

Blue Island
Community
Science Meeting:
Session 3

Agenda

- Reviewing Research Question
- Meeting with Cristin at Cook County
- Introducing Kari Lydersen
- FOIA Presentation
- Intro to Qualitative Research
- Announcements/Next Steps



Research Question

- Main Question:
 - How many brownfields (abandoned, contaminated, industrial properties with potential for redevelopment) are in Blue Island, where are they located, and what plans does the city have for these sites?
 - Sub-Questions:
 - How can we stimulate the civic processes required to obtain available funding specifically for brownfields?
 - In the past, how have residents been impacted by decisions made about brownfields? Who has benefited and who has not?
 - What community benefits (flooding mitigation, youth programming, business growth, etc) are possible and desired by residents on remediated brownfields throughout the city? How can we incorporate those benefits into plans that are funded and implemented?

Meeting with Cristin at Cook County

- Cristin Williams, Senior Environmental Specialist, Brownfield Manager
 - Shared that the Western Ave gas station is going to become something commercial, given the history of contamination and the type of zoning
 - Identify 2 leads from this group to lead logistics/meeting. Cyatharine will coordinate times with them.
 - Preparation: Develop questions for the meeting- can occur between meetings or at January meeting depending on scheduling.



INTRODUCING KARI LYDERSEN

FOIA PRESENTATION



FOIA



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Freedom of Information Laws



- Most states and the federal government have FOIA/ FOI/ Sunshine laws
- The government works for us — so the public (including journalists) have a right to this info
- ONLY public bodies are subject, not private corporations/ NGOs/ individuals
- FOIA covers documents/ data (including emails, recordings, data, plans, reports) related to government activity
- **Agencies do not need to “create new records” or “answer questions” under FOIA; simply provide information/documents that already exist**

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FOIA Laws Continued...

- Multiple exemptions apply, set by state/ federal law
- Deadlines for response are set by state/ federal law
 - Illinois= 5 biz days + 5 extension; Federal = 20 biz days
 - Deadline provisions have few teeth; it may take months or years to get responses
- Fees may be charged; journalists can seek fee waivers in public interest
- Most agencies have specific FOIA officers, separate from media relations department
- You generally can and should request documents in searchable and electronic formats...however you may still end up scanning reams of paper!

Basic FOIA template (Illinois)

Under the **Illinois Freedom of Information Act, 5 ILCS 140**, I am requesting an opportunity to inspect or obtain copies of public records that **[Describe the records or information sought with enough detail for the public agency to respond. Be as specific as your knowledge of the available records will allow. But it is more important to describe the information you are seeking.]**

I understand that the Act permits a public body to charge a reasonable copying fee not to exceed the actual cost of reproduction and not including the costs of any search or review of the records. 5 ILCS 140/6. [Option:] I am willing to pay fees for this request up to a maximum of \$_____. If you estimate that the fees will exceed this limit, please inform me first. [Option:] However the law allows you to impose a waiver or reduction of fees when information is sought in the public interest, as is the case for this request. **[Let's discuss - how can you make this case?]**

I look forward to hearing from you in writing within five working days, as required by the Act 5 ILCS 140(3). Thank you for considering and responding to this request.

Key FOIA phrases:
“Please provide...

- “All documents related to xyz, including but not limited to xyz...”
- “All emails or other communications including the key words xyz, from senders or to recipients xyz, from date xyz to date xyz...”
- “All inspections/ reports/ complaints pertaining to xyz from date xyz to present...”
- “Any keys, legends or glossaries related to data provided...”
- “Thank you for handling my request. Please don’t hesitate to contact me if you have any questions.”

National FOIA Organizations/ Resources

Investigative Reporters and Editors (IRE):

<https://www.ire.org/resource-center/foia/>

Student Press Law Center FOIA generator:

<https://splc.org/lettergenerator/>

Society of Professional Journalists:

<http://www.spj.org/foi-guide-pros.asp>

Sunlight Foundation: Analysis and examples of open data and federal transparency/FOIA

<https://sunlightfoundation.com/>

Knight FOI Fund: Offers financial assistance to journalists pursuing FOIA legal action (and other studies and resources on their website)

<http://www.nfoic.org/knight-foi-fund>

[Muckrock.com](http://muckrock.com) - nonprofit collaborative organization focused on FOIA

Department of Justice Guide to the Freedom of Information Act:

<https://www.justice.gov/oip/doj-guide-freedom-information-act-0>

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FOIA in Chicago / Illinois

City of Chicago FOIA -- Instructions for FOIAs to each agency, and all requests posted online:

