



## 103RD GENERAL ASSEMBLY

### State of Illinois

### 2023 and 2024

### HB1529

Introduced 1/31/2023, by Rep. Sonya M. Harper

#### SYNOPSIS AS INTRODUCED:

415 ILCS 5/9.19 new  
30 ILCS 105/5.990 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 Environmental Protection 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 of the Act. Requires 70% of moneys from the Fund to be expended for grants under the Program for specified purposes in communities affected by violations of the Act. 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 make publicly available an annual report on the purposes for which grants were awarded under the Program. Contains other provisions. Effective immediately.

LRB103 25807 CPF 52158 b

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 9.19 as follows:

6 (415 ILCS 5/9.19 new)

7 Sec. 9.19. Air Quality Enforcement and Mitigation Fund;  
8 Program.

9 (a) In this Section:

10 "Environmental protection community" means a geographic  
11 area that the Agency, using tools such as the United States  
12 Environmental Protection Agency's EJSCREEN, has identified as  
13 a community facing a disproportionate environmental burden,  
14 using indicators such as sensitive populations, socioeconomic  
15 factors, and environmental exposures and effects.

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

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

20 (b) The Air Quality Enforcement and Mitigation Fund is  
21 created as a special fund in the State treasury. The State  
22 Treasurer may receive moneys or other assets from any source  
23 for deposit into the Fund. The State Treasurer shall direct

1 the investment of the Fund. The State Treasurer shall credit  
2 to the Fund interest and earnings from Fund investments.  
3 Notwithstanding any other law to the contrary, the Fund is not  
4 subject to sweeps, administrative charge-backs, or any other  
5 fiscal or budgetary maneuver that would in any way transfer  
6 any amounts from the Fund into any other fund of the State.

7 (c) The Agency shall expend moneys from the Fund, subject  
8 to appropriation, as follows:

9 (1) 30% of the moneys shall be expended for staffing  
10 and other functions of the Agency that benefit  
11 environmental protection communities and are related to  
12 one or more of the following:

13 (A) mitigating air pollution through vegetative  
14 buffering, optional residential property buyouts, air  
15 filter installation in homes and schools, and diesel  
16 engine retrofit or replacement programs;

17 (B) increasing air monitoring;

18 (C) improving compliance by persons with a history  
19 of violating the Act, rules adopted under the Act, or  
20 permits issued under the Act; and

21 (D) offering education and training programs for  
22 environmental regulators, prosecuting attorneys, or  
23 both; and

24 (2) 70% of the moneys shall be expended for grants,  
25 through the Air Quality Community Impact Grant Program  
26 established under subsection (d), to nonprofit entities,

1 local health departments, local environmental departments,  
2 and school districts located within communities in which a  
3 violation of the Act has occurred or within communities  
4 deemed by the Agency to be effected by a violation of the  
5 Act, including, but not limited to, environmental  
6 protection communities, for the purposes described in  
7 subparagraphs (A) and (B) of paragraph (1) and any one or  
8 more of the following purposes:

9 (A) conducting health impact assessments; and

10 (B) offering education and training programs for  
11 community residents and local environmental regulators  
12 in order to increase the effectiveness of enforcement  
13 programs in deterring violations of this Act and rules  
14 adopted or orders issued under this Act.

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

20 (e) The Agency shall adopt rules to implement this  
21 Section. At a minimum, the rules shall describe how grants are  
22 to be allocated, the procedures for applying for grants, the  
23 criteria for awarding grants, and administrative and fiscal  
24 requirements governing the receipt and expenditure of grants.  
25 The Agency shall adopt the rules in consultation with an  
26 Advisory Committee that shall include, but shall not be

1 limited to, at least one of each of the following persons  
2 appointed by the Director of the Agency:

3 (1) a public health expert;

4 (2) a representative of an environmental justice  
5 organization;

6 (3) a representative of the Department of Human  
7 Services;

8 (4) a representative of a local health department or  
9 local environmental department; and

10 (5) two residents of environmental protection  
11 communities.

12 (f) The Agency, in collaboration with environmental  
13 interest groups, shall, by rule, develop a process to identify  
14 environmental protection communities. Within 150 days after  
15 the effective date of those rules, the Agency shall use  
16 available census block data from the most recent federal  
17 decennial census to identify environmental protection  
18 communities. The identification process shall include  
19 community engagement to obtain information and receive  
20 feedback.

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

25 Section 10. The State Finance Act is amended by adding

1 Section 5.990 as follows:

2 (30 ILCS 105/5.990 new)

3 Sec. 5.990. The Air Quality Enforcement and Mitigation  
4 Fund.

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law.