



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5013

Introduced 2/8/2024, by Rep. Dagmara Avelar

SYNOPSIS AS INTRODUCED:

415 ILCS 5/9.20 new

Amends the Environmental Protection Act. Establishes the Health and Equity Advisory Council. Provides that the Council shall make initial findings, conclusions, and recommendations regarding environmental justice to the General Assembly by no later than June 30, 2026, and shall make annual reports to the General Assembly no later than June 30 of each year thereafter. Describes the Council's composition. Provides that the Environmental Protection Agency shall conduct truck counting and facility emissions monitoring. Provides that, no later than 12 months after the effective date of the amendatory Act, the Agency shall adopt rules providing for the facility-by-facility review of regulated facilities, along with a menu of measures to reduce the impact of air pollution. Provides guidelines for a fee and point system. Requires the Agency to disclose air pollution impacts on maternal, infant, and child health; educational attainment; and the economy. Establishes the Insights, Jobs, and Environmental Justice Grant Program. Outlines the purpose and application of the grant program. Establishes the Insights Analysis Program and details its purpose, function, and duties. Requires the Agency to conduct a public participation process in order to maintain transparency of the program's progress. Requires the Agency to annually publish a list of warehouses and truck-attracting facilities and details the information that must be included on the list. Requires the Agency to conduct annual investigations of a random selection of at least 5% of all stationary and indirect sources in non-overburdened communities. Requires that the results of the investigation be made public and details the metrics to be included in the investigations.

LRB103 36384 LNS 66485 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 9.20 as follows:

6 (415 ILCS 5/9.20 new)

7 Sec. 9.20. Health and equity insights.

8 (a) Findings. The General Assembly finds that:

9 (1) pollution is distributed unevenly, impacts
10 overburdened communities disproportionately, and varies on
11 a block-by-block basis;

12 (2) disparities in impact are often missed by standard
13 monitoring practices;

14 (3) identifying locations that attract high numbers of
15 medium-duty vehicles and heavy-duty vehicles is crucial to
16 mitigate emissions significantly;

17 (4) investment and policy development decisions must
18 be made with communities and environmental justice
19 advocates in order to reliably, effectively, and
20 accurately prioritize impacted communities; and

21 (5) collaboration with impacted communities must
22 continue through implementation of policy solutions that
23 are designed with those same communities.

1 (b) Definitions. In this Section:

2 "Agency" means the Illinois Environmental Protection
3 Agency.

4 "Board" means the Illinois Pollution Control Board.

5 "Community air quality monitoring" means the deployment of
6 low-cost sensors at the neighborhood level to better identify
7 and mitigate the large disparities in pollution exposure and
8 health outcomes that can occur at the local level.

9 "Continuous fenceline air quality monitoring" means
10 monitoring that is located on-site, that is not switched on
11 and off, and that consistently collects data 24 hours a day, 7
12 days a week unless paused for repair, calibration, or
13 servicing.

14 "Council" means the Health and Equity Advisory Council
15 established under this Section.

16 "Department" means the Illinois Department of Commerce and
17 Economic Opportunity.

18 "Federal Equivalent Method" or "FEM" means a method that
19 is used for measuring the concentration of an air pollutant in
20 the ambient air and that has been designated as an equivalent
21 method to the Federal Reference Method.

22 "Federal Reference Method" or "FRM" means a method of
23 monitoring that is certified as regulatory grade and that
24 employs strict measurement standards and performance
25 standards. FRM monitors are generally used by regulatory
26 bodies, such as the United States Environmental Protection

1 Agency.

2 "Local authority" means a State or local governmental
3 entity with the authority to enable mobile monitoring as a
4 complement to stationary and meteorological monitoring.

5 "Meteorological monitoring" means monitoring for
6 meteorological data, such as wind speed and direction.

7 "Overburdened communities" has the same meaning as
8 "environmental justice community" as defined and as may be
9 updated in the long-term renewable resources procurement plan
10 of the Illinois Power Agency and its Program Administrator
11 under the Illinois Solar for All Program.

12 "Regulated facility" means the following:

13 (1) any facility that is at least 100,000 square feet
14 in size;

15 (2) any set of facilities with a common owner or
16 operator that, in the aggregate, is at least 500,000
17 square feet in size; and

18 (3) any facility that is deemed by the Agency, after
19 consultation with affected communities, to threaten local
20 health either because of its individual impact or its
21 contribution to a cumulative impact.

