



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3090

Introduced 2/19/2021, by Rep. Sonya M. Harper

SYNOPSIS AS INTRODUCED:

New Act

Creates the Environmental Justice Act. Creates the Illinois Environmental Justice Advisory Council to provide independent advice and recommendations to the Governor, the Environmental Protection Agency, and the other State agencies about broad, cross-cutting issues related to environmental justice and on policies, practices, and specific actions. Requires the Agency to: (1) develop and implement a strategy prioritizing enforcement in neighborhoods with environmental justice populations; (2) compile an annual report detailing the number and types of enforcement actions in neighborhoods with environmental justice populations; (3) establish and maintain a supplemental environmental project bank with specified requirements; (4) publish a progress report on environmental justice no less often than every 5 years; and (5) work with the Department of Public Health to establish health risk assessment guidelines and develop an online mapping that identifies specified information. Contains requirements for environmental impact reports. Requires the Director of the Agency to appoint a Director of Environmental Justice within the Agency to perform specified duties. Provides that State agencies shall (1) designate an environmental justice coordinator for each State agency to perform specified actions and (2) develop a specific policy or strategy to promote environmental justice. Establishes the Interagency Environmental Justice Working Group to maximize State resources, research, and technical assistance to further the purposes of the Act and of environmental justice in the State. Provides that environmental justice coordinators shall serve as their State agency's representative to the Interagency Environmental Working Group. Contains other provisions.

LRB102 14040 CPF 19392 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 1. Short title. This Act may be cited as the
5 Environmental Justice Act.

6 Section 5. Purpose. This Act is intended to: (1) promote
7 environmental justice, eliminate disparities with respect to
8 exposure to environmental toxins, and ensure access to
9 environmental benefits within the State; and (2) protect the
10 people in their right to the conservation, development, and
11 utilization of the agricultural, mineral, forest, water, air,
12 and other natural resources.

13 Section 10. Definitions. In this Act:

14 "Advisory Council" means the Illinois Environmental
15 Justice Advisory Council.

16 "Agency" means the Environmental Protection Agency.

17 "Environmental justice" means the right to be protected
18 from environmental pollution and to live in and enjoy a clean
19 and healthful environment regardless of race, income, national
20 origin, or English language proficiency. "Environmental
21 justice" includes the equal protection and meaningful
22 involvement of all people with respect to the development,

1 implementation, and enforcement of environmental laws, rules,
2 regulations, and policies and the equitable distribution of
3 environmental benefits.

4 "Environmental benefits" means access to funding, open
5 space, enforcement, technical assistance, training, or other
6 beneficial resources disbursed by a State agency.

7 "Environmental justice population" means a neighborhood in
8 which: the annual median household income is equal to or less
9 than 65% of the statewide median; minorities comprise 25% or
10 more of the population; or 25% or more of households lack
11 English language proficiency. Where a neighborhood does not
12 meet any of those criteria, but a geographic portion of that
13 neighborhood meets at least one of those criteria, the Agency
14 may designate that geographic portion as an environmental
15 justice population upon petition of at least 10 residents of
16 that geographic portion.

17 "Equal protection" means that no group of people, because
18 of race, ethnicity, class, gender, or disability bears an
19 unfair share of environmental pollution from industrial,
20 commercial, State, or municipal operations or has limited
21 access to natural resources, including waterfronts, parks and
22 open space, and water resources.

23 "IEPA" means the Environmental Protection Act.

24 "Lacking English language proficiency" means households
25 that, according to federal census forms, do not have an adult
26 proficient in English.

1 "Neighborhood" means a census block group as defined by
2 the U.S. Census Bureau, but not including people who live in
3 college dormitories or people under formally authorized
4 supervised care or custody, such as federal or State prisons.

5 "Supplemental environmental project" means an
6 environmentally beneficial project, the implementation of
7 which primarily benefits public health, safety and welfare,
8 and the environment.

9 "Toxics Release Inventory Program" means the Toxics
10 Release Inventory and Toxics Release Inventory Program of the
11 United States Environmental Protection Agency.

12 "TRI facility" means any industrial or commercial facility
13 subject to the rules, regulations, policies, or reporting
14 requirements of the Toxics Release Inventory Program or
15 comparable laws or rules of the State for the management and
16 control of pollutants or toxins that pose a significant risk
17 to public health or the environment.