<https://www.cityofchicago.org/city/en/progs/foia.html>

Chicago FOIA contacts by agency:

https://www.chicago.gov/city/en/narr/foia/foia_contacts.html

List of FOIA-subject documents maintained by each Chicago agency:

https://www.cityofchicago.org/city/en/narr/foia/foia_docs_by_dept.html

Illinois FOIA statute (Exemptions described in Section 7):

<http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=85&ChapterID=2>

Paul Simon Public Policy Institute guide:

<https://www.frctr.org/content/front/foia%20guide.pdf>

FOIA summary from Illinois Attorney General's office, including Public Access Counselor:

<https://www.illinoisattorneygeneral.gov/open-and-honest-government/pac/>

State FOIA Laws

National Freedom of Information Coalition: (Links to all state laws and sample FOIA letters)

<http://www.nfoic.org/state-freedom-of-information-laws>

In multiple studies, almost all states including Illinois get failing grades on FOIA responsiveness and laws.

[Muckrock.com](http://www.muckrock.com) explains: <https://www.muckrock.com/news/archives/2018/nov/02/ideal-public-records-law-update/>

In Illinois and some other states, FOIA does not apply to the judiciary (courts), though court records are generally public

For most states but not the federal government, FOIA applies to the legislative branch (Congress, state legislature, city

council)

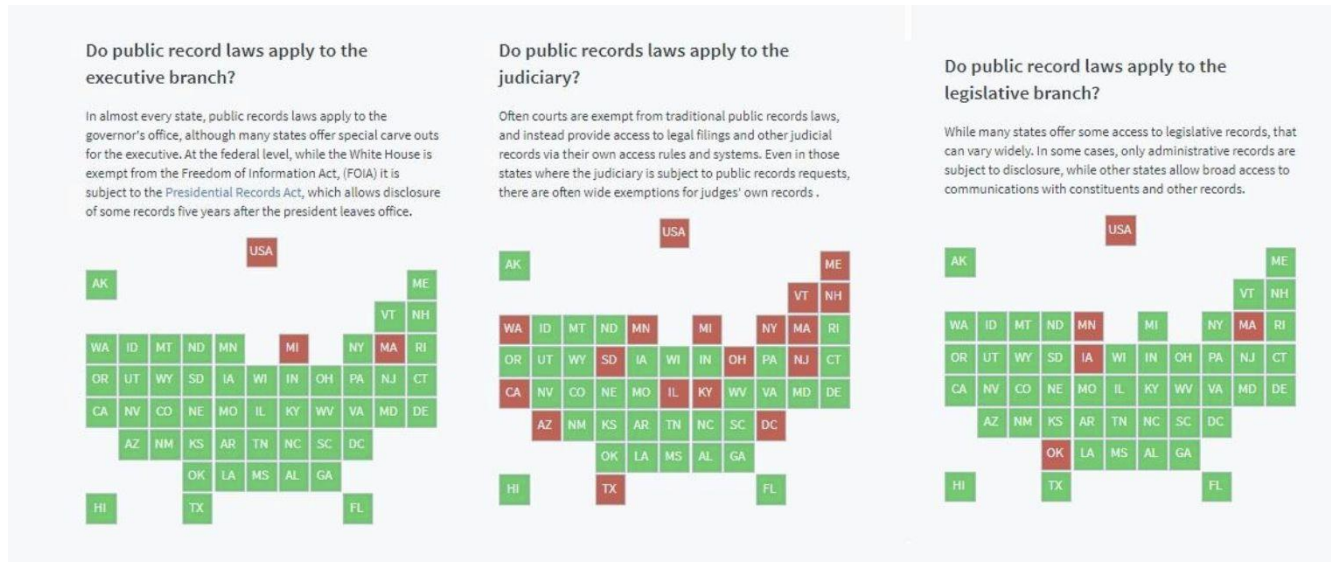


Image from muckrock.com

FEDERAL FOIA EXEMPTIONS

Exemption 1: Information that is classified to protect national security.

Exemption 2: Information related solely to the internal personnel rules and practices of an agency.

Exemption 3: Information that is prohibited from disclosure by another federal law.

Exemption 4: Trade secrets or commercial or financial information that is confidential or privileged.

Exemption 5: Privileged communications within or between agencies, including those protected by the:

1. Deliberative Process Privilege (provided the records were created less than 25 years before the date on which they were requested)
2. Attorney-Work Product Privilege
3. Attorney-Client Privilege

Exemption 6: Information that, if disclosed, would invade another individual's personal privacy.

