



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2521

Introduced 2/15/2023, 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 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 environmental justice populations; (2) compile an annual report detailing the number and types of enforcement actions in 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.

LRB103 25806 CPF 52157 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 1. Short title. This Act may be cited as the
5 Environmental Justice Act.

6 Section 5. Purpose. This Act is intended to:

7 (1) promote environmental justice, eliminate
8 disparities with respect to exposure to environmental
9 toxins, and ensure access to environmental benefits within
10 the State; and

11 (2) protect the people in their right to the
12 conservation, development, and utilization of
13 agricultural, mineral, forest, water, air, and other
14 natural resources.

15 Section 10. Definitions. In this Act:

16 "Advisory Council" means the Illinois Environmental
17 Justice Advisory Council.

18 "Agency" means the Environmental Protection Agency.

19 "Environmental justice" means the right to be protected
20 from environmental pollution and to live in and enjoy a clean
21 and healthful environment regardless of race, income, national
22 origin, or English language proficiency. "Environmental

1 justice" includes the equal protection and meaningful
2 involvement of all people with respect to the development,
3 implementation, and enforcement of environmental laws, rules,
4 regulations, and policies and the equitable distribution of
5 environmental benefits.

6 "Environmental benefit" means funding, open space,
7 enforcement, technical assistance, training, or other
8 beneficial environmental resources disbursed by a State
9 agency.

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

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

26 "IEPA" means the Environmental Protection Act.

1 "Lacking English language proficiency" means a situation
2 in which a household, according to federal census forms, does
3 not have an adult proficient in English.

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

8 "Supplemental environmental project" means an
9 environmentally beneficial project, the implementation of
10 which primarily benefits public health, safety, and welfare
11 and the environment.

12 "Toxics Release Inventory Program" means the Toxics
13 Release Inventory and Toxics Release Inventory Program of the
14 United States Environmental Protection Agency.

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

21 Section 15. Illinois Environmental Justice Advisory
22 Council.

23 (a) The Illinois Environmental Justice Advisory Council is
24 created. By no later than 180 days after the effective date of
25 this Act, the Agency shall convene the Advisory Council. The

1 Advisory Council shall provide independent advice and
2 recommendations to the Governor, the Agency, and other State
3 agencies about broad, cross-cutting issues related to
4 environmental justice and policies, practices, and specific
5 actions that the State should implement to ensure that the
6 objectives of this Act are accomplished.

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

9 (1) a chair designated by the Advisory Council and
10 approved by the Governor;

11 (2) no less than 2 persons appointed by the President
12 of the Senate;

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

15 (4) the remainder appointed by the Governor.

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

26 No fewer than 4 of the persons appointed to the Advisory

1 Council shall be residents of environmental justice
2 populations within the State.

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

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

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

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

1 Section 20. Environmental justice population enforcement
2 strategy.

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

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

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

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

18 (3) Ensuring brownfield remediation in or near
19 environmental justice populations.

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

24 Section 25. Supplemental environmental project bank. The

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

14 Section 30. Environmental justice progress report.

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

18 (1) incorporating the recommendations of the Advisory
19 Council, as appropriate;

20 (2) incorporating enforcement and supplemental
21 environmental project bank activities undertaken;

22 (3) reporting metrics on reduction of pollution in
23 environmental justice populations; and

24 (4) outlining further policy actions.

25 (b) The report shall be filed with the clerk of the House

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

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 tool
11 that is accessible to 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 or that is within 5 miles of an environmental
5 justice population for a project that exceeds applicable
6 thresholds 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 an environmental justice population lacking English
22 language proficiency, the environmental impact report shall be
23 in English and in any other language spoken by the
24 environmental justice population. The environmental impact
25 report shall describe the proposed facility and its location,
26 the range of potential environmental and health impacts of

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

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

1 Section 45. TRI facilities.

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

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

14 (1) achieving a substantial reduction in the risk of
15 the exposure of residents of the environmental justice
16 population to toxins listed in the Toxics Release
17 Inventory Program; and

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

22 Section 50. Director of Environmental Justice. By no later
23 than 30 days after the effective date of this Act, the Director
24 of the Agency shall appoint a Director of Environmental
25 Justice within the Agency. The Director of Environmental

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

10 Section 55. Environmental justice coordinators; policies
11 or strategies.

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

23 (b) By no later than 180 days after the effective date of
24 this Act, and except where already provided for elsewhere in
25 this Act, each State agency shall develop a specific policy or

1 strategy to promote environmental justice in ways that are
2 tailored to the specific authority, mission, and programs
3 under its jurisdiction. The policies or strategies shall be
4 reviewed every 5 years and updated as needed. Policies or
5 strategies shall include, but are not limited to:

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

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

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

1 environmental justice population stakeholders.

2 Section 60. Interagency Environmental Justice Working
3 Group.

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

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