



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB2381

Introduced 2/17/2021, by Rep. Sonya M. Harper

SYNOPSIS AS INTRODUCED:

30 ILCS 105/5.935 new
415 ILCS 5/9.18 new

Amends the Environmental Protection Act. Creates the Air Quality Enforcement and Mitigation Fund. Makes a conforming change to the State Finance Act. Provides that the Agency shall expend 30% of moneys from the Fund for staffing and other functions of the Agency that benefit environmental protection communities and are related to one or more specified purposes. Directs the Agency to establish an Air Quality Community Impact Grant Program to provide grants to nonprofit entities, local health departments, local environmental departments, and school districts to carry out the purposes. Requires 70% of moneys from the Fund to be expended for grants under the Program for specified purposes in the community or nearby community where a violation occurred. Requires the Agency to adopt rules to implement the Program. Provides that the Agency, in collaboration with environmental interest groups, shall develop a process to identify environmental protection communities. Requires the Agency to post on its website, and otherwise make publicly available, an annual report on the purposes for that grants were awarded under the Program. Contains other provisions. Effective immediately.

LRB102 14045 CPF 19397 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 State Finance Act is amended by adding
5 Section 5.935 as follows:

6 (30 ILCS 105/5.935 new)

7 Sec. 5.935. The Air Quality Enforcement and Mitigation
8 Fund.

9 Section 10. The Environmental Protection Act is amended by
10 adding Section 9.18 as follows:

11 (415 ILCS 5/9.18 new)

12 Sec. 9.18. Air Quality Enforcement and Mitigation Fund.

13 (a) In this Section:

14 "Fund" means the Air Quality Enforcement and Mitigation
15 Fund created under subsection (b).

16 "Environmental protection community" means a geographic
17 area that the Agency, using tools such as the United States
18 Environmental Protection Agency's EJSCREEN, has identified as
19 a community facing a disproportionate environmental burden
20 using indicators such as sensitive populations, socioeconomic
21 factors, exposures, and environmental effects.

1 "Program" means the Air Quality Community Impact Grant
2 Program created under subsection (d).

3 (b) The Air Quality Enforcement and Mitigation Fund is
4 created as a special fund within the State treasury. All civil
5 and administrative fines collected under this Section shall be
6 deposited in the Fund. The State Treasurer may receive moneys
7 or other assets from any source for deposit into the Fund. The
8 State Treasurer shall direct the investment of the Fund. The
9 State Treasurer shall credit to the Fund interest and earnings
10 from Fund investments. Notwithstanding any other law to the
11 contrary, the Fund is not subject to sweeps, administrative
12 charge-backs, or any other fiscal or budgetary maneuver that
13 would in any way transfer any amounts from the Fund into any
14 other fund of the State.

15 (c) The Agency shall expend moneys from the Fund, upon
16 appropriation, only as follows:

17 (1) 30% of the moneys shall be expended for staffing
18 and other functions of the Agency that benefit
19 environmental protection communities and are related to
20 one or more of the following:

21 (A) Mitigation of air pollution, such as by
22 buffering with vegetation, optional residential
23 buyouts, air filters in homes and schools, and diesel
24 engine retrofit or replacement programs.

25 (B) Increased air monitoring.

26 (C) Improved compliance by persons with a history

1 of violations of this Section, or permits issued or
2 rules adopted under this Section, including, but not
3 limited to, training for environmental regulators or
4 prosecuting attorneys.

5 (2) 70% of the moneys shall be expended for grants
6 under subsection (d) for one or more of the following
7 purposes in the community or nearby community where a
8 violation occurred, particularly environmental protection
9 communities:

10 (A) The purposes described in subparagraphs (A)
11 and (B) of paragraph (1).

12 (B) Health impact assessments.

13 (C) Education and training programs for community
14 residents and local environmental regulators to
15 increase effectiveness of enforcement programs in
16 detering violations of this Section and rules
17 adopted, or orders issued, under this Section.

18 (d) The Agency shall establish an Air Quality Community
19 Impact Grant Program. The Program shall provide grants to
20 nonprofit entities, local health departments, local
21 environmental departments, and school districts to carry out
22 the purposes of paragraph (2) of subsection (c).

23 (e) The Agency shall adopt rules to implement subsection
24 (d). At a minimum, the rules shall describe how grants are to
25 be allocated, the procedures for applying for grants, the
26 criteria for awarding grants, and administrative and fiscal

1 requirements governing the receipt and expenditure of grants.
2 The Agency shall adopt the rules in consultation with an
3 Advisory Committee that shall include, but shall not be
4 limited to, at least one of each of the following:

5 (1) A public health expert.

6 (2) A representative of an environmental justice
7 organization.

8 (3) A representative of the Department of Human
9 Services.

10 (4) A representative of a local health department or
11 local environmental department.

12 (5) Two residents of environmental protection
13 communities.

14 (f) The Agency, in collaboration with environmental
15 interest groups, shall develop a process to identify
16 environmental protection communities. Within 150 days after
17 census block data from the Decennial U.S. Census becomes
18 publicly available, the Agency shall identify environmental
19 protection communities. The identification process shall
20 include community engagement to obtain information and receive
21 feedback.

22 (g) The Agency shall post on its website, and otherwise
23 make publicly available, an annual report on the purposes for
24 which grants were awarded under paragraph (2) of subsection
25 (c), including the communities affected.

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.