Exemption 7: Information compiled for law enforcement purposes that:

- 7(A). Could reasonably be expected to interfere with enforcement proceedings
- 7(B). Would deprive a person of a right to a fair trial or an impartial adjudication
- 7(C). Could reasonably be expected to constitute an unwarranted invasion of personal privacy
- 7(D). Could reasonably be expected to disclose the identity of a confidential source
- 7(E). Would disclose techniques and procedures for law enforcement investigations or prosecutions
- 7(F). Could reasonably be expected to endanger the life or physical safety of any individual
- **Exemption 8:** Information that concerns the supervision of financial institutions.

Exemption 9: Geological information on wells.



Illinois FOIA Exemptions

- The request may be denied if the request is “unduly burdensome” or falls under one of the exemptions in the law (Section 7), including in brief:
- Private information
- Law enforcement/ administrative enforcement
- Draft documents and notes
- Trade secrets, commercial information
- Contract bids, grant proposals
- Maps and information related to electricity provision
- Employee grievance and discipline records
- Student records
- Other specific information...see page 13-19 of Paul Simon Public Policy Institute report for a summary



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If your FOIA is denied...

Don't give up...negotiate...be polite but persistent...be creative...

- Get on the phone with FOIA officer, ask them to help you make the request work, treat them as an ally not the enemy
- Narrow the request, including time frame and type of documents
- Start with a smaller or more general request — you can always follow up or drill down (eg - Chicago Tribune's Harsh Treatment process)
- Acknowledge redactions will be made...ask how to reduce need for redactions
- Appeal to Attorney General's Office Public Access Counselor
- File a lawsuit (pro-bono legal help is available, but not easy to get)



FOIA Lawsuits Get Results (sometimes)

- The [NYT filed at least 27 FOIA lawsuits](#) during the Trump years, leading to stories including about risky surgeries in public hospitals and nepotism by federal officials
- Freelancer Brandon Smith [successfully sues](#) for release of video of Laquan McDonald killing by Chicago police, igniting a movement and DOJ investigation
- Chicago Tribune [sues for release](#) of Mayor Rahm Emanuel's emails, produces stories about red light camera scandal and more
- Invisible Institute [wins legal battle](#) to make complaints of police misconduct public, and creates [Citizens Police Data Project](#)



Create a FOIA Tracker

- Keep track of deadlines, contact info, responses, communications
- Use google spreadsheets, Excel, [AirTable](#), Muckrock or other platforms
- Set calendar alerts to follow up
- Clearly organize and label all documents you receive

	A	B	C	D	E	F	G	H	I	J
1	STATE	Reporter	Have data?	PIO/contact info	PIO contact date/ results	FOIA officer/contact	FOIA officer contacted	FOIA sen	Time limit	Response r
2										
3	CO	Kari	y	Mark TK and Lori Klip	messages and email 12.5,	Adrienne Jacobson - adrienne.jaco	<adrienne.jacobson@state.co.us> resj	12/12	3 working c	received data
4	CA	Kari	y	Vicky.waters@cdc	Allie Powell, alexandra.powell@cdcr.ca.gov - had multiple conv	Kristina Khokhobashvili		Jan. 2	10 days	received con
5						Crystal Archdeacon(503) 945--28				
6	OR	Kari		Betty Bernt, 503-945	exchanged emails with Ber		Crystal said fee estimate coming soon	1/2/2018	no limit	Crystal said t
7	NY	Sydney		Rachel Connors, rach	12.6 phone, email	foil@scoc.ny.gov		12/10		delayed til M
8	GA	Sydney	y	4043200000	12.6 vm	open.records@gdg.ga.gov	Jamila	12/10		Some info re
9	ME	Sydney		Kelene Barrows, kele	12.6 phone, email	Joseph Fitzpatrick, joseph.fitzpatric	Ryan Thornell	12/10		Waiting on 2
10	AZ	Sydney	n		2.8.18					They told me
11	IN	Sydney	n		2.8.18					They told me
12	LA	Jessica		Ken Pastorick at 225-	12.8 (vm, email) - talked 12/13			12/13		
13	NC	Jessica		Jerry Higgins, 919-436-	12/8 (phone, email)	same (Jerry)		12/11		

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Investigating Blue Island Brownfields

How many brownfields (abandoned, contaminated, industrial properties with potential for redevelopment) are in Blue Island, where are they located, and what plans does the city have for these sites?

- How can we stimulate the civic processes required to obtain available funding specifically for brownfields?
- In the past, how have residents been impacted by decisions made about brownfields? Who has benefited and who has not?
- What community benefits (flooding mitigation, youth programming, business growth, etc) are possible and desired by residents on remediated brownfields throughout the city? How can we incorporate those benefits into plans that are funded and implemented?

