAHs in Austin, Texas sediments and coal-tar based pavement sealants polycyclic aromatic hydrocarbons: City of Austin Watershed Protection and Development Review Department, p. 1-2., accessed January 8, 2018, at <http://www.austintexas.gov/CoalTar>

United States Environmental Protection Agency, 2016, Stormwater Best Management Practice coal-tar sealcoat, polycyclic aromatic hydrocarbons, and stormwater pollution: USEPA National Pollution Discharge Elimination System, Office of Water, p. 1., accessed January 8, 2018, at <https://www.epa.gov/npdes/coal-tar-sealcoats-and-polycyclic-aromatic-hydrocarbons-fact-sheet>

United States Geologic Survey, 2016, Coal-Tar Based Pavement Sealcoat – potential concerns for human health and aquatic life: U.S. Department of Interior, p.1. accessed January 8, 2018, at <https://pubs.er.usgs.gov/>