22 "Satellite air quality monitoring" means monitoring,
23 conducted by one or more satellites, to measure the
24 concentration of airborne particles, such as aerosols, in the
25 atmosphere through observations of how much light reaches the
26 surface of the Earth and how much light is reflected off of the

1 aerosols.

2 "Significant emitters" means the stationary, indirect, and
3 mobile sources that are the greatest contributors to
4 health-harming pollutants.

5 "Truck trip" means the one-way trip a truck or tractor
6 makes to or from a site with at least one warehouse to deliver
7 or collect goods stored at that warehouse for later
8 distribution to other locations. A truck or tractor entering a
9 warehouse site and then leaving that site constitutes 2 trips.

10 "Truck-attracting facility" means a property, including,
11 but not limited to, parking areas and driving lanes, for
12 trucks, trailers, or passenger vehicles.

13 "Truck-attracting facility" includes:

14 (1) a warehouse, distribution center, or intermodal
15 facility on the property, including, but not limited to, a
16 main building, an accessory building, or both;

17 (2) an entry-and-exit point for vehicle accessory
18 maintenance or a security building; and

19 (3) fueling or charging infrastructure for vehicles.

20 "Truck count" means an accounting of the number of trucks
21 traveling through a designated intersection.

22 (c) Health and Equity Advisory Council.

23 (1) The Health and Equity Advisory Council is hereby
24 established. The Council shall:

25 (A) make findings, conclusions, and
26 recommendations regarding environmental justice in the

1 State and uses of federal funds provided to the State
2 for environmental justice;

3 (B) file with the General Assembly, in accordance
4 with Section 3.1 of the General Assembly Organization
5 Act, by no later than June 30, 2026, an initial report
6 that is consistent with the transparency provisions of
7 subsection (k) and that delineates the Council's
8 findings, conclusions, and recommendations; and

9 (C) after the initial report under subparagraph
10 (B), file with the General Assembly, in accordance
11 with Section 3.1 of the General Assembly Organization
12 Act, by June 30, 2026 and June 30 of each year
13 thereafter, an annual report that is consistent with
14 the transparency provisions of subsection (k) and that
15 delineates the Council's findings, conclusions, and
16 recommendations.

17 (2) Voting members of the Council shall be appointed
18 by the Governor by no later than 60 days after the
19 effective date of this amendatory Act of the 103rd General
20 Assembly. If a vacancy occurs on the Council, the vacancy
21 shall be filled in a manner that is consistent with the
22 original appointments. The Council shall consist of the
23 following voting members:

24 (A) 4 members, appointed as follows, who
25 represent, when possible, disadvantaged communities:

26 (i) one member appointed by the Speaker of the

1 House of Representatives, who shall serve as
2 co-chairperson;

3 (ii) one member appointed by the President of
4 the Senate, who shall serve as co-chairperson;

5 (iii) one member appointed by the Minority
6 Leader of the Senate;

7 (iv) one member appointed by the Minority
8 Leader of the House of Representatives;

9 (B) the Director of Public Health or his or her
10 designee;

11 (C) the Secretary of Human Services or his or her
12 designee;

13 (D) the Secretary of Transportation or his or her
14 designee; and

15 (E) at least 2 representatives of communities with
16 heavy truck traffic.

17 Additional individuals may be appointed as voting
18 members of the Council with the approval of both
19 co-chairpersons.

20 (3) The Council may, at the discretion of the Council,
21 add the following nonvoting members:

22 (A) one representative of a labor organization;

23 (B) one representative of a statewide organization
24 representing manufacturers;

25 (C) 2 representatives of faith-based
26 organizations; and

1 (D) 2 representatives of health organizations.

2 Additional individuals may participate as nonvoting
3 members of the Council at the discretion of both
4 co-chairpersons.

5 (d) Truck counting and other monitoring.

6 (1) Each year, the Agency shall conduct truck counting
7 on a representative sample of local roads where trucks
8 enter or exit a truck-attracting facility. If possible,
9 the truck counts must include the class and age of the
10 trucks counted. Truck-counting efforts shall build on
11 existing efforts by community and environmental justice
12 organizations and shall be conducted in consultation with
13 those same entities. Any consultant hired by the Agency to
14 conduct truck counting shall be approved by the Council.
15 The Agency shall also take into consideration the
16 experience of communities in deciding where to site
17 monitors and how to move forward on subsequent policy
18 development and implementation.

