



Sen. Cristina Castro

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LRB100 19678 MJP 38907 a

1 AMENDMENT TO SENATE BILL 3101

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3101 by replacing  
3 everything after the enacting clause with the following:

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. Environmental Mitigation Trust.

8 (a) As used in this Section:

9 "Appendix D-2" means Appendix D-2 to the Environmental  
10 Mitigation Trust, entitled "Eligible Mitigation Actions and  
11 Mitigation Action Expenditures".

12 "Beneficiary Mitigation Plan" means a plan developed by the  
13 State in accordance with paragraph 4.1 of the Environmental  
14 Mitigation Trust.

15 "Director" means the Director of the Agency.

16 "Eligible Mitigation Action" has the meaning provided in

1 paragraph 1.9 of the Environmental Mitigation Trust.

2 "Environmental Mitigation Trust" means the Environmental  
3 Mitigation Trust Agreement for State Beneficiaries filed on  
4 October 2, 2017 in re: Volkswagen "Clean Diesel" Marketing,  
5 Sales Practices, and Products Liability Litigation,  
6 3:16-cv-00295-CRB, MDL No. 2672 CRB (JSC) (N.D. Cal.).

7 "Volkswagen Settlement" or "Settlement" means the consent  
8 decrees entered by the United States District Court for the  
9 Northern District of California in re: Volkswagen "Clean  
10 Diesel" Marketing, Sales Practices, and Products Liability  
11 Litigation, No. 3:15-md-02672-CRB.

12 "Task Force" means the Volkswagen Settlement Environmental  
13 Beneficiary Mitigation Plan Task Force.

14 (b) The Agency shall administer the moneys available to the  
15 State under the Environmental Mitigation Trust for the  
16 following categories of projects, as defined by the Settlement:

17 (1) Class 8 Local Freight Trucks and Port Drayage  
18 Trucks (Eligible Large Trucks);

19 (2) Class 4-8 School Bus, Shuttle Bus, or Transit Bus  
20 (Eligible Buses);

21 (3) Freight Switchers; Ferries/Tugs; Ocean Going  
22 Vessels (OGV) Shorepower;

23 (4) Class 4-7 Local Freight Trucks (Eligible Medium  
24 Trucks);

25 (5) Airport Ground Support Equipment;

26 (6) Forklifts and Port Cargo Handling Equipment;

1           (7) Light Duty Zero Emission Vehicle Supply Equipment;

2           and

3           (8) Diesel Emission Reduction Act (DERA) Option.

4           (c) The Agency may allocate administrative costs to the  
5 Eligible Mitigation Actions identified in subsection (b) of  
6 this Section in accordance with Appendix D-2.

7           (d) A Beneficiary Mitigation Plan submitted by the State  
8 under the Environmental Mitigation Trust shall comply with this  
9 Section.

10           (e) A Beneficiary Mitigation Plan filed before the  
11 effective date of this amendatory Act of the 100th General  
12 Assembly shall be revised to comply with this amendatory Act of  
13 the 100th General Assembly and shall be resubmitted in  
14 accordance with the Environmental Mitigation Trust and this  
15 amendatory Act of the 100th General Assembly.

16           The Agency shall extend the Agency's draft Beneficiary  
17 Mitigation Plan public comment period deadline of April 13,  
18 2018 to 120 days after the effective date of this amendatory  
19 Act of the 100th General Assembly.

20           The Agency shall maintain a Beneficiary Mitigation Plan  
21 page on its website, and provide the public with basic  
22 information on the Volkswagen Settlement, including, but not  
23 limited to: scheduled public hearings; State documents related  
24 to the Environmental Mitigation Trust; updates on amendments to  
25 the Beneficiary Mitigation Plan; implementation of the  
26 Beneficiary Mitigation Plan; and the name and contact

1 information of the Agency person where the public can direct  
2 questions about the Beneficiary Mitigation Plan, and schedule  
3 in-person testimony at public hearings. The webpage shall  
4 include a request for information for public input that seeks  
5 information and ideas about how the Environmental Mitigation  
6 Trust money should be spent within the uses allowed by the  
7 Settlement. The Agency shall maintain an email list to which  
8 interested persons can subscribe to receive timely updates  
9 about the Beneficiary Mitigation Plan, proposed projects using  
10 Environmental Mitigation Trust funds, decisions by the Agency  
11 on the Beneficiary Mitigation Plan, and the Beneficiary  
12 Mitigation Plan's implementation.

13 During the extended 120-day public comment period, the  
14 Agency and Task Force shall conduct 6 public stakeholder  
15 hearings statewide to seek public comments on the draft  
16 Beneficiary Mitigation Plan, including which eligible  
17 mitigation activities should be included in the Beneficiary  
18 Mitigation Plan, the relative percentages of available funds to  
19 allocate to each category of activity, and geographic priority  
20 areas for emissions reductions.

