



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

SB3101

Introduced 2/15/2018, by Sen. Cristina Castro

#### SYNOPSIS AS INTRODUCED:

415 ILCS 5/52.3-15 new

Amends the Environmental Protection Act. Contains provisions requiring the Environmental Protection Agency to create a State beneficiary mitigation plan in accordance with specified consent decrees. Provides that the Agency shall establish the Volkswagen Settlement Task Force. Contains provisions concerning the membership of the Task Force. Provides that the Task Force shall conduct listening sessions, review the requirements of a specified trust agreement, evaluate public comments, and prepare a report of its recommendations for use of the funds received by the State from the trust agreement. Provides that the Task Force shall submit the report to the Governor and the General Assembly by no later than January 1, 2019. Provides that based on information provided by the Task Force, a public comment period, and other specified considerations, the Agency shall create a draft and final version of the State plan. Provides that within 30 days of the effective date, the Environmental Protection Agency shall create a page on its website that provides the public with specified information relating to the specified consent decrees. Effective immediately.

LRB100 19678 MJP 34952 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Environmental Protection Act is amended by  
5 adding Section 52.3-15 as follows:

6 (415 ILCS 5/52.3-15 new)

7 Sec. 52.3-15. Volkswagen Settlement funds.

8 (a) As used in this Section:

9 "State plan" means the State beneficiary mitigation plan  
10 developed in accordance with the Volkswagen Settlement.

11 "State Trust Agreement" means the Environmental Mitigation  
12 Trust for State Beneficiaries established under the Volkswagen  
13 Settlement.

14 "Volkswagen Settlement" or "Settlement" means the consent  
15 decrees entered by the United States District Court for the  
16 Northern District of California in In re: Volkswagen "Clean  
17 Diesel" Marketing, Sales Practices, and Products Liability  
18 Litigation, No. 3:15-md-02672-CRB.

19 (b) Within 30 days of the effective date of this amendatory  
20 Act of the 100th General Assembly, the Environmental Protection  
21 Agency shall create a page on its website that provides the  
22 public with basic information on the Volkswagen Settlement,  
23 State documents related to the State Trust Agreement, updates

1 on development of a State plan, implementation of the State  
2 plan, and the name and contact information of a person where  
3 the public can direct questions about the State plan. The web  
4 page shall include a request for information for public input  
5 that seeks information and ideas about how the State Trust  
6 Agreement money should be spent within the uses allowed by the  
7 Settlement. The Agency shall establish an email list where  
8 interested persons can subscribe for and receive timely updates  
9 about the State plan, proposed projects using State Trust  
10 Agreement funds, decisions by the Agency on the State plan, and  
11 the State plan's implementation.

12 (c) The Environmental Protection Agency shall establish  
13 the Volkswagen Settlement Task Force.

14 (1) The Task Force shall consist of 10 members to be  
15 appointed by the Governor, with the advice and consent of  
16 the Senate, the members must be appointed within 30 days  
17 after the effective date of this amendatory Act of the  
18 100th General Assembly. The members shall include:

19 (A) the Director of the Agency, or his or her  
20 designee, who shall serve as chairperson of the Task  
21 Force;

22 (B) one representative of the Department of  
23 Transportation;

24 (C) one representative of the Department of Public  
25 Health

26 (D) one representative of a statewide association

1 representing school superintendents;

2 (E) one representative of the Chicago Transit  
3 Authority;

4 (F) one representative of an electric utility that  
5 serves more than 3,000,000 retail customers in the  
6 State;

7 (G) one representative from a non-profit  
8 organization with a focus on respiratory health;

9 (H) one representative from a non-profit  
10 organization with a focus on environmental justice;

11 (I) one representative from a non-profit  
12 organization focused on clean transportation; and

13 (J) one representative from a statewide  
14 environmental non-profit organization.

15 (2) Task Force members shall serve without  
16 compensation, but may be reimbursed for reasonable and  
17 necessary expenses incurred in performing duties  
18 associated with the Task Force.

19 (3) The Task Force shall conduct at least 6 public  
20 listening sessions statewide to gather public input on  
21 priorities for use of the funds received by the State from  
22 the State Trust Agreement.

23 (4) The Task Force shall review the State Trust  
24 Agreement requirements, evaluate public comments, and  
25 prepare a report of its recommendations for use of the  
26 funds received by the State from the State Trust Agreement.

1       The Task Force shall submit the report to the Governor and  
2       the General Assembly by no later than January 1, 2019.

3       (d) Based on recommendations from the Task Force, public  
4       listening sessions, and the need for the State to meet air  
5       pollution standards, the Agency shall develop and publish a  
6       draft State plan outlining how it will spend allocated funds  
7       from the State Trust Agreement for beneficial projects in the  
8       State that mitigate the excess emissions of nitrogen oxides  
9       from Volkswagen diesel vehicles. The State plan shall include,  
10      but not be limited to, overall goals for the use of the funds,  
11      eligible mitigation activities to meet the stated goals,  
12      spending allocation levels, expected emissions reduction  
13      benefits, the process for public input, and the other factors  
14      set out in the State Trust Agreement.

15      (e) After publishing the draft State plan the Agency shall  
16      publicly announce on its website, through the news media, and  
17      to all who have signed up for email updates under this Section,  
18      a 90-day public comment period during which the Agency shall  
19      accept written comments on the draft. During the 90-day public  
20      comment period the Agency shall conduct 6 public stakeholder  
21      hearings statewide to seek public comment on the draft State  
22      plan, including which eligible mitigation activities should be  
23      included in the State plan, the relative percentages of  
24      available funds to allocate to each category of activity, and  
25      geographic priority areas for emissions reductions. The Agency  
26      shall develop a list of stakeholder groups to notify of the

1 public listening sessions, including, but not limited to:  
2 regional planning organizations; regional transit authorities;  
3 transportation organizations; schools; shuttle and transit bus  
4 operators; local government networks; issue-oriented  
5 non-profits related to clean air, health, and environmental  
6 justice; fleet operators; clean technology suppliers; ferry  
7 and tugboat owners; freight yard facilities; port authorities  
8 and bulk terminals; switcher locomotive operators; public  
9 utilities; and charging and fuel infrastructure suppliers.

10 (f) After receiving and considering the recommendations of  
11 the Task Force, reactions from written submissions, and the 6  
12 public hearings under this Section, the Agency shall prepare  
13 and publish a final State plan.

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law.