19 (2) A truck-attracting facility must continuously
20 monitor on-site emissions for diesel particulate matter
21 and nitrogen oxides. Monitoring must be conducted using at
22 least 4 continuous fenceline monitors spaced as far apart
23 as possible from one another around the perimeter of the
24 truck-attracting facility.

25 (3) Within one year after the effective date of this
26 amendatory Act of the 103rd General Assembly, the Agency

1 shall cite Federal Reference Methods (FRM) and Federal
2 Equivalent Methods (FEM) established under 40 CFR Part 53,
3 informed by satellite and community data when available,
4 when determining the placement of air monitoring devices
5 at truck-attracting facilities.

6 (4) The Agency shall not announce in advance the days
7 when federal reference monitors are collecting data or the
8 days when mobile or meteorological monitoring is taking
9 place, if the Agency does not already continuously collect
10 data from those monitors or through that monitoring. The
11 Agency shall identify which federal reference monitors in
12 the State are not collecting data continuously. The Agency
13 shall transition all instruments to continuous monitoring
14 within 2 years upon determining which monitors are not
15 collecting data continuously.

16 (5) The Agency must create a process for community
17 representatives or companies to co-locate monitoring
18 equipment at FRM monitors or FEM monitors managed or owned
19 by the State. Communities may request a new FRM monitor or
20 FEM monitor. This request may be based on satellite or
21 low-cost local data, health data, data concerning recent
22 changes in land use, or other qualitative or quantitative
23 metrics identified by overburdened communities. This
24 request should be granted as of right if the data shows the
25 source is already identified as a high-priority emitter,
26 or the community is already identified as overburdened.

1 (e) Indirect source review.

2 (1) No later than 12 months after the effective date
3 of this amendatory Act of the 103rd General Assembly, the
4 Agency shall adopt rules providing for the
5 facility-by-facility review of regulated facilities, along
6 with a menu of measures to reduce the impact of air
7 pollution from these indirect sources. The Agency shall
8 consider measures, including, but not limited to,
9 requiring all warehouse operators to implement an air
10 emissions reduction plan developed or approved by the
11 Agency in consultation with community representatives and
12 mitigation options, such as installing infrastructure and
13 requiring use of zero-emission vehicles on-site; using
14 alternatives to truck trips for incoming or outgoing
15 trips; installing on-site solar power generation,
16 electricity storage, and managed charging systems; or any
17 combination of these types of measures. The Agency shall
18 also consider greater stringency for all census blocks
19 where transport-related pollution is responsible for 20%
20 or greater of new cases of childhood asthma and all
21 warehouses located within a half mile of an overburdened
22 community, as determined by the Agency after consulting
23 with overburdened communities and community leaders.

24 (2) Once the rules described in paragraph (1) are
25 adopted, the Agency shall require a regulated facility to
26 obtain a permit demonstrating that it will comply with

1 rules and regulations concerning indirect sources in the
2 State if the regulated facility has any development or
3 major modification that would increase the pollution
4 related to the facility.

5 (f) Fee and point system guidelines.

6 (1) The Agency shall create a points system under
7 which warehouse operators must earn points based on the
8 amount of emissions generated by trucks at their
9 facilities, and for implementing mitigation options, such
10 as installing infrastructure, requiring use of
11 zero-emission vehicles on-site, using alternatives to
12 truck trips for incoming or outgoing trips, providing air
13 filtration for neighbors of facilities, and installing
14 on-site solar power generation, electricity storage, and
15 managed charging systems.

16 (2) The Agency shall not allow the transfer of points
17 between facilities. If a warehouse operator earns more
18 points than is required for an annual points compliance
19 obligation in a given reporting period, then it may use
20 those remaining points at the same warehouse to satisfy a
21 points compliance obligation in any of the following 3
22 years.

23 (3) Warehouse operators transferring points to a
24 different compliance period must demonstrate that any
25 on-site improvements or equipment installations that were
26 used to earn the points being transferred are still

1 operational at that warehouse facility in the year that
2 points are used.

3 (4) Points earned 3 years or less before a warehouse
4 operator's first compliance period may be banked and
5 transferred up to 3 years after the warehouse operator's
6 first compliance period. This early compliance must be
7 documented in an annual report immediately following the
8 year in which the action or investment was completed.

9 (5) The minimum registration fee established under
10 subsection (j) shall be set at a level sufficient to
11 reimburse public and private insurance plans and facility
12 neighbors for health care and associated expenditures due
13 to facility operations, including truck activity at the
14 facility. Fee investment shall be prioritized in the
15 community where the fees were levied unless consultation
16 with communities reveals an alternative location is more
17 appropriate.