18 Section 15. Illinois Environmental Justice Advisory
19 Council.

20 (a) The Illinois Environmental Justice Advisory Council is
21 created. By no later than 180 days after the effective date of
22 this Act, the Agency shall convene the Advisory Council. The
23 Advisory Council shall provide independent advice and
24 recommendations to the Governor, the Agency, and other State
25 agencies about broad, cross-cutting issues related to

1 environmental justice and on policies, practices, and specific
2 actions that the State should implement to ensure that the
3 objectives of this Act are accomplished.

4 (b) The Advisory Council shall consist of at least 9, but
5 not more than 15, persons, including:

6 (1) a chair designated by the Advisory Council and
7 approved by the Governor;

8 (2) no less than 2 persons appointed by the President
9 of the Senate;

10 (3) no less than 2 persons appointed by the Speaker of
11 the House of Representatives; and

12 (4) the remainder appointed by the Governor.

13 The Advisory Council shall be comprised of environmental
14 justice stakeholders, including: scientific or other experts
15 in environmental or public health matters holding academic
16 positions in colleges, universities, or other research
17 institutions and who work regularly in, or conduct substantial
18 research regarding, environmental justice concerns;
19 representatives of the environmental nonprofit sector;
20 representatives of conservation commissions or boards of
21 health; residents or elected officials of environmental
22 justice population neighborhoods.

23 No fewer than 4 of the persons appointed to the Advisory
24 Council shall be residents of environmental justice population
25 neighborhoods within the State.

26 (c) A majority of the serving members of the Advisory

1 Council shall be deemed a quorum. The Advisory Council shall
2 establish rules for conducting its activities and may amend
3 the rules as it deems reasonable, subject to the Governor's
4 approval and consistent with the provisions and purposes of
5 this Act.

6 (d) The Advisory Council shall meet at such times and
7 places as determined by the Advisory Council and its chair and
8 shall submit an initial report giving advice and
9 recommendations to the Governor within 6 months following the
10 appointment of the Council's members. Thereafter the Advisory
11 Council shall meet at least semi-annually and submit
12 supplemental reports giving advice and recommendations to the
13 Governor and the Agency no less often than once per year.

14 (e) The Advisory Council may hold public meetings at its
15 discretion or at the request of the Governor or the Agency for
16 the purpose of fact-finding, receiving public comments, or
17 conducting inquiries concerning environmental justice. The
18 Advisory Council shall prepare for public review and include
19 in its reports a summary of the comments and recommendations
20 made at the public meetings.

21 (f) The Office of the Governor and the Agency shall
22 provide the Advisory Council with staffing and administrative
23 support sufficient to accomplish the goals set out in
24 subsection (a).

25 Section 20. Environmental justice population enforcement

1 strategy.

2 (a) By no later than 180 days after the effective date of
3 this Act, the Agency shall develop and implement a strategy
4 prioritizing enforcement in neighborhoods with environmental
5 justice populations. The Agency shall compile an annual
6 report, due at the end of each calendar year, detailing the
7 number and types of enforcement actions in neighborhoods with
8 environmental justice populations.

9 (b) The strategy shall also address the following:

10 (1) Ensuring equal compliance and enforcement for
11 facilities subject to environmental regulatory programs or
12 permitting requirements and located in or near
13 environmental justice population neighborhoods.

14 (2) Establishing a process for reviewing which IEPA
15 thresholds apply for enhanced public participation and
16 substantive review.

17 (3) Ensuring brownfield remediation in or near
18 environmental justice population neighborhoods.

19 (4) Creating an online environmental justice
20 repository of information about the State's environmental
21 justice initiatives for the general public and project
22 proponents.

23 Section 25. Supplemental environmental project bank. The
24 Agency shall establish and maintain a supplemental
25 environmental project bank. The supplemental environmental

1 project bank shall maintain an inventory of environmentally
2 beneficial projects in communities with environmental justice
3 populations that may be funded by violators in addition to
4 paying penalties associated with the settlement of enforcement
5 actions. Supplemental environmental project banks shall
6 conform to any Agency policies regarding supplemental
7 environmental projects. The Agency shall establish and
8 maintain a website portal where the public and potential
9 supplemental environmental project bank recipients may submit
10 potential supplemental environmental project bank projects to
11 be considered for future settlements.