21 (f) The Volkswagen Settlement Environmental Beneficiary  
22 Mitigation Plan Task Force is created. The Environmental  
23 Protection Agency shall provide administrative and other  
24 support to the Task Force. The Task Force shall consist of the  
25 following members:

26 (1) The Director of the Environmental Protection

1 Agency, or his or her designee, who shall be the chair of  
2 the Task Force;

3 (2) one member appointed by the Speaker of the House of  
4 Representatives;

5 (3) one member appointed by the Minority Leader of the  
6 House of Representatives;

7 (4) one member appointed by the President of the  
8 Senate;

9 (5) one member appointed by the Minority Leader of the  
10 Senate;

11 (6) one member appointed by the Department of  
12 Transportation;

13 (7) one member appointed by the Department of Public  
14 Health;

15 (8) one member appointed by a statewide organization  
16 representing school administrators;

17 (9) one members appointed by the Commuter Rail Division  
18 of the Regional Transportation Authority established under  
19 the Regional Transportation Authority Act;

20 (10) one member appointed by the Chicago Transit  
21 Authority created under the Metropolitan Transit Authority  
22 Act;

23 (11) one member appointed by the Sangamon Mass Transit  
24 District;

25 (12) one member appointed by an electric utility that  
26 serves more than 3,000,000 retail customers in the State;

1           (13) one member appointed by a natural gas utility that  
2           serves more than 1,000,000 retail customers in the State;

3           (14) one member appointed by a statewide association  
4           representing investor-owned electric and natural gas  
5           utilities and power generation companies;

6           (15) one member appointed by a public interest  
7           environmental legal advocacy and eco-business innovation  
8           organization with headquarters in the City of Chicago;

9           (16) one member appointed by a statewide association  
10           that promotes and sponsors the safe and varied uses of  
11           propane gas, sponsors education and safety programs for  
12           person in the propane gas industry, and informs and  
13           educates the public as propane gas consumers;

14           (17) one member appointed by Argonne National  
15           Laboratory;

16           (18) one member appointed by a coalition designated as  
17           a Clean City coalition by the United States Department of  
18           Energy for the Chicago metropolitan area;

19           (19) one member appointed by a nationwide nonprofit  
20           organization that advocates for improved lung health and  
21           preventing lung disease with a national office in the City  
22           of Chicago; and

23           (20) one member appointed by a member-based Illinois  
24           non-profit organization located in Chicago that provides  
25           direct services to Chicago schoolchildren and which aims to  
26           prevent lung disease, promote clean air, and help people

1 live better through education, research, and policy  
2 change;

3 (21) one member appointed by a recognized  
4 Illinois-based non-profit organization that focuses on  
5 community environmental justice concerns;

6 (22) one member appointed by the Cook County Forest  
7 Preserve District;

8 (23) one member appointed by a non-profit organization  
9 focused on solid waste collection, disposal, and  
10 recycling;

11 (24) one member appointed by a labor organization;

12 (25) one member appointed by an electric vehicle  
13 charging manufacturer; and

14 (26) one member appointed by an electric utility that  
15 serves fewer than 3,000,000 retail customers in the State.

16 Each appointment shall be made, with the advice and consent  
17 of the Senate, within 30 days after the effective date of this  
18 amendatory Act of the 100th General Assembly. The Agency shall  
19 notify each person or entity responsible for appointing a  
20 member of the Task Force within 14 days of the effective date  
21 of this amendatory Act of the 100th General Assembly of each  
22 person's or entity's appointment responsibility.

23 Task Force members shall serve without compensation, but  
24 may be reimbursed for reasonable and necessary expenses  
25 incurred in performing duties associated with the Task Force.

26 The Task Force shall conduct 6 public listening sessions

1 statewide to gather public input on priorities for use of the  
2 funds received by the State from the Environmental Mitigation  
3 Trust.

4 At the conclusion of the 120-day period, the Task Force  
5 shall review the Environmental Mitigation Trust requirements,  
6 evaluate public comments, and prepare a report of its  
7 recommendations for use of the funds received by the State from  
8 the Environmental Mitigation Trust. The Task Force shall submit  
9 its report to the Governor and the General Assembly by no later  
10 than 150 days after the effective date of this amendatory Act  
11 of the 100th General Assembly, but no sooner than 140 days  
12 after the effective date of this amendatory Act of the 100th  
13 General Assembly.

14 This subsection (f) is inoperative 210 days after the  
15 effective date of this amendatory Act of the 100th General  
16 Assembly.

17 (g) Based on recommendations from the Task Force, public  
18 listening sessions, and the need for the State to reduce air  
19 pollution, the Agency shall amend the Beneficiary Mitigation  
20 Plan outlining how it will spend allocated funds from the  
21 Environmental Mitigation Trust for beneficial projects in the  
22 State that mitigate the excess emissions of nitrogen oxides  
23 from Volkswagen diesel vehicles. The Beneficiary Mitigation  
24 Plan shall include, but not be limited to, overall goals for  
25 the use of the funds, eligible mitigation activities to meet  
26 the stated goals, spending allocation levels, expected



1 emissions reduction benefits, the process for public input, and  
2 the other factors set out in the Environmental Mitigation  
3 Trust.

4 The Agency shall prepare and resubmit an amended final  
5 version of the Beneficiary Mitigation Plan to the trustee of  
6 the Environmental Mitigation Trust no sooner than 30 days after  
7 the Task Force submits its report to the Governor and the  
8 General Assembly, and only after receiving and considering the  
9 recommendations of the Task Force, reactions from written  
10 submissions, and the public hearings under this Section.

11 Upon submission of the amended final version of the  
12 Beneficiary Mitigation Plan to the trustee of the Environmental  
13 Mitigation Trust, the Agency shall open a call for project  
14 proposals that are consistent with that final Beneficiary  
15 Mitigation Plan submission. After the amended final version of  
16 the Beneficiary Mitigation Plan is submitted to the trustee of  
17 the Environmental Mitigation Trust, the Agency shall provide  
18 for an open period of no less 60 days for interested parties to  
19 submit eligible project proposals to the Agency. At the  
20 conclusion of this open period, the Agency may award funds to  
21 these projects.

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law."