18 (6) A portion of funds, to be determined by
19 consultation with community representatives, shall be used
20 to fund the Insights, Jobs, and Environmental Justice
21 Grant Program established under this Section; fence-line
22 monitors; and materials necessary to provide education on
23 monitoring, air quality, and impacts of pollution in
24 communities.

25 (7) When considering alternatives to truck trips for
26 incoming or outgoing trips, the warehouse operator shall

1 consult impacted and displaced employees in selecting an
2 alternative to truck trips and shall only use an
3 alternative upon agreement with the impacted and displaced
4 employees. If employees in the warehouse have an exclusive
5 bargaining unit representative and the bargaining unit or
6 the terms of the collective bargaining agreement would be
7 impacted by the use of an alternative, then the warehouse
8 operator shall consult with and obtain agreement from the
9 employees who are impacted, displaced, or both and the
10 representative, in writing, before using the alternative.

11 (g) Health impacts.

12 (1) The Agency shall disclose air pollution impacts on
13 maternal, infant, and child health and health disparities
14 at the granularity of census block group or greater, in
15 line with the transparency requirements of subsection (k).
16 The Agency shall provide clear information on health
17 symptoms and outcomes. Metrics reported on at the census
18 block level shall include, but shall not be limited to,
19 the following:

20 (A) the number of emergency room visits due to
21 pollution-related illness;

22 (B) the number of diagnoses of pollution-related
23 ailments; and

24 (C) the number of missed work and school days.

25 (2) The Agency shall disclose air pollution impacts on
26 educational attainment. Metrics reported on at the census

1 block level include, but shall not be limited to:

2 (A) school attendance;

3 (B) academic performance; and

4 (C) graduation rates at the granularity of census
5 block group or greater.

6 (3) The Agency shall disclose air pollution impacts on
7 the economy. Metrics that shall be reported on at the
8 census block level include, but are not limited to:

9 (A) labor force participation, measured in missed
10 workdays;

11 (B) labor force productivity; and

12 (C) inflation and tax revenues.

13 (3) The Agency shall disclose the sources of air
14 pollution at the granularity of census block group or
15 greater.

16 (4) The Agency shall disclose the jurisdiction with
17 authority over mitigation of emissions from each type of
18 emissions source.

19 (h) Insights, Jobs, and Environmental Justice Grant
20 Program. The Agency shall create and administer an Insights,
21 Jobs, and Environmental Justice Grant Program. The Insights,
22 Jobs, and Environmental Justice Grant Program shall be
23 designed to:

24 (1) identify overburdened communities, in
25 collaboration with residents of overburdened communities,
26 representatives of those communities, or both;

1 (2) deploy an air monitoring network to collect
2 sufficient air quality data for review and accountability
3 for reductions; and

4 (3) identify sources and impacts of concern to
5 communities.

6 Applications for grants from the Insights, Jobs, and
7 Environmental Justice Grant Program should be as simple and
8 streamlined as possible to maximize participation. Application
9 forms and applications should be reviewed by the Advisory
10 Council to ensure accessibility and appropriateness of awards.

11 (i) Insights Analysis Program.

12 (1) In 2025 and every 2 years thereafter, the Agency
13 must conduct a review to determine levels of criteria
14 pollutants in the overburdened communities and in median
15 comparison neighborhoods. Unredacted reviews must be made
16 accessible to the public in full, unless necessary to
17 comply with confidentiality restrictions, and must be
18 posted on a publicly available, multilingual website.
19 Reviews must include an evaluation of initial and
20 subsequent impacts related to criteria pollution in
21 overburdened communities and in comparison to median
22 comparison neighborhoods and may also include climate
23 impacts in overburdened communities.

24 (2) The Agency, in collaboration with the Department
25 and the Board, must identify significant emitters and
26 their parent companies; must identify and quantify the

1 health implications of the persistent air pollution; must
2 identify local educational outcomes of inequitable air
3 pollution; must identify local economic outcomes of
4 inequitable air pollution, such as lost labor
5 productivity, displaced residents, and tax base
6 implications; and must develop a high-priority list of
7 significant emitters and kinds of emissions.

8 (3) Where the Agency is unable to identify sources,
9 health, educational and economic implications of
10 pollution, the Agency must identify key areas of
11 uncertainty and propose a research agenda to achieve the
12 unrealized insights.