12 Section 30. Environmental justice progress report.

13 (a) The Agency shall, in consultation with other State
14 agencies, and no less often than every 5 years, publish a
15 progress report on environmental justice:

16 (1) incorporating the recommendations of the Advisory
17 Council, as appropriate;

18 (2) incorporating enforcement and supplemental
19 environmental project bank activities undertaken;

20 (3) reporting metrics on reduction of pollution in
21 neighborhoods with environmental justice populations; and

22 (4) outlining further policy actions.

23 (b) The report shall be filed with the clerk of the House
24 of Representatives, the clerk of the Senate, the chairs of the
25 joint committee on environment, natural resources and

1 agriculture, the chair of the Senate Environment and
2 Conservation Committee, the chair of the House of
3 Representatives Environment Committee, the chair of the Senate
4 Energy and Public Utilities Committee, and the chair of the
5 House of Representatives Energy & Environment.

6 Section 35. Health risk assessment guidelines.

7 (a) The Agency shall work with the Department of Public
8 Health to establish health risk assessment guidelines, using
9 the best available science and established health risk
10 assessment parameters, and shall develop an online mapping
11 tool that is accessible by the public and identifies:

12 (1) environmental justice populations by census tract;

13 (2) sources of pollution according to the health risk
14 assessment guidelines in each environmental justice census
15 tract; and

16 (3) harmful effects to human health or to ecological
17 systems resulting from exposure to each pollution source.

18 (b) The Department of Public Health shall prioritize
19 census tracts with the worst health risk outcomes and develop
20 strategies for reducing public health threats.

21 Section 40. Environmental impact reports; enhanced public
22 participation.

23 (a) Notwithstanding any other provision of law, if a
24 person or entity submits an environmental impact report to the

1 Agency, the environmental impact report shall include an
2 enhanced analysis of impacts and mitigation for any project
3 located in or within one mile of an environmental justice
4 population, and within 5 miles of an environmental justice
5 population for a project that exceeds applicable thresholds
6 for air under IEPA.

7 (b) An enhanced analysis under subsection (a) shall
8 include, at a minimum:

9 (1) analysis of multiple air impacts;

10 (2) data on baseline public health conditions within
11 the affected environmental justice population;

12 (3) analysis of technological, site planning, and
13 operational alternatives to reduce or eliminate impacts;
14 and

15 (4) proposed on-site and off-site mitigation measures
16 to reduce multiple impacts, increase environmental
17 benefits, and further environmental justice and equal
18 protection for the affected environmental justice
19 population.

20 (c) In cases where the proposed project has the potential
21 to impact a neighborhood with an environmental justice
22 population lacking English language proficiency, the
23 environmental impact report shall be in English and in any
24 other language spoken by the environmental justice population.
25 The environmental impact report shall describe the proposed
26 facility and its location, the range of potential

1 environmental and health impacts of each pollutant, the
2 application and review process, and a contact person, with
3 phone number and address, from whom information will be
4 available as the application proceeds.

5 (d) There shall be enhanced public participation for any
6 project located in or within one mile of an environmental
7 justice population or within 5 miles of an environmental
8 justice population for a project that exceeds applicable
9 thresholds for air under the IEPA. Enhanced public
10 participation may include use of alternative media such as
11 community and ethnic newspapers and other media, use of
12 alternative information repositories, and translation of
13 materials or interpretation services prior to and during
14 public meetings where a significant portion of the relevant
15 environmental justice population uses a primary language other
16 than English in their home. When scheduling public meetings,
17 the Agency shall recommend and may require that project
18 proponents consider the time of the meeting, availability of
19 public transportation, and whether the locations are
20 child-friendly and culturally appropriate. To the extent
21 feasible, meetings should be held in places that community
22 members already routinely use and feel comfortable visiting.
23 Additionally, the Agency shall recommend that project
24 proponents consider whether outreach efforts should include an
25 educational component to ensure that community members have
26 the information necessary to evaluate a project's potential

1 impacts.