Home / Brownfields Redevelopment

BROWNFIELDS REDEVELOPMENT

Planning Department staff have established a citywide Brownfields program that includes an inventory of potentially contaminated sites and a set of brownfields redevelopment tools. The Brownfields Program, Inventory & Assessment project was being funded by several grants from the USEPA. Please visit the [Blue Island Brownfields Initiative](#) website for more details and for information on how to get involved!

Community Health Monitoring

2011 Brownfields Cleanup Grant Award – \$600,000

\$600,000 – Cleanup of NE Mixed-Use Commercial Park (former landfill at 119th/Vincennes)

The City of Blue Island was awarded a 2011 USEPA Cleanup Grant to help offset redevelopment costs at 3 parcels located on the former landfill at 119th/Vincennes.

If you have any question about this project, please contact Jodi Prout at 708.396.7138 or [email](#). Please visit the [USEPA Brownfields website](#) or download the [Brownfields 2011 Grant Fact Sheet for Blue Island](#) for more details on this award.

2009 Brownfields Cleanup Grant Award – \$200,000

\$200,000 – Cleanup of NE Mixed-Use Commercial Park (former landfill at 119th/Vincennes)

The City of Blue Island was awarded a 2009 USEPA Cleanup Grant to help offset cleanup and





Brownfields 2009 Cleanup Grant Fact Sheet

Blue Island, IL

EPA Brownfields Program

EPA's Brownfields Program empowers states, communities, and other stakeholders to work together to prevent, assess, safely clean up, and sustainably reuse brownfields. A brownfield site is real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. In 2002, the Small Business Liability Relief and Brownfields Revitalization Act was passed to help states and communities around the country clean up and revitalize brownfields sites. Under this law, EPA provides financial assistance to eligible applicants through four competitive grant programs: assessment grants, revolving loan fund grants, cleanup grants, and job training grants. Additionally, funding support is provided to state and tribal response programs through a separate mechanism.

Community Description

The City of Blue Island was selected to receive a brownfields cleanup grant. Blue Island (population 23,463) is an inner-ring suburb of Chicago. Blue Island's blighted, declining industrial community has created a significant barrier to redevelopment. The city will clean up an uncontrolled landfill that is part of the city's adopted economic development plan. For nearly 20 years, the site has been vacant or underused. Developers attracted to Blue Island have considered the site environmentally uncertain. The city's poverty rate of 12.3 percent is double the state average. The unemployment rate, which is 12.3 percent, is twice the state rate. Site cleanup is expected to spur redevelopment of the property as a retail and eco-industrial park that will capitalize on its proximity to Interstate 57 and existing rail access. Two developers interested in the site are completing preliminary site plans for these redevelopment projects.

Cleanup Grant

\$200,000 for hazardous substances

EPA has selected the City of Blue Island for a brownfields cleanup grant. Hazardous substances grant funds will be used to clean up the 87-acre NE Mixed-Use Commercial Park at 12245 Division Street. From about 1897 until 1952, the site was used to excavate clay for brick-making. In 1952, the site became an open dump that included hazardous waste disposal. Site soil contains volatile and semi-volatile organic compounds, PCBs, and heavy metals. Grant funds also will be used to support community outreach activities.

Contacts

For further information, including specific grant contacts, additional grant information, brownfields news and events, and publications and links, visit the EPA Brownfields Web site (<http://www.epa.gov/brownfields>).

EPA Region 5 Brownfields Team
(312) 886-7576
EPA Region 5 Brownfields Web site
(<http://www.epa.gov/R5Brownfields>)

Grant Recipient: City of Blue Island,IL
(708) 396-7138

The information presented in this fact sheet comes from the grant proposal; EPA cannot attest to the accuracy of this information. The cooperative agreement for the grant has not yet been negotiated. Therefore, activities described in this fact sheet are subject to change.

[Link here](#)

Agencies to FOIA?

Federal, State, Local



Kari Lydersen 2022

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Announcements/Next Steps

- Announcements
 - The next (final) meeting with CNT is on Wednesday, Jan 15 at 6pm.
 - We'll determine which methods we want to use to do the research
 - Presentation on how to meet with elected officials
 - Brownfields conference happening August 5-8 in Chicago:
<https://gobrownfields.org/about/conference-overview/>
- Next Steps
 - Cyatharine will connect 2 leads with the Cristin
 - Angelique and Cyatharine will send over preparatory work for the final session late December/Early January
 - Feel free to meet without CNT post January

Thank You!