13 (4) The Agency shall identify or develop models for
14 emissions inventories from ports and warehouses as
15 indirect stationary sources; tools usable by communities
16 to attribute air pollution to different sources and
17 industries' models to translate concentration readings
18 from non-regulatory monitors; and other inputs, such as
19 meteorological data, for emissions rates, such as pounds
20 per hour or tons per year.

21 (j) Funding.

22 The Board shall impose an annual registration fee for
23 warehouse operators, and institute additional fees for
24 warehouse operators that fail to comply with any rules or
25 regulations promulgated pursuant to this Section. Fines for
26 noncompliance with this Section shall be used for the

1 Insights, Jobs, and Environmental Justice Grant Program,
2 described in subsection (h), as well as needs identified
3 through consultations with impacted communities, including,
4 but not limited to, investment in infrastructure, other
5 pollution mitigation measures, monitoring, and healthcare. The
6 fees and fines shall be made payable to the Environmental
7 Protection Trust Fund.

8 (k) Public participation and transparency.

9 (1) The Agency shall provide a public participation
10 process, including, but not limited to:

11 (A) public notice of the submission of permit
12 applications to assess potential additional
13 contributions to any cumulative impacts;

14 (B) posting, on a public website in
15 machine-readable format, the full permit application,
16 the draft and final findings by the consulted
17 agencies, and the agencies' response to comments;

18 (C) an opportunity for the submission of public
19 comments;

20 (D) an opportunity for a public hearing before a
21 determination; and

22 (E) a summary and response of the comments
23 prepared by the consulted agencies.

24 (2) The Agency shall track progress in an easily
25 accessible format and shall provide a transparent and
26 publicly available rationale for policy and regulatory

1 decisions and shall describe the extent to which community
2 engagement and collected data informed those decisions.
3 Such information must be updated on a quarterly basis. If
4 progress is deemed insufficient by the Advisory Council
5 described in subsection (c), the Agency shall be required
6 to undertake remedial actions and, where appropriate,
7 identify metrics of progress, as designated by the
8 Advisory Council to ensure achievement of the provisions
9 of this Section.

10 (1) Published list. The Agency shall annually publish a
11 list of warehouses and other truck-attracting facilities that
12 will include the following information, which will be annually
13 reported by the facilities:

14 (1) location;

15 (2) facility square footage;

16 (3) operator name;

17 (4) owner name;

18 (5) secured lender name;

19 (6) number of truck bays;

20 (7) compliance status;

21 (8) documented labor violations;

22 (9) the number of electric vehicle charging stations
23 installed and actual usage;

24 (10) the number of hydrogen fueling stations installed
25 and actual usage;

26 (11) the number of on-site renewable energy generation

1 systems installed;

2 (12) the number of vehicles used to deliver from the
3 site that are owned by the operator but leased to a
4 third-party and the proportion of those vehicles that are
5 leased and the proportion that are owned by the operator;

6 (13) the average daily number of inbound and outbound
7 vehicle trips by vehicle weight and class, by time of day,
8 and by day of the week; and

9 (14) the average daily vehicle miles traveled for all
10 vehicles making inbound and outbound trips to and from the
11 qualifying warehouse.

12 (m) Enforcement; investigation.

13 (1) The Agency shall conduct an annual investigation
14 of a random selection of at least 5% of all stationary and
15 indirect sources in non-overburdened communities. The
16 Agency shall conduct an annual investigation of at least
17 10% of all stationary and indirect sources in overburdened
18 communities. The Agency shall conduct an annual
19 investigation of any stationary or indirect source with
20 more than 500 children under the age of 5 living within
21 one-half mile of the source. Communities may request an
22 investigation at stationary or indirect sources. This
23 request shall be granted as of right if the source is
24 already identified as a high priority emitter or the
25 community is already identified as an overburdened
26 community. The results of any investigation shall be made

1 public along with any recommended or required mitigation
2 actions.

3 (2) An annual investigation shall consist of the
4 following:

5 (A) fenceline monitoring and an analysis of
6 meteorological data;

7 (B) an analysis of satellite data;

8 (C) updates on land use, truck counts and ages,
9 and other inputs into emissions inventories;

10 (D) the identification of defeat devices installed
11 on trucks; and

12 (E) other metrics identified as important by
13 community representatives.

14 (n) Severability. If any provision of this Section or its
15 application to any person or circumstance is held invalid, the
16 invalidity does not affect other provisions or applications of
17 this Section which can be given effect without the invalid
18 provision or application, and to this end the provisions of
19 this Section are severable.