2 Section 45. TRI facilities.

3 (a) By no later than 30 days after the effective date of
4 this Act, the Agency shall direct each department, board, or
5 other State agency or program with jurisdiction over the
6 permitting of any TRI facility to issue recommendations for
7 ways to substantially decrease the further siting or expansion
8 of TRI facilities within environmental justice population
9 neighborhoods.

10 (b) By no later than 180 days after the effective date of
11 this Act, the Agency shall initiate a rulemaking process that
12 shall establish a cap on the total number of TRI facilities
13 that may be sited or expanded within any environmental justice
14 population neighborhood. The rulemaking process shall
15 prioritize and give substantial weight to:

16 (1) achieving a substantial reduction in the risk of
17 the exposure of residents of the neighborhood to toxins
18 listed in the Toxics Release Inventory Program; and

19 (2) providing and preserving the access of the
20 residents of the neighborhood to a clean and healthful
21 environment regardless of race, income, national origin,
22 or English language proficiency.

23 Section 50. Director of Environmental Justice. By no later
24 than 30 days after the effective date of this Act, the Director

1 of the Agency shall appoint a Director of Environmental
2 Justice within the Agency. The Director of Environmental
3 Justice shall have such duties and authority as the Director
4 of the Agency deems reasonable to ensure that the purposes of
5 this Act are carried out. The Director of Environmental
6 Justice shall liaise with the Advisory Council and other State
7 agencies and may have any other duties that the Director of the
8 Agency deems necessary to secure environmental justice. The
9 Director of the Agency shall not permit the position of
10 Director of Environmental Justice to be vacant for more than
11 60 days.

12 Section 55. Environmental justice coordinators; policies
13 or strategies.

14 (a) By no later than 30 days after the effective date of
15 this Act, all State agencies, other than the Environmental
16 Protection Agency, shall designate an environmental justice
17 coordinator for each State agency. The environmental justice
18 coordinator shall be the main point of contact regarding
19 environmental justice matters within that State agency, shall
20 liaise with the Director of Environmental Justice within the
21 Environmental Protection Agency, and shall be responsible for
22 developing and implementing the environmental justice policy
23 or strategy of that State agency, as created pursuant to this
24 Act or any other law, rule, regulation, or order.

25 (b) By no later than 180 days after the effective date of

1 this Act, and except where already provided for elsewhere in
2 this Act, each State agency shall develop a specific policy or
3 strategy to promote environmental justice in ways that are
4 tailored to the specific authority, mission, and programs
5 under its jurisdiction. The policies or strategies shall be
6 reviewed every 5 years and updated as needed. Policies or
7 strategies shall include, but are not limited to:

8 (1) identification of permitting or other applicable
9 regulatory authority over development projects, brownfield
10 remediation, industrial operations, and commercial
11 facilities that may impact environmental justice
12 populations and a description of any mechanism to ensure
13 that environmental justice populations are protected in
14 the review process;

15 (2) identification of economic development
16 opportunities, environmental benefits, and other
17 discretionary funding programs that consider, or
18 appropriately should consider, the needs of an
19 environmental justice population in the award process; and

20 (3) an enhanced public participation plan for
21 environmental justice populations potentially affected by
22 development projects, brownfield remediation, industrial
23 operations, and commercial facilities that focuses the
24 State agency's resources on outreach activities that
25 enhance public participation opportunities in
26 environmental justice populations, including a plan for

1 communicating in multiple languages and scheduling public
2 meetings at locations and times convenient for
3 neighborhood stakeholders.

4 Section 60. Interagency Environmental Justice Working
5 Group.

6 (a) The Interagency Environmental Justice Working Group is
7 established to maximize State resources, research, and
8 technical assistance to further the purposes of this Act and
9 of environmental justice in the State.

10 (b) An environmental justice coordinator designated under
11 subsection (a) of Section 55 shall serve as his or her State
12 agency's representative to the Interagency Environmental
13 Working Group. The Director of Environmental Justice shall
14 convene meetings of the Interagency Environmental Justice
15 Working Group and serve as its chair. By no later than 90 days
16 after the effective date of this Act, the Interagency
17 Environmental Justice Working Group shall hold at least one
18 meeting and develop a schedule for subsequent meetings, which
19 shall take place no less than once a year.